



КЫРГЫЗ РЕСПУБЛИКАСЫНДА ПЕНИТЕНЦИАРДЫК ТУТУМДУН РЕФОРМАСЫН КОЛДОО
ПОДДЕРЖКА РЕФОРМЫ ПЕНИТЕНЦИАРНОЙ СИСТЕМЫ В КЫРГЫЗСКОЙ РЕСПУБЛИКЕ
SUPPORT TO PRISON REFORM IN THE KYRGYZ REPUBLIC

31/2, Razzakov Str., Bishkek, Kyrgyzstan • Tel.: +996 (312) 321732

PROJECT DOCUMENT

Project number and title:	Support to Prison Reform in the Kyrgyz Republic
Duration: (Overall/Project concept)	3 years (2009-2012)
Estimated starting date:	December 2009
Location:	Bishkek, Kyrgyzstan
Strategic theme, result area, result*:	1. Rule of Law 1.3 Criminal Justice systems: more accessible, accountable and effective 1.3.1. Enhanced capacity of Member States to develop and maintain accessible and accountable domestic criminal justice systems in accordance with international standards and norms; 1.3.3 Improved capacity of national criminal justice systems to use and apply relevant UN standards and norms in crime prevention and criminal justice
Executing agency:	UNODC
Government implementing agency:	Ministry of Justice, Kyrgyzstan
UNODC total budget:	EURO 2,777,777 USD 3,996,800

*As they appear in UNODC Strategy

Brief Description

The project aims to assist with the implementation of the rule of law in the Kyrgyz Republic, with a programme that focuses on one of the most problematic justice institutions in the country, which is the prison service. The project adopts a comprehensive approach within a programme that establishes the basis for the sustainability of the management of the prison service. This includes development of policy, strategy and planning capacities of the prison service, to transform broad objectives into action plans and targeted, high quality training to enable staff to implement plans, despite staff shortages and financial constraints. The comprehensive approach also recognises the need to reduce and stabilise the size of the prison population in order to improve conditions in prisons, the social reintegration prospects of prisoners, and the health of staff and prisoners, while establishing a strategy and programme to generate the much needed additional funds for the prison service.

The project is made up of the following mutually reinforcing key components: (a) reform of the legal/normative basis for prison reform and alternatives to imprisonment, with focus on the provisions for the application of new, humanised criminal legislation; (b) policy and strategy development in relation to prison reform; (c) building the management capacity of the prison service, with training, training of trainers, development of a training curriculum and support to the training centre of the Main Department of Execution of Penalties (GUIN); (d) developing policy and programme to generate additional income for the prison service and improving the social reintegration prospects of prisoners, and the implementation of the programme in pilot prison colonies; (e) improving the physical conditions in selected prisons, with focus on sanitary infrastructure and facilities which have a direct impact on prison health, thereby promoting a healthier living and working environment for prisoners and staff, and contributing to the prevention of disease.

Prepared by: T.Atabay, P.Meissner, O.Inizan, Z.Akischeva, F.Azamov



1. Situation Analysis and Justification

1.1 The Problem and Counterpart Capacity

The prison system of Kyrgyzstan faces many of the challenges faced by other former Soviet Union republics, which include very poor material conditions, difficulties faced in separating and controlling the prison population, acute overcrowding, breakdown of prison industries and lack of prison staff training, which corresponds to the needs of a modern, civil prison system. Despite some efforts to improve its financing, the prison administration remains desperately underfunded. Poor pay and dangerous working conditions make it hard to attract qualified staff to the service. Violence among prisoners is a major concern. Provision of adequate healthcare in prisons is a serious challenge, and tuberculosis (TB) among prisoners is widespread, prevalence being 40 times higher than in the general population. The spread of infectious disease is exacerbated by the very poor living conditions, especially sanitary facilities. While there are certain positive trends in developing prisoner rehabilitation and income generating activities, as a rule, prisoners are inactive, not engaged in any productive activities, which has a very negative impact on their mental wellbeing and on the general climate of the institutions, contributing to prisoner tension and violence.

The conceptual framework of the further development of the prison system was outlined in the “Umut” National Programme for Reforming the Kyrgyz Republic Penitentiary System until 2010, which was adopted by the government on 10 March 2006. The National programme includes a long list of reform objectives, the fulfilment of which depend to a large extent on assistance from international agencies, as the prison system receives only a fraction of the budget that is required to maintain and improve the situation. While some progress has been made in implementing the National Programme, much still remains to be done to resolve the multiple challenges faced by the Ministry of Justice to bring the management and conditions in Kyrgyz prisons closer to the requirements of UN Standards and Norms.

The challenges faced in areas listed above are closely interlinked and are a legacy of a hierarchical and punitive prison system, the function of which had been, historically, to contribute to the economic growth of the Soviet Union. Overcrowding in prisons fuels prisoner tension, violence and contributes to the spread of infectious diseases. Lack of constructive prisoner activities and rehabilitation programmes means that prisoners’ energies are not channelled to positive action, but to rule breaking and inter-prisoner violence. The shortage of trained staff and lack of encouragement to take initiatives, means that staff would rather keep their position and salary, than to try to initiate change, particularly as a clear vision and strategy for the development of the prison system and staff’s role in that process is lacking.

1.2 Justification

The current project methodology has been developed on the basis of UNODC’s vast experience in the area of prison reform in low-income, developing countries, taking account of the key requirements of **ownership, sustainability** and **replicability**, both in Kyrgyzstan and the region. A strongly consultative approach is adopted in the design and implementation of the project, drawing on the knowledge and experience of all stakeholders to foster local ownership and deliver a highly relevant and responsive project. The project, by using local expertise alongside international technical expertise and guidance, enabling the Kyrgyz prison administration staff themselves to develop the necessary policies and strategies for the prison system, rather than imposing them from outside, by establishing constructive links with countries which have faced similar problems in reforming their prison system, and by providing tools, equipment and know-how to the target groups, provides a strong basis for ownership, sustainability and replication. In order to ensure ownership and sustainability the project proposal itself has been developed in

consultation with MOJ and GUIN. A mission was undertaken to the Kyrgyz Republic by two UNODC project staff, including Prison Expert from Vienna and Programme Manager from UNODC Regional Office in Uzbekistan in July 2009. During this mission meetings were held with: the Deputy Minister of Justice, the Head of the Prison Reform Department of MOJ: Deputy Director of GUIN, MOJ Training Centre, in addition to other national and international stakeholders. The project was discussed in detail with MOJ and GUIN, their full support to the activities and detailed information as regards the needs received.

1.3 Synergies/Partnerships

The project will work in coordination with OSCE initiatives in relation to prison staff training. The training programme for prison staff will be developed in coordination with OSCE and training courses have been selected for implementation by UNODC, following extensive consultation with OSCE, in order to ensure that the programme is complementary and ensures maximum benefit. The programme will complement the EC funded project "Support to Judiciary Reform in the Kyrgyz Republic" which is implemented by GTZ. UNODC has already had a very constructive meeting with GTZ in Bishkek to ensure that synergies are established and cooperation continued. UNODC also met with CADAP coordinator and received information on rehabilitation programmes supported by CADAP (Atlantis programme and the establishment of clean zones in some prison colonies), and is of the opinion that the activities included in the UNODC project complement CADAP actions focusing on the rehabilitation of drug and alcohol dependent offenders, by provision of training to staff on the treatment of prisoners with special needs, including drug users. The project will not include any direct intervention in relating to drug users, as this field is covered by other agencies, to a substantial degree. UNODC has also had discussions with ICRC and established a good basis for cooperation within the project, to ensure that refurbishment activities undertaken within the project does not duplicate plans of ICRC and to receive also their advice on needs. UNODC will establish a similar collaboration with MSF.

Accordingly, while the project is not a direct continuation of any previous action carried out by UNODC, it takes account of, and builds on actions implemented by other agencies in the field, including GTZ, OSCE and ICRC. Therefore in the inception phase of the project needs assessments have been included to ascertain the progress made in the relevant components by other agencies, in order to refine the proposed actions of the current programme to meet exactly the needs of the target groups and beneficiaries.

1.4 Partnership Arrangements/Modalities

Ministry of Justice of the Kyrgyz Republic: The Ministry of Justice is the main partner and will have the role of coordination with UNODC at the highest level and ensuring coordination also with other ministries (e.g. Ministry of Finance, Ministry of Labour and Social Affairs) and other justice institutions (e.g. the judiciary) as relevant. The Prison Reform Department of the Ministry of Justice will be the focal point for coordination and will be represented on the Working Group on Prison Reform and the Expert Group on Income Generating Activities.

Main Department of Execution of Penalties (GUIN), Ministry of Justice: The main target group and beneficiary, GUIN, will be responsible for cooperating with UNODC at all levels, within expert groups, in the selection and appointment of prison staff for training, in making staff available during training periods, in making training premises available, providing all technical and organisational assistance to the project activities, in providing cost estimates for refurbishment and cooperating during needs assessments. GUIN will be represented on the Prison Reform Working Group and the Expert Group on Income Generating Activities.

The Prison Staff Training Centre, GUIN, Ministry of Justice: The training centre is both a beneficiary and a partner in the project. The management of the training centre will fully support UNODC in organising the trainings. It will provide input to the development of the revised training curriculum for prison staff.

Civil Society Organisations (CSOs): CSOs will be invited to participate in the Working Group on Prison Reform, that will be established by the project. UNODC will ensure specifically that CSOs, who are beneficiaries of the small grants programme that will be managed separately by the EC and those involved in prison monitoring are represented on the Working Group on Prison Reform, to ensure synergies.

1.5 Target Group(s)

- **Staff of the Main Department of Execution of Penalties and prison establishments, Ministry of Justice:** The Main Department of Execution of Penalties (GUIN) of the Kyrgyz Republic is under the jurisdiction of the Ministry of Justice, which has authority over prison colonies and pre-trial detention facilities. At the current time the prison administration of the Republic of Kyrgyzstan has authority over 26 correctional facilities, including 10 prison colonies for adults (one of which is for women prisoners), 1 juvenile prison colony and 15 colony settlement (semi-open prison colonies) and 6 pre-trial detention facilities (SIZO)¹ The prison service has around 2,500 staff. The project will ultimately benefit all 2,500 staff of the prison system. It will directly benefit 270 prison staff.

Beneficiaries

- **Prison Staff Training Centre (MOJ):** The MOJ currently has a small training centre, which was initially supported by the Soros Foundation and is currently being supported by OSCE. This centre lacks capacity. The project will benefit the training centre, with the development of a new curriculum and training manual, with a pool of new trainers, who will be skilled in inter-active training and available to form mobile training teams to take training to the provinces, with the integration of training centre development into the strategic plan of the prison system, and with the provision of a range of reference and training materials to supplement the manual.
- **Prisoners:** As of 1 July 2009, there were a total of 9,797 prisoners in the Kyrgyz Republic, 5,295 of which were held in prison colonies and 2,434 of which were held in pre-trial detention facilities (866 of those held in pre-trial detention were sentenced prisoners).² In January 2009, the number of women in pre-trial detention was 47, in prison, 234; number of juveniles in pre-trial detention was 35, in prison, 49. The project will ultimately benefit all prisoners in the Kyrgyz Republic, and in the short-term will directly benefit an estimated 2,000 prisoners within the pilot project activities.
- **Offenders subjected to non-custodial sanctions and measures :** As of 1 January 2009, there were 5439 offenders registered with the criminal executive inspections (probation service). The project will indirectly benefit all offenders who are sentenced to non-custodial sanctions and measures, with the establishment of the legislative framework and normative basis for the implementation of alternatives to imprisonment.

¹ Official information provided by the Prison Administration, "Itogi, deiatel'nosti glavnogo upravleniia ispolneniia nakazanii ministerstva iustitsii Kyrgyzskoi Respubliki za pervoe polugodie 2009 goda".

² Official information provided by the Prison Administration, "Itogi, deiatel'nosti glavnogo upravleniia ispolneniia nakazanii ministerstva iustitsii Kyrgyzskoi Respubliki za pervoe polugodie 2009 goda".

- **Civil society and the wider public:** Civil society will be actively engaged in the project, within the Working Group on Prison Reform and the Expert Group on Income Generating Activities, and its capacity to work on prison reform strengthened. The wider public will benefit from a better managed prison service, which promotes the social reintegration of offenders and assists them to lead law abiding lives.

2. Strategy

The project is in line with the UNODC Strategy, particularly results area:

1. Rule of Law,
 - 1.3 Criminal Justice systems: more accessible, accountable and effective,
 - 1.3.1 Enhanced capacity of Member States to develop and maintain accessible and accountable domestic criminal justice systems in accordance with international standards and norms; and
 - 1.3.3 Improved capacity of national criminal justice systems to use and apply relevant UN standards and norms in crime prevention and criminal justice.

It is also in line with UNODC Strategic Programme Framework for Central Asia for the period 2008-2011, which aims at increasing crime prevention and criminal justice capacities of the governments in Central Asia.

Project activities have been designed as the result of UNODC assessment mission to Kyrgyzstan carried out in July 2009 and is based on findings of the assessment. It also reflects priorities of the recipient country as identified in the Cooperation Agreement between the Government of the Kyrgyz Republic and the European Commission; reflect both findings of the assessment and prior partnership with the target country. In order to achieve the objectives of the project, a key component of UNODC's approach is to identify and further develop existing expertise and to facilitate its transfer to the beneficiary country.

This project, therefore, complies with the principles and indicators of the Paris Declaration on increasing the efficiency of donor aid and EU strategies, and in particular with indicator number 2 of the Declaration: external aid needs to be consistent with the national priorities. Therefore the point of departure for this project has been the program "Umüt" ("Hope"), which is 72-step-long programme developed by the Kyrgyz Government itself, to improve the current situation in Kyrgyz prisons, referred to above. The project will address the most urgent actions under the Hope programme, which are not currently covered by other donors.

The objective of EU assistance as expressed in the Central Asian Regional Strategic Paper (RSP) for 2007-2013 is to ensure stability and security in Central Asia. The efforts aiming at contributing to the improvement of the prison system in Kyrgyzstan are in line with the priorities included in RSP in terms of ensuring stability, public security, protection and creation of the efficient management system.

More specifically, the action will provide the desired solutions for the targeted beneficiaries, as follows:

The prison staff of GUIN, by increasing their management capacity and skills, and by ensuring that a group of trainers and appropriate curriculum and training tools are available for continued learning and training. Prison staff will also benefit from the improved working conditions, which the project aims to achieve with its targeted refurbishment programme in selected prison institutions.

Prisoners, with the better management of prisons, in line with international standards, and the improved conditions in prisons, which directly affect prisoner and staff health. The vocational training/ social reintegration programmes established by the project will increase prisoners prospects of successful re-entry to society following release. The model colony settlement, will pave the way for replication, which will result in an increased number of prisoners benefitting from the more rehabilitative ethos of open prisons, assisting with their social reintegration, while contributing substantially to the prison service budget.

Offenders subject to non-custodial sanctions and measures, as a result of the development of a sound legislative framework for the implementation of alternatives to imprisonment.

3. Project Objectives, Outcome, Outputs and Indicators

The overall project objective is to contribute to strengthening the rule of law in the Kyrgyz Republic. This will be achieved through improvement of prison management and social reintegration of offenders by developing a comprehensive prison reform programme in the Kyrgyz Republic.

The overall indicators: increase in the efficiency of prison management, decrease in prison disturbances, improved prison conditions and treatment of prisoners and a reformed legislative framework for prison reform and alternatives to prison, contributing to strengthening the rule of law in the Kyrgyz Republic

Outcome 1: Improved prison reform and alternatives to imprisonment legislative/normative framework with prison reform policy and strategy established.

Output 1.1: Improvement of policies and legislative framework for prison reform and alternatives to imprisonment

- Activity 1.1.1:* Assessment of existing legal framework related to prison reform on prisons and alternatives to prison and formulation of recommendations
- Activity 1.1.2:* Assistance in development of the prison reform policy and strategy

Outcome 2: Improved institutional capacity of the prison administration to manage prisons effectively in line with UN standards and norms, promoting social reintegration of offenders

Output 2.1: Institutional capacity building

- Activity 2.1.1:* To development of Prison staff training programme, which will include courses on Prison Leadership, Strategic Planning training, Managing small-scale prison income generating activities/vocational training programmes, Managing prison industries, Working with prisoners with special needs, working with life-sentenced prisoners
- Activity 2.1.2:* To provide training and support prison staff training centre: training of trainers, development of training curriculum and training manual
- Activity 2.1.3:* Study visits

Output 2.2 Social reintegration and income generating activities

Activity 2.2.1: Needs assessment

Activity 2.2.3: To develop policy and strategy for establishment of income generating/vocational training activities in prisons

Activity 2.2.4: To launch a small-scale income generating rehabilitation programme at least in 5 colonies

Activity 2.2.5: To establish a model colony settlement involving at least 200 prisoners

Outcome 3: A healthier working and living environments in prisons, contributing to the prevention of disease and promoting mental and physical health**Output 3.1:** Improved working conditions and sanitary facilities in prisons

Activities 3.1.1: Needs assessment

Activity 3.1.1: Based on the assessment to refurbish selected prison facilities in order to improve water, sanitation, heating and sewage systems

Output 3.2: Vocational training for prisoners

Activity 3.2.1 To organise vocational training for approximately 15 prisoners in each of the selected prisons (estimated 10) on plumbing, electrician's skills, decorating etc.

Outcome 4: Increased awareness on and strengthened public support to prison reform programme**Output 4.1:** The project results have been disseminated to contribute to better public support to prison reform programme

Activity 4.1.1 To organise 3 Press Conferences

Activity 4.1.2 To organise a wrap-up Conference in the end of project implementation

Activity 4.1.3 To prepare a conference report to be published in two languages (Russian and English) for wide dissemination.

The Logframe detailing objective, outcome(s), outputs, activities and corresponding indicators, as developed as part of the EC grant application form, is attached.

4. Assumptions and Risks*Assumptions*

- The project is based in the assumption that the Ministry of Justice of the Kyrgyz Republic is committed to the project and will fulfil all its responsibilities as partner. The project also assumes that the Main Department of Execution of Penalties (GUIN) will show full commitment and cooperation in organising the project activities.
- The project assumes that international and national actors and stakeholders involved in prison reform issues will also cooperate with UNODC, including on the Working Group on

Prison Reform, to ensure that synergies are established, duplication avoided and complementary programmes and activities undertaken.

Risks

There are no physical, environmental and social risks associated with the project. The main political risk – instability and/or losing stakeholder commitment and economic risk – inadequate resources to continue funding after the completion of the project – is common to many development projects.

- Political instability could have as a consequence of frequent changes in key positions in the relevant ministries and agencies. As a result, some of the Kyrgyz partners may not be sufficiently motivated to engage themselves in the project. This risk is relatively low, however, as the Kyrgyz Government's commitment to reforming its prison system has been evident for some years, reflected in the national plan, Umut, which is due to be renewed this year. The Government's commitment is also evident in the progress made to date on amending legislation, which has resulted in the dramatic reduction of the prison population and the transfer of the prison system to the Ministry of Justice already in 2002, which is a step recommended by the Council of Europe. The establishment of a special department within the MOJ to supervise and coordinate prison reform is also a good indication that the MOJ commitment to reform will remain stable.

In order to mitigate against this risk, however, the project will involve a wide range of stakeholders at all levels, including different justice institutions, ministries, international agencies and civil society. The consultative process of project implementation will reduce the risk of changes in policies and commitment, when changes do occur in key positions. Such consultation will be facilitated through the Working Group on Prison Reform, which will meet at 3 monthly intervals from the 5th month of the project, as well as the Expert Group on Income Generating Activities, which will meet every 6 months from the 2nd year of the project. The project team will engage partners to the fullest possible extent in the implementation of the project. The fact that the project team will be based in the Ministry of Justice premises provides a good basis for ongoing consultation, which will help maintain the commitment and involvement of partners.

- Inadequate personnel and financial resource mobilisation and motivation incentives to promote reform process constitutes a second risk. The project aims to minimise this risk with the involvement of the Ministry of Finance to ensure that necessary resources are allocated for prison reforms. Due to the size of the project and foreseen impact and results, it is expected that the Ministry of Justice will assume high ownership for the project and that the Government of the Kyrgyz Republic will demonstrate cooperation.

4. Project Management Mechanisms and Structures.

UNODC's Regional Office for Central Asia (ROCA) will have the overall responsibility for the project execution in close collaboration with the UNODC substantive units and Regional Desk in Vienna. The project team will consist of: one international project manager (UN: P4 level), one international project coordinator (UN: P4 Level), one national project officer, one administrative assistant, one finance assistant and one driver. The project staff will be based in premises provided by the Ministry of Justice. They will be supported by a prison expert based in UNODC headquarters in Vienna.

International Project Manager will act as project manager and will have primary responsibility for the management and coordination of the programme components and their implementation according to the timeline agreed with EC. S/he will have extensive prison reform and

programme management expertise and experience preferably in the Central Asia region. S/he will maintain contacts with international and national counterparts and coordinate the Working Group on Prison Reform.

International Project Coordinator will support primarily the financial and administrative management of programme components and have responsibility for visibility activities. S/he will be assigned other specific responsibilities by the project manager, in relation to different elements of the project, for example coordinating the legislative reform and training elements of the project

National Project Officer will support the management of programme components, with specific responsibility for the prison sanitary facilities refurbishment programme, coordination of the Expert Group on Income Generating Activities and others to be determined by the project manager.

The Administrative Assistant will provide administrative support to all other staff.

Financial Assistant/Accountant: The financial assistant will be responsible solely for administering the finances relating to the project. All payments for the project/office (procurement of equipment, internet, phone calls, stationery, travel and etc) will be the responsibility of this person. He or she will liaise closely with the UNODC Bishkek Project Office finance officer.

The Prison Expert based in Vienna, will provide technical and substantive support to the programme, as required, with periodic missions to the country.

Project driver: The driver to be hired for the project will be responsible for the transport of project staff and consultants to and from prisons, trainings, working group and expert groups meetings.

UNODC will provide additional experts for the various components of the programme, both from within UNODC and from outside, in particular regional experts.

As agreed with the MoJ the project office will be located in the MoJ premises. However the project will cover office-running costs like electricity, water, cleaning and heating. Apparently MoJ cannot allocate rooms in its premises that are equipped and furnished. Thus the project envisages procurement of technical equipment like computers, printers, copy machines, telephones and fax as well as furniture for all members of the project staff.

It is understood that during the first period (for approx. 6 months) GTZ will still be occupying the designated office in MOJ premises. Therefore during this period the project will be coordinated from the UNODC Bishkek project office. Contribution to the rent of the office has been included for that period.

5. Project Monitoring , Reporting and Evaluation Plan

The progress in project implementation will be monitored on a regular basis. The project success indicators are measurable and verifiable in nature with a view of establishing base line indicators. Such will consist of collection of information at the initiation of project implementation and at its conclusion to measure success of the project activities. In order to measure these indicators, in as far as possible, national statistics, workshops and expert groups with counterparts and beneficiaries will be recorded. This process will be pursued through yearly Tripartite Review meetings (TPR's) to review and monitor the progress of the project.

Participants in these meetings will consist of the European Commission, UNODC project management and Government counterparts. In addition, semi-annual and annual project progress reports will be produced. These are UNODC regular internal reporting procedures. The EC and UNODC can jointly review this project at any stage during its implementation.

A terminal evaluation will take place after the project's completion. The evaluation mission will be scheduled in coordination with the European Commission, project counterparts and the UNODC Independent Evaluation Unit with a view of defining the dates and terms of reference. The evaluation will be conducted by an international external consultant. The income generating element of the programme will be evaluated separately following the completion of the second year of the project, to assess successes and challenge and adjust policies and plans for implementation in the final year of the project.

This project is subject to oversight/audit by both the United Nations Office of Internal Oversight Services and the United Nations Board of Auditors. UNODC will coordinate the implementation of such oversight/audits and will follow up on the implementation of agreed oversight/audit recommendations. Upon their request, auditors shall receive the full support of the parties to this project in accessing project documentation and correspondence, accounts, expenditure and inventory records.

6. Sustainability

The project has taken the precautions to avoid conducting any activities that would require substantial financial support to be maintained or continued by national partners after the projects' conclusion. The project will produce concrete results that will assist the target groups to continue pursuing follow-up without extensive additional support. The legislative framework for prison reform and alternatives to prison and the policy and strategy for prison reform will provide a good foundation for the sustainability of project activities. They will also assist MOJ and GUIN with further fundraising both from local and from international sources.

Training will be incorporated into existing curricula at training facilities and additional resources provided by the project to support the training. A pool of trainers will be trained by the project to roll out the training programme. The income generating activities will directly support sustainability. The multi-stakeholder consultation process adopted in all elements of the project will ensure ownership and sustainability of activities. UNODC will seek funding for a follow up project, to assist the Kyrgyz government in building on project achievements, for example the replication of prison industries and farms and other income generating activities and further support to the training centre.

7. Legal Context

The Government of the Kyrgyz Republic agrees that the Standard Basic Assistance Agreement (SBAA) signed on September 14, 1992 with the United Nations Development Programme (UNDP), shall apply, *mutatis mutandis*, to the assistance provided by UNODC under the present project document. The Government confirms, in particular, that Article IX (Privileges and Immunities), Article X (Facilities for the execution of UNDP assistance), Article XI (Suspension or Termination of Assistance) and Article XII (Settlement of Disputes) of the SBAA shall apply to the activities of UNODC under this project.

In case of conflict between the provisions of the present project document and those contained in the SBAA [or the Standard Supplemental Provisions, as the case may be], the terms of the present project document shall prevail.

Non Liability/Compensation clause

UNODC is not liable for any damage, injury, illness or death resulting from the actions of employees of the Government(s) or consultants or other persons contracted by or on behalf of the Government(s) in relation to the implementation of the present project. No claim for compensation may be made against UNODC for any such damage, injury, illness or death nor for any reimbursement of amounts that may have been paid by the Government as compensation in such event.

The Government shall ensure and confirm that adequate compensation coverage for such eventualities exists, and applies to all persons employed by them or engaged by them or on their behalf in relation to this project.

Equipment-related clauses

The Government will defray any customs duties and other charges related to the import of equipment, its transport, handling, storage and related expenses within [insert name of country].

UNODC-funded equipment remains UNODC's property, until formally transferred or otherwise disposed of, irrespective of who undertakes its procurement.

UNODC-funded equipment may be transferred, with the consent of UNODC, to any entity, at any time during the present project for the purposes of implementation of the project. However, the decision on the final disposal of equipment, including the transfer of ownership, remains with UNODC, who shall endeavor to make such decisions in consultation with the party/parties and entity/entities concerned.

The entity to which UNODC-funded equipment has been transferred, is responsible for ensuring that such equipment is used strictly for the purposes of the present project, as agreed with UNODC, and must arrange for and bear the costs of its proper maintenance. The entity also must arrange for, and bear the costs of, adequate insurance coverage for such equipment. In the case of non-expendable equipment, the entity shall maintain a detailed inventory of such equipment.

Copyright clause

UNODC retains copyright and related intellectual property rights for all material (documents, reports, studies, publications, etc) that result from activities carried out under the present project. Upon written request, at the end of this project, the Government(s) shall be granted a free-of-charge user license over such material.

Opt-out clause

The implementation of UNODC activities under the present project document is subject to the availability of adequate funding, on a yearly basis. Should required funding not be available, UNODC reserves the right to unilaterally terminate its assistance under this document.

Oversight /Audit clause

The present project is subject to oversight/audit by the United Nations Office for Internal Oversight Services and the United Nations Board of Auditors. UNODC will coordinate the implementation of such oversight/audits and will follow up on the implementation of agreed oversight/audit recommendations.

Revisions/Dispute resolution of the project document

The present project document may be modified by written agreement between the parties concerned.

Annexes

Budget table in excel/ D2 form required for FRMS clearance (available in the ProFi portal)

Workplan

Logframe

Terms of Reference for the project staff