

# Rule of Law in Tajikistan



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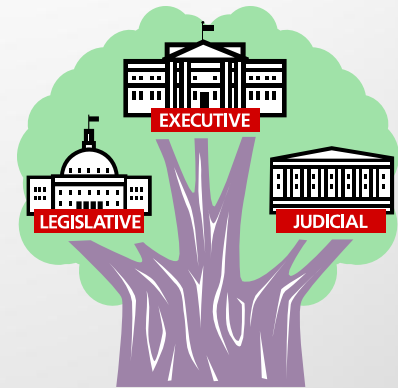
# Overview



- ▶ Analysis of the Rule of Law situation in the country
- ▶ Sector Review of Rule of Law in Tajikistan:  
*Current activities and agencies involved*
- ▶ Donor Coordination amongst themselves
- ▶ Donor Coordination with the Government

# Analysis of Rule of Law Situation

- ▶ Misbalance of power among government branches
- ▶ Good laws in place in general, but implementation the problem
- ▶ Problems with inconsistency across pieces of legislation
- ▶ Lack of institutional infrastructure
- ▶ Lack of institutional capacity



# Government Reform Documents

- ▶ Judicial–Legal Reform Program 2011–2013
- ▶ Plan of Action on Court Reform 2009–2015
- ▶ Juvenile Justice System Reform 2005–2015
- ▶ *NDS/PRS*



# Sector Review of Activities

- ▶ LAW/LEGISLATION
- ▶ LAWYERS
- ▶ STATE INSTITUTIONS
- ▶ Courts/JUDGES
- ▶ Prosecutors
- ▶ Law Enforcement = *security sector*
  - Police, border guards, security services
- ▶ Penal system



# Donors / Agencies Active

- ▶ SDC > Helvetas, GOPA, UNICEF
- ▶ US/AID > ABA ROLI, Chemonics
- ▶ OSI
- ▶ UN > UNICEF, UN Women
- ▶ GIZ
- ▶ OSCE
- ▶ *EU Rule of Law initiative*
- ▶ *MFA Finland with Eurasia*
- ▶ *EBRD*
- ▶ *World Bank?*



# Some preliminary conclusions

- ▶ Monthly coordination meeting held at Helvetas since August 2009
- ▶ Mapping of RoL activities and LACs maintained by Helvetas
- ▶ Detailed coordination among agencies going on in some sub-sectors, e.g. support to JTC
- ▶ Little activity in some sub-sectors, e.g. work with courts and prosecutors
- ▶ More input needed from a broader number of agencies/donors (including from business/commercial side)
- ▶ No (very little) infrastructure support



# Deficiencies in Rule of Law as affects the population

- ▶ Low level of access to justice
- ▶ Low level of legal knowledge and rights by individuals
- ▶ Low level of public discussion of issues
- ▶ Low level of trust in the justice system
  - BUT increasing due to inputs from projects



# Donor Coordination amongst themselves

- ▶ Avoids duplication, fills gaps, and builds synergies
- ▶ Discussion of long term goals and objectives and how to achieve them
- ▶ Most projects only a couple of years and dabble in an area, i.e. do not cover the whole spectrum of need
- ▶ Effective use of resources
- ▶ *Coordination of policies and not just activities*



# Donor Coordination with the Government

- ▶ Government is interested and requesting support
- ▶ Need to fit with Government goals and objectives and how to achieve them



# What is lacking/needed?

In order to have a good understanding of the needs of e.g. the justice sector...

- ▶ Infrastructure diagnostics
- ▶ Functional review
- ▶ Assessment of funding needs of the system
- ▶ Assessment of how funding is used in the system
- ▶ Budgeting in the sector

No technical reviews of this nature exist to date.



# The way forward?

- ▶ Policy dialog between the donors and the Government on rule of law
  - Use JLRP as a launch board
  - Emphasize importance of rule of law for economic development
  - Encourage Government strategies to include rule of law
- ▶ Large scale sector review and support
  - Moves the country forward
  - Supports the smaller, target interventions
  - Contributes to sustainability
- ▶ Continue donor coordination

