

RUSSIAN FEDERATION
JSDF GRANT “STRENGTHENING ACCESS TO JUSTICE FOR THE POOR”
(GRANT NO. TF090655)
SUPERVISION MISSION: SEPTEMBER 20-OCTOBER 2, 2010

1. A World Bank Supervision Mission¹ for the Japan Social Development Fund (JSDF) Grant for Strengthening Access to Justice for the Poor (Grant No. TF090655) was in the Russian Federation from September 20-October 2, 2010 to review Grant implementation and progress towards achievement of the Grant development objective. A partial list of persons met is at Annex 1. The mission expresses its sincere gratitude to the JSDF team in the Institute for Law and Public Policy (ILPP – the Grant recipient) and especially to Ms. Olga Sidorovich (Director, ILPP) for their strong cooperation and support. This Aide Memoire summarizes the mission’s findings, recommendations and next steps.

A. BACKGROUND

2. *This Grant is an experiment in working with the NGO sector and local governments to improve access to justice in remote areas.* The JSDF Grant “Strengthening Access to Justice for the Poor” in an amount of US\$1,896,800 was approved on July 11, 2007. The Grant Agreement was signed on August 4, 2008, and the Grant became effective on January 22, 2009. The Closing Date of the Grant is August 4, 2012. The grant development objective is to make the justice system more accessible and accountable to the needs of the poorest and most vulnerable social groups in two participating regions in the Russian Federation - Leningradskaya Oblast and Perm Krai. This is done through provision of grant resources to sub-grant recipient NGOs in these regions for (a) building community-based networks to provide free legal services for vulnerable groups; (b) creating local capacity for monitoring courts’ treatment of poor litigants; and (c) developing local initiatives to support juvenile offenders, a key vulnerable group in Russian society today.

3. *Grant implementation continues to be satisfactory due to strong grant management, a dedicated grant recipient, and professional oblast-level sub-grant recipients.* As of December 31, 2010 US\$1.4 million (74% of the total grant amount) has been disbursed, up from US\$220,984 on June 30, 2009 and US\$1.1 million on September 30, 2010. This rapid pace has been due to outstanding strategic guidance by the Grant Management Council, dedicated implementation by the ILPP, and professional organization of oblast-level grant activities by the two sub-grant recipients (Human Rights Center in Perm Krai and Citizen’s Watch in Leningradskaya Oblast). A close and collaborative relationship between key stakeholders (such as local governments, judges, social workers and sub-grant recipients) has contributed to the efficacy of grant activities. The key challenge in the remaining period before the closing date is to ensure sustainability of grant-financed activities.

B. LEGAL AID REFORM POLICY CONTEXT

4. *Current legislation substantially limits the financial eligibility criteria for legal aid and the types of cases in which free legal assistance may be granted.* In several oblasts, for example, the applicable criteria and thresholds for financial eligibility are lower than the income levels for pensioners and veterans, who are consequently disqualified from accessing legal aid. Second,

¹ The mission comprised Messrs./Mmes. Amit Mukherjee (Lead Public Sector Specialist and Task Team Leader); Ljudmilla Poznanskaya (Sr. Projects Officer); Galina Kuznetsova (Sr. Financial Management Specialist); Alexander Balakov (Procurement Specialist); Olga Schwartz (Judicial Reform Consultant); Yoko Enomura (Junior Professional Officer) and Ekaterina Ushakova (mission logistics).

current legislation does not recognize the most common categories of civil cases² as eligible for legal aid. Third, few authorized legal professionals (i.e. those who are members of the Bar) actually provide such aid: the Law on Advocates provides for legal aid by advocates to low-income citizens and veterans in cases concerning alimony, loss of income, pension rights, and rehabilitation from political repression. In reality, however, advocates provide only very limited legal aid services of this nature. There is also a shortage of defense counselors. In practice, therefore, legal professionals' participation in the provision of legal aid is very limited.

5. ***Empirical evidence also indicates high unmet demand for legal aid.*** According to a 2010 survey of households financed by the US-Russia Foundation (USRF) 56.4% of respondents stated they need support by a qualified lawyer in a situation of legal conflict, and 44.8% stated they were ready to seek professional legal advice if their rights were violated. 80% of respondents preferred to choose organizations rendering free legal aid. 7.3% of respondents claimed that they could not afford to pay for legal services (31% of this category comprised pensioners and households with a monthly per capita income of less than 5000 rubles).

6. ***There is official awareness, reflected in official actions and pronouncements, of the need to reform the legal aid system.*** First, Federal authorities began an experiment to establish a state system of legal aid³ for low-income citizens. In pursuance of the policy of providing free legal aid to low-income citizens, ten State Legal Bureaus (attached to the Ministry of Justice) were established. However, it soon became apparent that ten such offices were quite inadequate in relation to the volume of demand: in December 2010⁴ the Ministry of Justice reported that only 150,000 individuals received legal aid through these ten Bureaus during the 5 years of their existence. Second, it was felt that public defenders paid by the State were likely to lack independence in the representation of their clients against the state. This was addressed in July 2010 by authorizing the State Legal Bureaus to hire independent advocates to provide legal aid to Bureau clients; however, this redress was limited in scope since such advocates were authorized only for specific situations: (i) for legal services to be rendered outside the Bureau's city of location; (ii) to obtain documents which only advocates were authorized to obtain by virtue of their status; and (iii) when Bureau staff were overloaded. Third, the need for creating a state system of free legal aid was reiterated at the Young Lawyers' Forum in St. Petersburg in July 2010 (where a special section was devoted to the role of young lawyers in legal aid provision). Lastly, the necessity of free legal aid was emphasized to the Duma on September 8, 2010 by Minister of Justice Alexander Kononov.

7. ***Draft legislation proposed by Federal authorities appears to provide for regions to decide how best to implement the state policy.*** Initial versions of draft legislation on state legal aid proposed that only state entities were authorized to provide free legal aid. However, feedback and the experience from implementing this grant, among others, seems to have convinced Federal authorities that state entities alone cannot be the sole providers of free legal aid across the territory of the Russian Federation. The most recent version of the draft law on legal aid posted on the Ministry of Justice website now guarantees citizens' rights to legal aid; sets minimum quality standards for legal aid provision; and extends the categories of cases eligible for free legal assistance. It has no provision for creating a uniform state system of legal aid. Its most fundamental change is that it now authorizes each subject of the Federation (e.g. region) to decide on the nature of its legal aid system, the categories of cases and the eligibility criteria.

² These comprise housing (collection of payments, public services, and privatization) 17%; marriage and family relations (9%); labor payments (7%) and retirement and pensions, consumer protection, and complaints against official action (1%).

³ Russian Federation Government Decree № 534 of August 22, 2005 "On Experiment to Establish a State System of Legal Assistance to Low-Income Citizens", applicable to matters unrelated to criminal cases.

⁴ MOJ presentation at JSDF international conference in Moscow, December 3-4, 2010.

C. GRANT RESULTS INDICATORS

8. Grant results information indicates that implementation is satisfactory. The table below summarizes the results information.

Result Indicator	Baseline Value	End-Grant Target	Indicator Value
Number of actual beneficiaries of legal aid services in the 2 regions	Leningradskaya Oblast: 125 beneficiaries were provided with 134 consultations in December 2009 Perm Krai: 382 beneficiaries were provided 584 consultations by ten legal aid centers (November 2009)	20% increase over baseline.	The second set of data for each region will be available as of June 2011.
Awareness of legal aid among victims, witnesses, complainants and accused persons.	The baseline value is zero as of July 2009	25% increase over baseline	October 2010: 228 clients from these categories received legal aid in <u>two regions</u> during grant implementation. Legal aid centers were primarily delivering legal aid in civil cases, with two main exceptions to this general rule: victims and cases of personal charge. The latter comprises two groups out of 17, to whom legal aid was directed. This is why the statistics show a limited number of beneficiaries from this group. In order to present and interpret the grant results appropriately, it will be worthwhile to examine the total number of consultations and assess the ratio of primary and secondary legal aid services delivered through the grant: the hypothesis is that towards the end of the grant the percentage of secondary legal aid services (which are more time-consuming and which often come after the primary legal aid service) will significantly increase.
Level of satisfaction regarding fairness of treatment by the court.	(i) Level of satisfaction (impartiality): Plaintiffs 98.3% ; defendants 94.5% ; representatives 97% . (ii) Level of satisfaction (independence):	15% increase over baseline	The notion of fair trial is a complex one. To assess the satisfaction of litigants about the fairness of the trial, two core elements of this notion were considered: impartiality of the process and the independence of the judge.

<p>Number of court cases where treatment of poor and disadvantaged litigants is assessed as fair by external monitors</p>	<p>Plaintiffs 94.5%; defendants 96.6%; representatives 95%</p>		
<p>Recidivism rate of juvenile offenders covered by the grant.</p>	<p>A special indicator was used to assess the level of fairness of court proceedings. It shows the following adherence to the fair trial guarantee: Leningradskaya Oblast: 0.65 Perm Krai: 0.73</p>	<p>20% decrease over baseline</p>	<p>The specially trained court observers conducted an in-depth assessment of the proceedings. The indicators used were: access to justice, observation of procedural norms, equality of arms, right to participate in the hearings either personally or through legal counselor, impartiality and observation of ethics rules.</p> <p>To present a spectrum of adherence to the fair trial standard rather than showing it as a homogeneous invariable, a special indicator was used, which can be interpreted as follows: 1 to 0.8 – very high, 0.79 to 0.5 – high, 0.49 to 0.1 – medium, 0 – mediocre, -0.1 to -0.5 – low, -0.49 to -1 – very low.</p> <p>It is not possible to review the numerical changes of juvenile recidivism at present. This evaluation will be done in 2011.</p>

D. STATUS OF IMPLEMENTATION BY COMPONENT⁵

9. *Component A: Strengthening Access to Justice for the Poorest and Most Vulnerable.* Of the total allocation of US\$1,137,450, about 50% has been disbursed till December 31, 2010. This component finances the provision of sub-grants to 2 NGOs (one each in Leningradskaya Oblast and Perm Krai) for (i) providing legal services for poor rural dwellers in ten districts within each of the two regions; (ii) raising awareness about the services; (iii) liaising with justice sector authorities; (iv) offering free consultations to beneficiaries and assisting them with administrative procedures; and (v) providing guidance and (where allowed) representation in court. This component also finances (a) local workshops and training on legal needs of the poor for local law enforcement and social service personnel to strengthen social accountability and sensitization and promote cooperation in the two regions, and (b) legal aid advocacy at the federal level and dissemination of legal aid-related information to stakeholders.

10. *This component was intended to test – and draw lessons from – two contrasting models of legal aid provision:* in Leningradskaya Oblast through advocates who are Bar Association members, and in Perm Krai through lawyer-mediators who are not members of the Bar Association. This component was designed to respond to specific requests from Perm and St. Petersburg legal aid NGOs and university law clinics. Accordingly, in Leningradskaya oblast, rural coordinators were selected by the local NGO (Citizens' Watch) from Bar Association members, while in Perm the NGO Human Rights Center selected lawyer-mediators (not members of the Bar Association) to assist Justices of the Peace. The latter innovative initiative was co-sponsored by Human Rights Watch, the very proactive Ombudsperson of Perm Krai Ms. Margolina, and local judges.

11. *Actual implementation has been rapid and satisfactory: as of October 31, 2010 8169 persons were provided free legal aid against the end-grant target of 12,000 beneficiaries.* Behind this effective provision of free legal aid – the primary objective of this component – have been supporting activities summarized in the following table:

Monitorable Deliverable/Output	Status
One Legal Network (LAN) established and functioning in each of the targeted regions	A Legal Aid Network has been established in each region (covering 10 districts ⁶), with free legal aid services provided to eligible individuals by legal aid centers (including consultation, administrative procedures such as drafting legal documents, and representation in court where permissible). <i>Target achieved.</i>
12,200 beneficiaries of legal aid over three years ⁷	Grant-financed legal aid centers provided 9909 legal aid consultations to 8169 beneficiaries (October 2010). When the legal aid networks (LANs) were launched, Perm Krai showed a high number of clients (for August 2009 –

⁵ The detailed progress has been provided in Annex 2 and 3.

⁶ Districts in Leningradskaya oblast: Volsovo, Luga, Gatchina, Tosno, Kirovsk, Kirishi, Viborg, Volhov, Vsevolozhsk, and Boksitogorsk. Districts in Perm Krai: Solikamsk, Berezniki, Chusovoy, Gubaha, Kungur, Chernushka, Tchaikovsky, Kudimkar, Krasnokamsk, and Ocher - once a month, consultants from each center conduct field trips to distant villages.

⁷ Through a conservatively estimated 20% annual increase in the number of beneficiaries from the 2006 baseline of 2,800 beneficiaries. When the baseline was estimated at 2,800 in 2006, it was assumed that the grant would be implemented for 3-4 years starting from 2007. Grant implementation actually began from January 22, 2009 (date of effectiveness) but it was summer 2009 before the legal aid centers actually started functioning (the elapsed time was spent in finalizing the sub-grant agreements with the 2 regional NGOs; selecting the sites and personnel for the legal aid centers by the 2 NGOs, etc). Hence this activity is being implemented over a period of 2 years instead of the planned 3-4 years.

	<p>323 clients received legal aid; in August, 2010 – 330 clients). The most probable explanation is the location of these centers in public libraries, which by August 2009 emerged as popular legal information centers.</p> <p>Till August 2009, attorneys in Leningradskaya Oblast provided legal aid only to 82 clients per month, mainly due to lack of information/awareness. Though Bar Associations could be reasonably expected to have strong ties to the local populations as key legal aid providers, the data show that this is not the case in practice. Once this problem was identified, public awareness activities were increased and resulted in a significantly higher number of 174 clients per month for August 2010.</p>
Information materials on legal rights and legal aid developed and disseminated among target group	Published on web-sites of the 2 NGOs, and broadcast on local TV channels. In each region the NGOs undertook public campaigns based on leaflet distribution and advertising on mass media (internet, TV and local news papers) to inform eligible households about the availability of free legal aid services in the centers.
Stakeholder consultations and knowledge-sharing workshops for NGOs, lawyers, social service and law enforcement personnel working with poor and disadvantaged people	<p>Nineteen knowledge-sharing seminars⁸ were conducted in participating Regions. Participants included representatives of grant-financed legal aid offices, Justices of the Peace, the Bar, legal clinics, welfare services of local governments, NGOs providing free legal consulting, and local and central media.</p> <p>One conference was conducted in Moscow in October 2009 with 60 participants (representatives of the State Duma, Administration of the President, Government of the Russian Federation, Ombudsman Offices of the Russian Federation, the courts, Russian Lawyers' Association, Bar Association, Chamber of Notaries, human rights centers and universities).</p> <p>An international conference was held in Moscow on December 3-4, 2010.</p> <p>At these events training was also provided, focusing on social accountability and sensitization for local law enforcement and social service personnel. 447 persons have been trained (191 in Leningradskaya Oblast and 256 in Perm Krai).</p>

12. *Component B: Improving Courts' Treatment of Poor Litigants.* Of the total allocation of US\$326,350, about 71% has disbursed till December 31, 2010. The objective of this component is to strengthen civil society capacity to create a mechanism for monitoring court trials to help improve courts'

⁸ Representatives of legal consultation offices created within the project's framework in the two participating regions, Justice of the Peace offices, the Bar, legal clinics, welfare services of the local self-governments, NGOs providing free legal consulting, local and central media took part in the seminars.

treatment of poor and socially/economically disadvantaged litigants (e.g. victims of domestic violence, low-income households). The component finances a series of sequential activities to achieve this objective, namely (i) develop a methodology and build local civil society capacity for monitoring and providing feedback on court biases and violations of due process towards poor and disadvantaged litigants in the two regions; (ii) conduct random monitoring of court hearings in courts of the Justices of Peace; (iii) prepare guidelines on procedures and actual practices to ensure judicial fairness to poor litigants; (iv) conduct workshops for judges, prosecutors and other justice system personnel; (v) develop and disseminate a set of guidelines to courts, civil society organizations and the media for fair treatment of poor litigants; (vi) conduct court users' exit surveys and focus groups to monitor the impact of the aforementioned activities on poor litigants' satisfaction with their treatment by the courts.

13. *Implementation of this component has been proceeding satisfactorily*, as the table below shows:

Monitored Deliverable/Output	Status
Development of criteria and methodology for monitoring judicial proceedings for fairness in Justices of the Peace courts.	Such criteria and methodology have been developed through a consultative process.
200 NGO members and volunteers trained in court monitoring according to the methodology.	As of September 2010 – 40 volunteers. ⁹
50 judicial cases monitored according to the methodology in each region.	<p>80 cases studies were conducted (monitoring of the case progress from lodging of complaint to rendering of court decisions).</p> <p>In addition to this:</p> <ul style="list-style-type: none"> - 1600 hearings were monitored - 267 interviews with plaintiffs were conducted - 455 interviews with defendants - 164 interviews with legal representatives
Methodology, sampling framework, questionnaires and technical reports pertaining to baseline and subsequent exit surveys and focus groups.	<p>Two focus-groups were conducted with Justices of the Peace in both target regions (in total 40 volunteers)</p> <p>Two seminars to discuss the results of the monitoring and the “Recommendations to Improve Access to Justice for the Poor and Vulnerable Parties of the Civil Proceedings” were conducted in August 2010.</p>
Stakeholder consultation strategy/program and feedback/learning materials for judicial personnel; annual summary for courts, NGOs, universities, media, Bar Associations and judges’ associations in Leningradskaya Oblast and Perm Krai.	Two seminars to discuss the results of the monitoring and the “Recommendations to Improve Access to Justice for the Poor and Vulnerable Parties of the Civil Proceedings” were conducted in August 2010.
Media communication and dissemination strategy and action plan for findings from monitoring activities, surveys and focus	A press conference was conducted in St. Petersburg on 12 October 2010 to bring media attention to the monitoring results.

⁹ Initially a series of one-day trainings for volunteers was envisaged. However, while preparing the monitoring manual, it became evident that state representatives expected the monitoring to comply with high professional standards and depict reliable results. This high expectation led instead to an intensive 3-day training program.

groups.	A Manual was developed as a result of court monitoring: "Recommendations to Improve Access to Justice for the Poor and Vulnerable Parties of the Civil Proceedings".
Drafting and voluntary adoption of Fair Treatment Code by selected courts.	The feedback showed high support from the judiciary to monitor findings and recommendations. However, voluntary adoption of a Fair Treatment Code has presented some difficulties, because judges consider such a code as interfering with independence.

14. The impact of this component will be tracked through exit surveys and focus groups, planned to be conducted in 2011.

15. *Component C – Building Local Capacity for the Rehabilitation of Juvenile Offenders. The mission rates the implementation of this component as highly satisfactory.* This component is divided into two parts: 1) Develop and apply methodologies for socio-psychological evaluation and rehabilitation of juvenile offenders, and 2) Draw and disseminate lessons from the experience of juvenile and social services professionals, international experts and NGOs working on the rehabilitation of juvenile offenders.

End-Grant Target	Result Output
Juvenile rehabilitation and vocational support methodologies (socio-psychological evaluation for rehabilitation needs assessment; comprehensive out-prison rehabilitation and vocational support) developed and applied.	Juvenile rehabilitation and vocational support methodologies have been developed and applied and the methodology manuals were published.
60 Professionals trained in above methodologies. Survey of these professionals 6 months after the training to assess relevance and impact on their work.	130 professionals have already been trained in the above methodologies. In the first half of 2010 demand for additional training was estimated and necessary draft TOR developed;
About 1,200 juvenile offenders in Perm and Leningrad regions benefited from rehabilitation applying the above approach. Focus groups with juvenile offenders to assess impact of new rehabilitation methods.	To ensure sustainability of grant results it was decided to redirect grant efforts from rehabilitating juveniles to local capacity-building for professionals who deal with juvenile offenders. Therefore, a request will be made to modify this output to the number of specialists trained. So far 130 participants (judges, social workers, etc) have been trained.

16. *Component D – Evaluation and Grant Management.* This component finances learning, evaluation and Grant management and implementation.

End-Grant Target	Result Output
Three thematic workshops by the end of the Grant.	Workshops were organized to share lessons and identify good practices with a wider audience beyond the participating regions. Informational materials were also disseminated through websites and publications.
An independent evaluation of key performance indicators and impact on beneficiaries at the end of the grant.	To be done before grant implementation is completed.

End-Grant Target	Result Output
Quarterly reports by ILPP on Grant implementation, ensuring compliance with Bank operational policies.	Quarterly Grant implementation reports are submitted in compliance with Bank policy.

E. GRANT GOVERNANCE AND IMPLEMENTATION

Implementation Partnership

17. *The project is being implemented successfully because of the professionalism of the recipients of the grant and sub-grants.* The ILPP has been regular in its contacts with beneficiaries and the Bank. The mission commends the ILPP team's professionalism. Information on grant implementation is generally readily available and reported timely to the Bank. The partnership has also been strengthened by the collaboration between the ILPP and Nagoya University. The University is known for its research on the Russian judicial system, and is working with the ILPP to analyze the results of the grant.

18. *The mission commends that the ILPP tries to disseminate the good practice to the public using various tools.* The ILPP website provides information about the project and also updated information on training and seminars for professionals. The website is updated daily basis in English and Russian. In addition, ILPP will publish brochures based on their experience. Furthermore, a project video clip, which gives the overview of the project, is available in English and Russian. It includes the local people's opinions, interviews, and the professionals' comments. In addition to these tools, ILPP invites wide range of beneficiaries to the seminars, round tables and meetings.

Procurement, Financial Management and Disbursement

19. Grant procurement has been satisfactory. The quality of the terms of reference and procurement documents has been generally high, and the ILPP procurement team has been diligent in seeking procurement advice from the Bank as and when there are questions. Financial management has also been satisfactory, and the ILPP has been sending its quarterly financial management reports to the Bank on time. As of December 31, 2010 about US\$1.4 million has been disbursed (74% of the grant amount). The remaining US\$0.4 million is set to disburse within calendar 2011, before the Grant closing date. Details are at Annex 4.

G. NEXT STEPS

20. *The key issue now is to ensure continuity and sustainability of the grant's results.* First, the mission urges the ILPP to carefully document, report and disseminate the Grant results and impact, especially in respect of the end-grant targets and indicators. Second, it is strongly recommended that the ILPP and its GMC (a) identify activities which could be extended and financial resources to do so.

21. The dates of the next mission will be decided in consultation with the ILPP.

JSDF Grant Team

Moscow/Washington DC

List of Annexes

1. Partial List of Persons Met
2. Status of Implementation by Component
3. Workshops and Seminars Conducted

ANNEX 1

PARTIAL LIST OF PERSONS MET

1.	Ms. Tamara Morshchakova	Justice (retired) of the Constitutional Court of the Russian Federation, Professor, State University – High School of Economics & Chair, Grant Management Council
2.	Ms. Elena Abrosimova	Legal Adviser to the Legal Department Director, Government of the Russian Federation & Member, Grant Management Council
3.	Ms. Olga Sidorovich	Director, Institute of Law and Public Policy (ILPP), Moscow
4.	Mr. Jiro Iida	Embassy of Japan, Moscow
5.	Ms. Ekaterina Lazareva	Executive Director, ILPP, Moscow
6.	Ms. Natalia Cheprasova	Financial Director for JSDF, ILPP, Moscow
7.	Ms. Irina Yun	Procurement Specialist, ILPP, Moscow
8.	Ms. Marina Agaltsova	JSDF Project Coordinator, ILPP, Moscow
9.	Mr. Vladimir Mazaev	JSDF Lead Legal Aid Expert, ILPP, Moscow
10.	Mr. Lev Ivanov	JSDF Lead Court Monitoring Expert, ILPP, Moscow
11.	Ms. Anna Shilovskaya	JSDF Lead Juvenile Justice Expert, ILPP, Moscow