

United Nations Peace Fund for Nepal (UNPFN)

Project Status Update

For the period of July –September 2011

1. Project Overview

Participating UN Organization(s):	OHCHR	UNPFN Project number:	UNPFN/E-2
		UNPBF Project number (if applicable):	UNPFN/NPL/B-3

UNPFN Cluster area:	E. Rights and Reconciliation
UNPFN Funding round Strategic Outcome:	
UNPBF Priority area (if applicable):	Conflict prevention and reconciliation
UNPBF PMP Result and indicator (if applicable):	Result 1: Security sector reforms and judiciary systems put in place and providing services and goods at the national and local level that reinforce the Rule of Law (RoL)
	Indicator 1.2 RoL: # of PBF supported programmes where communities use transitional justice systems to resolve conflicts/disputes without recourse to violence ensuring respect of Human Rights of women and girls in particular

Project Title:	Peace through Justice: Transitional Justice Project		
National Partners:	Government (MOPR), Civil Society Organisations and Human Rights Institutions		
Project start date:	1 September 2009	Original Project end date:	31 August 2010
Revised end date (if applicable):	31 December 2011	Anticipated total Project duration:	27 months

Total approved project budget:	US \$ 1,999,830		
Funds committed and spent to-date by the project:	US \$ 1,854,043.61	As % of approved budget:	93%
Funds spent to-date by the project:	US \$ 1,450,225.08	Project delivery rate:	73%

2. Description of project goal and strategy

The project goal is to support effective transitional justice mechanisms which will contribute to the stabilisation of the country and support a society built on respect for the rule of law and human rights. The strategy adopted to reach projects goal are summarised below:

- **Technical assistance to the MoPR** - conduct effective preparations for establishing TJ Commissions and providing necessary work of the Commissions.
- **Technical assistance to TJ Commissions** - provide technical assistance to the Truth and Reconciliation Commissions (TRC) and the Commission of Inquiry on Disappearances (COI-D) in both preparatory and functioning stages which is crucial to the success of the TJ process. As it is not yet known when either of the two Commissions will be established by the Government, the project proposal provides a hypothetical time line, with the assumption that the COI-D will start functioning before the TRC.
- **Research and analysis on conflict-related violation of human rights and international humanitarian law** - compile information regarding key defining events within the temporal jurisdictions of the respective commissions and to undertake initial investigation to establish paradigmatic cases and initial evidence for key activities. This will enable the Commissions to focus their work as soon as they are established (in particular for the TRC) and avoid time is spent on duplicative efforts where information already exists.

- **Support to civil society and national human rights institutions** - best practices from previous experience of transitional justice institutions show that a vital civil society is crucial for the success of a TJ process. Although a vibrant civil society exists in Nepal, the discussions on transitional justice are just beginning to spread beyond Kathmandu and civil society throughout the country will need to be ready to respond to the challenges presented by the TJ mechanisms.

3. Overview of progress to-date against project outcomes

Project Outcome(s)	Progress: achievements/results/ outputs delivered to-date	% of planned
Draft bills on the Truth and Reconciliation Commission (TRC) and on Disappearances tabled in Legislature-Parliament.	<p>OHCHR-Nepal has continued to engage with different stakeholders (MoPR, Constituent Assembly, Civil Society Organizations etc. on the work around drafting transitional justice legislation, in particular to ensure its conformity to international standards, but also to respond to any request of technical support or advice that OHCHR-Nepal could support. Agreement with MOPR in principle has been reached on drafting “bylaws and guidelines” for the Truth and Reconciliation Commission in September 2011. A team will be formed to draft “bylaws and guidelines”, which will include consultants, representatives from the MoPR, OHCHR, and other concerned government agencies.</p> <p>OHCHR has also finalized consultations with the MoPR for organizing workshops on transitional justice with government officials. It is expected that representatives from different government agencies including the MoPR, the Ministry of Law, the Office of the Prime Minister and the Council of Ministers, the Office of the Attorney General etc. will participate.</p>	80%
Three regional, four cluster and three thematic consultations (gender, children and minority) held to discuss the draft TRC bill.	All the consultations completed and feedback on the bills provided. Central and regional consultations with victims’ participation were held, which was conducted jointly with Accountability, Impunity and Rule of Law (AIR unit of OHCHR-Nepal and UNPFN’s Reparations project (UNPFN/E-4, UNPFB/NPL/E-1). Outcomes of these consultations are being used in the process of outlining TRC and CoID bills working closely with MoPR.	95%
With the benefit of a Conflict Mapping Report, a Dataset of incidents and a Reference Archive, the MoPR is able to plan and conduct their transitional justice work effectively	The Mapping team has developed a functional dataset consisting of several thousand incidents containing an allegation of a serious violation of human rights or international humanitarian law. The dataset also named as a “TJ Reference Archive” consist of over 25,000 secondary information including incidents, international humanitarian and human rights laws, policies etc. This has been placed in TJ Resource Centre. This information is available to students, researchers and organizations who are working on transitional justice.	95%
Civil society organisations strengthened to provide appropriate support to victims	48 civil society organizations implemented 25 projects in 34 districts. By the end of September 2011, 23 projects granted to civil	90%

<p>and participants to the Commissions.</p>	<p>society organizations completed implementation of their planned activities. Most of submitted their final narrative reports and the OHCHR is in the process of making the final payments to the NGOsd. The rest two organizations are in the process to publish their publications on transitional justice related issues by the end of November.</p> <p>In order to draw impact on awareness raising and facilitate the participation of conflict victims and the broader public in transitional justice processes, the supportive role of civil society organizations, national institutions, and professional associations was deemed to be crucial. It is these organizations that are engaged at the grassroots level in establishing conditions for transitional justice as well as advocating for the establishment of the transitional justice mechanisms to which Nepal has committed.</p> <p>Furthermore, the projects have contributed to raising public awareness of transitional justice concepts, dilemmas and possible strategies for victims' participation in TJ processes by producing a series of television talk shows on accountability, a docudrama on TJ, radio programmes with 7 local FM stations, organizing street drama performances at 56 locations, preparing profiles of conflict victims in two districts, organizing 167 orientations on TJ at the local level, and by distributing information kits to conflict victims in 73 districts of the country.</p>	
<p>Transitional Justice Resource Centre (TJRC) established and used by victims, activists, government officials, politicians and general public.</p>	<p>Transitional Justice Resource Centre (TJRC) established and opened to public from 27 July 2011 onwards with close coordination with MoPR. The main objective for establishment of the TJRC is to disseminate information on transitional justice mechanisms to the wider population. A rich collection of learning materials and resources are provided to TJRC which will also provide a platform for the civil society actors, academia, conflict victims and policy makers to promote debate and discuss on transitional justice issues.</p> <p>TJRC has also been used as centre to organize meetings to discuss TJ issues, commissions and current political development on TJ process by different civil society organizations, OHCHR etc. TJRC is also organizing fortnightly talk programs on issues related to transitional justice. So far, three fortnightly talk programs have been organized in which at least 30-40 participants from MoPR, civil society organisations, victim</p>	<p>95%</p>

	<p>organizations, lawyers, students, political leaders participated.¹ These talk programs helped to generate public opinion on transitional justice issues and processes. It is also helping to raise publicity of TJRC which is a first of its kinds in Nepal.</p>	
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4. Overview of project results, achievements and challenges in this quarter

The key immediate objectives of the project include:

4.1.1.1 the establishment of a Commission of Inquiry on Disappearances (COI-D) and a Truth and Reconciliation Commission (TRC) and their effective functioning;

4.1.1.2 Strengthening of civil society to provide appropriate support to victims and participants to the Commissions.

On 9 September, the Government published its “Immediate Relief Program” providing for the speedy passing of bills on the TRC and the COI-D and the establishment of the two commissions immediately thereafter. However, these bills have not passed yet. It is expected that the legislation will be finalized shortly. At this point, it is crucial that drafting of Bylaws and Guidelines should take place as soon as possible so that the internal organization of the commissions is not compromised by urgency.

Service contract to the NGO named Vishwa Paridrishya Wakalat Manch (VPWM) was extended till end of December 2011 to manage TJRC. A full-fledged TJRC is continuing its activities including fortnightly talk programmes on issues like TJ mechanisms, human rights, transitional justice process etc. Sustainability of TJRC remain a challenge, thus strategy has to be developed for beyond 2011 for the continuation of TJRC. The VPWM, with continuous support from OHCHR has submitted proposal for funding to different possible funders.

The TJ Reference Archive prepared by the project was set up in the TJ Resource Centre, which will be a useful tool for the upcoming TJ Commissions to investigate and find truth. This can be used as reference to identify evidences and to dispense justice through TJ Commissions.

23 civil society projects completed their activities so far and have submitted their final reports to this project. The financial and report writing trainings conducted for CSOs has improved a lot in reporting to Geneva. Nevertheless, there are still dues remain in Geneva remain as a problem till date. A brief overview of Grantees Report will be published in mid November and will be disseminated widely among donors and other stakeholders so as to bring donors’ and other stakeholders’ attention to PtJ project’s achievement and best practices working in the field of transitional justice. The report will consist of brief overview of achievement and lesson learnt.

Lessons Learnt:

20 local human rights defenders were trained as psychosocial counsellors, who were able to hold counselling sessions to 300 conflict victims. During the course of implementation of project, it has been realized that it would be more sustainable if victims were provided such kind of training.

¹ Name of talk programs: 1) “Urgency of transitional justice mechanisms in Nepal”; 2) “Conflict victims’ access to justice: challenges and way forward”; 3) “Transitional justice: amnesty or accountability”.

5. Progress against key indicators in the UNPFN Monitoring and Evaluation Framework

UNPFN PRIORITY CLUSTER E. Rights and Reconciliation

Intermediate Objective: Supported effective and inclusive transitional justice, information and services to the conflict affected

(if applicable) UNPBF PMP Result 1: Security sector reforms and judiciary systems put in place and providing services and goods at the national and local level that reinforce the Rule of Law (RoL)

Indicator 1.2 RoL: # of PBF supported programmes where communities use transitional justice systems to resolve conflicts/disputes without recourse to violence ensuring respect of Human Rights of women and girls in particular

Strategic Outcome	Contributing Outputs	Verifiable Indicators	Baseline (by year)	Milestones and Target (by year)	Current / Final Status
7. The GoN has the capacity to meet CPA commitments to establish functioning transitional justice (TJ) mechanisms of the Truth and Reconciliation Commission (TRC) and Commission of Inquiry on Disappearance (COI-D) in line with international human rights standards	Legislation adopted for the establishment of COI-D and TRC with wide consultation and in line with international human rights standards	7.1 TRC and COI-D bill revised, tabled and adopted that are in compliance with HR standards	7.1 No TRC and COI-D bills (2009) Draft TRC and COI-D bills (2010)	7.1 TRC and COI-D bills drafted (2010) TRC and COI-D bills passed (2011)	7.1 .Consultation and agreement with the MoPR in principle has been made to draft “bylaws and guidelines” to supplement TRC and COI-D.
	Capacity on TJ issues increased amongst MoPR and other key government staff Enhanced capacity of COI-D and TRC staff, commissioners and systems during the start-up phase Report, dataset and reference archive prepared from a mapping exercise of the conflict-related human rights and international humanitarian law violations Trainings and capacity building activities on TJ conducted by civil society and I/NGOs at the local level and promotional materials on TJ	7.2 # of consultations on the TRC bill organised by MoPR involving victims from remote villages, marginalized groups, women and children	7.2 0 (2009) 10 (2010)	7.2 10 (2010) 3 (2011)	7.2 All the consultations completed and feedback on the bills provided. Central and regional consultations with victims’ participation were held, which was conducted jointly with OHCHR-Nepal Accountability, Impunity and Rule of Law (AIR) unit and UNPFN’s Reparations project. The key objectives of this consultation workshops were to promote awareness among victims on the status and the content of the TRC and the COI-D draft Bills, to allow the victims the opportunity for their voices to be heard and their views properly considered in finalizing both the bills and to facilitate the production and submission of a memorandum letter to the CA

	<p>produced / disseminated</p> <p>Civil society organisations, victims' groups and national institutions enabled to support key activities of TRC and COI-D</p> <p>Increase in understanding of and advocacy for Transitional Justice mechanisms at the local and national levels</p>	<p>7.3 # of GoN staff trained on and exposed to TJ mechanisms and issues</p>	<p>7.3 Not known (2009) 3 (2010)</p>	<p>7.3 3 (2010) 5 (2011)</p>	<p>members, in the form of amendments to be included in the draft bills.</p> <p>7.3 Five high-level officials of the Ministry of Peace and Reconstruction (MoPR) visited South Africa in July 2010 to deepen their understanding on TRC process; best practices and lessons learnt. This led to more interest in establishing TJ resource centre and its sustainability; understanding on TJ widened and more enthusiasm for peace was process built up.</p> <p>OHCHR has finalized consultations with the Ministry of Peace and Reconstruction (MoPR) for organizing workshops during November 2011 on transitional justice with government officials. It is expected that representatives from different government agencies including the MoPR, the Ministry of Law, the Office of the Prime Minister and the Council of Ministers, the Office of the Attorney General etc. will participate. It is expected that this workshop will strengthen knowledge of government officials on international standards in relation to transitional justice. This workshop will also help to identify the challenges that government officials have been facing while dealing with transitional justice issues.</p>
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		7.4 # of commissioners and staff of the COI-D and TRC trained and office equipment provided	7.4 0 (2009) 0 (2010)	7.4 0 (2010)	7.4 TRC and COI-D not established yet. However, preparatory work underway. It has been envisaged that TRC and COI-D will be established shortly.
		7.5 A mapping report, a dataset and a reference archive	7.6 0 (2009) 3 drafts (2010)	7.7 3 drafts (2010) 3 final versions (2011)	7.5 Transitional Justice Reference Archive, which is a database consisting of documentation pertaining to violations of human rights and International Humanitarian Law perpetrated during Nepal's decade-long conflict, developed and is set up in TJRC. Mapping report has not been made public yet. But the dataset which is renamed as "TJ Reference Archive" placed in TJRC would be helpful for TJ commissions in investigating cases and dispense justice. Likewise, the reference archive is being used by researchers, lawyers and students who are working in TJ issues and conflict victims.
		7.6 # of awareness raising orientations conducted by CSOs at the local level and number of IEC materials on TJ produced at the national level	7.8 Not known (2009) 161(2010)	7.9 161 (2010) 6 (2011)	7.6 25 projects awarded grants to CSOs in 2009-2011 to work on transitional justice issues in Nepal ² . 23 projects have completed their activities and submitted their final reports. These projects have contributed to raising public

² 276 victims groups and civil society organizations had applied for funding and grants were given to 48 organizations to implement 25 projects.

					<p>awareness of transitional justice concepts, dilemmas and possible strategies for victims' participation in TJ process.. Judges' Society Nepal (JSN) is in the process to publish compilation and analysis of 15 Supreme Court judgments related to transitional justice for public awareness. Community Development and Environment Conservation Forum (CDECF) will also produce conflict victims' profile.</p> <p>A brief overview of Grantees' Report will be published by OHCHR-Nepal in mid November and will be disseminated widely among donors and other stakeholders.</p>
		7.7 # of victim document exercises carried out	7.100 (2009) 2 (2010)	7.7 2 (2010) 2 (2011)	7.7 Transitional Justice Resource Centre is running in full-fledge. Conflict victims profile set up in the "Reference Achieve" is being used by scholars, CSOs and general public for their research, knowledge generating purpose and resource for talk programmes organised by TJRC
		7.8 # of psychosocial counsellors trained by CSOs	7.8 0 (2009) 7 2010)	7.8 39 (2010)	7.8 20 local human rights defenders were trained as psychosocial counsellors, who were able to hold counselling sessions to 300 conflict victims.

		<p>7.9 # of victims organised in groups and networks at the local level</p>	<p>7.9 0 (2009) 10,207 in 207 groups</p>	<p>7.9 10,207 (2010)</p>	<p>7.9 More than 10,207 conflict victims have been organized in groups and networks in 26 districts of the country. Such steps create a milestone to make them united so that they can raise their concern in group which will solidify their advocacy for a just peace.</p>
		<p>7.10# of victims groups and CSOs using the TJ Resource Centre for discussions and advocacy on transitional justice</p>	<p>7.11 0 (2010)</p>	<p>7.10 1 TJRC established and 5 organisations use it (2011)</p>	<p>7.10 TJRC established and running smoothly. Steering committee has been formed to steer TJRC comprising a member of MOPR, OHCHR and TJRC managing partner organisation. The centre is being continuously visited by public including victims, TJ activists, students and lawyers. Conflict victims also receiving membership of the centre. Till date, 458 visitors have been benefitted by resources at TJRC.</p>