



## 1 – Project Document Cover Sheet

<b>1.1 Project Title:</b>  Rule of Law and Human Rights Project (ROLHR)	<b>1.2 Project Numbers (designated by UNPFN Support Office)</b> <b>UNPFN:</b> <b>PBF:</b> <b>MPTFO:</b>
<b>1.3 Name of PUNO(s):</b> United Nations Development Programme (UNDP), UN WOMEN	<b>1.4 UNPFN Funding Round Strategic Outcome(s):</b> SO. 2: Citizens confidence in the judiciary and criminal system has increased as a result of these institutions becoming more capable, accountable and responsive to Nepal's diverse society.
<b>1.5 Primary Project Contact Person:</b>  Mr. Tek Tamata Programme Analyst (Justice and Human Rights) Agency and Address: UNDP Nepal Telephone: 977-1-5523200 Ext. 1038 Mobile:9851047095 Email: tek.tamata@undp.org	<b>1.6 UNPFN Cluster:</b> D: Security  <b>1.7 NPTF Cluster:</b> 3: Security and Transitional Justice
<b>1.8 National Partners(s):</b>  Mr. Lohit Chandra Shah Registrar, Supreme Court of Nepal Ramshah Path, Nepal Telephone: 977-1-4262845  Mr. Dilli Raj Ghimire Joint Secretary Ministry of Law and Justice, Constituent Assembly and Parliamentary Affairs (MOLJACAPA) Telephone: 977-1-4211987  Mr. Sadhu Ram Sapkota Joint Secretary, Ministry of Peace and Reconstruction Singh Durbar, Nepal Telephone: 977-1-4211178	<b>1.10 Total UNPFN Funding:</b> US\$ 2,200,000  <b>Funding through additional sources:</b> US\$ 2,500,000 (UNDP)  <b>Total Project costs:</b> US\$ 4,700,000

<b>1.9 Implementing Partner(s):</b> Supreme Court of Nepal Ministry of Law and Justice, Constituent Assembly and Parliamentary Affairs, Ministry of Peace and Reconstruction			
<b>1.11 PBF PMP Result(s):</b>  Result: 1.1 Security sector reform and judiciary systems put in place and providing services that reinforce rule of law		<b>1.13 Project Duration: 24 Months</b> <b>Start Date:</b> 01 April 2013   <b>End Date:</b> 31 March 2015	
<b>1.12 PBF PMP Result Indicator(s):</b> Communities use justice systems to resolve conflicts without recourse to violence ensuring human rights of women / girls in particular		<b>1.14 Project Geographical Coverage:</b> <input checked="" type="checkbox"/> National  <input checked="" type="checkbox"/> Regions   Far and Mid-western part of the country <input checked="" type="checkbox"/> Districts   5 Districts: Mapping will be conducted to select the districts <input checked="" type="checkbox"/> VDCs   Total of 25 VDCs will be selected.	
		<b>1.15 Gender Marker:</b> <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3	<b>1.16 Inclusion Marker:</b> <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3
<b>1.17 Project Executive Summary:</b> This project contributes to the implementation of the 'Strengthening the Rule of Law and Human Rights Protection System in Nepal' Programme (ROLHR). The project mirrors UNDAF outcome 4 (to propagate the principle of the rule of law, justice and human rights as the essential foundation for sustainable peace, human rights, and human development) and UNDAF outcome 8 (to work with national institutions to address the post conflict needs of victims). The overall focus of the ROLHR programme is to consolidate sustainable peace by creating the foundational conditions for systemic changes in the justice sector, by way of increasing citizenry confidence in the justice sector as a whole. UNDP will accomplish this by supporting sector-wide strategic planning and coordination; developing a 'single door' policy and implementation mechanisms for a free and comprehensive legal aid system; and enhancing mechanisms of accountability, in part by supporting the National Human Rights Commission (NHRC) and whatever mechanisms of transitional justice are established in Nepal, but mostly by way of strengthening the criminal justice systems' capacity to address the needs of conflict victims, including women victims of GBV. The specific components of the ROLHR project seeking UNPFN endorsement are: strengthen the capacity and service delivery of the justice sector to better address society's needs and build confidence and trust in institutions; ensure participatory access to justice for women and other vulnerable groups and conflict victims; increase their participation in the legal profession to build more responsive and representative institutions; implement the National Action Plan (NAP) on UNSCRs 1325 and 1820 (specifically, the parts on protection and prevention); develop linkages between formal and informal justice system; and, ensure that informal justice mechanisms are operating in conformity with international human rights standards.			
<b>1.18 UNPFN Support Office Use:</b>			
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On behalf of the Participating UN Organization(s):

Signature

Shoko Noda, Country Director, UNDP, Nepal

26 Feb 2013  
Date

Signature

Ziad Sheikh, Representative, UN WOMEN, Nepal

26 Feb. 2013  
Date

**Endorsed by the Executive Committee:**

**Robert Piper**  
**Chair, UNPFN Executive Committee**  
**UN Resident Coordinator for Nepal**

Signature

27.2.13  
Date

## 2 – Project Proposal Narrative Section

### 2.1 Background and Problem Analysis

From 1996—2006, Nepal was wrought by a decade-long armed conflict which took an estimated 16,000 lives. The conflict, characterized by a range of gross human rights violations including disappearances, torture, displacement of civilians and systematic patterns of Gender-based Violence (GBV), ended officially with the promulgation of the Comprehensive Peace Accord (CPA) in 2006. The CPA laid the foundation for a peaceful transition towards a constitutional, federal democracy. The CPA enshrined principles of equality and participation; called for the establishment of transitional justice mechanisms; and, committed the country to democracy and decentralization, paving the way for the elections of a Constituent Assembly (CA). The CA began its work in 2008 in accordance with the rules and directive principles identified in the Interim Constitution which expressed full commitment to human rights, an independent judiciary and the rule of law.

Despite over four years of operation, the CA failed to promulgate a constitution and, in its role as the Legislature Parliament, failed to establish the transitional justice mechanisms called for by the CPA. Nonetheless, even as the constitution-writing process is stalled in Nepal, the peace-building and transitional justice processes must continue, and the criminal justice system in Nepal must be empowered to take on the issues facing victims of the conflict period. It is imperative that Nepal achieves the legal and political stability it has been seeking for over ten years so that citizens can have resolution to the conflict and violence they suffered and so that their confidence in their government, and particularly, their legal system and judiciary is restored.

Today, this confidence is lacking. Despite a plethora of international projects aimed at assisting the Nepali government in establishing informal and transitional justice mechanisms, a culture of impunity permeates Nepal. To begin with, Nepal's Ministry of Peace and Reconstruction (MoPR) charged with establishing a series of truth-seeking bodies that will investigate, foster public debate and reckoning, and disseminate findings about conflict-related gross human rights abuses—is stalled in its work. Proposals to include a blanket amnesty for officials implicated in gross human rights violations have been criticized by Nepal's National Human Rights Commission, Amnesty International and Human Rights Watch, amongst other international and local civil society organizations. The debate over amnesty has delayed the passing of the Transitional Justice Ordinance proposed by the Cabinet and, simultaneously, has meant that no progress has been made in commencing investigations "of all outstanding allegations of human rights violations and abuses committed during or after the conflict." Lack of accountability for human rights violations has affected the development of a culture of rule of law in Nepal. If perpetrators are not held strictly accountable for their crimes, would-be potential perpetrators will not be deterred. Consequently, lack of accountability for rights violations is likely to foster general disregard for law and order and, therefore, insecurity for large sections of the citizenry.

As such, the issues of the conflict victims and some of the root causes of conflict remain unaddressed in Nepal. This is especially true for women and other vulnerable groups, living far from Kathmandu. For these sections of society, access to justice is notably poor and trust in the judiciary and the government has been severely eroded. UNDP and UN Women recognize that these groups need justice in order to move forward with their country; in the interest of peace-building and ensuring a successful transition towards democracy for Nepal, UNDP and UN Women have designed the program herein described to meet the needs of women and socially excluded groups and to ensure that, with or without an official transitional justice mechanism<sup>1</sup>, justice is achieved for the victims of conflict in Nepal and the root causes of conflict are addressed.

#### Problem Analysis: Issues

The project has been designed to address and rectify an overall lack of confidence in the justice system in Nepal. Specifically the project will respond to the following identified problems:

<sup>1</sup>It should be noted that in the event that a transitional justice mechanism is established by Nepal's government, and assuming that mechanism is fully compliant with international human rights standards, UNDP intends to work in consultation with this mechanism; however, the project is designed with a mind to the contingent chance that a mechanism might not be established, in which case UNDP will continue to work for justice for conflict-affected peoples, adopting a victim-centered approach.

## **1. Low Access to Judicial Services, particularly for women and other vulnerable groups and lack of adequate capacity of Court Administration**

There is, generally, a low level of confidence in the judicial sector in Nepal. In large measure this is caused by the fact that citizens, especially women and other vulnerable groups, have difficulties accessing and understanding the judiciary. The lack of access is due to a number of factors. The issues of inadequate legal aid provision and the low capacity of the criminal justice sector to respond to the specific legal problems facing conflict victims will be discussed in more detail below. In addition to these issues, a lack of coordination in the judicial sector, low institutional capacity, low levels of citizen awareness about judicial processes, and a lack of interface between formal and informal justice mechanisms also complicate citizen's access to judicial services in Nepal.

### *Insufficient Sensitivity to the Needs of Communities*

An assessment conducted in 2012 by the UNDP Access to Justice Project on Mediation Practices in Nepal states: "Since the formal justice system is the state's decisive mechanism for justice, the civil society and community, as such, has a limited voice. Courts are least concerned with possible adverse effects of their decisions in terms of social welfare, stability and harmony in society. Furthermore, the study found that Changes and reforms made in the court system have not been far-reaching despite sporadic efforts. Severe constraints in capacity, including basic training and education of judicial staff, have severely hampered uniform delivery of justice through the formal court system. The access to legal services is a major problem for the poor and disadvantaged, especially women and Dalits who encounter gender insensitivity and caste discrimination." As such, it is clear that the formal justice sector on its own has proved incapable of responding fully to the needs and issues facing Nepal's citizenry.

### *Institutional Capacity Constraints*

In addition to a lack of responsiveness to community issues and to the concerns of CSOs, the formal court system faces constraints in institutional capacity. Ineffective case management, complex legal procedures and limited human resources in many courts result in delays, low case disposal rates and case backlogs. Prosecutors in many districts do not have adequate office space, transport or libraries. With no specialized pre-service training project, prosecutors often lack adequate expertise on emerging issues. Investigative resources are insufficient and the country has only two forensic labs, both of which are located in the capital. Government officials are in most instances unaware of how to fulfil their obligations under newer legislation as their training programmes do not feature human rights components.

Courts in Nepal confront debilitating delays; perpetual underfunding; frequent and long adjournments; delays in issuing initial notices and in passing execution of final orders; and persistent allegations of irregularities. All these factors undermine confidence in the judiciary and restrict access to the court system. Despite Nepalese judiciary's effort to provide justice, it continues to struggle in enhancing the public's access to justice and in tackling the multitude of problems plaguing the courts in a comprehensive and effective manner. A study on Access to Justice conducted by UNDP in 2012 states; perceiving it as costly, cumbersome and agonizingly slow, many view the formal legal system as being owned by legal professionals who control procedures and outcomes. The formal legal process is perceived as being largely incomprehensible and intimidating to people with little, if any, education. Overall, the formal legal system has been criticized for its failure to adequately recognize the dignity of complainants and defendants, satisfy human needs and provide for direct participation in a meaningful way.

### *Increasing trend of Backlog cases in the court system*

Due to the lack of effective case management system, inadequate human resource capacity and manual case handling process, there is a huge backlog of cases in court system in Nepal. A study has shown that the Supreme Court's general caseload is higher than the caseloads of the other courts. In a well-functioning justice system the superior and appellate courts collectively can be expected to process between 5% and 10% of all court cases; and about 90% can be expected to be processed in the first instance of courts. This is based on the notion that in an ideal system most cases should be commenced in first instance courts of which only a small percentage ought to go to first appeal of which, in turn, only a small percentage should go to second appeal. However, the Supreme Court's share of the national caseload is around 25%, the appeal courts and special tribunals process 18% and the caseload of the district courts is 57%. This difference suggests that the share of the

caseload being borne by the Supreme Court is too high and it appears not to be a recent trend. In 2056/57 (1999) the equivalent share of national caseloads had been as follows: Supreme Court 19%, courts of appeal 26% and district courts 64% (CeLLRD Research Report of Trial Court System in Nepal: With Special Reference to Women's Accessibility to the Criminal Justice System, March 2002). The ROLHR Program (2013-17) aims to work with the Supreme Court to address this issue. However, the Project will do a comprehensive assessment of the state of backlog in selected districts of Mid and Far Western regions, and will develop a strategy and action plan accordingly.

#### *Low level of awareness among clients regarding court services*

The national judiciary has established information centers in some of the districts; for example, under a previous UNDP project, the judiciary introduced information centers for court clients in 7 districts in Nepal. The Justice Sector Coordination Committees have also been established to strengthen coordination between courts and stakeholders. Despite these measures and efforts, the people are not very much aware of how to navigate the court system. A study conducted by UNDP in 2009 about pilot court shows that the public's low levels of awareness and information about courts and their services has resulted in people having low confidence in the justice sector. Furthermore, due to lack of information and communication mechanisms between courts and clients, people either do not approach to the courts for the remedy or do not feel comfortable to report violations that they suffer.

#### *Lack of interface between formal and informal justice mechanism*

Due to the efforts of previous UNDP projects, and other projects conducted by leading INGOs in the field (including International Commission of Jurists and the Asia Foundation), a Mediation Bill has been passed through Nepal's parliament. Awareness about mediation and other alternative dispute resolution mechanisms in Nepal is high and, according to an assessment conducted on behalf of UNDP on "Mediation-related Activities of A2J, RoL and RoJ Projects", there is widespread recognition of the need for mediation and other informal justice mechanisms to complement the formal justice system in Nepal. Having raised awareness about the benefits of mediation, however, there is still much work to be done to firmly institutionalize the practice and to adequately train mediators to ensure that international human rights standards are respected in informal processes.

Partly in response to the flaws in the formal justice system, discussed above, and partly as a consequence of the armed conflict, large segments of the Nepali population who lack the information and/or the means to surmount the significant substantive and procedural barriers to accessing the formal justice system have come to utilize informal mechanisms to redress grievances. Various informal systems have evolved over time, which provide an escape valve for certain types of cases and offer an alternative to the adversarial legal system. Though informal justice promoting a 'victim-centric approach', has been welcomed throughout Nepal to increase access to justice for those who have traditionally been denied such access, issues remain relating to oversight, monitoring and the interface between the formal and informal justice system.

For one, the linkage between the formal and informal justice sector mechanisms must be better institutionalized; for example, this project proposes to accomplish this by way of strengthening the capacity of the established Justice Sector Coordination Committees and by establishing referral networks in the districts targeted by this project. Feedback from previous UNDP projects in the area of mediation and access to justice have suggested that there needs to be more emphasis on long-term interventions in the justice sector as opposed to sporadic trainings and short term capacity-building initiatives. The project proposed herein responds to this feedback by instigating the start of a long-range approach to strengthening the justice sector as a whole by encouraging both the improvement of the functioning of the formal justice sector and by institutionalizing links between the formal and informal justice mechanisms. Though there are some initiatives taken by UNDP (through Access to Justice) and The Asia Foundation (TAF) to develop code of conduct for court referred and community mediation. However, they are yet to be officially endorsed by the Government of Nepal. The project aims to develop a consolidated code of conduct for all mediators (community, court and traditional mediators)—See below.

#### *Inadequate training and awareness on human rights approach among mediators*

One of the barriers to having stronger linkages between the informal and formal justice sector, is the underdevelopment of the informal justice sector itself. A study on the traditional justice system conducted by UNDP in 2011 shows that levels of awareness on human rights standards are extremely low among the community dispute settlers. The majority of mediators are



unaware about human rights standards and issues such as due process requirements and how international law applies to Nepali judicial processes. A study conducted by CIVICT in 2004 found that community-based dispute settlers have often use traditional knowledge, custom and practices and at times, even superstitions, while handling and deciding cases.

Though the Asia Foundation has developed a code of conduct for community mediators, the Government of Nepal has not officially endorsed the code of conduct. There is need for consistency in the development of codes of conduct for mediators and for better oversight in the delivery and trainings surrounding codes of conduct. It is imperative that the informal justice sector is strengthened so that it can be a just and effective component of Nepal's justice system as a whole.

As noted above, in addition to the issues discussed in this section of the problem analysis, the lack of sufficient legal aid services in Nepal is an obstacle to access to justice for Nepal's vulnerable.

## **2. Inadequate Legal Aid Service Provision**

Legal aid—legal assistance provided free of charge to those who cannot afford it—should enable vulnerable groups to enjoy their equal right to access their legal entitlements. Legal aid also provides a degree of scrutiny which stimulates improvements in the administration of justice and ensures that vulnerable groups' rights are respected throughout legal processes. International legal framework provides that legal aid is necessary to ensure rights to a fair trial, achieve equality before the law and rights related to the administration of justice. While Nepal does have a legal aid system<sup>2</sup>, it currently does not provide quality legal assistance and justice to women and other vulnerable groups within the country. As these groups rarely receive adequate assistance; they are still deprived of many of their rights and are unable to realise the power of the law to change their own lives, and to transform Nepal.

### *Lack of Coordination in the Legal Aid Service providers*

Currently, Nepal has a number of Legal Aid schemes. MoLICAPA has established a Central Legal Aid Committee which distributes grants to District Legal Aid Committees in association with the Nepal Bar Association; the Committees operate in 32 out of Nepal's 75 districts but the grants are noted to be inadequate. Furthermore, there is a system of *Baitanik* (salaried) lawyers in Nepal which functions as a central aspect of the legal aid system. To fill the gaps left by these two systems, a number of NGOs and organizations are in Nepal working on legal aid provision (including, but not limited to the Nepal Bar Association and the National Women Commission). While together these programs represent a robust attempt on behalf of the Nepali government and civil society to improve access to justice for indigents, the plural nature of the legal aid service provision often creates confusion. A lack of coordination between the providers means that there is duplicity in some service provision, and gaps in other areas. The project proposed in this document will work to streamline legal aid provision and address some of these concerns.

Besides a lack of coordination the government-sponsored legal aid schemes are severely underfunded and so have some deficits. Therefore the project aims to support the concerned government agencies to redefine the legal aid jurisprudence and institutionalize it in line with global practices. The existing legal aid schemes will be redefined with a special focus on socio-economic aspects of legal aid. In this regard, the socio-psycho counselling, interim relief and rehabilitation part will be taken into account as the integral part of legal aid in addition to quality legal representation.

### *Low Quality Service Provision in the Central Legal Aid and District Legal Aid Committees*

An Assessment conducted by UNDP on legal aid system in 2012 found that the legal aid lawyers appointed by the Central Legal Aid Committee are junior lawyers with low-levels of experience in the field of legal aid. The lawyers get monthly salaries equal to Nayab Subba (Non-Gazetted First Class level) of the Government of Nepal, and are not considered professional in a more competitive setting. In many of the districts' Committees the lawyers were found not to have received salary for many months. It is obvious that experienced and senior lawyers are not interested to work as Legal Aid Lawyers with such minimal benefits and irregular payment. Due to the involvement of inexperienced, junior lawyers in the provision of legal aid, it is

<sup>2</sup>The Interim Constitution of Nepal recognizes the right to obtain free legal service as fundamental rights in Art. 24(10); Nepal also has a Legal Aid Act (1997) though it has some deficiencies).

found that the quality of service is not satisfactory. There is no standard and comprehensive training package for the legal aid lawyers before they start their job nor do they get any on-the-job training. Likewise, there is no set criteria for the selection of the lawyers nor are there any guidelines for them to follow while working. Given these factors, it is not surprising to note that vulnerable groups, dependent on legal aid provision, are receiving sub-standard qualities of service which affects both their ability to access their legal entitlements and their confidence in the justice system as a whole.

#### *Low capacity of the Baitanik Wakil (Paid Lawyer system in Court)*

Besides the Central Legal Aid Committee, the Government of Nepal provides for the use of a Baitanik Wakil system for the Supreme Court, Appellate Courts and District Courts of Nepal. Prior to December 2010, the Baitanik lawyers at the Supreme Court were getting NRs. 7500.00 per month and the Baitanik Wakil at Appeal and District Courts were getting NRs. 7000.00 as a monthly salary; in 2011 their salary was raised, however, the Baitanik Wakil still lack training and logistics support. Baitanik lawyers are also limited to providing only pleading services in the courts. Like under the Central Legal Aid Committee, there are questions regarding the quality of service provided by the Baitanik Wakil. In most of the cases, experienced and senior lawyers do not want to work as a Baitanik Wakil in the court, and it is only the junior and inexperienced lawyers who work in this capacity. There is no set criterion or procedure on selecting Baitanik Wakil. In the districts where few lawyers are practicing law, it is found that Baitanik Wakil are generally selected on a rotation basis.

#### *Disproportionately Low Representation of women and other vulnerable groups in the legal profession*

There is a low representation of women and vulnerable groups in the formal justice sector. Although representation of these groups in the legal profession is steadily increasing, it is still very poor. For example, just 8% of licensed lawyers are women, less than 1% is Dalit, and very few of these actually practice law. The judiciary itself is constituted by approximately 80% Brahmin and Chhetri judges. Many studies have been carried out internationally which suggest that people have increased confidence in their judiciary if they see it as representative of the population; representative judiciaries are perceived to be less discriminatory and have more legitimacy in the eyes of the public. As was observed by the Commission for Judicial Appointments in the UK, "judicial diversity can have a powerful symbolic value in promoting public confidence in the fairness of courts." The lack of representation in the Nepali judiciary has had the opposite effect—public confidence in the justice sector is weak.

Besides affecting the legitimacy and public perception of the judiciary, the lack of representation in the legal profession signifies the providers of judicial services, including legal aid, are less able to empathize with the needs and legal issues of vulnerable groups in Nepal. If there were increased numbers of women and members of other vulnerable groups receiving legal education and entering the legal aid service profession, vulnerable groups would be better heard and represented in the legal system.

As such, there is a distinct need to improve the training and benefits provided to legal aid lawyers in Nepal so as to incentivize their performance and help improve the legal aid system as a whole, thereby improving access to justice for women and other vulnerable groups in Nepal.

### **3. Low institutional capacity of criminal justice system to handle complaints and issues of conflict victims and female victims of GBV**

As the development of a transitional justice mechanism that complies with international human rights standards has been stalled in Nepal, it is necessary that efforts are made to empower the criminal justice system to begin taking on the issues of conflict victims. It is not just that conflict victims are double victimized—once by the conflict itself, and a second time by a lack of state response to their suffering.

#### *Low Institutional Capacity of Criminal Justice Institutions in response to transitional justice*

The courts have been relatively active in responding the issues related to transitional justice and impunity in Nepal. There are a couple of decisions and directives issued in the name of Government of Nepal ordering that a transitional justice mechanism must be developed in compliance with international standards while and further clarifying that the criminal justice system does have jurisdiction to handle transitional justice issues. The Court Directive stated that the transitional justice mechanisms

would not replace the mandates and jurisdiction of the existing criminal justice system. Recently, the Supreme Court issued a stay order in the name of the Office of the Attorney General against a circular issued to suspend an investigation into conflict-era human rights violations initiated by the district police and prosecutor's office in Dailekh. The Court clearly stated that the transitional justice mechanism cannot replace the jurisdiction of the existing criminal justice system. Nonetheless, the criminal justice system requires training and information-sharing so that it is better equipped to handle the specific issues of conflict victims and transitional justice.

Even in the event that transitional justice mechanisms are established in full compliance with international human rights standards, it will be necessary to develop a system of complementarity between the TJ mechanisms and the criminal justice system as a whole to address the issues related to impunity and transitional justice.

#### *Inadequate Capacity in In-Camera Hearings for Female GBV Victims*

In addition to sensitizing the criminal justice system and its component actors to transitional justice and conflict issues, it is necessary to improve the criminal justice systems' capacity to take on GBV cases. This is not separable from conflict issues as many women experienced GBV as part of the conflict violence. It is said that women who were suspected of supporting revolutionaries during the armed conflict were purposefully and cruelly subjected to GBV.

While there is an established procedure for 'in camera hearings' in Nepal to hear the cases to sexual abuses in a very confidential manner, the program is underdeveloped. The key objective of this initiative is to maintain the privacy of GBV victims while looking at the issues related to violence against women and enhance victim's participation in the court proceedings with protective special measures. The guideline for in-camera hearings has been developed by the National Judicial Academy. However, due to lack of adequate institutional support, the in camera benches are not able to ensure full confidence of women towards the court procedure and have failed to completely protect the rights of the victims of violence.

A study conducted by lawyer Geeta Sangroula in 2008 concluded that "the 'in camera proceedings' in Nepal and other South Asian Countries have proved to be effective. On the one hand, standards are not adequate to address the issues related to women on the other hand, the law enforcement agencies and other justice components are not sensitive enough in protecting the right to privacy of the victims. The 'in camera proceeding' has been wrongly understood as ensuring privacy only during the court hearings and the victims name and details are found to have been exposed in various stages before or after the trial (<http://www.asianlii.org/np/journals/KathSLRS/2008/9>). To fully ensure the human rights compliance, the court must further and better institutionalize the in camera system to protect the vulnerability of crime victims, particularly female victims of GBV. In order to realize these understandings, trainings must be provided.

#### **Problem Analysis: Regional Focus & Beneficiaries**

Although all of the issues discussed above affect the national legal system in Nepal, they are particularly pertinent in some areas, with particularly severe effects on certain groups' access to justice. As this project aims to have a high impact on those who are most excluded from the legal system as it currently stands, the project will specifically aim to build confidence in the legal system amongst women and conflict victims and will target improving the capacity of the legal systems in the Far and Mid Western parts of Nepal.

These beneficiaries and this geographic area were chosen on account of the highly sensitive, post-conflict situation in Nepal. Women were victimized with particular voracity during the conflict period in Nepal and the Far and Mid Western development regions were the hotbeds of the Maoist movement. The problems facing the beneficiary groups and regions are discussed below.

#### **1. Women as Beneficiaries**

The inadequate provision of legal aid in Nepal has a particularly detrimental effect on women, especially those who were victims of GBV during the conflict and those who come from otherwise more vulnerable groups in Nepali society. Certain groups of women such as Dalit women, displaced women, elderly, trafficked women, women with HIV/AIDS, women with disabilities and women belonging to ethnic or religious minorities face exceptional difficulties in accessing justice because of their especially vulnerable position in Nepali society. Some groups of women are particularly disadvantaged because of their



complicated legal status which restricts their access to certain rights. Also, since women spend more of their incomes on the health, nutrition and education of their families than men do, deprivation of these rights entails lower development outcomes for their families, communities, and the country as a whole. Without assistance to access the entitlements created by protective laws, women from vulnerable groups often, therefore, have no way to break their family out of poverty.

The vulnerabilities of women are directly associated with the normalization and acceptance of day-to-day (daily life) gender discriminatory practices in Nepal, which is a highly patriarchal country. This includes deprivation of education and opportunities, lack of enforcement of gender equality laws, restrictions for women's mobility resulting in lower access to public sphere and health care services, lack of security, discriminatory wage practices, son preference leading to domestic violence—and other practices (Client analysis of women in Mid and Far Western Region led by UN Women).

#### *Women in the Mid and Far Western Development Regions*

While women throughout Nepal are subjected to violence, discrimination and marginalization, the situation is particularly bad in the Far and Mid West regions of the country. A situation analysis report of Gender Based Violence (GBV) in the Mid-West Region of Nepal (Surkhet and Dang districts) revealed that over 80% of women reported experiencing domestic violence from their husbands, and 74% of these women have been forced to participate in non-consensual sex acts multiple times within the past two years. 75% of women reported experiencing offensive sexual comments. Unmarried women are four times more likely than married women to experience episodes of sexual violence. Other forms of violence prevalent in Far and Mid-West Region include victimization for dowry that includes assault, domestic violence, and sometimes even murder. Women in Mid-Western and Far West Regions are also more vulnerable to violence due to significant risk factors or social determinants that increase this violence. The lack of legal aid service provision; absence of a support network; and culture of silence regarding violence against women in these regions contributes to under reporting of crimes.

### **2. Victims of Conflict and Female Victims of GBV**

Despite the constitutional and legislative schemes against GBV, rape case—from both during the conflict period, when it was used as a weapon, and afterwards when it has continued to affect the lives of many women in Nepal— investigation and prosecution remains a challenge in Nepal. Even when victims are willing to register a complaint with the police, their complaint is likely to be refused, and often under societal or familial pressure, the victim decides to drop criminal charges. As such, a concrete systematic action is required to improve investigations of incidents of violence against women as well as to ensure effective access to justice and prosecution for the victims of these crimes.

In addition to GBV, many families, individuals and communities suffered from violence during the armed conflict. On account of policy delays in the development of a transitional justice mechanism, these victims have been unable to obtain justice or resolution to their claims. Peace will remain elusive in Nepal until conflict victims have been provided with the justice they deserve. As such, it is necessary to move ahead with sensitizing the criminal justice system to conflict issues and ensure its capacity to respond to the needs of conflict victims. This will best and most quickly facilitate peace-processes in Nepal.

### **3. Mid and Far Western Development Regions as Project's Target Area**

The long standing human rights issues that have long plagued Nepal are worst in the Mid and Far West of the country. Besides discrimination against women, discussed above, compared with other development regions, the caste-based discrimination/untouchability practice remains particularly prevalent in the Mid and Far Western regions. Discrimination based on gender, caste, ethnicity, regional and culture is in fact a key issue causing conflict in these regions. There are some examples where Dalits have been publicly abused and assaulted when they tried to enter to the temple; a well-known example is the Shaileswari temple case and the Melauli (Baitadi) case where Dalit were forced to eat buff and dispose of the carcasses during a religious festival and, when they attempted to refuse, they were assaulted. Aside from these particular examples, Dalit always lack full access to justice in Nepal and this is particularly true in the Mid and Far Western regions.

The Mid and Far Western region is in need of particular attention because it is also the area of Nepal where conflict is still rife. In the Mid Western region, which was the hotbed of the Maoist Revolution, there are still a number of active armed groups that defected from the united Maoists. In the Far Western region, the debate over the future federal structure of Nepal has become especially heated and even violent. Polarization of political parties and actors in the area is likely to create future

tension and conflict among different groups in the region and will therefore only incense already tense ethnic and caste relations. While these are issues that the project will have to be mindful of in implementation, there are also justifications for the particular need for a strengthened judiciary in the targeted regions.

## 2.2 Project Approach and Strategy

Overall, this project is expected to form the inception phase for wider five year UNDP ROLHR programme. It will make concrete headway on those ROLHR components that will be crucial for peacebuilding in Nepal for the next two years: ensuring inclusive access and services for women and the most vulnerable groups. This project, therefore, is expected to catalyse a longer term and more systematic transformation of justice and human rights. In the same instance, this also remains a specific project in its own right; the outcomes and outputs outlined in this proposal will be delivered within its two-year timeframe with UNPFN funding.

A human rights based approach was adopted in designing the project. Key implementing partners, beneficiaries and different legal aid and human rights organizations, UN agencies and development partners were consulted during the designing phase through focus group discussions, interviews, and consultative meetings. In addition, a number of consultations were organized in different regions.

Recognizing Nepal's post-conflict context and the need for effective aid interventions to support peacebuilding efforts, the project will incorporate UNDAF's conflict-sensitive approach to development to have a positive impact on the national and local levels and minimize the unintended negative impacts of development work. It will mainstream "Do-No-Harm" principles in policy and programming and through partnership with key government institutions.

The project will focus on empowering vulnerable communities, and promoting the principle of non-discrimination. The project will also apply the UN Nepal Intersectional Framework and Programming Tool on Gender Equality and Social Inclusion which recognizes that discrimination in Nepal occurs on the basis of sex, caste, ethnicity, religion, class, sexual orientation, disability, age and geography. Although human rights, gender equality and social inclusion are sometimes taken as separate issues, they are in fact interdependent and overlapping; the program was designed in recognition of this fact.

"Gender marking" will be applied for all components of the project. The "Gender Marker" is a tracking system and methodology that allows for monitoring of the gender-responsiveness of each financial allocation and expenditure. More importantly, the project will focus on strengthening the Government's institutional capacity and policy frameworks and addressing both transitional and long-term issues and, cross-cutting development challenges.

The project will balance strategic policy level support and community level interventions; in this way it will adopt, simultaneously, a top-down and a bottom-up approach to aid intervention. UNDP and UN Women will continue to partner with civil society organizations to achieve the project's intended results throughout the implementation.

South-South cooperation, especially within the region, will be relied on as an effective capacity development tool.

### 2.2.1 Project Strategy

#### Project Strategy

In response to the issues identified in the Problem Analysis section above, the project strategy has been developed in reference to the priority areas and objectives recognized by the UNDP Country Programme Document and United Nations' Development Assistance Framework (UNDAF), among others. The UNDAF and the UNDP Country Document identified rule of law, judicial reform and human rights as the prioritized areas under outcomes 4 and 8. UN Women's Strategic Plan 2012-2013 focuses on women's leadership in peace and security, effective implementation of the National Action Plan on UNSCRs 1325 and 1820; capacity enhancement of conflict affected women to access justice and other services such as economic recovery, relief, reparation and psychosocial counselling and support to the gender-sensitive transitional justice process. Similarly, the Nepal Peace and Development Strategy (PDS) of 2010-2015 also recognized the central importance of assisting the government to increase access to justice for women and socially excluded groups; to ensure effective prosecutions and better implementation of laws; to improve the rate of judgement enforcement and execution; and, to make the judiciary and security services more inclusive (PDS, page.52). The Three Year Plan of the Government has also made strong commitment to inclusion and to human rights. Likewise the National Action Plan (NAP) on UNSCRs 1325 and 1820, has focused on the areas of justice to the conflict affected women and women's role in different peace-building components.

In addition to referencing the UNDP, Government and donor documents, the project was framed within the following theory of change:

- Where Nepal is now: low faith of people towards the court system as relatively few cases are being registered and few decisions are implemented; inadequate legal aid services ; lack of complementarity between formal and informal justice system; lack of victim-centric approach in addressing conflict related issues; limited coordination and collaboration among different actors in the justice sector;; lack of adequate legal information to the victims of conflict; and disproportionately low representation of women and other vulnerable groups in the legal profession and judicial services.
- Where Nepal could go: higher level of disputes resolution; competent local courts with strong cases management capacity; higher sensitivity in policy and justice delivery on issues related to GBV; coordinated and effective legal aid service delivery; enhanced linkages between formal and informal justice system; and more representative legal profession ; collectively, ensuring higher levels of confidence in judicial institutions and better capacity of judicial institutions to respond to the needs of Nepal's diverse society.
- How we propose to get there: The strategy aims to build the confidence of people towards the courts and criminal justice system and to enhance the peacebuilding processes through: i) strengthening the judicial services and establishing more nuanced, sensitive and effective linkages between court and clients; ii) strengthening capacities of existing institutions and mechanisms at the national and local level; iii) increasing trust and confidence between citizens and justice sector institutions through conducting stakeholder meetings, confidence building dialogues and interactions; iv) strengthening implementation of action plans on women, peace and security; v) establishing legal aid component of legal education;; vi) increasing access to justice for women and marginalized groups by improving the legal aid provision system in Nepal; vii) enhancing representation of women, vulnerable and poor in the legal professions and justice system.

To address the inadequate access to justice for women and other vulnerable individuals and groups living in the Mid and Far Western development regions of Nepal, the project will adopt a human rights based approach aimed at strengthening the administration of justice and culture of rule of law in Nepal. The project's overall objective is to improve citizenry confidence in the justice system at a national and local level. The project has recognized three umbrella outputs that will be the focal points from which the project can achieve its overall objective.

The outputs are as follows:

- 1) Improve efficiency of courts and increase judicial services delivery to women and other vulnerable groups
- 2) Increase access to legal aid services for women and other vulnerable groups
- 3) Improve the criminal justice system's capacity to address the issues of vulnerable groups, with a particular focus on conflict-victims and female victims of SGBV.

The activities associated with achieving each of these outputs are discussed in more detail below.

In recognition of the complex, post-conflict context in Nepal, the project will operate through a top-down and bottom-up approach and with the flexibility necessary to respond the special needs of a country in transition. In effecting national level policy and administration of the justice sector as a whole, the project will build confidence in the justice sector at a national level. This project is expected to be the start of a five year rule of law and human rights programme that will focus on promoting deep policy and legal reform, the project will achieve sustainability by promoting long term changes in the justice sector. The project will start the process by first focusing on improving interactions with courts and service delivery at the local level, thereby having an even deeper effect on citizen confidence in the courts in the five targeted districts.

The promotion of 'mutual (state-society) accountability' to establish a culture of rule of law and respect for human rights is mainstreamed throughout the project. For example, as a part of the project's objective to strengthen Nepal's legal aid system, the project will support legal literacy 'civic education' efforts to enable communities to have an enhanced understanding of their

rights, the mechanisms for redress available to them in cases of infringements of these rights, as well as their responsibilities to respect the rights of others. Second, the project will support regular dialogues between justice institutions and civil society organisations. These 'state-society' interactions will enable civil society to elicit accountability for justice service delivery and implementation of protective laws thereby strengthening state institutions, while simultaneously enabling communities to better understand their own responsibilities under the law. In this way, the project will help build capacity in civil society and the State, as well as at the citizenry level; and will provide forums and tools for interaction between these different constituencies.

The cumulative effect of efforts to strengthen the administration of justice; to enhance access to justice and to promote accountability of rule of law institutions will be to enable women and vulnerable peoples to enjoy their civil, political, economic, social and cultural entitlements. This will start to progressively strengthen the principle of accountability and the rule of law in Nepal, as the foundation for human development and sustainable peace.

In the implementation of project activities in field, the project will adopt a 'Do- No- Harm' strategy. To address the existing tensions and build harmony between groups, the project will organize a number of confidence building and 'conflict sensitivity' interactions among these groups. In addition to focusing on women and other vulnerable groups (according to economic measures as well as social exclusion), the project will provide training and sensitization project for other local communities. Furthermore, the project will also directly benefit local government officials.

#### **Strategy's Component Activities**

As stated, the overarching objective of this project is to increase the citizens confidence in the justice system (courts, lawyers and laws themselves) and to enable the constituent mechanisms of the justice system to be capable, accountable and responsive to Nepal's diverse society.

To achieve the said three specific project outputs; the project will:

#### **1) Strengthen and improve court capacity and efficiency to deliver judicial services to women and other vulnerable groups in selected districts, and therefore, increase these groups access to justice services, by:**

- Developing court-public relations' materials and strategies and assisting in building the capacity of the media, community and client outreach mechanisms to disseminate materials
- Strengthening in-camera hearing to deal with the issues related to GBV
- Developing citizen's charter and establishing information center in selected districts
- Strengthening the link between the formal and informal justice system by establishing a referral network in five districts, assisting the Mediation Council to revisit training manuals and implement oversight measures, and conducting public awareness campaigns via radio and film about how to navigate the interface between formal and informal justice systems
- Strengthening informal justice system itself by completing mediation codes of conduct for all mediations (court, community and traditional justice) and increasing compliance with international HR standards
- Increasing the access to women and vulnerable to the formal and informal justice system
- Establishing referral networks to develop interface between formal and informal justice system
- Supporting Court system for a study to increase knowledge of the implementing partners on court and client relationship.

To achieve this output the project will work at the national and the local levels;

- At the national level the project and partners will for example: develop a Citizens' Charter; produce a national communication strategy on court activity; develop and disseminate national guidelines on court-client relations; and, develop a national training module for mediator
- At the local level, in the selected project districts, the project will, for example: work in consultation with courts to increase their capacity; strengthen in-camera hearings through observations and trainings; establish information centers and client orientation desks; organize stakeholder meetings, develop referral network to improve linkages between formal and informal justice system.



## **2) Increase access to legal aid services for women and other vulnerable groups**

- Supporting the MoLICAPA to lead a national process of legal aid reform by streamlining the legal aid service provision in Nepal and establishing Socio-Legal Aid Centers through exiting institutional frameworks in selected districts and building the capacity of Baitanik Wakil. This output will be achieved at the national and local levels:
  - At national level: legal aid policy will be reformed at a national level through consultative process; capacity building for MoLICAPA will be conducted at national level to foster better coordination and efficiency in legal aid provision
  - At local level: legal aid centers will be established in the districts where the project operates; referral networks will also be established locally.
- Disseminating legal awareness and education among women and vulnerable in selected districts
- Enhancing the capacity of OAG/prosecutors to monitor detention centers
- Implementing affirmative action legal scholarship and internship scheme to establish greater inclusion of women and other vulnerable groups in the legal profession. The program will support law faculties of relevant universities to establish a legal scholarship and internship scheme for the legal education of poor and vulnerable communities which will direct these students towards a career in legal aid provision. The legal internship scheme will enable law students to obtain practical experience working as: judges'-'assistants'; court orientation staff (including in district courts); and legal aid service providers in district Legal Aid Centers. The internships will strengthen legal education by providing students with a practical adjunct to their theoretical education, and a greater ability to empathize with vulnerable clients. This output will be executed at the national level.
- Empowering women and vulnerable law graduates through conducting coaching classes for potential women lawyers and lawyers from vulnerable groups for Bar Council and Judicial Service,
- Enhancing practical knowledge of women and vulnerable graduates through law fellowship programme by placing them into various government rule of law institutions
- Introducing clinical legal education programme to enhance the knowledge and experts of women and vulnerable law students
- Supporting MOLICAPA for a study tour to increase their knowledge on socio-legal aid services

## **3) Improve the criminal justice system's capacity to address the issues of vulnerable groups, with a particular focus on conflict-victims and female victims of SGBV.**

- Supporting the implementation of gender responsive laws and women, peace and security plans (UNSCRs 1325 and 1820). The project will support a review of laws and policies from a gender-rights perspective to foster a gender sensitive legal system. The project will also establish a High Level Justice Sector Working Group for effective implementation of these laws and for combating SGBV and will conduct trainings for police, prosecutors, the army, and other actors on preventing and responding to SGBV and provisions of UNSCRs 1325 and 1820.
- Enhancing dialogues and discourse on the issues related to transitional justice and conflict victims and establish Victim Support Forums to provide free legal aid to conflict victims.
- Assisting Victim Forum to engage the criminal justice system in discussions related to transitional justice, victim centric approaches and women's participation in peace-building.
- Supporting for the institutional development of victim support from to enhance national and local dialogue on transitional justice including remedy for past abuses.
- Supporting MOPR to finalize gender strategy for transitional justice.
- Conducting training and interactions on transitional justice mechanism and criminal justice system.
- Publishing and disseminating widely the decisions and recommendations of the Supreme Court and NHRC against withdrawal of the cases, impunity and accountability.
- Providing feasible logistic provisions to conflict victims from poor and vulnerable to encourage increased access to justice, including conflict affected women.
- Empowering implementing partners and law enforcements agencies though conducting orientation/workshop on gender related instruments and policies CEDAW, its optional protocols, reporting mechanisms, UNSCRs 1325 and 1820, Nepal Government national plan of action.
- Providing support for the exchange visits on complementarity between criminal justice system and transitional justice
- All programmes and trainings will be implemented at local and national level.

### **Project Strategy's Contribution to UNPFN Outcomes & PBF Results**

The project's primary objective is informed by UNPFN Strategic Outcome 2: "Citizens confidence in the judiciary and criminal system has increased as a result of these institutions becoming more capable, accountable and responsive to Nepal's diverse society." Furthermore, in pursuing the above-listed activities and outputs, the project will also contribute to several PBF results. As the project is built around an implementing partnership with the Supreme Court, it will technically assist the Supreme Court in implementing its Action Plan (Result 1). The project will also aim to improve the "performance and responsiveness of the courts to society's needs" (Result 2). PBF Results 3 and 4 are interwoven into the project strategy and activities; respectively "inclusivity of judicial services with public access to formal justice mechanisms or to alternative dispute mechanisms enhanced especially for women and socially excluded groups, and (Result 3); and, "mechanism in place that supports effective supervision, oversight and bridging of informal justice system" (Result 4).

### **2.2.2 Beneficiaries, Stakeholders and Geographical Scope**

In order to have the highest impact in achieving its objectives, the project will work with the sections of the population and geographic regions of the country which have traditionally had the most difficult time in accessing justice. During the project design, reference was made to a study on access to justice conducted by the OHCHR in 2011 and the findings of a country analysis conducted by UN RC to select specific beneficiaries and regions.

#### **Beneficiaries**

As the project has a complex approach, which aims to improve the relationship between vulnerable groups and state agencies and build communities' confidence in justice and security institutions, there is a varied list of beneficiaries. For example, the project will organize direct interactions with legal professionals and government decision-makers. Furthermore, the project will also provide an opportunity for democratic state-society interactions in Nepal. Such interactions will create a link between communities and law enforcement institutions which promote and strengthen public confidence in the justice sector and compels an improvement in service provision. Through these sorts of interactions and activities, citizens, state actors, and CSOs will all benefit.

#### *Citizen Beneficiaries*

The overall beneficiaries of the project will be women, vulnerable communities, and conflict victims, mostly living in the project's 5 target districts in the Mid and Far Western development regions, although these vulnerable groups will be benefitted on a national level as well.

The legal aid related project activities will target the most vulnerable groups, as identified by the UN Country Context Analysis. Of these, the project will focus on the following vulnerable groups: women subject to sexual abuse and exploitation; women from the Mid-and Far West; women of reproductive age; adolescent girls; vulnerable groups from the Mid and Far West; and conflict victims.

Approximately 5,000 women and members of other vulnerable groups will directly benefit from the project. The beneficiaries were chosen based on the finding of country analyses, perception surveys and the reports produced on access to justice and legal recourse by various reputable INGOs. Economic and social measures were taken into account while selecting the beneficiaries. The women and vulnerable groups were consulted through focused group discussions in the course of review of the legal aid component implemented by UNDP's past Access to Justice Project and interactions with the representatives of the organization who are working for these groups.

The recipients of the legal aid scholarship and participants in the legal aid clinical and internship programs will also be beneficiaries. Eligible recipients and participants for these programs will be chosen with reference to the same measures discussed above.

By increasing the criminal justice system's capacity to handle the needs and issues of conflict victims, the project will also benefit this vulnerable section of society—helping them access justice in the absence of a transitional justice mechanism and thereby providing them with legal resolution for their suffering. By ensuring access to justice for Nepal's most vulnerable, the project will

contribute to the overall peace-building process unfolding in Nepal.

#### *State Actor Beneficiaries*

Government institutions such as Supreme Court of Nepal, MoJCAPA, and the National Human Rights Commission, will also be beneficiaries. The justice sector institutions are key agencies responsible for implementing the legal aid scheme, delivering justice and implementing protective laws. The project will work with each of these institutions to strengthen their capacity for responsiveness and sensitivity to conflict, gender and other socio-legal issues. The project will also assist the Ministry of Peace and Reconstruction and the National Human Rights Commission to implement the National Plan of Action on UNSCRs 1325 and 1820 (prevention and protection component) and Nepal's peace-making agenda and to promote and protect the rights of victims of a decade long conflict.

#### *Civil Society Beneficiaries*

The human rights defenders, human rights and victim society organizations will also be indirect beneficiaries of the project. By increasing sensitivity to human rights and conflict-victim issues amongst justice sector actors, the project will better enable responsiveness to issues raised by CSOs and NGOs in the sector. Additionally, by providing opportunities for CSOs to meet with government officials and communities as part of the project's goal of increasing justice sector coordination, the project will also benefit these organizations by providing forums for information-sharing and advocacy efforts.

#### **Stakeholders**

The project will actively engage with the implementing partners and stakeholders in throughout project implementation. Women and other vulnerable groups will be given preference in the recruitment process for the project staff. Likewise, they will be encouraged to take part in the implementation process of the project. The project will also work with the civil society, legal aid actors and national and international organizations such as FWLD, Card, LAAC, International Alert, ICJ, ICTJ and The Asia Foundation. In addition the project will also organize by-annually review and coordination meeting with all national and international organizations to strengthen coordination and avoid duplication. The Nepal Bar Association will have a key role in the implementation of the project activities related to the legal aid and rights awareness.

#### **Geographic Scope**

The project will be implemented at the national and local level. The legal aid and conflict related activities will be implemented at the national level in two development regions of Nepal: the Mid-West and Far-West. At the national level, the project will implement some capacity building activities for courts, the prosecutor's office, NHRC and MOPR as well as conducting national-level activities to foster dialogue on victims' rights whereas, the project will focus on empowering women's groups and CSOs on women's role in peace-building at local level. In addition the project will also focus specifically on 5 districts that will be identified by a mapping process jointly conducted by UN agencies and the implementing partner from the Government of Nepal.

The previous UNDP Access to Justice Project established community mediation centers and legal aid desks in Kailali, Dang and Surkhet and legal aid desks in Banke. In addition, there were paralegal committees established by the project in Kailali and Doti districts. It is therefore strategic to capitalize on these relationships and structures and to complement on-going activities. The Far West, along with the Mid-West and Central regions was identified in the Armed Violence Assessment as having concentrations of insecurity.

### **2.3 Analysis of Risks, Assumptions and Bottlenecks**

The project works off the assumption that enabling local communities to claim their rights and building the capacity of justice sector institutions to respond to these citizens' claims as well as provide quality services will transform the conflict context in Nepal, reduce violence across Nepalese society, and therefore encourage peace-building in the nation.

A more detailed analysis of the identified Risks and Assumptions is presented below.

Recognized Bottlenecks include:

- 1) Frequent transfer of trained government officials: The frequent transfer of government officials who are trained and highly involved in the implementation of the project affects the effectiveness of capacity-building activities.  
Mitigation strategy identified: develop a strategy with the implementing partners so that capacity-building activities are institutionalized thereby having affects beyond the staff who are working when the project is first implemented; design appropriate training materials and ToTs.
- 2) Fragmented legal aid initiatives: The current state of fragmentation in delivery of legal aid and lack of coordination among legal aid actors directly jeopardize the quality of legal aid services provided indigents in Nepal as well as the ability of the project to implement sector-wide reform.  
Mitigation strategy identified: The project will form referral networks to enhance the coordination among different actors and the implementation of the project's output to increase women and other vulnerable groups' access to legal aid services. The project will also assist the Government to develop a national policy and curricula to standardize legal aid service provision.
- 3) Local community mediators and legal aid actors are unable to settle local disputes in an effective way: As such, there is a negative impact on their effectiveness in resolving local disputes and provision of legal aid/assistance.  
Mitigation strategy identified: The project will develop necessary policy measures to enable community mediators and legal aid actors to meet crisis management and peacebuilding needs.

#### Contingency planning

The project is subject to multiple risks that are likely to hinder its effective implementation. Thus, from the outset, major risks must be identified and a management plan created to minimise the adverse effects of such risks. In the best case scenario, as per political stability, there will be social harmony between different communities and a transitional justice mechanism that complies with international human rights standards will be established. In this case, the project will continue to support confidence building, legal aid and policy change, and will focus on empowering beneficiaries and strengthening the capacity of the established transitional justice mechanism. In the status quo situation, the project will work with the local and national justice institutions, human rights organizations and human rights defenders to improve the access to justice and confidence in the judicial sector amongst women and other vulnerable groups in Nepal. In the worst case scenario, with high political instability, high tensions between different groups will surface, there will be a lack of transitional justice mechanisms, and the legal system will suffer from a culture of impunity. In this case the project will aim to strengthen the rule of law and security institutions to better maintain lawfulness and peace support building confidence and harmony among different groups and strengthen the capacity of national human rights institutions and the prosecutors' office to address impunity and provide justice for vulnerable groups in Nepal.

Risks	Assumptions	Mitigating Strategies / Measures
<p>Risk 1: Political Instability in forming of the legislature</p> <p>Likelihood: medium</p> <p>Potential Impact: The policy and legislative reform related initiatives will be delayed and field activities will be negatively affected</p>	<p>The political stalemate is expected to end with elections. In addition, leadership and management in MOLJACAPA will remain committed to implement legal aid schemes.</p>	<p>The project will focus on implementation of the existing policies and provisions in the situation of political instability. In addition, the capacity building initiatives will be focus on.</p>
<p>Risk 2: Deterioration in security situation triggered by transition issues</p> <p>Likelihood: Medium</p> <p>Potential Impact: Inability to implement activities due to insecurity and weak law and order situation.</p>	<p>The impact on the implementation is not expected to be significant as the community level legal aid activities will be implemented by the MOLJACAPA.</p>	<p>The project will work with government institutions to activate already established mechanism and will employ "safe spaces and intra group approaches".</p>



<p>Risk 3: Further delay in constitution making and state restructuring</p> <p>Likelihood: Medium</p> <p>Potential Impact: Delay in constitution making process and state restructuring process may affect the activities related to justice dispensing and legal aid as well as other areas of assistance</p>	<p>The existing legal provisions will be amended and better implemented to enhance justice system administration.</p>	<p>The project will assist the implementing partners to review, amend and implement accordingly.</p>
<p>Risks 4: Inadequate oversight of CSOs supported as part of pilot socio-legal aid networks.</p> <p>Likelihood: Low</p> <p>Political Impact: Funds would not be used for intended purposes</p>	<p>The implementing agencies will be able to monitor and track the CSOs.</p>	<p>The project will increase monitoring and field visits to meet beneficiaries of services. Training will be provided to the CSOs and implementing partners on UNDP reporting requirements at the time that grants are given to be followed by refreshers.</p>

## 2.4 National Ownership and Capacity Development

### 2.4.1 National Ownership

The project development team has extensively consulted with all relevant government partners over the last 10 months. The project document reflects much of the government feedback and input and the overall ROLHR programme document was endorsed by the government on 9<sup>th</sup> of November, 2012. The meeting minutes of the Project Appraisal Committee (PAC) and reference letters from the key implementation partner are attached in Annex: 1.).

The project has been developed with reference to the CPA, Interim Constitution of Nepal, the Strategic Plans of the Supreme Court (2009/10-2013-2014), Office of the Attorney General (2011/12-2016-17) and the National Human Rights Commission (2011-2015). Furthermore, the project is focused on assisting the government to achieve its National Action Plan on UNSCRs 1325 and 1825; as well as, the key recommendations of Nepal Peace and Development Strategy and the Joint Assessment of Rule of Law, Access to Justice and Security which have been undertaken by DFID, Danida and UN RC office.

UNDP's daily work with national partners (Supreme Court, MoJCAPA, OAG, NHRC, CSOs) over the past ten years has established open lines of communication that provided the basis for a highly consultative project design process. This project enjoys a very high level of national ownership because it is based on the needs identified by the institutions themselves. Some of the agencies have begun to address their needs with their own resources and the project will work to strengthen these efforts.

The principle of national ownership guided the selection of the general programme areas. Within those areas, the design of project activities emerged from continuous discussion and research on global practices related to legal aid reform and strengthening ROL. Thematic experts at various development partners as well as international non-governmental organisations were also consulted in the process of formulating the programme. Many civil society and media organisations were also consulted in this process.

The MoJCAPA has plans and funding—from the Ministry of Finance and Nepal Peace Trust Fund (NPTF)—to extend the current national legal aid scheme to all 75 Districts. It will do so by gradually strengthening the Legal Aid Unit of MoJCAPA, with 'satellite' offices ('Legal Aid Centres') in numbers of districts. The project will provide the institutional framework for a legal aid scheme which coordinates and regulates legal aid service provision across Nepal and thereby assists MoJCAPA to streamline legal aid services in Nepal. The project will develop a robust synergy with the legal aid project of MoJCAPA. The project will form a coordination mechanism to enhance coordination between UNDP and its national implementing partners to be sure the most can be made out of the partnerships.

The project will be implemented by the Government of Nepal with NIM modality. The Supreme Court of Nepal will be the key implementing partner; however MoJCAPA and the National Human Rights Commission will also serve as implementing partners.

Furthermore, the National Human Rights Commission will implement some of the project activities such as conducting trainings for the legal aid lawyers on human rights-based approaches to justice and revisiting the training module for the mediation system in Nepal to better ensure compliance with international human right standards. Ministry of Peace and Reconstruction, Office of the Attorney General, National Dalit Commission, and Nepal Bar Association will be the responsible parties of the project and will be represented in both the Project Executive Board (PEB) and the Project Advisory Committee. The PEB will be chaired by the Supreme Court. The Project Advisory Committee will also be formed to ensure the strategic guidance of the government partners and key stakeholders is relied upon to better implementation of the project.

#### **2.4.2 Capacity Development**

The project emphasizes strengthening national institutions' capacity; reforming policy frameworks; building the capacity of women and other vulnerable groups, as well as civil society, human rights defenders and transitional justice organizations; with the overall goal of promoting increased confidence in the justice sector, compliance with international human rights standards and the resolution/address of both transitional issues and long-term, cross-cutting development challenges.

The project will build upon the lessons learned from UNDP and other agencies' previous projects. Capacity development and ownership of national development strategies are essential for achieving development goals including Nepal's peace agenda. The country analysis conducted by the UN highlights the legal empowerment at the individual level as a fundamental challenge for all women and other vulnerable groups. It also points to lack of institutional capacity to effect substantive change as another obstacle to peacebuilding and development. Therefore, the project aims to work to develop capacity and to impart skills, competencies, experience and awareness to people, both those who claim rights and those whose obligation it is to fulfil them. Likewise the project also builds the institutional capacity of government institutions to address issues relating to policy, procedures, and frameworks that allow organizations to deliver on their mandate of providing quality public services. By building capacity among citizenry and institutions, the project will contribute to its ultimate goal of increasing citizens' confidence in the justice sector.

So, for example, as part of its institutional capacity building objective, in coordination with other concerned implementing partners and relevant stakeholders, the project will support MOLCAPA to develop modules, guidelines, and training courses for all legal aid lawyers and staff and service providers, as well as a supervision framework. The project will also conduct study visits for the implementing partners to enhance their knowledge on emerging areas and issues of efficient court systems, access to justice and transitional justice. An M&E framework will be established to obtain quantitative, qualitative and disaggregated data on the impacts of these activities. At the same time, the project will work to raise awareness amongst women and other vulnerable groups on their rights so that they feel more emboldened to seek legal aid services when rights violations occur.

#### **2.5 Sustainability and Replicability**

The project will strengthen the relationship between the state and society enabling state institutions to be more responsive and accountable. For example, the project aims to empower the Baitanik Wakil system and the legal aid cells of the government by way of formulating procedures, national level policies, trainings for local legal aid providers and other logistical support. This will sustain legal aid provision professionals to deliver quality services to their clients. This approach will also support the sustainability of the development work, empowering people to participate in policy formulation, to hold duty-bearers accountable, and to ensure a fairer and more equal distribution of available resources. On-the-job trainings and other staff capacity building initiatives will be carried out in the course of implementation of the project.

The project will support the implementing partners in developing policies, guidelines to enhance social and gender inclusion and empower women and other vulnerable groups by ensuring that they are better represented in the legal profession and justice system.

While the UNPFN project will be completed by 2015; expected the overall ROLHR programme will not end until 2017. The project will provide institutional support to implementing partners to implement the larger five year programme. The sustainable strategy, guideline, policies and institutional framework will be developed for the Government in the project will thus enable the legal aid scheme and justice system to better strengthen access to justice in the long term. A needs assessment will be conducted before handing over the goods and equipment. Regular interaction and meetings will be conducted with the implementing partners to ensure adequate funding to run project activities and the continued training of government staff. The project emphasizes strengthening national capacity, civil societies, human rights defenders, conflict victims' organizations to continue

their work for the access to justice and human rights.

Regular interactions with the implementing partners and beneficiaries will be conducted to analyse the lesson learned and best practices extracted from the project implementation. Furthermore the project will assist the government to integrate these best practices into the Government's strategic plan. The lessons learned and best practices will also be incorporated into UNDP's global database to facilitate knowledge-sharing.

### **Exit Strategy**

The exit strategy will be developed in the first year of project implementation to ensure that the benefits of the project are sustained even after the project has technically been completed and the wider and larger ROLHR programme is expected to be in full scale implementation. The exit strategy will be developed to sustain and replicate the project's innovations. The exit strategy will be developed on the basis of consultation and coordination with the implementing partners. Regular interactions and communication will be facilitated with the partners and institutional capacity will be built accordingly so that activities will be taken over by national institutions after the completion of the project. Success factors will be the achievement of project outcomes: including, improving the provision of legal aid services, better implementation of court decisions, enhanced complementarity between formal and informal justice system, the empowerment of women and other vulnerable groups in legal education and the legal profession to enhance access to justice and administration of justice for these groups. At the close of the project, some of the physical resources will be handed over to the government and local institutions and some will be taken over by the wider ROLHR programme. UN Women will utilize some of the assets as well.

## **2.6 UN Comparative Advantage**

Through a decade long partnership with the Supreme Court of Nepal, MOLCAPA, and the National Human Rights Commission, UNDP has made important contributions to rule of law, access to justice and human rights in Nepal. The Supreme Court and Districts Courts have an increased capacity to perform their adjudicatory and management functions and are now implementing lessons learned via the UNDP supported model court project (i.e. improved case allocation and case management). This has had a favourable impact on the quality of judicial opinion writings and overall statistics for rates of case adjudication and backlog. The court-referred mediation programme, with its associated code of conduct, has been fully endorsed by the Supreme Court in the form of a plan to create court-annexed mediation centres in all courts. The UNDP's community-based justice initiatives, such as community-based mediation, have delivered justice and resolved disputes at the local level for a number of individual beneficiaries.

For those cases which cannot be mediated, UNDP has strengthened legal aid service provision for women and vulnerable groups. UNDP has supported the establishment of SGBV legal aid desks in 7 police stations and mobile legal aid clinics in 3 districts. Staffed primarily by female lawyers, legal aid desks are not only increasing SGBV survivors' access to justice, but are preparing young women lawyers for their legal career, and building police officers' capacity to process SGBV cases. Between 2009 and 2011, legal aid desk lawyers assisted 2,555 complainants, 47% of whose cases related to SGBV. In 2011, UNDP's mobile legal aid clinics provided legal advice and assistance to 1,531 poor and otherwise disadvantaged persons. Coaching classes provided by UNDP in 2011 have contributed to increasing women's participation in the legal profession: 45 women passed the Bar Council exam, and received a license to practice law. UNDP also built the capacity of young women lawyers and lawyers from vulnerable communities through internship and coaching classes such that, 8 women passed the Judicial Service exam. Collectively, these activities laid the foundation for future work in this sector and the eventual development of a comprehensive legal aid delivery mechanism in Nepal; a foundation which the herein proposed project will work off of in achieving its intended results. In addition to the expertise built through the course of carrying out these activities, UNDP has developed excellent relationships with national institutions which will enable the successful implementation of this project.

UNDP's efforts to strengthen coordination between the police, prosecutors, local administrators, courts, and JED contributed to the following key results in 2011: a 177% increase in the number of fines recovered; 11% increase in the number of prison sentences enforced; and 8% increase in the number of civil court decisions enforced – notwithstanding the fact that the numbers of civil court decisions increased by 15%.

With UNDP support, NHRC has undertaken numbers of reviews and studies of Nepal's legislation to ensure conformity with Nepal's international human rights treaty obligations. The NHRC recommendations have resulted in reparations paid to victims in

many cases—although no prosecutions have properly resulted to date. The support on legislative reforms has resulted in drafts of a new Civil Code, Code of Civil Procedure, Criminal Code and Code of Criminal Procedure.

The UNDP's implementing agencies globally offer highly customized capacity-building opportunities to national partners, for developing the institutional capacity of the government partners. In addition, UNDP is able to draw upon global best practices from HQ as well as also setting out a knowledge network established by its Bureau for Development Policy and Bureau Crisis of Peace and Recovery (BCPR) as a platform for a global community of practice. The technical expertise in the area of access to justice, legal aid, and capacity building of the national human rights institutions for the protection and promotion of human rights and field presence are other advantages of the UNDP.

UN Women is mandated to assist countries and the UN system to progress towards the goal of achieving gender equality, women's empowerment and upholding women's rights. As such UN Women is well-placed to coordinate the project's gender-related rule of law and access to justice activities. UN Women's acknowledged strengths in terms of its support to the UN system are three-fold: (a) strengthening the capacity of the UN system at all levels to mainstream gender perspectives into individual portfolios and joint programmes of UN bodies; (b) supporting improved knowledge on the status of women in individual countries; and (c) leading the UN country teams in improving accountability for gender equality, including improved tracking of investments, and implementation of global policies, norms and standards.

Following up on successive UNSCRs intended to strengthen the global and UN system-wide response to supporting women's role in conflict resolution and prevention, UN Women has been tasked with a number of key coordination priorities. These include facilitating the UN system in finalizing a road map outlining its obligations in supporting the implementation of UNSCR 1325, and supporting implementation of a seven-point action plan on gender-responsive peacebuilding with pragmatic and specific changes across the UN in relation to mediation, post-conflict planning, financing for recovery, elections and governance, civilians deployment, justice and security sector reform, and economic recovery issues.

UN Women Nepal benefits from in-country national knowledge, understanding of the country's conflict and post-conflict context, and the particular gender issues the country is facing. It has played a key role in spearheading the creation of Nepal's National Action Plan on implementation of the UNSCRs 1325 and 1820, and in supporting the on-going implementation of the plan. UN Women Nepal has been active in training Nepal Army personnel, police and legal professionals on UNSCRs 1325 and 1820, and sexual and gender-based violence prevention. UN Women Nepal's rule of law and justice-related project experience includes such initiatives as the Global Gender-Sensitive Transitional Justice Programme with the International Centre for Transitional Justice, and Strengthening Local and District Level Gender-Sensitive Transitional Justice Programme.

## **2.7 Management Arrangements and Partnerships**

### **2.7.1 Management Arrangements**

The project will follow the national implementation modality (NIM) with Supreme Court of Nepal as a principle implementing agency and the Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs (MoLJCAPA), the National Human Rights Commission (NHRC), and the Ministry of Peace and Reconstruction as the main collaborative agencies. Likewise, UN Women will adopt NIM modality as defined in its Programme Operations Management (POM).

To increase accountability and responsibility, three components of the project are designed to be implemented by three agencies: (i) the Supreme Court of Nepal will implement component 1 in coordination with the Office of the Attorney General; (ii) MoLJCAPA will implement component 2, in coordination with the Nepal Bar Association and other actors engaged in legal aid service provision; and (iii) the Ministry of Peace and Reconstruction will implement component 3 for transitional justice in a close partnership with the National Human Rights Commission and other national human rights institutions such as the National Women's Commission and the National Dalit's Commission. In addition, the project will also work with civil society throughout. The National Human Rights Commission will be involved in the implementation activities related to law review, policy formulation and preparation of the mediation training module to ensure human rights based approach. Additionally, the project will assist the NHRC to implement the transitional justice related strategic components of its Strategic Plan.

The Project Executive Board (PEB) is an entity responsible for making key decisions on project implementation, to ensure that the project remains relevant and responsive through changing circumstances. The PEB is responsible for: a) directing and guiding the National Project Director; b) reviewing activities and any impending issues; c) approving work-plans, budget, and risk log; d)



approving project revisions based on changes in the situation. The PEB will meet on a quarterly basis. To maximise project impact, the Executive Board and other stakeholders may jointly agree to review and revise any project components, outputs, and activities. Any revisions they undertake will be undertaken in close consultation with all partners, advisors, and stakeholders. The PEB will comprise of:

- The Executive: representing the implementing partner /agency who will chair the Board. This role will be assumed by the Registrar of the Supreme Court of Nepal
- Senior Supplier: providing financial support and technical expertise to the project. This role will be represented by UNDP ACD, the UNWOMEN Representative, and a donor representative (to be chosen by the donors themselves).
- The Senior Beneficiaries: ensuring that project results are in accordance with the perspectives of those who are intended to benefit from the project. This role will be assumed by representatives from the Supreme Court, MoJCAPA, MoPR, NHRC, OAG, and NBA.
- Quality Assurance: The Quality Assurance role supports the Executive Board and is assumed by the Programme Analyst, UNDP. S/he carries out objective and independent oversight and monitoring functions on behalf of the Board. This role ensures that appropriate programme management milestones are managed and completed.

In addition to the regular board members, The representatives of other Government stakeholders and development partners will be regularly invited to participate in the Board meetings. In the absence of the Supreme Court Registrar a quarterly PEB meeting will be called by the UNDP, and a Senior Government official representing the board will chair that meeting.

The Project Implementation Unit led by a National Project Director will have overall implementing responsibilities. It will be tasked with delivering on designated objectives of the components, and overall coordination and reporting on joint programme delivery to the Project Board. The Project Implementation Team comprises of staffs and advisors who will be tasked with providing overall technical support, strategic guidance and delivering on components executed under the project. The project will recruit the staff, some of whom will be posted in field office to oversee the field level activities and deliver technical expertise in key areas and to be part of sensitive assessment, study and surveys. UN Women will recruit an Access to Justice-Transitional Justice Specialist, Gender and Social Inclusion Officer, Finance Associate, and Project Associate, all of whom (except Access to Justice-Transitional Justice Specialist) will be stationed in Kathmandu together with other staff of this project. A field officer will be stationed in the Far West at UN Women's regional office.

The proposed mechanism will contribute to national development priorities, systems and programming cycles and will also ensure inclusiveness of the UN system with full involvement of specialist agencies. It will promote mutual accountability between the UN and national counterparts for development results.

**UNDP Support Services:** As per LOAs with implementing partners, UNDP support will be required for project implementation in areas such as: a) recruitment of project staff; b) procurement of goods, equipment and services; c) recruitment of national and international consultants; d) planning and implementation of training and workshops; e) mid-term and final evaluation of the project; and, f) CSO grants-making. The Transitional Justice Advisor recruited by UNWOMEN under this project will lead the recruitment of all staff and consultants related to delivery of transitional justice project components. In addition to supporting implementation of TJ-related activities, s/he will provide technical advice to civil society transitional justice networks, victim support organisations, and any transitional justice mechanism, and will promote dialogue and coordinated action amongst all actors concerned with transitional justice issues. Particularly, his/her efforts will be directed towards improving the criminal justice system's capacity to respond to the issues of conflict victims and other transitional justice issues.

**Cash Transfer Mechanism:** UNDP and UN Women will transfer the funds allocated for this project into the project's account on a quarterly basis. First, based on the approved AWP, a quarterly work plan will be prepared and approved. UNDP and UN Women will transfer the budget required for the first quarter in the beginning of project implementation. Upon receipt of the signed completion of each quarterly plan including a financial report as well as the next quarterly plan, the funds for the subsequent quarters will be transferred into the project's account. Fund request and reporting will be done by implementing partners to UNDP as per Harmonized Approach of Cash Transfer (HACT). Additionally there will be direct payment and payment through UN Women as given below:

**Direct Payment:** UNDP will make direct payment for the components to be implemented by UNDP and the payment for the

activities where UNDP and Un Women assigned as a responsible party or upon request from implementing partners.

**Audit Arrangements:** The project will be audited as per UNDP's audit requirements.

**Review, Revision of the Project Components, Outputs and Fund Allocation:** With a view to optimizing the benefits of the project, if the Supreme Court of Nepal, UNDP, UNWOMEN and donors jointly agree to review and revise any project components, outputs, activities along with the allocated funds, they will do the review and revision of the project components, outputs, and fund allocations and will keep all the implementation partners informed accordingly.

The Project Advisory Committee (PAC) will be the advisory body for the project. It will provide policy guidance and ensure coordination with other national initiatives and development projects. The PAC will meet bi-annually, and will be composed as follows:

Chair. Sr. Justice of the Supreme Court of Nepal  
Representative, UNDP  
Representative, UN Women  
Representative, Ministry of Law, Justice, Constituent Assembly, and Parliamentary Affairs.  
Representative, National Human Rights Commission  
Representatives: Ministry of Peace and Reconstruction  
Representative, Office of the Attorney General  
Representative, National Dalit's Commission  
Representative, National Women's Commission  
Representative, Civil Society,  
Representative, Donors, and  
National Project Director: Member Secretary

In coordination and partnership with the component of Collaborative Leadership of 'Conflict Prevention Programme', the project will conduct a number of trainings, interactions and workshops on 'conflict sensitivity', 'Do-No-Harm' and 'confidence building' for the implementing partners and project management unit during the implementation of the project activities. To ensure an appropriate gender balance and an inclusive workforce, the project will give preference to women and individuals from other vulnerable backgrounds in the recruitment process, hire a gender and social inclusion officer to mainstream gender in the implementation of the project, and conduct a number of trainings for the project management team and partners on key gender related instruments and policies including transitional justice, UNSCRs 1325 and 1820, the Government's National Action Plan on UNSCRs 1325 and 1820, and CEDAW and its optional protocols.

The project will also undertake a participatory context analysis during the inception phase of the project and also undertake "Do-No-Harm" to identify the beneficiaries, stakeholders and geographical areas, identify potential unintended interactions, and establish a set of indicators to measure project management measures. Furthermore, the project will conduct annual review workshops to update of the context and Do-Know-Harm/risk analysis.

### **2.7.2 Partnerships**

The project will ensure a robust partnership with all concerned justice sector institutions through strengthening of the Justice Sector Coordination Committee (JSCC). The Supreme Court has established JSCC as per the rules and regulations of District, Appellate and Supreme Court. Since the court convenes JSCC network, the Supreme Court is the appropriate partner for the implementation of this pillar. Since its establishment by the Supreme Court in 2003, the court has been convening all justice and security actors at central, regional, and district level. It will do so in close coordination with the MOLJCAPA, Office of the Attorney General (OAG), Ministry of Home Affairs, National Judicial Academy, Judicial Council, National Dalit Commission, National Women's Commission and civil society representatives. Active participation of these other national institutions will be ensured by regular meetings convened at national and local level by the JSCC network.

The legal aid component will be implemented by MOLJCAPA in collaboration with relevant national partners and stakeholders including Nepal Bar Association. MOLJCAPA has the legal mandate to reform the national legal aid system in Nepal; as such MOLJCAPA will be directly responsible for implementing initiatives in consultation with other legal aid providers. The reform

process will also engage counterparts in effective national legal aid schemes from the global practices. It will also incorporate the lessons learned from pilot Legal Aid Centres in a number of districts. The project will also work with Nepal Bar Association to implement legal aid and legal awareness components.

UNDP, in partnership with UN Women, will directly implement activities associated with transitional justice, in close consultation with the MOPR and the NHRC. The partnership with NHRC, the project will implement the activities related to training on UNSCRs 1325 and national and local level dialogues on the issues of human rights and transitional justice.

The project will undertake joint monitoring mission to supervise and monitor the project and organize review meetings to evaluate the implementation of the project activities. In addition, the project will ensure the involvement of civil society and organizations in planning and implementation of the activities.

To implement all outputs and activities of the broader ROLHR programme, the implementing agencies will seek support from other sources during project implementation.

#### **Coordination and Collaboration with development partners**

Recognizing that civil society is the primary beneficiary as well as a key barometer of the levels of access to justice, the project considers the development of strong alliances with the Nepal Bar Association and other civil society organizations, at the national and international level, to be a priority. The project will conduct a mapping on the activities related to access to justice, human rights and transitional justice being implemented by various national and international organizations. This will be regularly updated. The project will also organize quarterly coordination meeting with all relevant national and international organizations to share information, avoid duplication and strengthen synergy.

To better strengthen the coordination among different actors, the referral networks will also be established in the five selected districts. The networks will be composed by the representatives of civil society members, concerned legal aid and community mediation actors and the representatives from of the local government and administration authorities. The networks are aimed to play a significant role in enhancing coordination among different actors to strengthen complementarity between formal and informal justice systems as well. The referral network will also develop a linkage with the community mediators and local justice sector institutions.

There are numerous current donor initiatives relevant to this project. Every effort will be made to build synergies with these initiatives. In particular the project aims to explore and build on coordination and partnership opportunities with national and international organizations and other UN agencies working in the area of legal aid, justice sector coordination, and access to justice. Collaboration with NGOs and specialist institutions will also be explored, especially as implementing partners.

### **2.8 Project Monitoring, Reporting and Evaluation**

#### **2.8.1 Monitoring and Reporting**

Monitoring and Evaluation of the project will be undertaken in line with the project result or M&E matrix and plan. The project will work with specialists to develop a M&E framework comprised of M&E matrix and M&E calendar and including benchmarks for results monitoring and tracking in line with Global PBF M&E requirements. The outcomes expected from the project will be monitored against an M&E Framework which builds on the CPAP M&E Framework.

The implementing government partners and UNDP and UN Women will be responsible for setting up the necessary monitoring and evaluation mechanisms, tools and framework. Project M&E strategy will be designed to develop the capacity of national partners to monitor progress toward development results, to harmonize data collection systems and supporting databases and analytical tools and to improve the use of M&E data and information.

Monitoring of the project will be done jointly by executing UN agencies and implementing partners with active participation of target groups to strengthen ownership of all the concerned stakeholders. Annual review meetings will be organized to review the progress, document lessons, identify constraints faced during implementation and come up with solutions to resolve the constraints. The proceedings of review meetings will be regularly shared with the project implementation unit.

A Monitoring and Evaluation Officer will be recruited. S/he will be required to coordinate with partners and other project staff to develop comprehensive human-rights based M&E strategy within the first four months, when it is clearer what data can be obtained through existing data management systems, and where and how these systems could be improved. In accordance with UNDP's Programme, Operations, Policies and Procedures (POPP), the project will follow standard UNDP procedures for review, reporting, monitoring and evaluation. Accordingly, the monitoring report will follow UN Women's guideline on project reporting, monitoring and oversight.

The field monitoring offices of UNDP will also be oriented and mobilized for review and monitoring of project implementation. Filed monitoring office of UNDP will coordinate with Regional Office of UN Women while undertaking monitoring and evaluation. UNDP will continually monitor the relevance, efficiency, effectiveness, potential sustainability, conflict sensitivity and gender and social inclusion sensitivity of UNDP supported field level interventions with support from its Field Offices. The UNDP's field monitoring office will constantly monitor the field activities in the proposed districts. The reports will be duly analysed and discussed in the project executive board meeting which will be conducted quarterly.

Within the annual programme cycle:

Project Monitoring: Programmatic monitoring of activities following UNDPs standards and guidance for site visit and field monitoring.

Quality Assessment: On a quarterly basis, a quality assessment will record progress towards the completion of key results, based on quality criteria and methods captured in the M & E Framework.

Issue Log: An issue log will be activated in Atlas and updated by the Reporting Officer (working in coordination with other M&E staff) to facilitate tracking and resolution of potential problems or requests for change.

Risk log: Based on the initial risk analysis submitted (see above), a risk log will be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.

Quarterly Progress Reports: Based on the above information recorded in Atlas, quarterly programme reports (QPR) will be submitted by the CTA to the Executive Board through Programme Quality Assurance, using the standard UNDP report format.

Lessons Learned Log: A project lesson learned log will be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the lessons learned report produced as part of Annual Review Reports.

Monitoring Schedule Plan: A monitoring schedule plan will be activated in Atlas and updated to track key management actions/events.

Annual Review Meeting: Annual review meeting will be organized to assess the overall implementation status, gaps and challenges as well as lesson learned. The meeting will also include key representatives of the implementing government partners and beneficiaries.

Annual Review Report: An Annual Progress Report will be prepared and shared with PEB. As a minimum requirement, the Annual Report will consist of the Atlas standard format for the QPR, covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level. The M & E Framework and updated Tracking Tool will be annexed to the Annual Review Report. The Annual Review Report will be amended to meet development partners' requirements as necessary.

## **2.8.2 Evaluation**

Evaluation in UNDP will provide an objective assessment of contributions to development results, through assessing its programme and operations, including advocacy, services, technical assistance, coordination partnerships and knowledge management. Evaluation will addresses what works and why, as well as what doesn't work and unintended outcomes. This will support accountability, inform decision making and allow to better management for development results.

The project will emphasize a country led evaluation. UNDP and UN Women in collaboration with the Government will



commission evaluations according to the Evaluation plan of the project. The guiding principles for developing evaluation plan are (1) human development and human rights (2) Coordination and partnership (3) National ownership (4) Managing for results as well as those requirements of the UNPFN.

The majority of the indicators of the project are drawn from the national system, including surveys and monitoring information system. To the extent possible, data related to the indicators will be disaggregated by gender, vulnerability, geography and any other relevant groupings.

At the onset of the project, a perception survey will be conducted in the project area to get baselines for perception indicators. Likewise a baseline survey will be conducted to: assess the capacity of potential implementing partners, and local bodies; identify the needs and priorities of the target groups; and establish benchmark information for planning, monitoring and evaluation.

Specific thematic evaluation will be undertaken during the project cycle to focus on selected strategic issues that may arise during the course of implementation. An independent final evaluation will be conducted at the end of the project. The evaluations will engage national and international partners and stakeholders. The evaluations will focus on project impact, sustainability, and degree of national ownership. The evaluation also assess the effectiveness, efficiency, impact and sustainability of the project; document good practices and lessons learnt and provide recommendations on future direction towards policy development and design and implementation of similar initiatives to have impact at the national level.

### 3 – Preliminary Results Framework

The Outcomes, Outputs and indicators in this Results Framework are specific to this project under UNPFN funding (they do not reflect the overall results of the wider expected UNDP RoLHR programme).

PBF Level				
UNPBF PMP Result(s) (if applicable):		Result:1: Security sector reform and judiciary systems put in place and providing services that reinforce rule of law		
UNPBF PMP Result Indicator(s) (if applicable):		Baseline	Target	Means of verification
Indicator: 1 Communities use justice systems to resolve conflicts without recourse to violence ensuring human rights of women and girls in particular		• 1400 (2012)	• 4000 disputes resolved in five districts	• Annual Report of Supreme Court, Report of Mid-term and final Evaluation
		• 800 (2012)	• 2000 victims of GBV received legal aid in districts	
		• 11% prison sentences enforced and 8% increase in the civil decisions enforces	• 25 % increased	
		• % of court users from women and vulnerable groups in 5 districts (To be decided by the baseline survey)	• % of court users from women and vulnerable groups in 5 districts increased	
UNPFN Level				
UNPFN Strategic Outcome:		SO.2: Citizens confidence in the judiciary and criminal system has increased as a result of these institutions becoming more capable, accountable and responsive to Nepal's diverse society.		
Project Peace-Building Impact:		Nepal's peace making process is facilitated by enhancing legal services and access to justice of women, vulnerable and poor.		
Impact Indicator(s)	Baseline	Target	Means of verification	Key Assumptions/Risks
a. % of women, vulnerable and poor increased who have received legal and judicial services in the courts	a. TBD by the assessment	a. % of legal aid and court services	a. Annual Report of Supreme Court, Assessment Report	The current legal and court initiatives may have changes in the confidence

					level of women and vulnerable. Delay in establishing transitional justice mechanism may adversely affect the achievement of target
<b><u>Project Level</u></b>					
<b>OUTCOME 1:</b>					
<b>Improved efficiency of courts and increased delivery of judicial services to the women and vulnerable</b>					
<b><u>Outcome Indicator(s)</u></b>	<b><u>Baseline</u></b>	<b><u>Target</u></b>	<b><u>Means of verification</u></b>	<b><u>Key Assumptions/Risks</u></b>	
a. # of backlog cases decreased in selected district courts  b. % increase in gender responsive decisions that are aligned to human rights standards in select district courts	a. Number to be determined by a baseline survey  b. Number to be determined by a baseline survey	a. 30%  b. % of quality decisions	Annual Report of the Supreme Court, Survey Report	Government provides adequate funds to implement the strategic plan of the Supreme Court of Nepal Delay in the appointment of the judges in the courts	

<b>OUTPUTS</b>	<b>Output Indicators</b>	<b>Baseline</b>	<b>Target</b>	<b>Means of verification</b>	<b>Key Assumptions/Risks</b>
1.1 Institutional measures are in place at national level and court-public relations enhanced	<p>a. Court orientation desk in 5 districts</p> <p>b. In-camera hearing strengthened in 5 districts</p> <p>c. Guideline developed for Paid Lawyering system and they are in fully operational</p> <p>d. Training for Baitanik lawyer system</p> <p>e. Citizen charter revised and disseminated in 5 districts</p> <p>f. Refresher judgment execution ToT training conducted</p> <p>g. # multi-stakeholder JED coordination meetings conducted in select districts</p> <p>h. # of PSA and IEC materials regarding court services to the people</p>	<p>a. TBD</p> <p>b. 0</p> <p>c. 0</p> <p>d. 0</p> <p>e. Citizen charter was developed (2010)</p> <p>f. 60 (2012)</p> <p>g. 5 (2012)</p> <p>h. 0</p>	<p>a. 10 %</p> <p>b. In camera hearing are fully in operation in 5 District Courts</p> <p>c. Guideline developed</p> <p>d. 50 paid lawyers trained</p> <p>e. Citizens charter revised</p> <p>f. 100</p> <p>g. 15.</p> <p>h. PSA, IEC materials developed</p>	<p>UN Perception Survey, Supreme Court Report</p> <p>Annual Report of the Supreme Court,</p>	<p>Police and prosecutors are seen responsive to better institutionalize legal aid system</p> <p>The political instability and delay in appointment of judged may further create distrust among people towards the court system</p>
1.1. 2 Interface between formal and informal justice system strengthened at the national and district level to increase informal justice mechanisms' ability to comply with HR standards	<p>i. # of referral networks established to develop interface between formal and informal justice system</p> <p>j. Code of conduct for mediation endorsed and implemented</p> <p>k. Training module on community and court referred mediation revised in line with international standards</p>	<p>i. 0</p> <p>j. Code of conduct for court referred mediation developed (2011)</p> <p>k. Training module is already in place but not fully in compliance with human rights based approach</p>	<p>i. 5 referral networks established in 5 districts</p> <p>j. Code of conduct approved</p> <p>k. Training module developed and endorsed</p>	<p>Annual Report of Supreme Court</p> <p>Annual Report of the Mediation Council</p>	<p>Mediation Council may take necessary actions to initiate the process of developing linkages between.</p> <p>The political instability and delay in appointment of judged may further create distrust among people towards the court system</p>



<b>OUTCOME 2: Women and vulnerable groups have better access to legal aid services</b>				
<b>Outcome Indicator(s)</b>	<b>Baseline</b>	<b>Target</b>	<b>Means of verification</b>	<b>Key Assumptions/Risks</b>
# of women and vulnerable groups received legal aid services from the legal aid centres in selected districts	a. 700 women and vulnerable received legal aid services (2012)	a. 2000	Annual Report of MOL/CAPA and NBA Evaluation and monitoring report	
<b>OUTPUTS</b>	<b>Output Indicators</b>	<b>Baseline</b>	<b>Target</b>	<b>Key Assumptions/Risks</b>
2.1 Socio-legal aid system for service provisions developed to ensure greater inclusion of women and vulnerable groups	a. National legal aid policy formulated	a. 0	a. National legal aid policy developed	Police and prosecutors are seen responsive to better institutionalize legal aid system
	b. Socio-legal aid centers established in 5 districts	b. 0	b. 5 legal aid centers	
	c. Legal aid practitioner guidelines developed.	c. 0	c. Legal aid practitioner guideline developed	
	d. # of people sensitized on their legal rights in select districts	d. 1500 (2012)	d. 4000	
	e. Clinical Legal Education needs assessment and action plan completed	e. 0	e. Clinical Legal Education needs assessment and action plan completed	
2.1.2 Affirmative law scholarship and internship scheme established for greater professional inclusion of women and vulnerable groups	f. Inclusive Law Faculty Inclusive Law Education Task Force formed to review scholarship and internship programme	f. 0	f. A task force formed	Annual Report of Law Faculty Evaluation and monitoring report
	g. # students admitted to law schools/colleges that are women and from vulnerable groups	g. TBD.	g. 20	
	h. # of law graduates (that are women and from vulnerable	h. 23 (2012)	h. 50	

#### 4 – Project Budget

CATEGORY		UNDP	UN Women	Total
<b>1. Staff and other personnel cost</b>				
1.1. National Project Manager		65,000		
1.2. Monitoring and Evaluation Officer		40,000		
1.3. Legal Aid Coordinator		57,000		
1.4. Legal aid Officer		40,000		
1.5. Gender and Social Inclusion Officer			40,800	
1.6. Access to justice- Transitional Justice Specialist			60,000	
1.7. Project Officer (field)			28,800	
1.8. Finance and Project Associate			28,000	
1.9 Programme Assistant		24,000		
1.10 International Consultants		20,000	10,000	
1.11 Drivers		16,800	16,800	
<b>Sub-Total</b>		<b>262,800</b>	<b>184,400</b>	<b>447,200</b>
<b>2. Supplies, commodities, materials</b>				
2.1 Premises		16,100	10,000	
2.2 Supplies		5,750	5,000	
2.3 Equipment maintenance		4,600	3,595	
2.4 Materials/Goods		6,900	2,400	
2.5 Audio-visual		5,750	4,000	
2.6 Equipment and furniture		2,300	7,000	
2.7 Miscellaneous-sundry		6,900	5,000	
<b>Sub-Total</b>		<b>48,300</b>	<b>36,995</b>	<b>85,295</b>
<b>3. Equipment, vehicles and furniture including depreciation</b>				
3.1 Computer		9,000	5,000	
3.2 Furniture		4,500	5,000	
3.3 Equipment(Photocopy, fax, scanner etc.) for socio- legal aid centers, client orientation desks, district courts in-camera hearing and paid lawyer system		12,800	7,000	
3.4 Fuel and repair		19,200	10,000	
3.5 Renovation		2,000	2,000	
3.6 IT Support		11,700	10,000	
3.7 Generator		16,500	7,000	
3.8 Vehicle			35,000	
<b>Sub-Total</b>		<b>75,700</b>	<b>81,000</b>	<b>156,700</b>

	groups) trained to take the Bar Council Exam	i. TBD	i. Law education scholarship fund established and made operational		
	i. Law education scholarship fund established and made operational to provide scholarship in 5 districts				
<b>Outcome: 3 Criminal Justice System is more responsive to conflict victims, and female victim/survivors of GBV</b>					
<b>Outcome Indicator(s)</b>		<b>Baseline</b>	<b>Target</b>	<b>Means of verification</b>	<b>Key Assumption and Risks</b>
a. # of conflict affected victims benefited from relevant information regarding redress through the victim support dialogues		a. TBD	a. 3000 conflict victims	Annual Report of MOPR, Evaluation and monitoring report	The relevant government agencies have the political will to participate in the training on UNSCRs 1325 and 1820, UPR recommendations and international human rights instruments. Delay in establishing the transitional justice mechanism
<b>Outputs</b>	<b>Output Indicators</b>	<b>Baseline</b>	<b>Target</b>	<b>Means of Verification</b>	<b>Key Assumption and Risks</b>
3.1 Conflict affected victims in select districts have increased capacity to hold criminal justice systems accountable to the issues related to GBV and rule of law	a. VSF capacity to provide an access point to redress mechanisms developed. b. Forums for national and local level dialogue on transitional justice issues facilitated through VSF. c. Public awareness campaign on TJ processes and women's role in peace making at national and local levels organized d. # of government and non-court and law officials trained on conflict sensitivity, human rights and Do-No-Harm, UNSCRs 1325 and 1820	a. TBD b. TJRC has organized 20 dialogues on TJ issues at national level ( 2012) c. 0 d. 0	a. VSF capacity enhanced in 5 districts b. 20 dialogues organized c. At least 5 public campaign on TJ process at national and local levels conducted d. 250	Annual Report of MOPR Evaluation and Monitoring report	The relevant government agencies have the political will to participate in the training on UNSCRs 1325 and 1820, UPR recommendations and international human rights instruments. Delay in establishing the transitional justice mechanism

<b>4. Contractual services</b>				
4.1. Contractual services –Company (for the implementation of the activities; i) supporting institutional development of the Victim Support Forum (VSF) to enhance national and local dialogue on transitional justice, ii) conducting needs assessment for clinical legal education, iii) developing legal practitioners guidelines and training material, iv) conducting training and interactions on complementarity between the roles of justice sector institutions and TJ mechanisms, v) conducting coaching classes for potential women lawyers and lawyers from vulnerable groups for Bar Council and judicial service exam vi) Designing and implementing law internship programme with concerned government institutions )	206,111	183,904		
4.2. Contractual service-Individual ( for the implementation of the activities; i) conducting training to the MOLJCAPA staff on international and national legal aid legislative and policy framework, ii) assisting Mediation Council to revisit the training manual and develop oversight mechanism, iii) developing national legal aid policy, iv) finalizing the transitional justice strategy for MOPR	172,500	20,000		
4.3. Contractual service-Research (for the implementation of the activities; i)conducting perception survey, ii) assessment on the execution of court judgment; iii) conducting a baseline and surveys on the level of public awareness, iv) conducting public opinion surveys, iv) developing a legal aid curricula for law faculty to increase skills and professionalism of legal aid lawyers)	172,500	90,000		
4.4. Contractual service-Printing & Publication ( for the activities; i) PSA and Radio programme regarding court services and procedures, ii) PSA materials, documentaries, and radio programme to deliver the information regarding court referred and court annexed mediation, developing and disseminating the legal awareness among the local community in 5 districts	172,500	22,665		
<b>Sub-Total</b>	<b>723,611</b>	<b>316,569</b>		<b>1,040,180</b>
<b>5. Travel</b>				
5.1 <b>International Travel:</b> Four study visits will be undertaken for the Supreme Court, MOLJCAPA, and MOPR to achieve the all outputs namely: Institutional measures are in place and court-public relations enhanced, Socio-legal aid system for service provisions developed to ensure greater inclusion of women and vulnerable groups, and conflict affected victims have increased capacity to hold criminal justice systems accountable to the issues related to GBV and rule of law.	20,000	20,000		
5.2 <b>Local travel</b>	10,000	13,000		
<b>Sub-Total</b>	<b>30,000</b>	<b>33,000</b>		<b>63,000</b>
<b>6. Transfers and grants to counterparts</b>				
6.1. Legal aid centers	50,000	7,000		
6.2. District courts	25,000	21,300		
6.3. Prosecutor's office-detention center monitoring	25,000			
<b>Sub-Total</b>	<b>100,000</b>	<b>28,300</b>		<b>128,300</b>



7. General operating and other direct costs				
7.1. Monitoring missions	10,000	8,000		
7.2. Baseline and Perception Survey	15,000	43,400		
7.2 Independent Midterm Evaluation	15,000	8,000		
7.3 Annual Review Meeting	8,000	2,000		
7.4 Final evaluation	20,000	6,000		
<b>Sub-Total</b>	<b>68,000</b>	<b>67,400</b>		<b>135,400</b>
<b>Total Project Costs</b>				
<b>4 Indirect Support Costs (max 7% of Total Project Costs)</b>	<b>91,589</b>	<b>52,336</b>		<b>143,925</b>
<b>TOTAL PROJECT BUDGET</b>	<b>1,400,000</b>	<b>800,000</b>		<b>2,200,000</b>

#### GENDER BUDGETING:

Total funds dedicated to gender-responsive peace-building: US\$ 642,500

As a % of the Total Project Budget: 29%

#### INCLUSION BUDGETING:

Total funds dedicated to inclusion-responsive peace-building: US\$ 400,000

As a % of the Total Project Budget: 18%

#### M&E BUDGETING:

Total funds dedicated to M&E measures:

US\$ 175,400

As a % of the Total Project Budget: 7%

#### CONFLICT SENSITIVITY BUDGETING:

Total funds dedicated to conflict sensitivity measures:

US\$ 100,000

As a % of the Total Project Budget: 4.5%

## 5 – Preliminary Work Plan

Outputs	Key Activities	Timeframe (up to 2 years – 8 quarters)								Responsible PUNO	Planned budget per Output
		Q 1	Q 2	Q 3	Q 4	Q 5	Q 6	Q 7	Q 8		
<b>Insert Outcome 1: Improved efficiency of Courts and increased delivery of Judicial Services to the women and vulnerable</b>											
Output 1.1. Institutional measures are in place and court-public relations enhanced	1.1.1 Conduct a perception survey on the confidence of people towards court.	X	X	X	X						UNDP, UN Women
	1.1.2 Support Supreme Court to develop communication strategy for public information and relations with the media, community relations and outreach programme			X	X						UNDP
	1.1.3 Develop court-client relations guideline to improve understanding and practice of justice sector services.		X	X	X	X	X				UNDP
	1.1.4 Conduct a mapping and assessment to identify the districts and needs		X								UNDP
	1.1.5 Support District Courts to establish court 'orientation' desks in Justice Sector Coordination Committees in 5 districts				X	X					UNDP
	1.1.6 Strengthen in-camera hearing in 5 districts to deal with issues of SGBV		X	X	X	X	X	X			UNDP, UN Women
	1.1.7 Develop citizen charter with the information related to the court services and procedure		X	X							UNDP
	1.1.8 Publish court decisions and disseminate widely among the clients		X	X							UNDP
	1.1.9 Develop PSA and Radio programme regarding court services and procedures			X	X	X	X				UNDP
	1.1.10 Conduct the assessment on the execution of court judgment		X	X							UNDP
	1.1.11 Support for learning activities for the court system on court client relationship		X					X			UNDP
	1.1.12 Provide logistic supports to district courts in 5 districts to establish information centers etc.			X	X						
	1.1.13 Conduct training to the court officials on judgement execution			X	X	X		X			UNDP
	1.1.14 Organize multi-stakeholders meeting in 5 districts			X	X		X				UNDP
	1.1.1.1 Establish a referral network in selected districts to develop interface between formal and non-formal justice system.		X	X	X	X	X				UNDP
	1.1.2.2 Assist Mediation Council to revisit the training manual and develop the oversight measures.			X	X	X					UNDP
	Output 1.1.1 Interface between formal and informal justice system strengthened to increase informal justice mechanisms' ability to comply with HR standards	1.1.1.3 Finalize and endorse the code of conduct for the mediators in Nepal and strengthen monitoring mechanism in partnership with concerned NGOs, INGOs,		X	X						
1.1.1.4 Develop PSA materials, documentaries, and radio programme to deliver the information on court referred and community mediation			X	X	X	X	X				UNDP
1.1.1.5 Organize learning activities for relevant stakeholders on the complementarity between formal and informal justice system to enhance the knowledge of the implementing partners and law enforcement agencies				X							UNDP
1.1.1.6 Facilitate continue dialogues and consultations with formal and informal justice service providers to increase coordination and understanding between them			X	X	X	X	X	X	X	X	UNDP

Outcome 2: Women and vulnerable groups have better access to Legal Aid Services										
Output 2.1 Socio-legal aid system for service provisions developed to ensure greater inclusion of women and vulnerable groups	2.1.1	Conduct mapping for establishing legal aid centers and context analysis								UNDP
	2.1.2	Build the capacity of paid lawyers ( <i>Baitanik Wakili</i> ) in the selected district courts through developing training manuals, resource materials, conducting training as well as providing logistic supports.								UNDP
	2.1.3	Establish Socio-legal Aid Reform Task Force and hold regular dialogues at national level								UNDP
	2.1.4	Develop legal practitioners guidelines and training materials								UNDP
	2.1.5	Conduct training to the MOLJCAPA staff and Task Force members on international and national legal aid legislative and policy framework.								UNDP
	2.1.6	Establish Socio-Legal Aid Centers through existing institutional framework in selected districts to address the issues of domestic violence, SGBV and discriminations among others.								UNDP
	2.1.7	Enhance the capacity of OAG/Prosecutor's to monitor the detention centers in 5 districts.								UNDP
	2.1.8	Develop a comprehensive national policy on legal aid and integrated implementation mechanism								UNDP
	2.1.9	Conduct study tours on socio-legal aid system to provide learning opportunities to the implementation partners about global practices on socio-legal aid services								UNDP
	2.1.10	Support to develop and disseminate the legal awareness among the local community in 5 districts								UNDP
	2.1.11	Organize continue interactions and dialogues between legal aid committee and concerned stakeholders								UNDP
	2.1.12	Form a task force to develop law scholarship guideline								UNDP, UN Women
	2.1.13	Develop a legal aid curricula for law faculty to increase skills and professionalism of legal aid lawyers								UNDP
Output 2.1.1 Affirmative law scholarship and internship scheme established for greater professional inclusion of women and vulnerable groups	2.1.1.1	Design and implement legal scholarship guideline (for women and students from vulnerable groups).								UNDP, Un Women
	2.1.1.2	Establish law education fund for scholarship programme								UNDP, Un Women
	2.1.1.3	Conduct law scholarship campaign at national and local level								UNDP, UN Women
	2.1.1.4	Design and implement law internship programme with concerned government institutions								UN Women
	2.1.1.5	Provide fellowship to women and graduates from women and vulnerable by placing them into various government rule of law institutions								UN Women
	2.1.1.6	Conduct coaching classes for potential women lawyers and lawyers from vulnerable groups for Bar Council and judicial service exam.								UN Women
	2.1.1.7	Conduct on the job training to women law officials of the government agencies								UN Women
	2.1.1.8	Conduct needs assessment for clinical legal education								UNDP, UN Women
	2.1.1.9	Introduce clinical legal education programme								UNDP, UN Women
	Outcome: 3 Criminal Justice System is more responsive to conflict victims, and female victims/ survivors of GBV									
	Output: 3.1	Conflict affected victims have increased capacity to hold criminal justice systems accountable to the issues related								UNDP
	3.3.1	Create VSF referral services to provide free legal aid to conflict victims.								UNDP
	3.3.2	Support institutional development of the Victim Support Forum (VSF) to enhance national and local dialogue on transitional justice								UNDP, UN Women
800,000										
400,000										

including remedy for past abuses.

[illegible]

## Project Management and Performance

Project management team

[illegible]







