



**Project Title:** Promoting Access to Justice & Human Rights in Bangladesh (Access to Justice Project)

**UNDAF Outcome 2:** Justice and Human Rights institutions are strengthened to better serve and protect human rights of all citizens including women and vulnerable groups

**UNDAF Output: 2.1:** Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid

**Start Date:** July 2007  
**End Date:** 30 June 2014

**Implementing Agency:** Ministry of Law Justice and Parliamentary Affairs: Legislative and Parliamentary Affairs Division

**Brief Description**

Strengthening the formal justice system and the rule of law is a priority for the Government of Bangladesh. There is increasing demand for improvements in the administration of timely, affordable, and accessible justice. Improved access to justice for all requires a solid legal framework consistent with the Bangladesh Constitution and international treaties and conventions to which Bangladesh is a party. In recent years a number of important pieces of legislation have been modernised, however, much of the colonial era legislative framework remains. In particular, many of the key laws related to the administration of justice need to be reviewed, consulted and amended to address the large case backlogs in the Judiciary. As such, the Access to Justice Project will continue its efforts to support the Ministry of Law, Justice and Parliamentary Affairs to strengthen legal reform processes, make the legislative drafting process more inclusive and build capacity to produce high-quality legislation in a planned manner. During the extension period the project will focus on legal reform and strengthening the law making process; establishing a treaty desk to monitor compliance with Bangladesh's international obligations; supporting the Law Commission with public policy debate on legislative reform and translation of Laws of Bangladesh from Bangla to English and English to Bangla (including completion of translation of 22 Laws from Bangla to English). This translation work paves the way to provide understanding to foreign investors and general people about the Laws of Bangladesh, which will contribute to access to justice directly relates to Access to Justice.

Programme Period: 2012-2016

Strategic Plan result area:

Democratic Governance

Project ID: 00057761

Atlas Award ID: 00041978

Project Duration: July 2007 to June 2010

Project Duration 1<sup>st</sup> revision:

July 2007 to June 2012

Project Duration 2<sup>nd</sup> revision:

July 2007 to June 2014

Management arrangements: National implementation

Summary of UNDP inputs [as per attached budget]

	Original Budget Code "F"	Revised Code "G"	Increase/ Decrease
TRAC	\$3,000,000.00	\$4,000,000.00	\$1,000,000.00
<b>Total:</b>	<b>\$3,000,000.00</b>	<b>\$4,000,000.00</b>	<b>\$1,000,000.00</b>
GoB Contribution In-kind/CD VAT:	1.5 Lac BDT	02 Lac BDT	50,000 BDT

Agreed by ERD:

Agreed by MoLJPA (Legislative and Parliamentary Affairs Division):

Agreed by UNDP:

*[Handwritten signatures and dates]*  
24/06/2012  
29.06.2012

## Background

This Project Document sets out the second revision of the Access to Justice Project. It will extend the project from July 2012 to June 2014. The Project was established in July 2007 and is implemented by the Legislative and Parliamentary Affairs Division (LPAD) of the Ministry of Law, Justice and Parliamentary Affairs with the support of UNDP. Having achieved many of the project's original outputs related to human rights and improving the administration of legal aid services, the Access to Justice Project has been refocused to primarily address issues related to legal reform and the legislative process.

From 2007 to 2012, the project goal was to strengthen mechanisms for promotion and protection of human rights and the delivery of justice for all, particularly the poor and disadvantaged persons. It provided support to processes initiated by the Government such as the establishment of the National Human Rights Commission and focused on capacity development of law officers, the legal profession, and civil society groups working on human rights and access to justice.

The original project document focused on two main components: 1) Access to Justice and 2) Human Rights: enhancing access to justice for all disadvantaged and marginalized groups through a rights-based approach; strengthening mechanisms for promotion and protection of human rights and the delivery of justice for all, particularly the poor and other disadvantaged persons; establishing an institutional framework for protection of human rights, particularly for the disadvantaged. During 2010-2012 the project focused on the following:

- Pilot Scheme on Translation and Publication of two volumes of BD Code;
- Establishment and strengthening of ICT capacities and updating websites of the LPAD/MoLJPA;
- Strengthening of ICT capacity of Attorney- General's Office;
- Working with the National Legal Aid Services Organization to improve legal aid at pilot districts as well as national monitoring systems; and
- Provision of logistical support to the National Human Rights Commission

In early 2012, LPAD developed a draft Strategic Plan 2012-2017, which articulates the Division's mission: *to maintain a legal system responsive to citizens needs and within the provisions and principles of the Constitution to facilitate access to justice, preservation of human rights, and secure rule of law.* The vision of the Division is: *To modernize the legal systems reflecting values and expectations of the citizens through contemporary laws and undertaking reforms to meet the needs of the country.* The revised project can broadly support the implementation of the Strategic Plan via a range of technical advice.

## Access to Justice in Bangladesh

Bangladesh's formal justice system remains relatively inaccessible for the vast majority of the public. Vulnerable groups, including women and children, ethnic minorities, the poor, and people with disabilities face particular difficulty in accessing timely and affordable justice. Large case backlogs, estimated at around 2.2 million cases are slowly overwhelming the court administration and undermining access to justice. There is increasing acknowledgement that this is critical governance, access to justice and rule of law issue that needs to be addressed.<sup>1</sup> This has also been recognised by policy makers and senior officials in the justice system.<sup>2</sup> As a consequence there is increased political will to tackle these challenges.

The causes of the state of the justice sector are multiple. Lack of capacity, external interference, existence of age-old laws, mind set of lawyers and Judges as well and complex procedures all combine to create a system which does not deliver speedy, affordable and trusted outcomes for

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1 The Millennium Development Goals: Bangladesh Progress Report 2009, General Economics Division, Planning Commission, Government of Bangladesh.

2 As stated by the Honourable Law Minister at the inauguration of Bangladesh International Arbitration Centre in April 2011

the public. A lack of coordination and cooperation between justice sector agencies, which are heavily interdependent upon one another, is another major challenge. Despite the significant challenges inherent in improving access to justice through the formal system, a combination of factors has created a window of opportunity. The government is reviewing the Code of Criminal Procedure (CrPC) and Code of Civil procedure (CPC), Evidence Act, witness protection laws, introducing alternative dispute resolution, establishing mandatory time frames for each stage of a lawsuit, bolstering legal aid services and increasingly tackling the case-backlogs via ICT solutions. Other structural changes such as moves to establish a more independent Judiciary and the Supreme Court Special Committee for Judicial Reforms demonstrate that there is appetite for change that is supported within the GoB Sixth Five Year Plan 2011 – 2015.<sup>3</sup>

During 2011 and 2012, UNDP supported the LPAD with technical consultants who assisted in the drafting and consultation of the Code of Criminal Procedure (CrPC), Powers-of-Attorney Act, Evidence Act, Arbitration Act and other legislation. This process highlighted the need for participatory, inclusive processes which include a wide variety of stakeholders, including justice sector practitioners (police, lawyers, judges etc), civil society and the public. It also highlighted capacity gaps within the Ministry which need to be addressed such as the absence of a legislative calendar to prioritise and sequence law reform processes. UNDP also provided technical support in preparing draft amendment bill of Code of Civil procedure (CPC).

There is increasing acknowledgement that comprehensive justice sector reforms are a critical governance, access to justice and rule of law issue that need to be addressed. For example, the Government's Millennium Development Goal Progress report 2009 noted: *justice sector reform and efforts to strengthen the rule of law appear to be lagging behind other areas. The Government is determined to reverse this so that a lack of progress in this sector does not undermine gains in other areas.*<sup>4</sup>

The Government of Bangladesh's Sixth Five Year Plan explains: *an effective system for ensuring justice is a critical component of a well-governed state. An effective judiciary is able to enforce common "rules of the game" which increases investor confidence and economic activity that leads to growth and ultimately poverty reduction. At the same time, an impartial judiciary is integral to ensuring the protection of the rights of citizens especially the vulnerable group including the poor, the women, and other socially disadvantaged groups.* Strengthening the formal judiciary is an acknowledged priority for the Government of Bangladesh as outlined in its Prospective Plan.<sup>5</sup>

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## STRATEGY

### *Development Objectives and Programme Purpose*

The overall development objective of all UN Projects working in the justice sector is set out in the United Nations Development Assistance Framework. UNDAF Outcome 2: Justice and Human Rights institutions are strengthened to better serve and protect human rights of all citizens including women and vulnerable groups. UNDAF Output: 2.1: Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid.

### *Justification for support to Access to Justice*

A focus on access to justice both supports and is supported by a human rights approach to development. Access to justice is a fundamental right, as well as a key means to defend other rights. Access to justice is therefore essential for poverty eradication and human development as well as a means to address inequalities in power. This is because, the poor and disadvantaged suffer mostly from discrimination and are more likely to become victims of human rights violations. Crime and illegality are likely to have a greater impact on poor and disadvantaged people's lives,

<sup>3</sup> See Chapter 9: Implementing the Plan: The challenges of Good Governance, Administrative Capacity, and Monitoring and Evaluation sub-section on Judicial Reforms

<sup>4</sup> The Millennium Development Goals: Bangladesh Progress Report 2009, General Economics Division, Planning Commission, Government of Bangladesh.

<sup>5</sup> The Outline Prospective Plan acknowledges: Independence of the judiciary needs to be supplemented by monitoring and supervision of the judicial process. Improved training of the lower judiciary and further legal education of the lawyers are called for to increase efficiency of the lower judiciary.

as it is harder for them to obtain redress. People who are better sensitised and made aware of their rights through measures to increase access to justice have a greater capacity to make claims and to demand accountability and therefore reduce power imbalances. In this way increased access to justice also becomes an important precondition to achieve the MDGs.<sup>6</sup>

Constitutional guarantees of the fundamental rights to life, liberty and to be treated in accordance with law, as well as to equality and non-discrimination underpin the right to access to justice, but remain largely unfulfilled in Bangladesh. Rights pertaining to human security, to safeguards on arrest, fair trial and freedom from torture, as well as to assembly, association and expression are also formally recognized and underpinned by specific legislation. However, many laws enacted during the British period continue to be on the statute books including both the civil and criminal codes and the substantive laws on crime and police administration. The separation of the judiciary from the Executive became effective in November 2007 pursuant to Article 22 of the Constitution of Bangladesh.<sup>7</sup>

As such revision and extension of the project is justified for the following reasons:

- The LPAD has initiated several legal reform activities which aim at fulfilling the gaps created by age-old laws. This involves amendment to major laws related to the Administration of Justice of Bangladesh by ensuring incorporation of stakeholders' interaction and participation through public consultation process. This legal reform process is a continuous endeavour and needs to be ongoing to improve the quality and delivery of access to justice.
- LPAD has demonstrated increased capacity, willingness and ownership of the legislative reform agenda by its previous programming;
- The LPAD strategic plan 2012-2017 provides a strong basis behind which a new project can align;
- Access to Justice still remains a challenge for a significant part of the population who have limited access to the justice system and other mechanisms to enforce their human and legal rights;
- Inclusive legislative reform and public policy debate are critical elements of a sectoral approach to access to justice;
- Many of the age-old laws have gender implications which need to be addressed; and
- The Government's pro-people/poor focus and demand of citizens necessitates strengthening of the capacity of the MoLJPA to ensure better service delivery to the poor and disadvantaged.
- To increase the access to information of Law through codification, translation and other means of establishing legal database, Laws of Bangladesh are to be updated so that Laws in both electronic and printed form are available. This ensures the easy access to Law and facilitates in improving the justice delivery system.

## **OUTPUT 1:**

### **Strengthened institutional capacity to undertake prioritised, inclusive and higher quality legislative reform**

The need to update and modernise substantive and procedural legislation in Bangladesh has been emphasised by the entire legal community. In a bid to improve efficiency of the legislative reform process, the project will organise a workshop for the key stakeholders in the justice sector including the Law Commission, Ministry of Law Justice and Parliamentary Affairs, representatives of various Ministries and Civil Society. This will help to clarify the roles and responsibilities of the various key stakeholders and help clear any misunderstanding in the legislative process. The primary aim will be to explain the process to ensure that all parties understand the standards required in relation to drafting, the procedures for submitting policy papers and bills to LPAD and from there to Parliament. It is hoped that this workshop will help clarify the process and clear the bottlenecks that currently delay the enactment of legislation.

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<sup>6</sup> Programming for Justice: Access for All, A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice, UNDP, 2005

<sup>7</sup> Article 22 states: The state shall ensure the separation of the judiciary from the executive organs of state.

Another problem delaying the enactment of much needed reform to the legislation of Bangladesh is the limited capacity to undertake prioritised, inclusive and higher quality legislative reform. To address this problem, the project will seek to develop tailor made training courses for officials along with drafting focal points in line ministries LPAD to enable them develop the capacity to prioritise and draft laws in a planned manner. This training programme will also focus on the human rights considerations and the need for a consultative process in relation to the drafting and enactment of laws.

Many of the laws are age-old and in need of revision and modernization. Besides access to legal information is limited since there has been no comprehensive information system to provide most updated and relevant legal information. There is need for easy access for the sector and the general public. As a first step, the project will seek to publish an updated index of the laws as well as rules and procedures of Bangladesh. The publication of an index will make it easier to access the laws. The next step following indexing will be the consolidation of the laws and publication of the consolidated laws of Bangladesh. Consolidation will seek to update the laws by bringing all the amendments done over the years in to one single document. Instead of searching multiple legislation to find out the current state of the law, the key stakeholders in the justice sector and the general public will only have to consult one document. In a similar manner access to laws by the general public will also be increased through the translation of priority laws from English to Bangla.

As consolidation and translation will be a lengthy process there is a need to prioritise the areas of the law in which this process will be done. One way of doing this is by focusing on the areas that specifically impact on human rights and access to justice.

#### Results:

- Mapping and analysis of roles and functions of relevant stakeholders in the legislative process completed
- A legislative calendar that allow scheduling of the legislative process for priority laws adopted and made operational
- A document that include an indexing and consolidation of laws published
- High quality laws enacted/amended in a timely manner
- Priority laws translated from Bangla to English and English to Bangla

#### **Output 2:**

#### **Strengthened institutional capacity to provide advice on international treaties, conventions and international legal affairs**

Bangladesh has signed and/or ratified a number of international treaties. The Conventions and Treaties in which Bangladesh becomes a party undertakes obligation to reflect in its domestic legislations. This requires meticulous scrutiny and examination to determine the points deriving out of any convention or treaty where the changes are necessary. LPAD is responsible to provide necessary advice in developing draft bills containing proposal or enactment and also rules or regulations. In absence of a treaty desk or unit specialized in the international treaty the LPAD will not be able to provide adequate technical services to the government and parliament So, as a part of the process of capacity development of LPAD, technical support will be provided to the establishment of a treaty desk in LPAD.

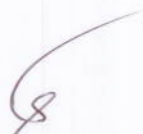
It is anticipated that with the establishment of treaty desk and associated documentation, users will be able to make reference to international treaties as they will have certain reference including the status of ratification and harmonization into national legal framework, Also, in order for the citizens to be able to demand the rights contained in these treaties ratified by the government of Bangladesh, should be able to access information relevant to international and national legal frameworks Through creating an information portal and advice provided by the treaty desk the public will also familiarize themselves with their obligations under these treaties so that they can abide by them.

Keeping that in mind and to facilitate and strengthen access to information in this regard, an index of the major conventions signed/ratified by Bangladesh will be developed. The document will include an introductory explanation of the legal implications of signing and ratifying international treaties and the legal implications arising therefrom in relation to existing national laws. This documentation will help fill the lacunae that currently exist.

Through this process LPAD will be further capacitated and have sufficient resources to fulfil their service function of vetting and legal opinion.

Results:

- A document that include an index and status of the major conventions signed/ratified by Bangladesh published
- A treaty desk in LPAD established and made operational
- LPAD service function of vetting and legal opinion improved



## 2. Results Framework

<p><b>United Nations Development Assistance Framework Outcome 2:</b> <i>Justice and human rights institutions are strengthened to better serve and protect the rights of all citizens including women and vulnerable groups.</i></p>						
<p><b>UNDAF Outcome indicators:</b></p> <ul style="list-style-type: none"> <li>• % of citizens who are satisfied with law and order service providers;</li> <li>• Number of recommendations made at the Universal Periodic Review implemented;</li> <li>• Number of case-backlog reduced</li> </ul>						
<p><b>United Nations Development Assistance Framework Output 2.1:</b> <i>Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid.</i></p>						
<p><b>UNDAF Output indicators:</b></p> <ul style="list-style-type: none"> <li>• Coordination body for the National Strategy for the Justice Sector established;</li> <li>• % of the utilization of legal aid budget per year</li> </ul>						
<p><b>Applicable Key Result Area from Strategic Plan:</b> Democratic Governance</p>						
<p><b>Partnership Strategy:</b> National Implementation with the Legislative Drafting Division of the Ministry of Law, Justice and Parliamentary Affairs Implementation will be closely guided by the Steering Committee.</p>						
<p><b>Project title and ID (ATLAS Award ID):</b> Access to Justice -/00041978</p>						
INTENDED OUTPUTS	OUTPUT (YEARS)	TARGETS	FOR	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p><b>Output 1</b> Strengthened institutional capacity to undertake prioritised, inclusive and higher quality legislative reform</p> <p><b>Indicators (Baseline/Target):</b></p> <p>1.1 Establishment of legislative calendar (Baseline 2012: no; Target 2015: yes);</p> <p>1.2 Number of legislative focal points trained (Baseline 2012: 00 ; Target 2015: 50 );</p> <p>1.3 Number of justice sector</p>	<p><b>Indicator 1.1</b> Target Year-1: Draft legislative calendar prepared Target Year-2: Legislative calendar approved and functioning</p> <p><b>Indicator 1.2</b> Target Year-1: 25 Target Year-2: 50(all focal points)</p> <p><b>Indicator 1.3</b> Target Year-1: 200 justice sector practitioners receive advocacy tools on new laws</p>	<p>Target Year-1: Draft legislative calendar prepared Target Year-2: Legislative calendar approved and functioning</p> <p>Target Year-1: 25 Target Year-2: 50(all focal points)</p> <p>Target Year-1: 200 justice sector practitioners receive advocacy tools on new laws</p>	<p>1.1 Support LPAD to establish a legislative calendar and public consultation agenda for prioritised and sequenced workload</p> <p>1.2 Conduct workshop to clarify roles and functions of relevant stakeholders in the legislative drafting process</p> <p>1.3 Train legislative drafters in LPAD and focal points across various ministries</p> <p>1.4 Prepare advocacy tools on new laws directly related to access to justice for justice sector professionals and civil society organisations</p>	<p>UNDP/LPAD</p>	<p>600,000</p>	

<p>practitioners reached via advocacy tools on new laws (Baseline 2012: 0; Target 2015: 500);</p> <p>1.4 Number of laws translated from Bangla English and English to Bangla (Baseline 2012: 27 ; Target 2015: 27+22=49 );</p> <p>1.5 Number of Laws on which the Law Commission has made recommendations and reviews(Baseline 2012: 01; Target 2015: 6);</p> <p>1.6 Number of Prioritized Laws reviewed and proposed amendment drafted based on expert review and public consultation process by the ministry. (Baseline- 2012: 02; Target 2014: 05)</p> <p>1.7 Establishment of file tracking system (Baseline 2012: no; Target 2015: yes)</p>	<p>Target Year-2: 500 justice sector practitioners receive advocacy tools on new laws</p> <p><b>Indicator 1.4</b> Target Year-1: 22 Laws translated</p> <p><b>Indicator 1.5</b> Target Year-1: 3 public consultation meetings Target Year-2: 6 public consultation meetings</p> <p><b>Indicator 1.6</b> Target Year-1: 3 laws Target Year-2: 6 laws</p> <p><b>Indicator 1.7</b> Target Year-1: ICT Assessment completed Target Year-2: File tracking system in place</p>	<p>1.5 Continue to support the translation, vetting and authentication processes for improved legal translation including supporting translation and publication of 22 laws from English to Bangla</p> <p>1.6 Support the Law Commission to review laws and promote public policy debate on legislative reform</p> <p>1.7 Provide LPAD with technical and logistical support to review and consult on 6 key pieces of legislation</p> <p>1.8 Develop and publish a document for the indexing and consolidation of laws</p> <p>1.9 Support the further development of sustainable ICT systems, including file tracking.</p>	<p>200,000</p> <p>UNDP/LPAD</p>
<p><b>Output 2</b> Strengthened institutional capacity to provide advice on international treaties, conventions and international legal affairs</p> <p><b>Indicators (Baseline/Target):</b> 2.1 a comprehensive gap analysis completed between International treaties and</p>	<p><b>Indicator 2.1</b> Target Year- 1: gap analysis completed</p> <p><b>Indicator 2.2</b> Target Year-1: Needs assessment completed</p> <p><b>Indicator 2.3</b> Target Year-2: Treaty desk staffed,</p>	<p>2.1 Support the Law Commission to undertake a gap analysis on legislations related to human rights and access to justice.</p> <p>2.2 Undertake a needs assessment to equip and staff a treaty desk</p> <p>2.3 Establish a treaty desk to improve the capacity of the ministry to provide advice on international law</p> <p>2.4 Support LPAD to provide advice on</p>	<p>200,000</p> <p>UNDP/LPAD</p>



<p>domestic laws (Baseline 2012: no; Target 2015: yes)</p> <p>2.2 Institutional assessment (Baseline 2012: no; Target 2015: yes) Capacity completed</p> <p>2.3 Treaty desk established (Baseline 2012: no; Target 2015: yes)</p> <p>2.4 Number of domestic/national Laws reviewed and drafted in accordance to relevant international conventions or treaties (Baseline 2012: 0; Target 2015: 4)</p> <p>2.5 Number of staff trained in principles of international law (Baseline 2012: 00 ; Target 2015: 30)</p> <p>2.5</p>	<p>trained and equipped</p> <p><b>Indicator 2.4</b>  <u>Target Year-1:</u>  2 Laws reviewed/supported  <u>Target Year-2:</u>  4 Laws reviewed /supported</p> <p><b>Indicator 2.5</b>  <u>Target Year-1:</u> 15 staff trained  <u>Target Year-2:</u> 30 staff trained</p>	<p>international legal affairs</p> <p>2.5 Develop and publish a document that include an index and status of major conventions signed/ratified by Bangladesh</p> <p>2.6 Train staff in key principles of international law</p>	
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## Management Arrangements

The Project is a nationally implemented project supported by UNDP. The MoLJPA LPAD will ensure direct and transparent administration and management of project funds, in a manner consistent with UNDP policies through the National Project Director (NPD) and the Project Steering Committee. An NPD is to be appointed to lead the Project who is able to coordinate across the Ministry and associated institutions and provide high level guidance and leadership for the Project. The National Project Director will be the Secretary (LPAD). This approach will further promote ownership, accountability, national capacity development and sustainability.

A2J will be managed in a manner consistent with the NEX manual or any future agreement between UNDP and the Government of Bangladesh.

Programme and Project Management includes the following structures:

### Project Steering Committee

The Access to Justice Project with LPAD Division and Justice Sector Facility with Law and Justice Division will share the same Steering Committee, with the Minister of Law as the Chair. The Committee will be the highest level policy and oversight body for the project. It will provide policy guidelines, review all aspects of project progress against targeted results and ensure coordination with other national initiatives and development projects. The Project Steering Committee will meet two times per year or as required. The Justice Sector Facility shall act as Secretariat. The main responsibilities of the Steering Committee are:

- Review reports from the Project Implementing Committee and provide policy direction;
- Review and endorse annual work plan including budget;
- Provide oversight and review progress against targeted results;
- Review project evaluation/review findings and recommendations;
- Recommend actions to reflect new or changed policy directions in national planning documents;
- Consider management “exceptions” that go above the designated authority of the project and the Project Implementing Committee; and
- Support any required coordination with other government and non-government bodies

The Steering Committee will be chaired by the Hon’ble Minister, MoLJPA. Membership will include the following or his/her nominee:

- Secretary Ministry of Law and Parliamentary Affairs (both divisions)
- Two additional representatives from Law and Justice division who will be selected on the understanding that they will represent other semi autonomous institutions working within the mandate of the Ministry of Law and Parliamentary Affairs
- ERD, Ministry of Finance, (Secretary)
- Secretary Ministry of Home Affairs
- Registrar, Supreme Court
- Attorney General’s Office (Additional A.G. or above)
- National Legal Aid Services Organization(Director)
- Prison Service (IG Prisons)
- Bangladesh Police (IG Police)
- Law Commission (Chairman)
- National Human Rights Commission (Secretary)
- Planning Commission, (Joint Secretary or above)
- UNDP Country Director;
- Nominated member of civil society;
- Donor representatives.

The CTA and project staff will attend and prepare presentations and other documentation for the Committee.

### **Chairman of the Steering Committee/Project Board**

The Chair assumes strategic responsibility of achievement of programme objectives. The key responsibilities include:

- Assuming overall responsibility for the successful implementation of the project, and accountability to the government and UNDP for the proper and effective use of project resources;
- Ensuring that prior obligations and prerequisites of the Government to the project are met;
- Identifying and obtaining any support, relevant agency clearances and advice required for the management, planning and control of the project;
- Establishing effective working relationships with other government agencies with which the project must interact;

### **Project Implementation Committee**

A PIC will be established to ensure high quality coordination across the project Chaired by the NPD; it provides a forum to ensure speedy implementation and the achievement of project results through the provision of necessary and critical supports. The Committee also provides a forum to ensure the proper input and oversight of each Project Output. The PIC will meet at least once every four months. The Committee is responsible for:

- Effective delivery of the programme with a special focus on resolving problems and bottlenecks
- Ensuring relevant approvals are given for project activities
- Reviewing and monitoring the progress of annual work plan and budget;
- Reviewing quarterly work plans and quarterly expenditure estimates;
- Reviewing procurement and human resource plans and confirming the procedures and progress
- Supporting compliance with regulations and rules;
- Supporting the project to deliver its targeted outputs and objectives;
- Facilitating project reviews and evaluations to assist project assurance for performance improvement, accountability and learning.
- Take relevant action based on issues referred by the Steering Committee

The Project Implementing Committee will be chaired by the **National Project Director** and include membership of officials around the rank of joint/deputy secretary.

- Ministry of Law Justice and Parliamentary Affairs (LPAD Division, 3 representatives)
- Ministry of Law Justice and Parliamentary Affairs (Law and Justice Division, 1 representative)
- Supreme Court Registrar's Office
- Law Commission
- Drafting focal points from key line ministries
- Judicial Administration Training Institute (JATI)
- Bar Association/Council
- Chief Technical Adviser of JSF
- UNDP (Programme and Operations) staff
- Representatives from ERD, IMED and Planning Commission

## Chief Technical Advisor and Justice Sector Facility Advisory Team

The Access to Justice Project will be supported with technical and management expertise by the Chief Technical Advisor who will be an international professional and who will jointly lead the Justice Sector Facility and the Access to Justice Project. The Advisor will work closely with and support the National Project Director of both projects who assumes overall responsibility for the achievement of agreed project objectives. The Adviser's prime responsibility is to ensure that both projects provides the right advice to the SC and produces the results specified in the annual work-plan, to the required standard of quality and within the specified constraints of time and cost. The Justice Sector Facility Advisory Team will also support the Access to Justice Project Team with secretarial services. The main responsibilities of the CTA are:

- Provide technical advice to the SC and various Committees in line with international best practice and lessons learned;
- Ensure, in consultation with the Chair of the SC, technical soundness of project activities and achievement of project outputs and outcomes;
- Support the Chair of the SC on policy related issues;
- Assist the Chair of the SC by leading day to day management of the project, including in administrative and financial affairs;
- Liaison with key justice sector agencies directly benefitting from the project and concerned Government agencies and counterparts;
- Formulate, operationalize and maintain monitoring and evaluation process of the project; and
- Prepare various required reports including Progress reports, Financial Reports, Annual Progress Report, etc. and organize timely completion of technical reports.

## National Project Director

The NPD assumes strategic responsibility of achievement of the objectives set out in the Project Document and given their dual role with other functions will delegate day-to-day matters related to achievement of annual work-plans to the Chief Technical Adviser. The key responsibilities include:

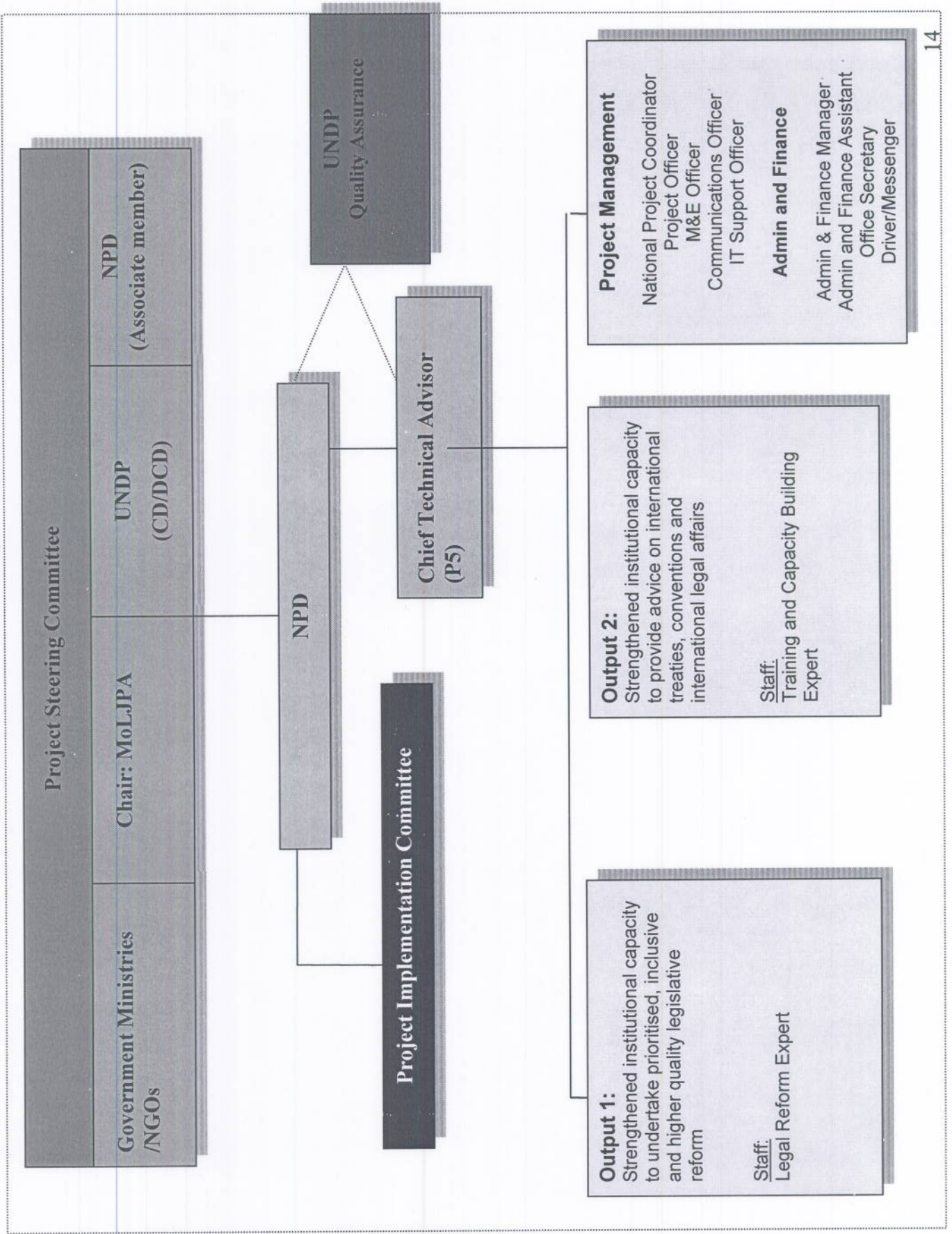
- Assuming overall responsibility for the successful execution and implementation of the project, and accountability to the PSC for the proper and effective use of project resources;
- Overall responsibility for use of project bank accounts and petty cash account as per NIM Manual;
- Ensuring that prior obligations and prerequisites of the Government to the project are met;
- Project staffs including consultants will be hired and employed in the Project team with the concurrence of NPD;
- Ensure guidance, supervision and evaluation of the project personnel;
- Ensuring timely steps taken from Project and Government side for approval of the Project Document or TAPP, the Annual Work Plans and any relevant revisions of said documents, as required;
- Identifying and obtaining any support and advice required for the management, planning and control of the project;
- Ensuring timely submission of required reports, including Inception Reports, work plans, Quarterly Progress Reports, Financial Reports, Annual Project Report and technical reports of consultants, study tor/ training reports;
- Provide secretarial support to the PSC
- Participating in monitoring, review and evaluation of the project and all other policy related meetings;
- Delivering project outputs and deliverables as outlined in the project document;
- Establishing effective working relationships with UNDP and other implementing agencies, and with other officials and entities with which the project must interact;
- Coordinating and maintaining liaison with other development partners whose support is critical to achieving outcomes of the project intervention;
- Guiding and monitoring performance of the project staffs including consultants;

**Assurance**

The project assurance role is vested upon the UNDP. The ACD, Democratic Governance Cluster at UNDP will be the main point of contact for quality assurance, support by a Programme Officer/Analyst/Specialist recruited by UNDP will provide day-to-day technical quality assurance and expertise.

**Project Team**

The Project Team will be led by an International Chief Technical Advisor. The International Chief Technical Advisor will be an international professional (P5 level) who will be a professional contracted through UNDP, MoLJPA, through the NPD, will participate in the recruitment processes for any new staff. The staffing quota and monthly allocations for each position and their terms of reference are included at Annex I. The staffing of the Access to Justice Project may be adjusted by the Steering Committee as required. The terms of reference will be updated as required. The aim is to have a project team with highly qualified professional staff who are able to provide substantial policy advice to MoLJPA thus reducing reliance on ad hoc consultancies. The Project will nevertheless, sometimes require short term assistance for work which falls outside the technical expertise of the team. Other international experts or foreign government officials will sometimes be brought to Bangladesh to reduce the cost of international travel and increase the number of staff who benefit from such interaction.



## **Monitoring and Evaluation**

Monitoring and evaluation will be a key component of the project focussing on impact and aid effectiveness. The Project Team, especially the Law Reform Expert and International Law Expert will have the primary responsibility for monitoring and evaluation in line with the results framework and their respective outputs. New activities and indicators can also be developed in consultation with LPAD.

The team will prepare periodic reporting and support all monitoring and evaluation activities. The Project will update risk logs on a quarterly basis. Periodic analysis of risks and identification of risk mitigation is a critical exercise. The Advisory Team will update and disseminate lessons learned, including assisting UNDP with global lessons learned exercises. The following monitoring documents will be produced:

- Quarterly Reports;
- Annual Reports;
- Programme Completion Report;
- Support to project evaluations;
- Audits: All UNDP assisted NEX programmes are subject to audit at least once in their lifetime. They are normally audited annually by the Foreign Aided Projects Audit Directorate (FAPAD). The Project may be subject to audit at any point in time by the auditors of UNDP, or any other auditors appointed by UNDP in consultation with ERD;
- Terminal Report: Six months before the end of the project, the Access to Justice Project will prepare a draft terminal report of the project. The draft will be discussed in the terminal PIC meeting. The Report will advise whether the conditions exist for the conclusion of the project or whether a second phase is required. The terminal report will be finalised and submitted to UNDP. UNDP will circulate the report to all the parties concerned and decide whether to continue the project or any component thereof.
- Quality Management for Project Activity Results

Quality management for Output level results will be recorded using the following format and information from the Results Framework.

OUTPUT 1:		
Activity Result 1 (Atlas Activity ID)	Short title to be used for Atlas Activity ID	Start Date: End Date:
Purpose	What is the purpose of the activity?	
Description	Planned actions to produce the activity result.	
Quality Criteria how/with what indicators the quality of the activity result will be measured?	Quality Method Means of verification. What method will be used to determine if quality criteria has been met?	Date of Assessment When will the assessment of quality be performed?

## **Legal Context**

This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the SBAA or other appropriate governing agreement and all CPAP provisions apply to this document. Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's

property in the implementing partner's custody, rests with the implementing partner. The implementing partner shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) Assume all risks and liabilities related to the implementing partner's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement. The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document." UNDP will act as a Responsible Party to implement activities as identified in the project document and relevant budget lines. This role is in line with the Letter of Agreement (LOA) on such services signed by UNDP and the Government on 5 December 1999 as well as the Country Programme Action Plan.

The following types of revision may be made to this Project Document with the signature of the UNDP Country Director only; provided that she/he is assured that the other signatories to the Project Document have no objection to the proposed changes:

- a) Revision in, or addition to, any of the annexes to the Project Document
- b) Revisions, which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are caused by the rearrangement of the inputs already agreed to or by cost increase due to inflation;
- c) Mandatory annual revisions which re-phase the delivery of agreed project inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility; and

The Project Document is, for all purposes related to implementation, the legal document by which UNDP and GoB will be bound for achieving results. The GoB may prepare for its own internal planning and approval purposes a matching document such as Technical Project Proposal (TPP). All efforts must be made to ensure that the relevant provisions of the concerned TPP prepared for the project are identical to those in the signed Project Document. However, in the event of any discrepancies between this Project Document and a related GoB document (including, but not limited to, discrepancies in terms of financial provisions) the provisions in the signed Project Document are to be upheld.

#### **Government Contributions**

XX



Project Title: Access to Justice		Award ID:		Date:	
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#	Description	Date Identified	Type	Impact & Probability	Countermeasure / Mngt response	Owner	Submitted, updated by	Last Update	Status
	Enter a brief description of the risk <i>(In Atlas, use the Description field. Note: This field cannot be modified after first data entry)</i>	When was the risk first identified <i>(In Atlas, select date. Note: date cannot be modified after initial entry)</i>	Environmental Financial Operational Organizational Political Regulatory Strategic Other <i>(In Atlas, select from list)</i>	Describe the potential effect on the project if this risk were to occur Enter probability on a scale from 1 (low) to 5 (high) P = Enter impact on a scale from 1 (low) to 5 (high) I = <i>(In Atlas, use the Management Response box. Check "critical" if the impact and probability are high)</i>	What actions have been taken/will be taken to counter this risk <i>(In Atlas, use the Management Response box. This field can be modified at any time. Create separate boxes as necessary using "+", for instance to record updates at different times)</i>	Who has been appointed to keep an eye on this risk <i>(In Atlas, use the Management Response box)</i>	Who submitted the risk <i>(In Atlas, automatically recorded)</i>	When was the status of the risk last checked <i>(In Atlas, automatically recorded)</i>	e.g. dead, reducing, increasing, no change  <i>(In Atlas, use the Management Response box)</i>
1	Lack of political will	1/3/2010	Political	Project's effectiveness would be diminished and the project would stall. In this case the project would not have a significant impact on improving access to justice and protection of human rights. P=3 I=5	Constant liaison with Government to ensure engagement with the project and its activities. Advocacy on project benefits.	UNDP	UNDP		No Change
2	Lack of interagency cooperation	1/3/2010	Political	A number of project activities are with multiple Government Agencies. Due to a lack of interagency cooperation, activities may be delayed or blocked. P=5 I=5	This risk is recognised in the project design with the linkages to JSF that will provide for and encourage coordination. Advocacy on the benefit of project activities and liaison across agencies to facilitate minimum level of dialogue required across agencies to implement project activities will be facilitated in this way.	UNDP	UNDP		No Change
3	Fire and burglary at Project Office.	1/3/2010	Security	Loss of assets and data causing delays in project delivery. P=1 I=3	MOSS compliance checklist and follow up.	UNDP	UNDP		No Change
4	Delay in procurement	1/3/2010	Operational	Due to delays in procuring equipment and services, planned activities may not be carried out in time P=3	Speed up the processes of procurement by appropriate liaison between project, programme and procurement ahead of large procurement	UNDP	UNDP		No Change

#	Description	Date Identified	Type	Impact & Probability	Countermeasure / Mngt response	Owner	Submitted, updated by	Last Update	Status
5	International exposure visits do not result in increased capacity	1/6/2012	Other	I=3 Inadequate selection processes mean that value of international exposure is limited P=4 I=2	All international travel will be within Asia and with selection of participation matching area of intervention. Where possible experts or government officials from other countries will be brought to Bangladesh as a more cost effective use of funds	UNDP	UNDP		
6	Project cars are misused	1/6/2012	Operational	Project cars are not used for official project purposes P=4 I=2	Project cars will only be used strictly for project purposes	UNDP	UNDP		

## Annex I

### Staffing Structure

FUNCTIONAL TITLE	CATEGORY	NUMBER OF POSITIONS	DURATION	COST
International Chief Technical Advisor	International (P5)	1	Xx (gotta factor recruitment)	XX 30% of salary to be paid from A2J
Project Coordinator	National (SB5)	1		
Legal Reform Expert	National (SB 4)	1	24 months	
	-	-		
Training and Capacity Building Expert	National (SB4)	1	XX	
Monitoring and Evaluation Officer	National (SB4)	1		
Communication Officer	National (SB3)	1		
Administration and Finance Manager	National (SB 4)	1	24 months	
Administration and Finance Assistant	National (SB2)			
IT Support Officer	National (SB2)	1	24 months	
Project Officer	National (SB 3)	1	XX	
Office Secretary	National (SB1)	1	24 months	
Drivers cum messenger	National(SB1)	2	24 months	
<b>Total</b>				<b>XX</b>

ToRs of the staffs

ToRs of the staff