

**United Nations Development Programme**

**BHUTAN**

**Project Strategy Document**

|  |  |
| --- | --- |
| **Project Title** | **Strengthening Access to Justice** |
| **UN One Programme Outcome:** | 2018, governance institutions and communities exercise the principles of democratic governance at the national and local levels with a focus on inclusiveness, transparency, accountability and evidence-based decision-making |
|  |  |
| **Expected Output(s):**  *(Those that will result from the project)* | **Output 4.5:** People have greater awareness of their rights and increased access to formal and informal justice redress mechanisms |
| **Executing Entities:** | Bhutan National Legal Institute, Office of Attorney General, Royal Institute of Law and Gross National Happiness Commission  Civil Society Organisation Authority (CSOA), Ministry of Agriculture (MOA), Ministry of Education (MoE), Royal University of Bhutan (RUB), Ministry of Foreign Affairs, National Commission for Women and Children, National AIDS Control Programme (NACP) at Ministry of Health (MoH), Department of Local Governance (DLG), Ministry of Labour and Human Resources (MoLHR), Royal Society for the Protection of Nature (RSPN), RENEW, Lhak-Sam, Tarayana, other civil society actors. |
| **Implementing Agencies:** | United Nations Development Programme together with UNFPA, UNICEF and UNWOMEN |

**Brief Description**

Bhutan established a comprehensive legal framework and the institutions to support rule of law and access to justice. The 2008 Constitution guarantees separation of powers and judicial independence, a democratically elected parliament, a well-qualified and effective judiciary and Attorney-General’s office and a system of mediation at local level. However, some key institution-building challenges remain, including regulation of the growing legal profession, a system for effective and equitable delivery of legal aid. Experience from other countries suggests that development challenges, ranging from health, education, poverty to environment, will present greater needs to ensure that people are aware of an increasingly complex legal framework, their rights under it and the mechanisms to protect those rights; for policy research and justice sector strategic planning and coordination; and for monitoring of the outcomes of the justice system for people, especially women, poor and disadvantaged groups.

This Project Strategy is developed to achieve **One UN Joint Programme output 4.5.** “People have greater awareness of their rights and increased access to formal and informal justice redressal mechanisms.” This detailed Project will support strengthening legal aid profession and system; support legal empowerment of the poor; greater partnerships between civil society and public institutions to increase the awareness of rights among general public; and improved justice monitoring system.

The project will be implemented by UNDP in close coordination with Bhutanese counterparts including the Parliament, judiciary, Office of the Attorney-General, the legal profession, Bhutan National Legal Institute, Royal Institute of Law, Civil Society Authority, NGOs and others.

# 1. Situation Analysis

**1.1. Development of the legal and judicial sector in Bhutan**

Since the establishment of the National Assembly by the third King HM Jigme Dorji Wangchuck in 1953, and the adoption in that year of the Thrimzhung Chhenmo or Supreme Law, the legal and judicial sector has progressed at a remarkable pace, including the establishment of judges (drangpons) at the district (dzongkhags) level in 1960, and the establishment of the High Court as a court of appeal in 1967. The pace of reforms increased under the reign of the Fourth King (1972-2007), with professionalization of the judiciary from the 1990s, as judges were sent to India to study for the LLB degree in law (see below). A considerable body of key legislative reforms has been developed since 2000, including the Civil and Criminal Procedure Codes of 2001, the Advocates (Jabmi) Act of 2003, the Penal Code of 2004, the Evidence Act of 2005, the Judicial Services Act of 2007 and culminating in the Constitution of 2008. Pursuant to that Constitution, Bhutan became a democratic constitutional monarchy with separation of powers and an independent judiciary. The five years of the first legislature were the most active in Bhutan’s history, bringing the total number of laws in Bhutan to over 100 (and the total number of legislative instruments – including regulations – to some 200).

The Constitution guarantees judicial independence and provides for a four-tier court system with courts at sub-district (Dungkhag) and district (dzongkhags) level, which hear cases both at first instance and on appeal from Dungkhag courts, with appeals to the High Court and final appeal to the Supreme Court. There has been a strong upward trend in the number of cases decided by the courts, from very low numbers at the beginning of the 1990s to about 10,000 per year between 2000-2009, and rising sharply in particular in the last few years since the 2008 Constitution.19,304 cases were decided in 2013. In that year only 68 cases were pending for longer than 12 months, about 0.3% of the 2013 caseload, suggesting that case management systems are currently functioning well. Courts are financially accessible in terms of very low court filing fees, except at the Supreme Court level where a reasonable security for costs is demanded to deter frivolous or meritless appeals. However, more serious barriers to accessibility are posed by the physical inaccessibility of courts for those living in remote areas of the country. In addition, the lack of affordable legal assistance presents a considerable barrier to accessing the courts for most litigants.

The Office of the Attorney-General (OAG) is established by Article 29 of the 2008 The Constitution of the Kingdom of Bhutan as an autonomous office. The Attorney-General serves as legal advisor to and legal representative of the Government. The Attorney General is appointed by the Druk Gyalpo on the recommendation of the Prime Minister. He has the power to institute, initiate, or withdraw any case in accordance with the law. The Attorney General supervises a number of legal officers who are placed throughout Government ministries (including one officer reviewing regulatory impact assessment of draft legislation in the Cabinet office), as well as a number of legal officers in the Office of the Attorney General who have to perform multiple functions including prosecution, drafting of laws and checking draft bills from other Ministries for legality and constitutionality before submission to the Cabinet for approval.

The BNLI was established in 2011 pursuant to the Judicial Service Act 2007 with a number of mandates, most importantly to conduct in-service training of the judiciary. Judicial trainings are organized by BNLI but mostly delivered by senior members of the judiciary themselves and sometimes by eminent personalities from outside. In addition to its function directly serving the judiciary, it has a number of broader mandates related to the rule of law and the administration of justice, including to “formulate and conduct training and research in various aspects of the administration of justice”, to “Conduct legal dissemination and awareness programs” and to “Explore exchange of ideas, experience, and programs with other similar institutions both within and outside Bhutan.” In pursuance of these broader mandates, and with support from development partners, the BNLI has notably undertaken the training of elected local officials at the Gewog level (205 throughout Bhutan), known as mangmis, to mediate legal disputes at local community level. The practice of local-community level mediation of trivial legal disputes, “nangkha nangdri“(literally “internal settlement”) has long and deep historical roots in Bhutanese society. A strong State policy supports the resolution of disputes at this community level, which is also seen to complement Bhutan’s Gross National Happiness (GNH) approach to development, with the focus being on harmonious resolution of dispute. In this respect BNLI has developed a module for Bhutanese mediation named ‘Thuenlam Module’. To put this module in implementation BNLI has provided training of trainers (TOT) to 11 Judges. Further a recent innovation of BNLI’s in this area is to support the establishment of “law clubs” within high schools across Bhutan (currently 24, with at least one in each district) through which high-school students learn to appreciate, respect and abide by the spirit of Bhutan’s constitution, laws and legal system in the form of civic education.

Bhutan currently has no facility for undergraduate-level legal education, but the Royal Institute of Law (RIL) Project aims to establish Bhutan’s first law school as well as a centre for legal research. RIL will be based in Paro and will offer a five-year joint BA/LLB course in Bhutanese, international, and comparative law, as well as complementary liberal arts subjects. The plan RIL opening its doors to the first intake of law undergraduate students in 2017, with LLM programmes starting in 2019

The legal framework governing the legal profession in Bhutan is currently incomplete. The Jabmi Act 2003 foresees the establishment of a Jabmi Thuentshog or Bar Association as an autonomous body of Jabmis who are in turn regulated by a Jabmi Tshodey or Bar Council which is chaired ex officio by the Attorney-General, with the President of the Bar Association as Vice-Chair and other members including two justices from the Supreme Court and/or High Court as well as other members elected from among Jabmis. The Bar Council is given the function of maintaining a roll of Jabmis, conduct Jabmi selection examinations, regulate the legal profession including conduct and discipline, and organize pro bono legal aid to indigent persons.

Neither the Bar Council nor the Bar Association has in fact yet been established, and there is currently no proper role of attorneys licensed to practice, nor any clear legal framework governing who has the right of audience in courts. There is no formal system to license practitioners and no complaints mechanism or system to uphold professional standards and discipline those who fall short of them. There are number of law firms operating in Bhutan, most of which are sole-practitioner firms. On any basis, Bhutan would appear to be the country in Asia with the lowest ratio of practicing lawyers relative to its population size. The office of the Attorney General is focusing to amend this Act so as to align with the current situation.

Although the Civil and Criminal Procedure Code of Bhutan 2001 states that “an indigent accused shall have legal aid provided for one’s defence when the interest of justice so requires”, and the Jabmi Act 2003 mandates the Bar Council (Jabmi Tshogdey) to “Organize legal aid to an indigent person (Pro Bono) in the prescribed manner” neither of these provisions has been formally implemented yet. Some free legal advice and assistance is provided by NGOs such as RENEW (an NGO which focuses on domestic violence issues) and the National Commission for Women and Children (NCWC).

**1.2. Development context**

Bhutan’s development path is based on the country’s concept of Gross National Happiness (GNH) which promotes a balanced approach to development encompassing good governance, environmental conservation, and cultural preservation and promotion, in addition to traditional socio-economic indicators with a strong focus on measuring the degree of deprivation and sustainability. This development paradigm, prudent economic management and political stability have brought about a significant rise in living standards and improvements in human development outcomes.

The current development path is set by the Five-Year Plan 2013-2018 (FYP) whose overarching goal is “Self-Reliance and Inclusive Green Socio-Economic Development”. This concept is further elaborated as “reducing poverty and inequality by enhancing the standard of living and the quality of life of the most vulnerable sections of our society” and specifically “targeting the disadvantaged and vulnerable sections of our population so that all sections of our population enjoy the benefits of socio-economic development” while “ensur[ing] the mainstreaming and incorporation of Green or Carbon Neutral strategies in all our activities.” Governance is the fourth pillar of GNH, providing “an enabling environment that is vital for sustainable and equitable socio-economic development.” For the first time in the history of Five Year Plans, the term “vulnerable” is featured in the Key Result Area “Support Vulnerable Groups”, which is further categorized in the following groups: (Youth, Children, Single Parents, Differently-abled Persons and Senior Citizen).

Justice is an integral part of addressing social challenges. With rapid development, Bhutan is confronted with new social issues such as those related to youth, senior citizens, single parents, orphans, differently-abled persons, domestic violence and crime. The lack of a central agency that is responsible for coordinating efforts poses a major challenge to effectively address these emerging issues. Current efforts that are being undertaken are based on the initiative of various sectors and civil society organizations and associations and many of these organizations are constrained by lack of technical and financial resources. There is also a paucity of studies, baseline data, and surveys to clearly ascertain the situation and recommend appropriate interventions. The main objective to address emerging social challenges will be to ensure access to integrated critical services covering health, education, justice and protection, counselling, welfare and rehabilitation. Strategies will include the conduct of detailed studies on emerging social issues to enable appropriate intervention programmes and strengthened partnerships with CSOs.

**2. Project Strategy**

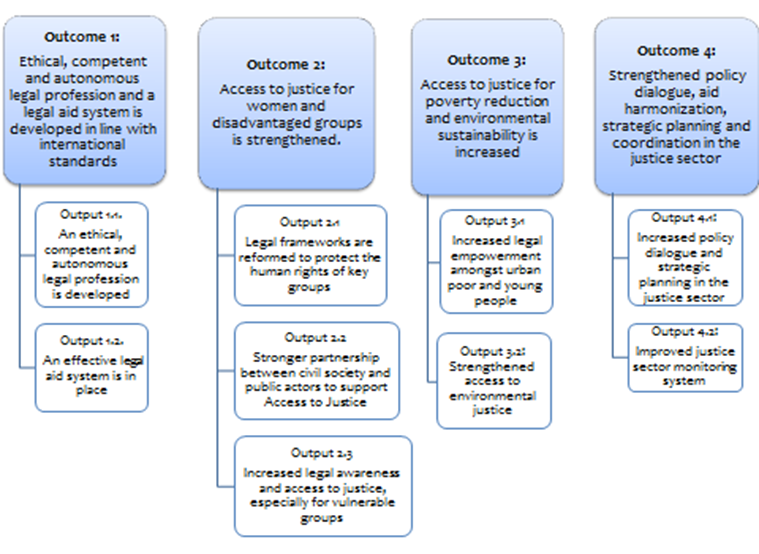
This project strategy is to support **Output 4.5 of the UN One Programme 2014-2018**: “People have greater awareness of their rights and duties and increased access to formal and informal justice redress mechanisms”. The term “access to justice” should be understood as “enabling people to seek and obtain a remedy through formal or informal institutions of justice, in conformity with human rights standards”. The output therefore requires attention to both awareness of rights as well as their ability to enforce them; and ensuring that domestic laws themselves protect the rights under international instruments to which Bhutan is a party.

While the reference to ‘people’ is on its face unlimited, the project should – in line with the FYP and with UNDP’s own Strategic Plan - focus on the potential for access to justice to contribute to the eradication of poverty and the reduction of inequalities and exclusion as well as sustainable development, including the social challenges identified in the FYP and the One UN Programme. Accordingly, the project should in particular target access to justice for women, the poor and excluded groups, as well as environmental justice.

The project will leverage UNDP’s comparative advantages to draw on a wide spectrum of international experiences from its presence on the ground in more than 160 countries and its convening power as a trusted partner. It will address in particular the call in the FYP for more studies, baseline data, and surveys to clearly ascertain the situation and recommend appropriate interventions, as well as supporting capacity-building for implementation, monitoring and evaluation of policy choices, inclusive policy dialogues, and a strengthened partnership between Government and CSOs.

This Objective will be pursued through four outcomes and corresponding Project Strategy Outputs, as outlined in the table below.

**Overall objective: One UN Programme (4.5) “People have greater awareness of their rights and duties and increased access to formal and informal justice redress mechanisms”**



**Project Strategy Outcome 1:** An ethical, competent and autonomous legal profession and a legal aid system in line with international standards is developed

The first outcome focuses on the last remaining institutional gaps in the Bhutanese justice sector: the organization and regulation of the legal profession, and legal aid. Intervention under this component is especially timely since the Office of Attorney General is during 2014 engaged on review of the Jabmi Act 2003 with the aim of establishing a regulatory framework for the legal profession, and is also committed to introducing a framework for legal aid. Given the key role for lawyers and other actors in delivery of legal aid, it is appropriate to address these two issues under a single component.

Under this component, the project will first focus on research and a dialogue amongst stakeholders on establishment and regulation of an ethical, competent and autonomous legal profession, free from undue interference from government or judiciary, and which protects the interests of the public, drawing on different international experiences as well as international standards such as the UN Basic Principles on the Role of Lawyers. Experiences will also be shared on the regulation of paralegals, given the small number of qualified lawyers in Bhutan and the importance of paralegals and other actors in the years ahead. UNDP, in partnership with other development partners, will bring experts from the Bar Councils (or equivalents) of countries of interest to Bhutan, preferably from both developing and developed systems, to discuss different models of legal profession regulation.

Once the decision for need for the Bar Association/Bar Council is made, the project will support the establishment of Bar Association and Bar Council and build its capacity as it undertakes its core functions including:

* Drawing up a Code of Conduct for lawyers and other legal service actors
* Establishing a mechanism for admission to legal practice (bar examination etc)
* Complaints mechnanism, supervision and discipline
* Continuing legal education of lawyers and other legal service actors
* Database of lawyers, website, online legal materials database
* Pro bono and legal aid (see below)
* Integration into international associations and networks
* Advocacy with state bodies on the rights and interests of lawyers and upholding international standards on the right to counsel

The project will also address legal aid through conducting research and supporting a dialogue on international models and standards for legal aid. The overarching framework will be international standards for legal aid, including the UN Principles and Guidelines for Access to Legal Aid in Criminal Justice Systems adopted by the General Assembly in December 2012, but also covering non-criminal legal aid. The dialogue will introduce a variety of models of legal aid, including public defenders, duty lawyers, community legal clinics, the use of paralegals and university law clinics etc. It will support Bhutan in determining what criteria to apply for entitlement to criminal and non-criminal legal aid; how to remunerate legal aid providers; whether to oblige lawyers to provide legal aid pro bono and if so how to regulate that; and what systems to adopt for accreditation, oversight, budgeting and policy-setting and monitoring. It will also pay particular attention to the needs of women and disadvantaged groups for legal aid, taking up recommendations from the survey on access to justice for disadvantaged groups which is being commissioned by Swiss Development Cooperation with the support of the Supreme Court.

Following this dialogue among the stakeholders, the project will see the need for drafting Legal Aid Bill and implementing regulations, and then will provide continued capacity development support to implement the new legal aid systems, including drafting, training, strategic planning, public awareness raising, monitoring and evaluation.

Relevant officials/lawyers should also be facilitated to participate regional and international forum on legal aid, including the global conference on legal aid in South Africa (June 2014) and the annual Asia/South-East Asia Pro Bono Conference (next to be held in Singapore in October 2014).

**Project Strategy Outcome 2:** Access to justice for women and disadvantaged groups is strengthened.

Working closely with other relevant UN Agencies including UNWOMEN, UNICEF and UNFPA as well as other development partners, the project will:

* Review legal frameworks to ensure that the human rights of key groups are fully transposed into domestic law. This should include:
* A review of the transposition of CEDAW into domestic law and institutions, and support to implementation of its recommendations; to strengthen access to justice aspects of a future Gender Equality Law, a law to combat sexual harassment, and in relation to the implementation of the Domestic Violence Prevention Act ; and support to a strengthened partnership between NGOs, NCWC and state bodies, including through support to the role of NGOs in reporting/shadow reporting on CEDAW in 2014 and in support to implementation/monitoring of UPR recommendations; all of these to be implemented in close coordination with UNWOMEN, UNFPA and the proposed UN Joint Programme on Promoting Gender Equality in Bhutan;
* A review of the transposition of CRC into domestic law and institutions and support to the implementation of its recommendations in relation to juvenile justice, in close coordination with UNICEF;
* Support Bhutan’s commitment (under the Universal Period Review (UPR) 2009) to consider ratification of the Convention on the Rights of Persons with Disabilities (CRPD), by supporting Bhutan to consider the legislative and institutional changes which will be required in order to implement CRPD in Bhutan;
* Support a workshop to discuss the implementation of the recommendations of the Global Commission on HIV/AIDS and the Law in relation to Bhutan, and support implementation of its recommendations and conclusions, so that legal frameworks and access to justice for key affected populations ensure their access to health and other rights and thereby strengthen the effectiveness of Bhutan’s policy response to HIV/AIDS, in close coordination with UNDP’s regional project with the Global Fund to fight HIV/AIDS, Tuberculosis and Malaria;
* Support to implementation of recommendations accepted by Bhutan in the first (2009) and second (2014) cycles of the UPR from the perspective of access to justice;
* Support implementation of the recommendations from the SDC-supported study on access to justice for disadvantaged populations, undertake further studies as indicated to strengthen the evidence-base for ensuring that access to justice fully contributes to the human development of women and excluded groups;
* Strengthen the partnership between NGOs and state bodies in the field of access to justice, including through building the capacity of NGOs to conduct research and advocacy on law reform and implementation based on their experiences of working at grassroots level, and supporting the role of Civil Society Authority to provide a space for policy dialogue between CSOs and government bodies;
* Continue to support BNLI’s initiative to support law clubs in high schools (including a possible merger with democracy clubs) through supporting high-quality teaching materials (including videos) for use by clubs, training teachers to support peer mediation in schools, run moot courts and mock trials, and supporting closer coordination with district judges e.g. school study visits to observe trials etc.
* Support the Royal Institute of Law to develop a clinical legal education (CLE) for the future law school, including the appointment of an international clinical director to work with and train Bhutanese staff of RIL to build a CLE programme, support regional networking and exchanges with clinical legal programmes in South and South-East Asia, participation in regional conferences etc. The clinical director will also be in charge of developing and pursuing a research agenda on access to justice for disadvantaged groups, building on the initial SDC-funded study.
* Support legal awareness raising among women and disadvantaged groups of their rights and the remedies available to them, through NGOs, BNLI and others.

**Project Strategy Outcome 3:** Access to justice for poverty reduction and environmental sustainability is increased

The project will work closely with other projects in UNDP’s portfolio (and where appropriate with other development partners) to design interventions that support the legal empowerment of the poor and strengthened access to environmental justice:

* A programme of legal empowerment initiatives targeted at rural and urban poor and young people, including for instance legal empowerment initiatives to support livelihoods and decent work, supported by a research agenda and with clear monitoring of outcomes. If a clinical director may be designated as appropriate at RIL (see above) he/she could be in charge also of this research agenda, and a future CLE programme could also engage law students in support of this work.
* Research on customary law in Bhutan, including on customary land management practices, to identify the role of customary law at local level and to make recommendations on appropriate harmonization and co-existence between statutory and customary norms, bringing international experience and good practices to bear.
* Research on environmental justice to identify the impacts of development projects (including hydropower and mining) on the health, rights and livelihoods of affected local populations and the systems of redress (including mediation and courts) available to address them. The research will include both in-country research and international experiences and best practices. The project will then support implementation of findings and recommendations from this research, which could include legislative and institutional reform, capacity-building of environmental NGOs or OAG to take public interest litigation in environmental cases, supporting class action suits etc.

**Project Outcome 4:** Strengthened policy dialogue, aid harmonization, strategic planning and coordination in the justice sector

Under this component the project will support:

* An annual multi-stakeholder Legal Partnership Forum co-hosted by a Bhutanese agency (such as the Supreme Court, or GNHC) and UNDP to reflect on achievements in justice sector reform and key priorities for the coming year and discuss how development partners have been supporting these, and can best support them in future. This may also be supplemented by quarterly Legal Policy Dialogues on relevant thematic issues. Online mappings of donor support to the sector will be established to enhance transparency.
* Strengthened systems for data collection and monitoring across the whole justice sector, including not only court cases but mediation, legal aid etc. to provide better evidence on justice trends. This should be supplemented by surveys of people’s experiences and perceptions of the justice system and access to justice, and can be used to strengthen the system of baselines, indicators and targets for the justice sector. The project will share experiences on developing justice surveys and indicator frameworks at national level from different jurisdictions, including the UNDP-supported Justice Index in Viet Nam, as well as other initiatives in Afghanistan, Bangladesh, Indonesia, Malaysia and in other countries outside the region.
* Policy dialogue on strategic planning in the justice sector, bringing experiences from within and beyond the region on how other countries have undertaken sector-wide justice sector reform strategies and overseen their implementation, while safeguarding separation of powers and judicial independence, to help Bhutan consider whether and how to adopt similar measures in order to strengthen policy coordination in an increasingly complex sector.

**3.** Management and Coordination Arrangements

This project strategy will be implemented in close coordination with the GNHC, Office of the Attorney General, Supreme Court, Bhutan National Legal Institute, Civil Society Authority, Department of Local Governance, Royal Institute of Law, international development partners; and UN(DP).

**Project Management**

NCWC

**Project Board**

**Executive/Senior Beneficiary**

GNHC Secretariat

OAG; CSO Authority; RIL; BNLI, DLG

**Development Partners**

**UN and non-UN development partners**

**Project Assurance**

UN focal points

**Project Support**

Assigned UN focal points

**Organizational Structure**

**Outcomes and Outputs**

A **Project Board (PB)** shall be constituted to provide qualitative inputs, guidance and provide oversight to the project implementation process. It will ensure timely delivery of inputs and achievement of objectives and also coordinate with other departments/sectors and stakeholders. The Project Board shall be headed by the Office of the Attorney-General.

The Project Board shall meet at least twice a year to review the implementation progress and to provide direction and guidance for fine-tuning the activities. The PB may be convened as and when considered essential by the Government. The PB shall provide strategic management and oversight to ensure qualitative and quantitative inputs/directions to the project activities. A detailed TOR for the PB shall be developed in due course.

# **Fund Management Arrangements (for One Fund)**

The fund management arrangement for this joint project is a combined modality of 1) parallel for UN agencies, funds and programmes which support from, among others, their core funding; and 2) pooled funding for non-UN development partners through the UN Bhutan Country Fund (One Fund).

One Fund, under the management leadership of the Joint Government-UN Steering Committee, is to support coherent resource mobilization, allocation and disbursement of resources to support the un(der)funded portions of the One Programme[[1]](#footnote-1) (2014-2018) and new initiatives responding to emerging needs. This will enhance the flexibility and responsiveness of the UN system through the One Programme to address existing and emerging national priorities. The Fund will support allocation and disbursement of donor resources and coherent resource mobilization.

The UNDP, upon endorsement by the Royal Government of Bhutan, serves as the Administrative Agent. UNDP, through its Multi-Partner Trust Fund Office (MPTF Office), administers the Fund in accordance with the provisions of the Memorandum of Understanding for the UN Country Fund and the ToR.

The Administrative Agent (AA) and the Participating UN Organizations will be entitled to deduct their indirect costs on contributions received as stated in the Memorandum of Understanding. The Administrative Agent’s administrative fee is 1per cent. The fee will be deducted from the contribution to the One Fund at the time they are deposited. The indirect costs of the Participating UN Organizations will be 8per cent.

**Governance Arrangements**

The One Programme document, as well as joint programmes and agency programme documents falling thereunder is the programmatic planning document that serves as the basis for funding requests and allocations.

The Steering Committee reviews the proposed priorities and approve the initial prioritization if required, and based on it, the Steering Committee submits an overview of the Resource Gap matrix to the development partners in December each year.

Upon receipt of funds from donors, the Steering Committee makes the allocation decisions, based on the financial status of the Fund and the needs of the Government. For decision making, at least half of the Steering Committee members should be present or provide delegated authority. Decisions are based on a consultative process and documented jointly by the Office of the Resident Coordinator and the GNH Commission.

**The Resident Coordinator**

The overall management of the UN Bhutan Country Fund is led and coordinated by the Resident Coordinator in consensus with the Heads of the Participating UN Organizations. The Office of the Resident Coordinator serves as the Secretariat of the One Fund and is responsible for support to strategic leadership role of the Resident Coordinator.

**The Steering Committee**

The Steering Committee is comprised of UN signatories to the UN Bhutan Country Fund and the Gross National Happiness (GNH) Commission, and is co-chaired by the Secretary of the GNH Commission and the UN Resident Coordinator. The Steering Committee is responsible for prioritization and allocation decisions of the un-earmarked contributions to the UN Bhutan Country Fund and guides the operations and management of the Fund.

**The Administrative Agent**

The UNDP (UNDP MPTF) Office as the Administrative Agent, receives contributions from donors, administer such funds received in accordance with the Memorandum of Understanding, disburse funds to each of the Participating UN Organizations in accordance with instructions from the Steering Committee, and consolidate statements and reports to be provided to each donor that has contributed to the Fund Account and to the Steering Committee.

# **Monitoring, Evaluation and Reporting**

**Monitoring:** Regular monitoring will be held by UNDP Governance portfolio as well as implementing partners in consultation with the UN M&E group and the GNHC. The standard monitoring framework will be developed specifying indicators, baselines and means of verification.

**Evaluation:** The evaluation will be held in the fourth year of the project cycle to ensure that evaluation recommendations be incorporated in executing project activities in the final year.

**Reporting:** There will be a common progress reporting at the end of each year – capturing results – both quantitative and qualitative, as well as financial delivery.

# Results and Resources Framework

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Project Title** | **Strengthening Access to Justice in Bhutan** | | | | | | | | | |
| *Project Objective* | People have greater awareness of their rights and increased access to formal and informal justice redressal mechanisms | | | | | | | | | |
| *Project Outputs* | Indicative activities for each Output | Participating UN organization | Implementing Partner | | Resource allocation and indicative time frame | | | | | Total |
| Y1 | Y2 | Y3 | Y4 | Y5 |  |
| **Project Outcome 1: An ethical, competent and autonomous legal profession and a legal aid system is developed in line with international standards** | | | | | | | | | | |
| 1.1 An ethical, competent and autonomous legal profession is developed  ***Indicators:***  *Rules and regulations finalized and Bar Association established in line with UN Basic Principles on Role of Lawyers*  *Code of Conduct, conduct and discipline mechanism, and compulsory ethics training for legal advisors established and functioning in line with international standards* | 1.1.1 Policy dialogue on developing a legal profession in line with international standards  *Symposium* | UNDP | BNLI  OAG | 0 | | 50,000 | 0 | 0 | 0 | **50,000** |
| 1.1.2 Providing opportunities for exposure for Bhutanese legal professionals on different models of and practical approaches to legal profession development and regulation, including on the role of paralegals  *Study visits* | UNDP | BNLI, OAG,RIL | 8,000 | | 15,000 | 15,000 | 0 | 0 | **38,000** |
| 1.1.3 Support to the establishment of a Bar Association / Council (including draft of implementing regulations) and build capacity to undertake core functions through technical and financial support in the development of various Legal materials  *TA, workshop, financial support to core operations once established, development of materials* | UNDP | BNLI, OAG,RIL | 45,000 | | 40,000 | 40,000 | 30,000 | 20,000 | **175,000** |
| 1.2. An effective legal aid system is developed  ***Indicators:***  *Law on legal aid is drafted and passed in line with international standards*  *Regulatory mechanism for oversight of legal aid established in line with international standards*  *Percentage of criminal defendants who have legal representation at trial*  *Number of people benefiting from legal aid per annum* | 1.2.1 Policy dialogue on international standards and models for legal aid  *Symposium* | UNDP | BNLI, OAG | 40,000 | | 0 | 0 | 0 | 0 | **40,000** |
| 1.2.2 Support drafting of a new Legal Aid law and implementing regulations  *Consultation workshop, TA as required* | UNDP | BNLI, OAG | 0 | | 45,000 | 35,000 | 0 | 0 | **80,000** |
| 1.2.3 Provide continued capacity development support to implement the new legal aid systems  *Training legal professionals, TA in strategic planning, public awareness campaigns, developing monitoring systems* | UNDP | BNLI, OAG | 0 | | 15,000 | 45,000 | 45,000 | 20,000 | **125,000** |
| 1.2.4 Relevant officials/lawyers are facilitated to participate in regional and international fora on legal aid, and support organisation and hosting by Bhutan of regional SAARC Legal Aid Conference (e.g. during 2017)  *Study visits, regional conference* | UNDP | BNLI, OAG,RIL | 0 | | 15,000 | 15,000 | 120,000 | 15,000 | **165,000** |
| **Sub-total Project Outcome 1** | | | | **93,000** | | **180,000** | **150,000** | **195,000** | **55,000** | **673,000** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Project Outcome 2: Access to justice for women and disadvantaged groups is strengthened.** | | | | | | | | | |
| 2.1 Legal frameworks are reformed to protect the human rights of key groups  ***Indicators:***  *Number of laws or policies amended to take into account international human rights standards*  *Information available on barriers to access to justice by women and excluded groups* | 2.1.1 Review legal frameworks to ensure that the human rights of key groups and international commitments are fully transposed into domestic law.  *Legal research, consultation workshops* | UNDP  Other UN Agencies | BNLI, OAG  NCWC, NACP, CSOs, GNHC (others TBC) | 10,000 | 55,000 | 45,000 | 30,000 | 0 | **140,000** |
| 2.1.2. Undertake further studies to strengthen the evidence-base for ensuring that access to justice fully contributes to the human development of women and excluded groups.  *Research TA (international/national), consultation workshops* | UNDP  UNICEF  UNW | BNLI, RIL, GNHC, RUB, NCWC (others TBC) | 0 | 0 | 60,000 | 50,000 | 20,000 | **130,000** |
| 2.1.3 Research on customary law in Bhutan and support implementation of recommendations.  *Research TA, consultation workshops* | UNDP | BNLI, RIL, DLG | 0 | 0 | 45,000 | 45,000 | 0 | **90,000** |
| 2.2: Strengthened partnership between civil society and public actors to support Access to Justice  ***Indicators:***  *Number of CSOs (registered or non-registered) who publish policy research or undertake advocacy on law reform and implementation* | 2.2.1 Building the capacity of NGOs to conduct policy research and advocacy on law reform and implementation based on their experiences of working at grassroots level C*apacity building support workshops* | UNDP | BNLI, CSOA , DLG | 0 | 15,000 | 25,000 | 25,000 | 20,000 | **85,000** |
| 2.2.2 Supporting Civil Society Authority to strengthen policy dialogue between CSOs and government bodies  *Recruitment of support officer at CSOA, training* | UNDP | CSOA | 0 | 25,000 | 25,000 | 25,000 | 25,000 | **100,000** |
| 2.2.3 Grant-funding to CSOs and others to strengthen access to justice for women and vulnerable groups  *Small grants and support to CSOs* | UNDP  UNICEF  UN Women | CSOA | 0 | 45,000 | 50,000 | 50,000 | 50,000 | **195,000** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2.3 Increased legal awareness and access to justice, especially to vulnerable groups  ***Indicators:***  *Percentage of respondents demonstrating knowledge of key rights in survey*  *Percentage of high-school students demonstrating knowledge of key issues related to legal knowledge and justice in survey*  *CLE programme is established as a compulsory credit-bearing course upon opening of the RIL law school* | 2.3.1 Support high quality teaching materials (including videos) for BNLI Law clubs in high schools, annual celebration of Human Rights Day  *Development of teaching material* | UNDP  UNICEF | BNLI | 10,000 | 25,000 | 25,000 | 25,000 | 25,000 | **110,000** |
| 2.3.2 Develop radio or television programmes for legal awareness raising for youth, women and rural populations  *Production of radio/TV programmes* | UNDP  UNICEF | BNLI | 15,000 | 30,000 | 25,000 | 25,000 | 25,000 | **120,000** |
| 2.3.3Training teachers to support peer mediation in schools, run mock courts and mock trials, and supporting closer coordination with district judges.  *Training workshops, material development* | UNDP  UNICEF | BNLI, DLG | 0 | 40,000 | 20,000 | 0 | 0 | **60,000** |
| 2.3.4 Support the Royal Institute of Law to develop a clinical legal education (CLE) programme for the future law school.  *Support to post of clinical legal education director post, TA in CLE* | UNDP | RIL | 0 | 30,000 | 60,000 | 60,000 | 60,000 | **210,000** |
| 2.3.5 Support regional networking and exchanges with clinical legal programmes in South and South-East Asia, participation in regional conferences etc.  *International travel on CLE* | UNDP | BNLI, OAG,RIL | 0 | 15,000 | 15,000 | 0 | 0 | **30,000** |
| 2.3.6 Support legal awareness raising among women and disadvantaged groups of their rights and the remedies available to them, through NGOs, CLE programme at RIL, BNLI and others  *Legal awareness raising workshops in rural areas* | UNDP  UN Women  UNICEF | BNLI, RIL, RENEW, , others TBC | 20,000 | 30,000 | 30,000 | 30,000 | 30,000 | **140,000** |
| **Sub-total Project Outcome 2** | | | | **55,000** | **310,000** | **425,000** | **365,000** | **255,000** | **1,410,000** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Project Outcome 3: Strengthening access to justice for poverty reduction and environmental sustainability** | | | | | | | | | |
| 3.1 Increased legal empowerment amongst urban poor and young people  ***Indicators:***  *Number of poor and young people benefitting from legal empowerment initiatives* | 3.1.1 Legal empowerment initiative to target legal concerns on development and community based ways of addressing these for poor and young people in Thimphu and Phuntsholing. Commence mid-2016.  *Consultative workshops and research, awareness raising workshops* | UNDP | BNLI, RIL, others TBC (including civil society youth) | 0 | 0 | 20,000 | 45,000 | 35,000 | **100,000** |
| 3.1.2 Support clinical legal education programme at RIL to implement legal empowerment initiatives  *TA on programme development, education programme support* | UNDP | RIL | 0 | 0 | 0 | 45,000 | 35,000 | **80,000** |
| 3.2: Strengthened access to environmental justice  ***Indicators:***  *Number of cases brought forward by local populations or their representatives on environmental issues*  *Number of cases resolved annually by courts on environmental issues* | 3.2.1 Research on environmental justice to identify the impacts of development projects (including hydropower and mining) on the health, rights and livelihoods of affected local populations and the systems of redress (including mediation and courts) available to address them.  *Research TA, workshops* | UNDP | BNLI, others including civil society TBC | 0 | 0 | 0 | 50,000 | 30,000 | **80,000** |
| 3.2.2 Support implementation of findings and recommendations from this research (legislative and institutional reform, capacity-building of environmental NGOs or OAG to take public interest litigation in environmental cases, supporting class action suits etc.)  *Capacity building workshops and materials – based on outcome of research* | UNDP | BNLI, OAG, others including civil society TBC | 0 | 0 | 0 | 0 | 45,000 | **45,000** |
| **Sub-total Project Outcome 3** | | | | **0** | **0** | **20,000** | **140,000** | **145,000** | **305,000** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Project Outcome 4: Strengthened policy dialogue, aid harmonization, strategic planning and coordination in the justice sector** | | | | | | | | | |
| 4.1: Increased policy dialogue and strategic planning in the justice sector  ***Indicators:***  *Legal partnership forum is established*  *Overarching justice sector plan in place by 2018* | 4.1.1 An annual multi-stakeholder Legal Partnership Forum to reflect on achievements in justice sector reform and key priorities for the coming year support.  *Workshop, preparation of consultation papers* | UNDP | GNHC, BNLI, OAG | 0 | 20,000 | 20,000 | 20,000 | 20,000 | **80,000** |
| 4.1.2 Supporting ongoing dialogues on strategic planning in the justice sector, including small scale workshops on upcoming issues as prioritized each year.  *Annual technical symposium* | UNDP | GNHC, BNLI, OAG | 0 | 5,000 | 5,000 | 5,000 | 5,000 | **20,000** | |
| 4.2.: Improved justice sector monitoring system  **Indicators:**  *Justice sector monitoring system is in place.*  *Increased availability of data (including on people’s experiences with the justice system)* | 4.2.1 Strengthening systems for data collection and monitoring across the whole justice sector, to provide better evidence on justice trends.  *TA and consultations to develop data collection and monitoring system, trainings on implementation* | UNDP | BNLI, OAG,RIL, DLG | 0 | 0 | 45,000 | 30,000 | 30,000 | **105,000** | |
| 4.2.2. Surveys of people’s experiences and perceptions of the justice system and access to justice to strengthen the system of baselines, indicators and targets for the justice sector.  *Survey and research on justice system* | UNDP | BNLI, DLG | 0 | 80,000 | 30,000 | 0 | 0 | **110,000** | |
| 4.2.3. Share experiences on developing justice surveys and indicator frameworks at national level from different jurisdictions.  *Workshop or study visit on best practice* | UNDP | BNLI, OAG,RIL | 0 | 0 | 45,000 | 0 | 0 | **45,000** | |
| **Sub-total Project Outcome 4** | | | | **0** | **105,000** | **145,000** | **55,000** | **55,000** | **360,000** |

***Budget Overview***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Y1** | **Y2** | **Y3** | **Y4** | **Y5** | **Total** |
| Outcome 1 | 93,000 | 180,000 | 150,000 | 195,000 | 55,000 | 673,000 |
| Outcome 2 | 55,000 | 310,000 | 425,000 | 365,000 | 255,000 | 1,410,000 |
| Outcome 3 | 0 | 0 | 20,000 | 140,000 | 145,000 | 305,000 |
|
| Outcome 4 | 0 | 105,000 | 145,000 | 55,000 | 55,000 | 360,000 |
| M&E | 900 | 10,000 | 1,000 | 1,000 | 50,000 | **62,900** |
| Policy Specialist (P3) |  | 195,000 | 195,000 | 195,000 | 195,000 | 780,000 |
| **Total** | 148,900 | 800,000 | 936,000 | 951,000 | 755,000 | 3,590,900 |

**Annual Work Plan 2014**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Project Outcome/Output** | **Activity Area** | **2014 Activity** | **Total Budget** | **UNDP Core Resources** | **Funding gap (USD)** |
| **Project Outcome 1: An ethical, competent and autonomous legal profession and a legal aid system is developed in line with international standards** | | | | | |
| 1.1 An ethical, competent and autonomous legal profession is developed | 1.1.2 Providing opportunities for exposure for Bhutanese legal professionals on different models of and practical approaches to legal profession development and regulation, including on the role of paralegals | Support for Bhutanese professional to attend regional seminars on the legal profession | 8,000 | 0 | 30,000 |
| 1.1.3 Support to the establishment of a Bar Association / Council (including draft of implementing regulations) and build capacity to undertake core functions through technical and financial support in the development of various Legal materials | Baseline assessment and project formulation, feasibility study and review on the establishment of a Bar Association/Council (TBC) | 45,000 | 6,000 | 39,000 |
| 1.2. An effective legal aid system is developed | 1.2.1 Policy dialogue on international standards and models for legal aid | Policy dialogue on legal aid/legal profession | 40,000 | 25,000 | 15,000 |
| **Project Outcome 2: Access to justice for women and disadvantaged groups is strengthened.** | | | | | |
| 2.1 Legal frameworks are reformed to protect the human rights of key groups | 2.1.1 Review legal frameworks to ensure that the human rights of key groups and international commitments are fully transposed into domestic law. | Support to UPR reporting and follow up (follow up TBC) | 10,000 | 5,000 | 5,000 |
| 2.3 Increased legal awareness and access to justice, especially to vulnerable groups | 2.3.1 Support high quality teaching materials (including videos) for BNLI Law clubs in high schools, annual celebration of HRD | Development teaching materials, includng Zhidey Tsawa in School Law Clubs (DVD) format | 10,000 | 3,500 | 6,500 |
| 2.3.2 Develop radio or television programmes for legal awareness raising for youth, women and rural populations | Develop radio legal awareness programme | 15,000 | 0 | 15,000 |
| 2.3.6 Support legal awareness raising among women and disadvantaged groups of their rights and the remedies available to them, through NGOs, CLE programme at RIL, BNLI and others | Legal awareness raising in rural Bhutan | 20,000 | 8,000 | 12,000 |
| **Monitoring and Evaluation** | | | 900 | 900 | 0 |
| **Total:** | | | **148,900** | **48,400** | **122,500** |

1. The One Programme is the United Nations Development Assistance Framework for the Kingdom of Bhutan covering 2014-2018 [↑](#footnote-ref-1)