

**Annual Progress Report - 2011**

**Enhancing Access to Justice for Consolidation of Nepal Project**

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Executive- Project Board

Award ID: 00049638

Award Title: Enhancing Access to Justice for the Consolidation of Peace in Nepal

Project ID: '00060674, 00061561

Source of Funds: UNDP/ BCPR

Implementation Modality: NIM/NEX

Project Beginning Year: 2008

Project Ending Year: 2012

**Annual Progress Report**

1. **Overview of the Project**

*Provide a brief description of the project and its main intended results*

*Through the Enhancing Access to Justice for Consolidation of Peace project (A2J project) , UNDP and UN Women are assisting the Government of Nepal to carry out a comprehensive programme to strengthen the justice delivery system in order to support the ongoing peace process. The enhancement of justice sector service delivery aims at strategically addressing four critical areas: 1) Transitional justice; 2) Gender justice; 3) Access to justice at the local level and 4) Law reform in line with international human rights standards. A further objective of the A2J project is to raise national capacity to carry out transitional justice processes through enhancing the execution of court decisions, the development of a victims support and witness protection programme, and the provision of technical assistance to the Ministry of Peace and Reconstruction (MoPR) for the establishment of Commission of Enquiry on Enforced Disappearances (CED) and the Truth and Reconciliation Commission (TRC).*

*Within the above context, A2 Project has considered the capacity enhancement of court officials on judgment execution as one of the major interventions to enhance public faith on judiciary and combat rampant impunity in the country. The A2J project efforts are also underway towards integrating gender justice into the peace building agenda through capacity development of rule of law actors to respond to conflict related women’s human rights abuses, including sexual violence. Research related to gender justice, legal recourse and peace has been carried out by the project, which obviously endow with significant information in design and formulation of project/activities in further. The project has also been working to create the awareness of people at large on legal recourse including with regard to the recently enacted Anti-Domestic Violence Act and importance of community mediation and judgment execution. Similarly, at local level, in order to enhance access to justice of most vulnerable population including women and socially excluded communities, the project is providing free legal aid with establishing legal aid desks and mobilizing legal aid clinics in early recovery districts. In the same circumstance, the community based and court referred mediation services are also existed and for this, the project has expended its efforts on production of trained human resource in the respective field.*

*The A2J project has been implemented under National Execution (NEX) Modality by the Supreme Court in close collaboration with the Ministry of Law and Justice, Ministry of Peace and Reconstruction, Ministry of Women, Children and Social Welfare. Components on transitional justice are being directly implemented (DEX) by UNDP in the partnership with UN Women and in close consultation with the relevant authorities.*

1. **Key Results in 2011**

***2.1*** *Summarize three major results achieved in 2011, emphasizing changes in development conditions and/or people’s lives. Explain how these interim results are leading towards the overall intended results of the project. Include any policy changes that the project has contributed to.*

1. *The Project supported the government of Nepal to draft the bill and held a series of discussion with the concerned stakeholders to make the bill workable and the Legislature Parliament of Nepal unanimously passed the Bill on Mediation Procedure in April 2011. In addition, the Government of Nepal has tabled bills of Civil Code, Civil Procedure Code, Penal Code, Criminal Procedure Code and Sentencing Bill in 2011. The Bills were drafted with the support of the Project. This achievement contributed to the expected output “Selected existing laws reviewed and amendments drafted and new legislations drafted as required by Nepal’s treaty obligation and international human rights standards.”*
2. *With the technical support of the A2J project, a central database on judgment execution has been developed in which as of the end of November 75000 case have been entered into the database and this aims to expedite execution of decisions being rendered by the courts which contribute to achieve the expected output “Pilot court models graduated and ready for replication, and mediation system strengthened for enhanced access to justice for women and excluded groups”*
3. *Total number of disputes referred for mediation by the various courts could not be ascertained since the Mediation Committee was busy collecting data. However, with regards to Supreme Court, 187 cases were referred by the Supreme Court and out of 187 cases 17 have been successfully resolved. With regards to community mediation, 1440 disputes registered at the Community Mediation Centers out of which 1029 disputes resolved successfully till the end of November of 2011. Report for the fourth quarter is expected to be submitted in mid-December 2011. Similarly, free legal aids service was provided to 1105 victims of GBV through legal aid desks till mid of November 2011. These interventions have contributed to achieve the CPAP outcome “Responsive and accessible justice systems to promote gender equality, social inclusion and the rule of law including formal and informal processes.”*
4. **Achievements against Annual Work Plan (Annual Targets & Activities)**
5. **Cross Cutting Issues**

 **Gender Equality, Women’s Empowerment, and Social Inclusion**

***4.1*** *Describe results achieved by the project in promoting gender equality, women’s empowerment and social inclusion. Please highlight gender results achieved which has resulted in change in gender equality and status of women in particular. Please provide quantitative data wherever possible.*

* *The project has expanded community mediation centers in additional four VDCs in its working districts, Kailali, Surkhet, Dang and Udaypur. Earlier the centers were established in four VDCs and one municipality of the respective districts. Now, A2J project through its national partner has been implementing community mediation programs in altogether 36 VDCs and four municipalities. The Centres are taking up issues of women and settling minor issues of domestic violence through mediation. This has provide forums for easy access to justice for women and socially excluded communities.*
* *Legal Aid Desks established in four districts are providing free legal aid services to victim women of GBV. Based on an independent evaluation of legal aid desk effectiveness, three additional legal aid desks were established in early 2011. Up to the mid of November 2011, the total of 1105 especially women and individuals from disadvantaged and socially excluded groups have received free legal service from these seven desks on a wide range of issues including domestic violence, sexual harassment, rape, trafficking, early marriage, witchcraft, polygamy and family disputes.*
* *Community Mobile Legal Clinics were organized in three districts, Sarlahi, Dhanusha and Mahottari in September 2011 that provided legal counseling to 1531 poor and marginalized people of those districts. The project developed various IEC materials such as Public Service Announcement, docudrama, docudrama, posters and booklets on women rights and anti-GBV. Majority of the beneficiaries was women and dalits.*
* *Eight women lawyers who attended coaching class conducted by the A2J Project were appointed as the third class gazette officer of judicial service of public service commission.*
* *90 non-gazetted officers of the judiciary received training on gender justice and gender based violence.*
* *A PSA and a docudrama with a view to raise people aware on the Domestic Violence Law were developed and disseminated.*
* *150 senior police officers were provided orientation on gender and women rights issues.*
* *A multi-sector response team to gender based violence has been established in Mahottari, Sarlahi and Dhanusha under the leadership of Chief District Officers.*
* *Draft Penal Code and Civil Code was reviewed from a gender perspective.*

**South-South Cooperation**

***4.2*** *Has the project/UNDP supported Nepal in drawing on expertise and experiences from other developing countries or sharing its expertise and experiences with another develop country/countries? Please indicate details.*

N/A

***4.3*** *Are specific models of practices from other developing country/countries being adopted by Nepal or is Nepal promoting its model/practices in other developing country/countries with the support of the project/UNDP? Please specify.*

N/A

**Capacity Development**

* 1. *Has the project contributed specifically to improving the performance of institutions and systems through strategic*

*(comprehensive or targeted) capacity development interventions? If so explain the systems, describe who and what, indicating the category of institution that were the main focus of your efforts?*

* *The cadastral application in land disputes settlement was provided to 22 districts judges from July 24-29, 2011.*
* *A five-day residential training on ‘Gender Based Discrimination and Gender Issues’ was organized for 30 women legal aid lawyers and police personnel from 23 to 27 March, 2011.*
* *A three-day non-residential training on ‘Gender Based Discrimination and Gender Issues’ was organized for 90 non-gazetted officers.*
* *A seven day residential training on basic court referred mediation was organized in March, July and November 2011, wherein altogether 76 participants representing court personnel, lawyers from the district Bar, representative of civil society and social activists took part. .*
* *The training on ‘Judgement Execution’ was organized for 130 court personnel September (one event) and November (three events) 2011.*
* *An orientation programme for district judges in Forensic Medicine and Forensic Sciences was organized for 30 district judges from 30 October – 04 November 2011*
* *150 senior police officers received orientation on gender and women rights.*
* *A two-month coaching class was provided to 35 women candidates attending for the Public Service Commission exams.*

**5. Implementation Challenges**

***5.1*** *Describe any implementation challenges you have faced during the implantation of the project in 2011, as well as your responses.*

* *Current political unrest has and will continue to affect the enactment of the A2J project supported codes and procedures submitted to the Government of Nepal.*
* *Current political unrest has and will continue halted the vast majority of activities related to transitional justice (The TRC and CED have yet to be established).*
* *Frequent transfer of senior staff of Nepal Police delayed the implementation of the UNDP Nepal Police Gender Project.*

***5.2*** *Update the Risk and Issues Logs in the templates provided below. The updated risk and issue logs should follow the same format as in the QPRs.*

**Risk Log Matrix**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **#** | **Description** | **Category** | **Impact &****Probability** | **Countermeasures / Management response** | **Owner** | **Author** | **Date Identified** | **Last Update** | **Status** |
| 1. | Delay in enactment of draft legislations | Political | Meeting of Legislature Parliament could not be held due to frequent disturbance. The Mediation Bill is still pending for submission. | Government should look into this matter for establishing peace and hold the meeting regularly. | NPM | PO | Programme Officer | 10-May-11 | Little progress has been seen. |
| 2. | Dealy in enactmnet of the TRC and CED bill  | Political | Due to delay in the enactment of bill on TRC and CED, the acitivity regarding TRC and CED may be hampered  | Necessary supports to the legal desk of the MoPR could be provided  | NPM | PO | Programme Officer | 10-Jun-10 | No change identified. |

 **Issue Log Matrix**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **ID** | **Type** | **Date Identified** | **Description and Comments** | **Status** | **Status Change Date** | **Author** |
| 00060674 | Problem | 9/12/2009 | Frequently transfer of the officials of the implementing partners | It is active currently. | December-11 | NPM |
|   | Political Affairs | 9/12/2009 | Hampering frequently in field level programmes due to strike, band etc. | It was active during the second quarter of 2011.  | May-11 | NPM |

1. **Lessons learned and next steps**

***6.1*** *Describe the main lessons learnt that can be drawn from the year’s experiences. Please mention any “best” or “worst” practices which UNDP should be aware of. Please be specific and focus on 2011.*

Implementing the field level activities through local NGOs partners was found to be useful and strategic for the successful implementation of local level A2J project activities, even during bandh/strikes. In addition communities were more attached to local partners due to shared language, culture and locality.

Working closely with the government, especially the Supreme Court and the Ministry of Law and Justice, also paid great dividends as fostering national ownership.

Sustained engagement at the community level enhances access to justice, particularly for women and socially excluded groups. The establishment of Mediation Centers and Paralegal Committees at the community level has also brought justice closer to poor and marginalized people and those living in remote areas where previously, they could not approach any mechanism for legal redress. Now these people save time, energy and resources and can achieve access to justice that is meaningful to them. Similarly, Legal Aid Desks have been found instrumental in enhancing access to justice for women victim of gender based violence. Women lawyers who are working in the Desks also have benefitted from the Desks as they have got ample opportunity to carry out their law practice.

***6.2*** *For projects continuing in 2012, describe priority actions for the following year to overcome any constraints, build on achievements and partnerships, and use the lessons learnt during the previous year. In particular, please make clear recommendations for any required corrective action, for review by the project board.*

 *In 2012, the project will not start new activities rather build on the achievements made in 2011. Community Mediation Programme will be handed over to the local bodies i.e., VDC and Municipalities. Efforts will be put into implementing the newly endorsed Mediation Act. Similarly, promotional activities as to mediation will be carried out.*

*It seems that the country will have transitional justice mechanisms in 2012. So, various rules, regulation and guidelines will be developed so as to engendering the mechanisms. The project will strengthen the judgment execution units in the district courts through providing training and establishing coordination mechanisms.*

*The project will also work on disseminating the draft Civil and Penal Code so that effective implementation can be ensured once it comes into force. In addition, explanatory note to the Penal Code will be developed in order to make the provisions clear and avoid ambiguity.*

1. **Implementation Status of DIX or NIX Audit Action Plan (if applicable)**

*Update the implementation status against each audit/ spot check recommendations for 2011 in the table below*

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Obs No** | **Observation** | **Recommendation** | **Risk Severity** | **Action Planned** | **Target Impl Date** | **Person Responsible** | **Status** | **Updated Status** |
| 1 | Delay in carrying out activities, underachievement of project targets and weak reporting system | It is recommended that:  • Causes for delays are identified timely and strategies are developed and implemented in such a manner that all the activities of AWP are achieved at the end of the period of AWP.• Causes are also reported along with statuses of the activities which are delayed or underachieved.• Distinction be made at the QWP and QPR about the carried over activities of the previous quarters.• Activities planned for but nor carried out or partially carried out during the quarter are presented distinctly. | Low | 1. Prepare variances analysis reports and quarterly progress reports to monitor its activities on regular basis along with the justification and submit it to the project board for approval.  | June-11 | Project Manager | implemented | The Project is preparing varience analysis report quarterly and submitting it to the project board for approval. |
| 2 | Inadequate monitoring of the partner NGOs | It is recommended that A2J shall - Regularly monitor the progress made by the NGOs and spending of project fund following sound financial management practices and determine the involvement or partnership with the NGOs in the days to come.Assess the capacity of the implementing partners before entering into contract with them for effective and efficient implementation of project activities. | Medium | 1. Review Project progress continiously. 2. Deduct all question cost seen on the final review carried out on the last year. 3. discuss with the NGO for effective implementation of recommendations | May-11 | Project Manager | implemented | Project is implementing its activity with one NGO only and the lapses found on last yearr been seriously discussed. NGO is implementing the recommendation and the lapses been improved significantly. Project has been monitoring the activities of NGO closely. An independent Financial Review of NGOs was carried out. |
| 3 | Weak budget monitoring system | A2J shall: • Prepare sub-activity/action wise budget and carry out budget v/s actual analysis accordingly at the project level for better use of budgetary control system, and • Provide justification for deviations from planned budget based on sub-activities that were not carried out or sub-activities, budget allocated for which, were utilized for carrying out other sub-activities. | Low | 1. Prepare variances analysis reports and 2. Develop sub activity wise budget.  | June-11 | Project Manager | In Progress | The project will prepare variance analysis report and sub-activity wise budget form 2012 AWP. |
| 4 | Consultancy services procured through contract with NGOs | It is recommended that procurement of services requiring use of consultants shall be made directly by the project in compliance with local laws and normal practices and ensuring economy expenses. If such services are required to be done hiring NGOs or other firm, the project shall assess technical capacity of the consultant, involvement of the proposed consultant and compliance with local laws. | Medium | 1. Hire onsultant and NGO in line with the NEX guideline | May-11 | Project Manager | implemented | Implemented |
| 5 | Selection of vendors on competitive basis not ensured | It is recommended either to maintain roster of prospective consultants/NGO Partners or open bidding process followed for selection of contractors/NGO partners to carry out project activities. Further,amount quoted by the contractors must also be evaluated on the basis of criteria/rates developed under different applicable measurement bases by the project or the official/published rates. | Medium | 1. Develop TOR and Criteria for Selection for selecting contractor.  | May-11 | Project Manager | implemented | implemented |
| 6 | Ownership of assets not yet transferred | It is recommended to hand over assets formally after assessing the existence and condition of the assets through physical verification. List of assets maintained by the project shall have only those assets whose ownerships are with the project. | Medium | 1.Initiate the process of ownership transfer of property. | May-11 | Project Manager | Partially implemented | Project had completed the transfer of assets provided to its partner organisations. However, this is the regular process and the transfer will be made as per the decision of project management. 2. Project is co-ordinating UNDP to transfer the assets from old project to this project. |