



The Government of Nepal



ENHANCING ACCESS TO JUSTICE THROUGH LEGAL AND JUDICIAL REFORMS PROJECT

United Nations Development Programme

Country: NEPAL

Project Title Enhancing Access to Justice through Legal and Judicial Reforms Project

UNDAF Outcome(s): Respect, promotion and protection of human rights strengthened for rights all, especially for women and the socially excluded, for sustained peace and inclusive development.

Expected CP Outcome(s): Responsive and accessible justice systems to promote gender equality, social inclusion and the rule of law including formal and informal processes.
(Those linked to the project and extracted from the CPAP)

Expected Output(s): 1. Pilot court models graduated and ready for replication, and mediation system strengthened for enhanced access to justice for women and excluded groups; and 2 Selected existing laws reviewed and amendments drafted and new legislations drafted as required by Nepal's treaty obligation and international human rights standards.
(Those that will result from the project and extracted from the CPAP)

Implementing Partner: Supreme Court of Nepal

Responsible Parties: Ministry of Law, Justice and Parliamentary Affairs, Nepal Bar Association, Nepal Law Commission, Office of the Attorney General, Faculty of Law, Judicial Council and other civil society organizations etc.

Brief Description

Through this project, the Government of Nepal with support from the UNDP will seek to improve; 1) the capacity of justice sector institutions - formal as well as non formal - to deliver justice, with particular emphasis on the needs of women and socially excluded groups, 2) the capacity of the Nepalese people to seek justice, again with particular emphasis on women and excluded groups, 3) the legislative framework so that it conforms to international human rights norms and the treaty obligations of the Government of Nepal. In-addition, the project will also work in combating gender based violence through research, legal aid, awareness campaign, policy advocacy and capacity building of police, lawyers, judges and other relevant stakeholders. This project incorporates lessons learned through previous UNDP justice programming i.e., Reform of the Judiciary, Strengthening the Rule of Law and Access to Justice Projects and gives greater attention to the rights and grievances of women, poor and socially excluded groups, emphasizing cooperation, coordination and collaboration with relevant actors including the Office of the High Commissioner for Human Rights, the United Nation's Children Fund, the International Commission of Jurists, the European Union and the National Human Rights Commission. The Project will be implemented under National Implementation (NIM) modality by the Supreme Court in partnership with the Ministry of Law, Justice and Parliamentary Affairs, the Nepal Law Commission, the Attorney General's Office, the Judicial Council, the Nepal Bar Association, the Tribhuvan University/ Law Faculty and other civil society organizations.

Programme Period	2008-2010
Key Result Area (Strategic Plan):	Democratic Governance
Atlas Award ID:	00049638
Start date:	20 August 2008
End Date	31 December 2010
PAC Meeting Date	28 February 2008
Management Arrangements	NIM

Total budget:	US\$ 2,000,000
Allocated resources:	_____
• Government	_____
• UNDP/Regular	US \$ 1,200,000
• Donors:	_____
• In kind contribution	Office space to be provided by the Supreme Court
Unfunded budget:	US \$ 800,000



Agreed by (Implementing partner):
Supreme Court of Nepal

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20 Aug. 2008

Agreed by (UNDP):

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Nepal

LIST OF CONTENTS

1. Situation Analysis	4
2. Strategy	6
3. Project Outputs	7
4. Annual Work Plan Budget	12
5. Management Arrangement	12
6. Monitoring and Evaluation	15
7. Legal Context	16
8. Risks	16
Annexes	

LIST OF ACRONYMS

A2J	Enhancing Access to Justice Programme
EAJLRP	Enhancing Access to Justice through Legal and Judicial Reforms Project
ADR	Alternate Dispute Resolution
CASU	Constitution Advisory Support Unit
CBS	Central Bureau of Statistics
CPA	Comprehensive Peace Agreement
CPAP	Country Programme Action Plan
CSO	Civil Society Organizations
DACAW	Decentralized Action for Children and Women
DAGs	Disadvantaged Groups
DDC	District Development Committee
GON	Government of Nepal
HRBA	Human Rights Based Approach
ICJ	International Commission of Jurists
JC	Judicial Council
JIT	Joint Initiative Against Trafficking Project
JSSC	Justice Sector Coordination Committee
JSTC	Judicial Services Training Centre
LGCDP	Local Governance and Community Development Programme
LSGA	Local Self-Governance Act
MC	Mediation Center
MDGs	Millennium Development Goals
MGEP	Mainstreaming Gender Equity Programme
MLD	Ministry of Local Development
MOF	Ministry of Finance
MOLJA	Ministry of Law, Justice and Parliamentary Affairs
NEBA	Nepal Bar Association
NGO	Non-governmental organisation
NHRC	National Human Rights Commission
NIM/NEX	National Implementation Modality/National Execution
NJA	Nepal Judicial Academy
NLC	Nepal Law Commission
NPC	National Planning Commission
PC	Programme Coordinator
NWC	National Women's Commission
OAG	Office of the Attorney General
OHCHR	Office of the High Commissioner for Human Rights in Nepal
PLCs	Para Legal Committees
ROJ	Reform of the Judiciary Programme
ROL	Strengthening the Rule of Law Programme
TU	Tribhuvan University
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
VDC	Village Development Committee

1. Situation Analysis

a) The Current Situation in General

Important factors in the current situation in Nepal include the following:

- Recent conflict, at the root of which was exclusion which permeates the principal legal, economic and social arrangements, restricting the influence and prospects of a large proportion of Nepal's women and girls, Dalits, Janajatis, Madhesis and religious minorities
- The end of the monarchy and the changes in political landscape, and the signing of a Comprehensive Peace Agreement (CPA) between the Government of Nepal and the CPN (Maoists) in November 2006
- Recently held elections of the Constituent Assembly in April 2008
- Continuing social inclusion of women, children, Dalits, Janajatis, Madhesis and people with disabilities
- Widespread gender-based violence including sexual abuse, rape, marital rape, abortion, trafficking and domestic violence
- Inadequate legal framework to address gender-based violence
- The continuing culture of impunity and the ongoing violations of human rights as some of the primary concerns (NHRC, OHCHR, 2007).
- Widespread illiteracy¹ and abject poverty² in Nepal

b) The Current Situation in Legal/Judicial Institutions

The conflict has negatively affected judicial institutions and has limited their capacity to provide justice services and to assist those seeking out the justice system to obtain a remedy. In particular,

- No effective coordination is seen among the justice actors
- The Nepalese judiciary struggles against irregularities, corruption and delay, as reported by media and the judiciary itself³
- There has been seen recent improvement in the judiciary through the implementation of pilot courts aimed at improving service
- The Office of Attorney General has weak capacity to direct police investigations
- There is no adequate mechanism to monitor human rights violations during the investigation process

c) The Current Situation for Access to Justice

Access to justice is limited in Nepal. This is both a cause and consequence of the conflict - "lack of access to justice by poor and disadvantaged people is a well-known root of the past conflict, and not surprisingly, that the conflict has worsened the situation."⁴ Access to justice is as important to saving lives as is access to food and water. Access to justice should be an essential component of any peace and development effort in Nepal. This is vital not just in the medium to long term, but in the short term also. For a population living predominantly in rural and remote areas, where literacy rates remain at very low levels, the formal justice system rarely seems as a viable option through which to seek out redress for grievances. It is estimated that only 15 percent of people with grievances ever go to the

¹ Adult literacy rate (% aged 15 and older), 1995-2005 - 48.6, from the UNDP HDR 2007/2008.

² 68.5% of the population live under \$2 per day (HDI, 3007-8)

³ The Strategic Plan of the Nepalese Judiciary (2004-2008), at 41.

⁴ From "Access to Justice During Armed Conflict in Nepal: Obstacles to access justice and responses to them in a context of conflict." Draft, UNDP April 2005.

courts to seek redress and rest of them to rely on other informal justice providers (CVICT, 2004)⁵.

- Several factors account for the limited use of the formal justice system:
 - 1) People have little awareness of their rights and entitlements and of the options that are available through which to channel their complaints and have their grievances redressed.
 - 2) Prolonged court procedures discourage ordinary people from approaching the court in the first place to pursue redress. The investment of time, effort and often transportation costs to pursue cases in court is often not possible for, women, the poor and disadvantaged.⁶
 - 3) The cost of pursuing a case is often too high. Women and disadvantaged groups are not in position to afford the fees required for court and their lawyers (CVICT, 2004b).⁷
 - 4) Limited availability of legal aid, which is often only present in urban areas, and mainly provides legal advice rather than litigation services and costs for expenses such as court fees.

d) UNDP's past interventions

UNDP's assistance in the area of access to justice, and legal and judicial reforms has been since the year 2001 through a number of projects as follows:

- Strengthening the Rule of Law Programme (ROL:2001-2005) - The ROL Programme was directed towards promoting alternative dispute resolution (ADR) through strengthening arbitration boards at local levels, modernizing and reforming outdated laws and building capacity of the staff of the law ministry on legislative drafting and treaty negotiation. Basically, the drafts of Civil Code, Civil Procedure Code, Penal Code and Criminal Procedure Code prepared by this Project will be revised and finalized through the new project.
- Reform of the Judiciary Programme (ROJ:2002-2007) - The ROJ Programme focused on enhancing the efficiency of justice delivery and providing justice seekers qualitative, speedy and less expensive justice through the operation of pilot courts in seven districts, legal reforms and capacity building of the judges and court staff. The pilot courts will be strengthened to ensure access to justice of women and the socially excluded group through new project. Furthermore, capacity building of judges, lawyers, police, and government attorneys will be also carried out.
- Enhancing Access to Justice through Mediation in Court Cases and Strengthening the Community Mediation Practices (A2J Programme:2002-2007) - The A2J Programme was funded through the Democratic Governance Thematic Trust Fund (DG/TTF) and included a study of community mediation practices, necessary training support to community mediators and initiation of the court referred mediation in Nepal. More skilled mediators will be produced and mediation practices will be formalized through

⁵ The informal justice systems are often in the hands of the elite and lack inclusiveness. These mechanisms are not regularly monitored and may perpetuate existing biases and may sometimes be in contradiction with human rights standards and principles as well as existing national laws. Furthermore, these informal mediators are often not trained on mediation skills nor on human rights or the law which is a must (Khanal, 1997).

⁶ With the majority of the population living as rural, subsistence farmers, the investment of time to go to courts which are often located in urban areas and to pursue a case would mean that resources (human and financial) that would be used for farming would be diverted to the court case.

⁷

making necessary legal arrangement. Furthermore, Paralegal Committees will be formed in 200 VDCs and members of PLCs will be trained on mediation skills.

- Mainstreaming Gender Equity Programme (MGEP:1998-2006) – It focused on the monitoring and the implementation of Convention on the all forms of Discrimination Against Women (CEDAW), enhancing access to justice for women and increasing number of women in the civil services and the politics. MGEP established a Legal Aid Cell under the Ministry of Women Children and Social Welfare (now it has been transferred to the National Women’s Commission) at the central level and community mediation committees at the village level to provide legal aid to women.

e) Lessons Learned from previous UNDP Justice Programming

UNDP will draw on the past projects to inform its future interventions in the area of access to justice, and legal and judicial reforms. Programs should

- Be conflict sensitive
- Address the root causes of conflict
- Mitigate the impacts of conflict on the population at large
- Respond to the needs of the people, particularly women, the poor and disadvantaged
- Enable the rights seekers to hold the justice system accountable
- Provide for reasonable stability in court staffing
- Be given enough time to succeed

2. The Strategy for this Program

The strategy of this program emphasizes:

1. Government Commitment

The Government has already with the UNDP on the UNDP Country Programme Action Plan (CPAP:2008-2010). The Country Program provides that the Government will work with the UNDP to build:

“Responsive and accessible justice systems to promote gender equality, social inclusion and the rule of law, including formal and informal processes.”

2. The Socially Excluded

Consistent with the UNDP’s Human Rights Based Approach, this program addresses the needs of women and the socially excluded, and emphasizes increasing their capacity to claim the rights they have.

3. Balanced Programming: This program is not limited to legislative reform or the capacity development of formal justice institutions. It will address the following issues:

- Legislation – so that it meets international standards, particularly with reference to women and the socially excluded⁸
- The capacity of the formal justice institutions to serve the people
- The capacity of informal institutions to compliment the formal system
- The capacity of individuals and groups to demand the justice to which they are entitled

⁸ Constitutional reform is addressed through UNDP/Support to Participatory Constitution Building Project.

4. Sustainable Partnerships

- The project will be executed by the Supreme Court of Nepal, Ministry of Law, Justice and Parliamentary Affairs in partnership with other duty-bearers such as the Nepal Police, Office of the Attorney General and other civil society organizations including the Nepal Bar
- The project team will include representation from one or more justice sector NGOs
- The project will partner with other UN agencies, OHCHR, UNIFEM and service providers (NGOs) to maximize in country resources for the delivery of specific outputs. Internally, the project will rely on close working relationship with other UNDP programmes active in the target areas and on UNDP CO backstopping and substantive support in the application of HRBA. The UNDP Regional Centre in Bangkok can be called upon to provide technical inputs to key phases of the project and its components. The project will also liaise with UNFPA and OHCHR to implement gender based violence related activities. Involving the concerned national agencies in the implementation process of the project activities to ensure sustainability,

5. Centers of Excellence

- By focusing many of the proposed initiatives in the area of existing pilot courts, the project plans to create centers of excellence in which increasing capacities to demand justice are met with increasing capacity to supply it.

6. Significant Geography

- The project will orient its approach so that it focuses on promoting access to justice in the priority regions identified by the CPD as the most remote, poor, and/or conflict-affected areas of the Mid- and Far Western Development Regions and the Terai.

7. Monitoring and Evaluation

- This program aims to ascertain facts, establish baselines, and manage for results

3. Project Outputs

The Project will contribute to the achievements of the following CPAP outputs:

CPAP OUTPUT 1: Pilot court models graduated and ready for replication, mediation system strengthened for enhanced access to justice for women and excluded groups

ACTIVITY RESULT 1: JUSTICE SECTOR MANAGEMENT STRENGTHENED

a. Justice Sector Coordination Committee

The project will support the existing national Justice Sector Coordination Committee (JSCC), including a full time secretariat. The project will support a review of the JSCC mandates and TORs.

The JSCC will have representation from the key justice sector actors, including rights seekers and their representatives. It will

- Act as the transitional focal point for justice sector reform until justice institutions are operating at adequate capacity
- Through its representation on the Project Board of this project, manage this project
- Update, finalise and circulate the study report of Access to Justice during the Armed-Conflict of 2005
- Organize consultations around its findings;

- Identify:
 - The baseline for access to justice in the country;
 - Indicators for the justice sector that can be used in national development plan etc;
- Assess which justice sector institutions should be responsible for each element of the justice sector
- Develop a comprehensive needs assessment for justice sector institutions
- Provide a roadmap for justice sector reform and
- Monitor and evaluate new and ongoing justice reform initiatives.

The JSCC will draft and propose necessary legislative amendments in connection with the management of the justice sector, including the Judicial Council

b. Judicial Council

The project will support the Judicial Council in the review of its mandate and the implementation of its new Code of Conduct, including:

- Review of applicable best practices in the organization and management of judicial councils
- A needs assessment for Nepal's Judicial Council
- Recommendations for change of mandate, organization, resources and accountability
- Support to the National Judicial Academy in integrating the provisions of the code in the training curricula for judges;
- Carry out a capacity assessment of the Judicial Council Secretariat to monitor the compliances of the code and support them in designing a capacity development plan for the Judicial Council;
- Support public awareness campaigns on: a) ethical conduct for judges; b) the role of the Judicial Council; c) how to make a complaint;
- Pilot cost-effective means of reporting complaints of judicial misconduct (e.g. toll free telephone lines).

c. Office of the Attorney General

This project will support capacity development in the Office of the Attorney General.

Although Office of the Attorney General (OAG) is a key justice sector actor, there have been no interventions to develop its capacity to supervise the investigation of criminal complaints and to prosecute cases. The Project will

- Carry out a functional review and capacity assessment of the Attorney General Office, particularly with regards to its enhanced mandate of supervising police investigations under the Interim Constitution;
- Train government lawyers on human rights standards in the administration of justice,
- Support the government lawyers in district offices where pilot courts are located

ACTIVITY RESULT 2: PILOT COURTS STRENGTHENED IN DELIVERING JUSTICE EFFICIENTLY

a. Court Backlogs Reduced

The project will support the Supreme Court to improve the efficiency of the judicial system by reducing backlog.

Slow enforcement of judgments is a key element of backlog in Nepal. In year 2007, the judiciary was able to collect only 13.14 percent of total outstanding fines which was over NRs 3.26 billion. This figure is four times higher than the amount judiciary received from the regular budget in 2007. Similarly, only 12.81 percent of prison sentences (calculated in years) was executed. These backlogs are growing.

A recently conducted study by the National Judicial Academy recommends to form a high level panel to oversight execution of judgments and to establish a central database to expedite execution of judgments. Based on the recommendations made by the study, the project will:

- Support the JSCC to develop policy on the execution of judgments at all levels;
- Support the creation of a central database to monitor execution of judgments;
- Train court staff to execute judgments.

b. Pilot Courts Assessed and Model Courts Implemented

The project will support the Supreme Court to conduct a comprehensive assessment of existing pilot courts and to roll out best practices to additional courts.

The ROJ Programme supported seven pilot district courts in the introduction of computerized case management. This is believed to have improved court services in some of these courts. However, there has been no formal assessment of the pilot courts.

This assessment will permit

- All model courts to function at the same level
- An analysis of lessons learned
- Development of an implementation plan to replicate the best practices in additional courts.
- Modernizing archiving
- Increase the IT skills of court staff

c. Court Service to Customers Improved

The project will assist the Supreme Court to improve services to court customers, with a particular emphasis on improving service to women and disadvantaged groups.

Designed to make courts more user friendly, these interventions will include

- Improved signage
- Improved reception practices, including information desks
- Development of interpreter services
- Public awareness literature on the rights of courts users, the availability of legal aid etc.
- Customer service training for court staff

ACTIVITY RESULT 3: ACCESS TO JUSTICE FOR VICTIMS OF GENDER BASED VIOLENCE ENHANCED

This project will support research, policy advocacy and capacity building at the central and local levels to improve access to justice for victims of gender based violence.

a. Research

- Conduct a comprehensive assessment of access to justice for women and socially excluded groups.
- Conduct research on gender based violence in the selected Terai districts.

b. Advocacy

- Launch public awareness campaign on gender based violence targeting both duty bearers and rights holders.
- Lobby/advocate for abolishing discriminatory laws and approval of anti-domestic violence against women laws from the parliament.
- Draft necessary revisions to the draft Criminal Code to address gender based violence;

c. Capacity Building

- Provide training on gender based violence to police, lawyers, judges, government attorneys, members of paralegal committees, mediators and media personnel on gender based violence
- Mobilize women lawyers to provide legal aid to victims of gender based violence through legal aid desks (on rotational basis) at the Women Cell in District Police Offices in pilot districts and other selected districts;
- Launch public information campaigns in partnership with TU Law Faculty and NEBA to change the public perceptions on the legal profession and make the profession more appealing to everyone especially women. This will be carried out through radio public information campaigns and schools awareness campaigns which will use examples of lawyers, especially women lawyers and what they are achieving for the community;
- Organize in partnership with TU Law Faculty workshops/seminars for female students in their final year of Bachelor level to encourage them to enroll in the L.L.B. course. The workshops will also draw on the experience of women role models;
- Support in partnership with NEBA pilot Preparation Courses, including clinical modules, especially targeting women law graduate who want to take the Bar Exam;
- Support the women cell of NEBA to design an internship programme for women lawyers in partnership with NGO legal aid providers and other law firms.

ACTIVITY RESULT 4: ACCESS TO JUSTICE PROGRAMMING STRENGTHENED

a. Legal Aid

- Support to create a 'legal aid fund' at district level which would support for a wider range of legal services than is currently available for cases that cannot be mediated but need to be brought to the formal justice system and cases of gender based violence.

b. Paralegals

The project will support the continuing development of Paralegal Committees. It will work in close coordination with UNDP and other UNICEF/DACAW supporting social mobilization at grassroots level. The project will assist women, the poor and socially excluded groups to seek justice, including

- Training for PLCs and District Resource Group Members on human rights, child protection, gender based violence, legal issues related to discrimination, negotiation skills, advocacy and mediation
- Develop guidelines that identify when cases should be referred by PLCs to legal aid
- Engaging justice providers through visits, roundtables etc so so that they engage with PLCs and build their own awareness of the legal issues of the excluded
- Develop public awareness programming
- Focusing on pilot court districts to build complete packages of service
- Develop radio programmes using FM and community radios to reach users living in remote areas to promote services available through paralegals, women desks at police stations and other legal/judicial services.

ACTIVITY RESULT 5: MEDIATION PRACTICES STRENGTHENED TO PROVIDE SPEEDY REMEDIES IN SMALL DISPUTES

This project will support the Ministry of Law, Justice and Parliamentary Affairs (MOLJPA) in the finalization and implementation of the new Mediation Act. Activities will include

- Finalizing the Act and procedures
- Setting up a central and local secretariats to manage the roll out the program
- Recruit and train mediators, with emphasis on vulnerable communities
- Develop a registration system for accredited mediators
- Mediate land disputes through mobile clinics and settlement fairs
- Monitoring and evaluation

CPAP OUTPUT 2: Selected laws reviewed and amendments drafted and new legislations drafted as required by Nepal's treaty obligations and international human rights standards.

ACTIVITY RESULT 1: LEGISLATIONS REVISED TO MEET INTERNATIONAL STANDARDS AND TREATY OBLIGATIONS

This project will support the MOLJPA and stakeholders in bringing the legal framework into conformity with international standards and to draft the necessary legislation, including

- Support to form Committee/Task Force to review the draft Penal Code, Criminal Procedure Code, Civil Code and Civil Procedure to address the changes in the country;
- Review the draft legislations from human rights and gender perspectives (This activity will be conducted in partnership with UNIFEM, NHRC, OHCHR, ICJ, NWC and other relevant actors)
- Organize a series of consultations on core issues (rather than draft provisions) regulated in the draft codes e.g. matrimonial issues, property, inheritance etc. at grassroots level in selected districts and villages;
- Organize a series of consultations in selected districts and Katmandu with parliamentarians, lawyers, government lawyers (from the attorney general office), judges and civil society;
- Document lessons from the consultations both in terms of substance and process (with a view to progressively institutionalizing such consultation processes as part of inclusive law drafting) and disseminate;

- In partnership with NHRC, review current documentation on domestication of International Human Rights Conventions and support a joint publication which will include recommendations for priority legislation to be revised;
- Following and based on the results of this review, the project will support provision of technical assistance and consultations on key pieces of legislation;
- Support the MOLJPA and NLC to finalize the proposed Limitation Act and Bailment Act and anti-corruption law;
- Recruitment of consultants to review the Legal Aid Act and submit recommendations for the amendment to the Government.
- Organize a series of training for the MOLJPA (particularly legal officers stationed in line ministries) and NLC staff on drafting in compliance with Human Rights law, Humanitarian law and non discrimination.
- Update and finalize the previous study on review of laws.

4. Annual Work Plan Budget

See annex I

5. Management Arrangements

The project will be managed under the “National Implementation Modality (NIM)”. The key implementing partner of the project is the Supreme Court of Nepal together with other responsible parties e.g., the Ministry of Law, Justice and Parliamentary Affairs, the Office of Attorney General, the Judicial Council and the Nepal Bar Association. The management arrangements for the project will be as follows:

- a. The Project Board:** The Project Board will provide the necessary directions to the project management. The Project Board will be the group responsible for making decisions on project implementations. The Board will be responsible for: a) reviewing the ongoing activities and any impending issues, b) approving the next steps/related work-plan, budget, and risk log; c) approving project revisions based on changes in the situation. It is recommended that the Board meetings are held at least once in a quarter.

The Project Board is composed of:

1. The Executive, representing implementing partner that chairs the Board. This role will be assumed by the Registrar of the Supreme Court;
2. The Supplier, to provide funding and technical expertise to the project. This role will be represented by the UNDP ARR (Governance) and the implementing partner for technical expertise;
3. The Beneficiary, representing the project that benefits from the project. This role will be represented by the Ministry of Law, Justice and Parliamentary Affairs, the Office of Attorney General, the Judicial Council Secretariat and the Nepal Bar Association to ensure that project results are in accordance with perspective of the project beneficiaries. Special class officers of all concerned government agencies and the General Secretary of NEBA will represent in the Board.

The Board may invite the Project Coordinator and the UNDP's concerned Programme Officer in the board meetings and ask to support in the project operation as needed.

The Ministry of Law, Justice and Parliamentary Affairs, the Office of Attorney General, the Judicial Council and the Nepal Bar Association will be co-opted as responsible parties. The responsible parties will be invited to attend the meetings of the Project Board as and when necessary as per the issues and decisions to be made relevant to the roles and responsibilities of the concerned parties. The following responsible parties are envisaged for specific component of the project:

Supreme Court	: Implementing partner
Ministry of Law, Justice and Parliamentary Affairs	: Responsible Party
Office of Attorney General	: Responsible Party
Judicial Council	: Responsible Party
Nepal Bar Association	: Responsible Party

Role of Focal Persons of the Responsible Parties:

There will be six professional teams such as mediation, access to justice, judicial reforms, legal reforms, judicial accountability and prosecution. The implementing and responsible parties will second at least class III gazetted officers as focal persons to lead judicial reforms, legal reforms, judicial accountability and prosecution teams (see figure 2). They will be based on their parent organizations and responsible for the implementation of activities under the themes. In particular, they will be responsible; i) to participate in annual and quarterly work plans, ii) to take lead to ensure the implementation of activities as per the approved work plans iii) to undertake monitoring of such activities and iv) to report regularly to their parent organizations and the Project Coordinator.

- b. **Project Assurance:** It is the responsibility of the Project Board; however this role is normally assumed by UNDP Programme Officer by carrying out objective and independent project oversight and monitoring functions on behalf of the Board. This role ensures that appropriate project management milestones are managed and completed.
- c. **Project Coordinator:** A Project Coordinator (PC) has the authority to manage the project on a day-to-day basis on behalf of the Project Board. The PC's prime role is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified time and cost. The PC, other national professional (short term and long term) and support staff will be appointed by the implementing partners.

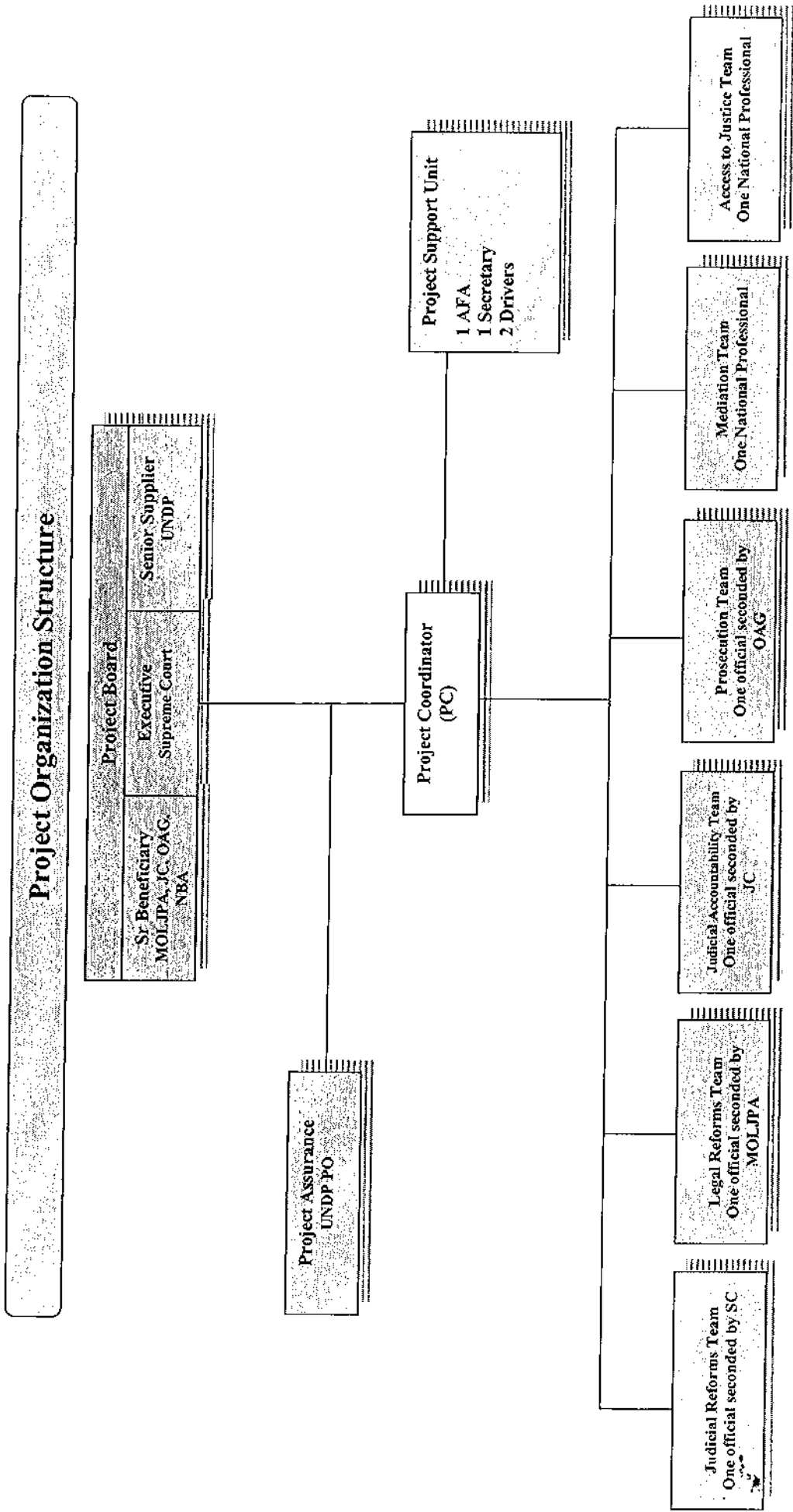


Figure 1

6. Monitoring and Evaluation

The project will be monitored against an M & E Framework, which builds on the CPAP M & E Framework. A draft M & E Framework is attached hereto as Annex III, which will be expanded and finalized during the first quarter of the project implementation period. Progress against each of the indicators will be reviewed regularly, and the tracking table updated accordingly.

In addition, In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

Within the annual cycle

- On a quarterly basis, a **quality assessment** shall record progress towards the completion of key results, based on quality criteria and methods captured in the draft Project M & E Framework annexed hereto.
- An **Issue Log** shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a **risk log** shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- Based on the above information recorded in Atlas, a **Quarterly Progress Reports** (QPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard UNDP report format.
- a project **Lesson-learned log** shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
- a **Monitoring Schedule Plan** shall be activated in Atlas and updated to track key management actions/events

Annually

- **Annual Review Report.** An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level. The M & E Framework and updated Tracking Tool will be annexed to the Annual Review Report.
- **Annual Project Review.** Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

7. 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 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".

8. Risk Analysis

Although conclusion of the Comprehensive Peace Accord (CPA) between the Communist Party of Nepal (Maoist) and the Government of Nepal in November 2006 marked the ending of ten-year long armed conflicts, various forms of violations of human rights including intimidation, extortion, abduction, property seizing, beatings etc. still persist across the country. Particularly, emergence of the armed groups in Tarai has posed great threat of another armed conflict in the region. The project will launch several programmes e.g., paralegal, mediation and pilot courts in the region. The situation in the region might have adverse affect to these programmes. Some of the specific risk mitigation strategies will include: a) mobilization of programme inputs/activities through locally recruited staff; b) involvement of local COs and community through out all stages of the programme; c) dissemination roles and responsibilities of the Paralegal Committees and Mediation Committees that they would work for ensuring justice dignity, equality and minimizing conflicts through resolution of small disputes at village level with no costs.

The project will carry over some unfinished tasks of the previous projects e.g., pilot courts programme. The ROJ Programme has already taken several initiatives to strengthen the pilot courts e.g., capacity building of judges and court staff, operation of court management software and computerization of the pilot courts. Lesson learned through the previous project reveals that lack of trained human resources in the pilot courts and transfer of judges and staff of the pilot courts could lead to delay in graduating the pilot courts. Some of the specific risk mitigation strategies will include: a) court staff and judges will be trained on various job specific related training including computer and IT skills and b) the Supreme Court will be requested to transfer judges and court support staff within pilot courts allowing them to work at one pilot court for at least two years.

The recently held elections of the Constituent Assembly have opened new avenues of reforms in state structure. Modernization of legal regime is one of the major areas for reforms. The ROJ has prepared drafts of several legislations, e.g., Criminal Code, Criminal Procedure Code, Civil Code,

Civil Procedure Code and Mediation Act. These all drafts legislations need a series of consultation in inclusive manner. The new project will organize consultations and make necessary revisions and submit to the parliament for the approval. As the CA will carry out the tasks of parliament too and the main priority of the CA will be constitution making, these pieces of legislations would not get proper attention as they need. In order to mitigate this risk, a regular follow up will be done with the concerned actors.

ANNUAL WORK PLAN

Award ID: 00049638

Award Title: Enhancing Access to Justice through Legal and Judicial Reform Project

Duration: August-December 2008

CPAP Output: Pilot court models graduated and ready for replication and mediation system strengthened for enhanced access to justice for women and excluded groups

ANNUAL TARGETS	PLANNED ACTIVITIES				Approved Budget
	Q1	Q2	Q3	Q4	
The study report on Access to Justice updated and published (non-CPAP)				SC	3,000
Court support staff trained on record-keeping, archiving, enforcement of court decisions (CPAP)	Activity Result 1: Justice sector management strengthened				
	Action: Revise TORs of the JSCC.				500
	Action: Update, finalise and disseminate the study report of Access to Justice during the Armed-Conflict of 2005.				1,700
Assessment of pilot courts, design and implementation of remedial measures to bring all pilot courts to the same level of efficiency (CPAP)	Activity Result 2: Pilot Courts strengthened to deliver justice efficiently				1,000
	Action: Conduct an assessment of the pilot courts and develop a work plan for the support to the pilot courts based on the recommendations of the assessment				8,300
	Action: Train government attorneys, judges, court staff and non-gazetted staff on their TORs, codes of conduct, record keeping, archiving, enforcement of court decisions and other emerging legal issues etc.				5,000
Judges and members of the pilot court district bar associations trained on mediation, gender based violence, juvenile justice, family law, and other emerging legal issues (CPAP)	Action: Establish a desk at the Supreme Court to oversee the progress of the pilot courts.				
	Activity Result 3: Access to justice for victims of gender based violence enhanced			SC	500
	Action: Develop IEC materials in different languages on gender based violence and disseminate widely.				5,000
Existing paralegal training package reviewed and updated (non-CPAP)	Action: Train police, lawyers, judges, government attorneys, members of paralegal committees, mediators and media personnel on gender based violence, non-discrimination, human rights etc.;				
	Activity Result 4: Access to justice programming strengthened			UNDP	2,000
	Action: Review available training packages on paralegal and make necessary revisions.				1,000
Draft Mediation Bill ready for submission (CPAP)	Action: Conduct orientations on roles and responsibilities of PLCs at district level and VDCs level.				500
	Activity Result 5: Mediation practices strengthened to provide speedy resolution on small disputes			UNDP	500
	Action: Finalize the draft Mediation Bill with the necessary consultations.				1,000
6. Programme Support Expenditure	Action: Conduct an assessment of UNDP's previous support on mediation.				500
	6.1 National Professionals:				
	Programme Coordinator (1)			UNDP	9,000
	National Professionals (2)			UNDP	8,000
	6.2 Support Staff				
	Admin./Fin. Associate (1)			UNDP	3,000
	Secretary (1)			UNDP	2,000
	Drivers (2)			UNDP	4,000
	6.3 Overhead Expenditures				
	Travel			UNDP	2,000
Communication & Audio Visual Equipment			UNDP	2,000	

ANNUAL WORK PLAN

Award ID: 00049638

Award Title: Enhancing Access to Justice through Legal and Judicial Reform Project

Duration: August-December 2008

CPAP Output: Selected laws reviewed and amendments drafted and new legislations drafted as required by Nepal's treaty obligations and international human rights standards

ANNUAL TARGETS	PLANNED ACTIVITIES				Responsible Party	Fund	Donor	Budget Line	Approved Budget
	Q1	Q2	Q3	Q4					
Civil and Criminal Codes and anti-Corruption and mediation legislation finalized					MOLJPA	4000	UNDP	Local Consultants	2,000
Activity Result 1: Legislations revised to meet interantional standards and treaty obligations Action: Support to form Committee/Task Force to review the draft Penal Code, Criminal Procedure Code, Civil Code and Civil Procedure to address the recent changes. Action: Review the draft legislations from a human rights and gender perspective.						4000	UNDP	Travel	2,000
TOTAL									4,000

ANNUAL WORK PLAN

00049638

Enhancing Access to Justice through Legal and Judicial Reform Project
January-December 2009

Award ID:
Award Title:
Duration:

CPAP Output: Pilot court models graduated and ready for replication and mediation system strengthened for enhanced access to justice for women and excluded groups

ANNUAL TARGETS	PLANNED ACTIVITIES				Approved Budget
	TIME FRAME Q1 Q2 Q3 Q4	Responsible Party	Fund	Donor	
Capacity assessment of Judicial Council and Office of Attorney General Conducted (Non-CPAP)		SC	4000	UNDP	10,000
	<p>Activity Result 1: Justice sector management strengthened</p> <p>Action: Establish a high level committee on the execution of judgments.</p> <p>Action: Support the creation of a central database within the Supreme Court to monitor execution of judgments.</p> <p>Action: Support the JSCC to run its secretariate</p> <p>Action: Organize consultations on justice sector reforms priorities involving civil society organizations in partnership with the JSCC.</p> <p>Action: Carry out needs and capacity assessments of the Judicial Council Secretariat and the Office of Attorney General in relation to their mandates given by the Interim Constitution.</p> <p>Action: Develop a training module in partnership with NJA including the provision of the code of conduct of judicial accountability and conduct training for judges.</p>		4000	UNDP	20,000
Case management system reviewed and upgraded in accordance with international standard (CPAP)		SC	4000	UNDP	10,000
Court support staff trained on record-keeping, archiving, enforcement of court decisions (CPAP)			4000	UNDP	25,000
Replication package and exit strategy for model courts prepared (CPAP)			4000	UNDP	15,000
Judges and members of the pilot court district bar associations trained on mediation, gender based violence, juvenile justice, family law, and other emerging legal issues (CPAP)			4000	UNDP	5,000
	<p>Activity Result 2: Pilot Courts strengthened to deliver justice efficiently</p> <p>Action: Develop an exit strategy of the pilot courts in consultation with the Supreme Court.</p> <p>Action: Implement the plan developed on the basis of the outcome of the assessment of the pilot courts.</p> <p>Action: Train government attorneys, judges, court staff and non-gazetted staff on their TORs, court management, codes of conduct</p> <p>Action: Provide training (in-country and abroad) on court management to the court managers.</p>		4000	UNDP	14,000
	<p>Activity Result 3: Access to justice for victims of gender based violence enhanced</p> <p>Action: Launch awareness campaign against gender based violence targeting both duty bearers and rights holders through FM radios, school children's club, paralegal committees and IEC materials.</p> <p>Action: Train police, lawyers, judges, government attorneys, members of paralegal committees, mediators and media personnel on gender based violence, non-discrimination, human rights etc.;</p> <p>Action: Establish legal aid desks at district police offices in the selected districts to provide legal aid to victims of gender based violence.</p> <p>Action: Review the relevant provisions of the draft Criminal Code on gender based violence and lobby/advocate for abolishing discriminatory laws and approval of anti-domestic violence against women laws from the parliament.</p> <p>Action: Launch campaigns to change the public perceptions on the legal profession and make the profession more appealing to everyone especially for women</p> <p>Action: Conduct research on gender based violence in the selected Terai districts.</p>		4000	UNDP	50,000
	<p>Activity Result 4: Access to Justice Programming strengthened</p> <p>Action: Support the PLCs and District Resource Groups for their day to day operations.</p> <p>Action: Organize a series of training to PLCs and DRG Members on: human rights, child protection, domestic violence, negotiation skills, advocacy and mediation through sub-contracting NGOs.</p> <p>Action: Broadcast radio programmes through community radios to reach users living in remote areas to promote services available in the formal and informal systems of justice.</p> <p>Action: Organize round table meeting with district judges, government attorneys, police with PLCs to discuss human, rights and access to justice issues.</p>		4000	UNDP	7,000
100 Paralegal committees formed and trained on mediation and small dispute resolution (CPAP)		UNDP	4000	UNDP	13,000
Support the establishment of fund for provision of legal aid and higher legal education for women (CPAP)			4000	UNDP	3,000
			4000	UNDP	5,000
			4000	UNDP	95,000
			4000	UNDP	6,000
			4000	UNDP	12,500
			4000	UNDP	10,000
			4000	UNDP	5,000

ANNUAL WORK PLAN

Award ID: 00049638

Award Title: Enhancing Access to Justice through Legal and Judicial Reform Project

Duration: January-December 2009

CPAP Output: Selected laws reviewed and amendments drafted and new legislations drafted as required by Nepal's treaty obligations and international human rights standards

ANNUAL TARGETS		PLANNED ACTIVITIES						Approved Budget			
		TIME FRAME				Responsible Party	Fund	Donor	Budget Line		
		Q1	Q2	Q3	Q4						
Civil and Criminal Codes and anti-Corruption and mediation legislation finalized (CPAP)	Activity Result 1: Legislations revised to meet interanational standards and treaty obligations					MOLJPA	4000	UNDP	Local Consultants	5,000	
Training of MoLJPA and Law Reform Commission on legislative drafting and international treaty report writing (CPAP)	Action: Review the draft legislations from human rights and gender perspectives (This activity will be conducted in partnership with UNIFEM, NHRC, OHCHR, ICJ, NWC and other relevant actors). Action: Organize a series of consultations on core issues (rather than draft provisions) regulated in the draft codes e.g. matrimonial issues, property, inheritance etc. at grassroots level in selected districts and villages. Action: Organize a series of consultations in selected districts and Karamandu with parliamentarians, lawyers, government lawyers (from the attorney general office), judges and civil society. Action: Document lessons from the consultations both in terms of substance and process (with a view to progressively institutionalizing such consultation processes as part of inclusive law drafting) and disseminate. Action: In partnership with NHRC, review current documentation on domestication of International Human Rights Conventions and support a joint publication which will include recommendations for priority legislation to be revised. Action: Organize a series of training for the MOLJPA (particularly legal officers stationed in line ministries) and NLC staff on drafting in compliance with Human Rights law, Humanitarian law and non discrimination.					MOLJPA	4000	UNDP	Travel	7,000	
							4000	UNDP	Sub Contract	10,000	
							4000	UNDP	Materials and Other Goods	8,000	
							4000	UNDP	Audio Visual & Print Prod. Costs	5,000	
TOTAL											35,000

ANNUAL WORK PLAN

00049638

Award ID: Enhancing Access to Justice through Legal and Judicial Reform Project
Award Title: January-December 2010
Duration: CPAP Output: Pilot court models graduated and ready for replication and mediation system strengthened for enhanced access to justice for women and excluded groups

ANNUAL TARGETS	PLANNED ACTIVITIES				Fund	Donor	Budget Line	Approved Budget
	Q1	Q2	Q3	Q4				
Court support staff trained on record-keeping, archiving, enforcement of court decisions (CPAP)	Activity Result 1: Justice sector management strengthened Action: Organize consultations on justice sector reform priorities involving civil society organizations in partnership with the JSCC. Action: Launch awareness campaigns on: a) ethical conduct for judges; b) the role of the Judicial Council; c) how to make a complaint. Action: Pilot cost effective complaint mechanisms to post complaints against violations of the code of conduct.				4000	UNDP	Equipment and Furniture	3,000
	Activity Result 2: Pilot Courts strengthened to deliver justice efficiently Action: Train government attorneys, judges, court staff and non-gazetted staff on their TORs, court management, codes of conduct. Action: Implement the Plan developed based on the assessment of the pilot courts.				4000	UNDP	Equipment and Furniture	5,000
Additional 100 Paralegal committees formed and trained on mediation and Small dispute resolution (CPAP)	Activity Result 3: Access to justice for victims of gender based violence enhanced Action: Launch awareness campaign against gender based violence targeting both duty bearers and rights holders through FM radios, school children's club, paralegal committees and IEC materials. Action: Train police, lawyers, judges, government attorneys, members of paralegal committees, mediators and media personnel on gender based violence, non-discrimination, human rights etc.. Action: Design and conduct a comprehensive assessment involving women and the disadvantaged groups/users and providers of justice services on access to justice.				4000	UNDP	Audio Visual & Print	3,000
	Action: Launch campaigns to change the public perceptions on the legal profession and make the profession more appealing to everyone especially for women.				4000	UNDP	Prod. Costs	10,000
A comprehensive study on access to justice conducted (non-CPAP)	Activity Result 4: Access to Justice Programming strengthened Action: Conduct orientations on roles and responsibilities of PLCs at district level and VDCs level. Action: Support the PLCs and District Resource Groups for their day to day operations. Action: Organize a series of training to PLCs and DRG Members on: human rights, child protection, promote services available in the formal and informal systems of justice. Action: Organize round table meeting with district judges, government attorneys, police with PLCs to discuss human rights and access to justice issues.				4000	UNDP	Travel	15,000
	Action: Establish secretariats for District Coordination Committee in the selected districts. Action: Support the mediation committee in devising rollout plan for creating capacity for mediation at district level, including training.				4000	UNDP	Sub Contract	120,000
Judges and members of the pilot court district bar associations trained on mediation, gender based violence, juvenile justice, family law, and other emerging legal issues (CPAP)	Activity Result 5: Mediation practices strengthened to provide speedy resolution on small disputes Action: Support the mediation committee in devising rollout plan for creating capacity for mediation at district level, including training.				4000	UNDP	Materials & Goods	7,000
	Action: Organize training and refresher training on mediation. Action: Conduct a feasibility study to form a national federation of Mediation Centres and support them to organize a national conference.				4000	UNDP	Grants	10,000
Lawyers and judges and other people trained on court-referred mediation (CPAP)	Action: Organize training and refresher training on mediation.				4001	UNDP	Prod. Costs	8,000
	Action: Conduct a feasibility study to form a national federation of Mediation Centres and support them to organize a national conference.				4001	UNDP	Local Consultants	6,000

6. Programme Support Expenditure										
6.1 National Professionals:										
Programme Coordinator (1)						UNDP	4000	UNDP	Contra. Service	32,000
National Professionals (2)						UNDP	4000	UNDP	Contra. Service	31,000
6.2 Support Staff										
Admin./Fin. Associate (1)						UNDP	4000	UNDP	Contra. Service	11,000
Secretary (1)						UNDP	4000	UNDP	Contra. Service	7,500
Drivers (2)						UNDP	4000	UNDP	Contra. Service	11,000
6.3 Overhead Expenditures										
Travel						UNDP	4000	UNDP	Travel	8,000
Communication & Audio Visual Equipment						UNDP	4000	UNDP	Communic & Audio Visual Equip	5,000
Supplies						UNDP	4000	UNDP	Supplies	8,000
Rental Maintenance of Other Equip.						UNDP	4000	UNDP	Rental & Maint of Equip.	4,000
6.4 Monitoring and Evaluation, Security and Communication:										
Miscellaneous						UNDP	4000	UNDP	Miscellaneous	
Travel						UNDP	4000	UNDP	Travel	
Audio Visual & Print Prod. Costs						UNDP	4000	UNDP	Audio Visual & Print Prod. Costs	
Miscellaneous						UNDP	4000	UNDP	Miscellaneous	
Total										527,500

ANNUAL WORK PLAN

Award ID: 00049638

Award Title: Enhancing Access to Justice through Legal and Judicial Reform Project

Duration: January-December 2010

CPAP Output: Selected laws reviewed and amendments drafted and new legislations drafted as required by Nepal's treaty obligations and international human rights standards

ANNUAL TARGETS	PLANNED ACTIVITIES				Approved Budget
	Q1	Q2	Q3	Q4	
Training of MoLJPA and Law Reform Commission on legislative drafting and international treaty report writing (CPAP)					6,000
Review of laws updated (CPAP)					5,000
Activity Result 1: Legislations revised to meet interantional standards and treaty obligations					
Action: Support the MoLJPA and NLC to finalize the proposed Limitation Act and Bailment Act and anti-corruption law. Action: Organize a series of training for the MoLJPA (particularly legal officers stationed in line ministries) and NLC staff on drafting in compliance with Human Rights law, Humanitarian law and non discrimination. Action: Update and finalize the previous study on review of laws					10,000
TOTAL					30,000

1,200,000



Annual Work Plan

Nepal - Kathmandu

Award Id: 00049638

Award Title: A2J (EA2JLJRP)

Year: 2009

Report Date: 19/8/2008

Project ID	Expected Outputs	Key Activities	Timeframe		Responsible Party	Planned Budget						
			Start	End		Fund	Donor	Budget Descr	Amount US\$			
00060674	Pilot court models graduated a	1. Justice sector managem			NEP-Supreme Court	04000	UNDP	71600	Travel	16,000.00		
					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Companie	15,000.00		
					NEP-Supreme Court	04000	UNDP	72200	Equipment and Furniture	20,000.00		
					NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	10,000.00		
					NEP-Supreme Court	04000	UNDP	72400	Communic & Audio Visual Equip	5,000.00		
					NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	7,000.00		
		2. Pilot courts strengthened					NEP-Supreme Court	04000	UNDP	71600	Travel	10,000.00
							NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Companie	25,000.00
							NEP-Supreme Court	04000	UNDP	72200	Equipment and Furniture	15,000.00
							NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	20,000.00
							NEP-Supreme Court	04000	UNDP	72400	Communic & Audio Visual Equip	5,000.00
							NEP-Supreme Court	04000	UNDP	71600	Travel	3,000.00
		3. Access to justice for victi					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Companie	50,000.00
							NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	7,000.00
							NEP-Supreme Court	04000	UNDP	72600	Grants	13,000.00
							NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	14,000.00
							NEP-Supreme Court	04000	UNDP	71300	Local Consultants	6,000.00
							NEP-Supreme Court	04000	UNDP	71600	Travel	5,000.00
		4. Access to justice program					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Companie	95,000.00
							NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	5,000.00
							NEP-Supreme Court	04000	UNDP	72600	Grants	12,500.00
							NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	10,000.00
							NEP-Supreme Court	04000	UNDP	71300	Local Consultants	6,000.00
							NEP-Supreme Court	04000	UNDP	71600	Travel	5,000.00
5. Mediation practices streng					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Companie	20,000.00		
					NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	5,000.00		
					NEP-Supreme Court	04000	UNDP	72600	Grants	20,000.00		
					NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	5,000.00		
					NEP-Supreme Court	04000	UNDP	71300	Local Consultants	5,000.00		
					NEP-Supreme Court	04000	UNDP	71600	Travel	4,000.00		
6. Programme support exper					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Companie	80,500.00		
					NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	20,000.00		
					NEP-Supreme Court	04000	UNDP	72600	Grants	5,000.00		
					NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	5,000.00		
					NEP-Supreme Court	04000	UNDP	71300	Local Consultants	80,500.00		
					NEP-Supreme Court	04000	UNDP	71600	Travel	4,000.00		



Annual Work Plan

Nepal - Kathmandu

Award Id: 00049638

Award Title: A2J (EA2JLJRP)

Year: 2009

Report Date: 19/8/2008

Project ID	Expected Outputs	Key Activities	Timeframe		Responsible Party	Planned Budget				
			Start	End		Fund	Donor	Budget Descr	Amount US\$	
		6. Programme support expe			NEP-Supreme Court	04000	UNDP	72400	Communic & Audio Visual Equip	5,000.00
					NEP-Supreme Court	04000	UNDP	72500	Supplies	8,000.00
					NEP-Supreme Court	04000	UNDP	73400	Rental & Maint of Other Equip	4,000.00
					NEP-Supreme Court	04000	UNDP	74500	Miscellaneous Expenses	1,500.00
TOTAL										
00061561	Selected laws reviewed and ame	1. Legislations revised to me			"NEP-Ministry of Law, Justice	04000	UNDP	71300	Local Consultants	5,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	71600	Travel	7,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	72100	Contractual Services-Companie	10,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	72300	Materials & Goods	8,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	74200	Audio Visual&Print Prod Costs	5,000.00
TOTAL										35,000.00
GRAND TOTAL										567,500.00



Annual Work Plan

Nepal - Kathmandu

Award Id: 00049638

Award Title: A2J (EA2JLJRP)

Year: 2010

Report Date: 19/8/2008

Project ID	Expected Outputs	Key Activities	Timeframe		Responsible Party	Planned Budget						
			Start	End		Fund	Donor	Budget Descr	Amount US\$			
00060674	Pilot court models graduated a	1. Justice sector manageme			NEP-Supreme Court	04000	UNDP	71600	Travel	5,000.00		
					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Compane	2,000.00		
					NEP-Supreme Court	04000	UNDP	72200	Equipment and Furniture	3,000.00		
					NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	4,000.00		
		2. Pilot courts strengthened					NEP-Supreme Court	04000	UNDP	71600	Travel	10,000.00
							NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Compane	35,000.00
							NEP-Supreme Court	04000	UNDP	72200	Equipment and Furniture	5,000.00
							NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	8,500.00
		3. Access to justice for victi					NEP-Supreme Court	04000	UNDP	72400	Communic & Audio Visual Equip	4,000.00
							NEP-Supreme Court	04000	UNDP	71600	Travel	10,000.00
							NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Compane	35,000.00
							NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	5,000.00
		4. Access to justice program					NEP-Supreme Court	04000	UNDP	72600	Grants	15,000.00
							NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	3,000.00
							NEP-Supreme Court	04000	UNDP	71300	Local Consultants	6,000.00
							NEP-Supreme Court	04000	UNDP	71600	Travel	15,000.00
5. Mediation practices streng					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Compane	120,000.00		
					NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	7,000.00		
					NEP-Supreme Court	04000	UNDP	72600	Grants	10,000.00		
					NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	8,000.00		
6. Programme support exper					NEP-Supreme Court	04000	UNDP	71300	Local Consultants	6,000.00		
					NEP-Supreme Court	04000	UNDP	71600	Travel	7,000.00		
					NEP-Supreme Court	04000	UNDP	72100	Contractual Services-Compane	45,000.00		
					NEP-Supreme Court	04000	UNDP	72300	Materials & Goods	8,000.00		
					NEP-Supreme Court	04000	UNDP	72600	Grants	28,500.00		
					NEP-Supreme Court	04000	UNDP	74200	Audio Visual&Print Prod Costs	5,000.00		
					NEP-Supreme Court	04000	UNDP	71400	Contractual Services - Individ	92,500.00		
					NEP-Supreme Court	04000	UNDP	71600	Travel	8,000.00		
				NEP-Supreme Court	04000	UNDP	72400	Communic & Audio Visual Equip	5,000.00			
				NEP-Supreme Court	04000	UNDP	72500	Supplies	8,000.00			



Annual Work Plan

Nepal - Kathmandu

Award Id: 00049638

Award Title: AZJ (EA2JLJRP)

Year: 2010

Report Date: 19/8/2008

Project ID	Expected Outputs	Key Activities	Timeframe		Responsible Party	Planned Budget				
			Start	End		Fund	Donor	Budget Descr	Amount US\$	
		6. Programme support exper			NEP-Supreme Court	04000	UNDP	73400	Rental & Maint of Other Equip	4,000.00
TOTAL										
00061561	Selected laws reviewed and ante	1. Legislations revised to me			"NEP-Ministry of Law, Justice	04000	UNDP	71300	Local Consultants	6,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	71600	Travel	5,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	72100	Contractual Services-Company	10,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	72300	Materials & Goods	4,000.00
					"NEP-Ministry of Law, Justice	04000	UNDP	74200	Audio Visual&Print Prod Costs	5,000.00
TOTAL										
GRAND TOTAL										
										527,500.00
										30,000.00
										557,500.00

Enhancing Access to Justice through Legal and Judicial Reforms Project
Draft Project M & E Framework and Tracking Tool

Outcomes, Outputs and Activity Results	Indicator(s)/Quality Criteria	Base-line(s)	Target(s)	Source(s)/Means of Verification	Timing/Date of Assessment	Tracking Tool	
						Current status	Last date of measurement
National Priority: Good Governance							
UNDAF Priority No. 2: Socially excluded and economically marginalized groups have increased access to improved quality basic services							
2.2. Responsive and accessible justice systems to promote gender equality, social inclusion and the rule of law, including formal and informal processes.	Selected existing discriminatory laws are reviewed and amended	176 discriminatory legal provisions (F-WLD report 2006)	20 laws	MoLIPA	2010		
	Ratio of human rights cases resolved out of the total no. of cases submitted to NHRC	0.65% (2006)	80 cases recommended for action per year	NHRC	Annual		
2.2.1. Pilot court models graduated and ready for replication, and mediation system strengthened for enhanced access to justice for women and excluded groups.	# of backlog cases in pilot courts	12100 backlog cases in pilot courts (2007); disposal rate of 21 months (2006)	7865 cases; 65% disposal rate	Supreme Court	Annual		
	# of months from filing to court decision in civil cases	21 months (2006)	12 months (2010)	Supreme Court	2010		
	# of months from filing to court decision in criminal cases	14 months (where an individual is the plaintiff; 2006)	10 months	Supreme Court	2010		
	% of disputes solved by paralegal committees	To be established by the LGDP in 2008	90%	MLD/LGDP	Annual		
	% of total cases submitted to paralegal committees submitted by women	To be established by the LGDP in 2008	60%	Progress reports	MLD/LGDP	Annual	
	% of total cases submitted to paralegal committees submitted by Dalits	To be established by the LGDP in 2008	20%	Progress reports	MLD/LGDP	Annual	
Activity Result 1: Justice sector management strengthened	% of cases submitted by Dalits solved by the paralegal committees	To be established by the LGDP in 2008	90%	MLD/LGDP	Annual		
	# of complaints on violations of code of conduct of judicial accountability A central database on decided cases awaiting execution established	125 in 2007 N/A	300 One	Report of Judicial Council Supreme Court	2010 2009		

	# of workshops on various issues of access to justice organized	0		3 workshops	Supreme Court/MOLPA	2010		
	# of policy papers on access to justice submitted to the government	N/A		3 Policy Papers	Supreme Court/MOLPA	2010		
Activity Result 2: Pilot Courts strengthened to deliver justice efficiently	# of judges and court staff trained on execution of judgment, TORs, code of conduct, court management and other legal issues.	1000 persons in 2002-07.		500	Project Progress Report	2010		
	Assessment of pilot courts conducted	0		1	Project Progress Report	2008		
Activity Result 3: Access to justice for victims of gender based violence enhanced	# of police, judges, lawyers and government attorneys trained on violence against women	0		300 officials	Report of National Police Academy, Judicial Council, National Judicial Academy	2010		
	# of Legal Help Desks established in District Police Office in the selected districts	0		7 District Police Offices	Project Progress Report	2010		
	Research conducted on the situation of gender based violence in Terai				Project Progress Report	2010		
	# of women lawyers worked as interns at law firms and legal aid cells.	0		90 women lawyers	Project Progress Report	2010		
Activity Result 4: Access to justice programming strengthened	# of Paralegal Committees formed	0		200 PLCs formed	Project Progress Report	2010		
	# Paralegal Committees members received training human rights, child rights, gender issues and basic legal issues	0		2000 members	Project Progress Report	2010		
Activity Result 5: Mediation practices strengthened to provide speedy resolution on small disputes	# of persons received training on court referred and community mediation	1260 and 1478 on court referred and community mediation		500 on court referred and 1500 on community mediation	Project Progress Report	2010		
	# of cases resolved through mediation	7600 cases in 2002-07		10,000 cases	Project Progress Report	2010		

2.2.3. Selected existing laws reviewed and amendments drafted and new legislation drafted as required by Nepal's treaty obligations and other international human rights standards	# of revisions and new legislations drafted	0	8	MoLJPA	2010			
	# of discriminatory laws amended or abolished	176 discriminatory legal provisions existed as of 2006 (FWLD report 2006);	20 laws	MoLJPA	2010			
Activity Result 1: Legislations revised to meet interantional standards and treaty obligations	# of legislations submitted to parliament	0	5	MoLJPA	2010			
	# of MOLJPA and NLC officials trained on legislative drafting and treaty negotiation	135	100 Officials	MoLJPA	2010			

**Terms of Reference
of
Project Coordinator (PC)**

Post Title	: Project Coordinator (SB 5)
Duty Station	: Kathmandu with frequent travel to programme districts
Duration	: Service contract to be issued on an annual basis, subject to satisfactory performance

Responsibilities:

- (a) Assumes overall management and administration including budgeting and planning of the project in accordance with the project document and the policies and procedures;
- (b) Prepares and updates project work plans, and submits these for clearance to the Ministry, FACD/MOF and UNDP CO;
- (c) Ensures that all agreements with designated project implementing agencies are prepared, negotiated and signed;
- (d) Initiates and administers the mobilization of project inputs under the responsibility of the executing agency;
- (e) Coordinate and liaise with all relevant stakeholders (government, donors and CSOs) with respect to the implementation of the project activities;
- (f) With respect to external project implementing agencies:
 - (1) ensures that they mobilize and deliver the inputs in accordance with their implementation agreement or contract, and
 - (2) provides overall supervision and/or coordination of their work to ensure the production of the corresponding project outputs.
- (g) Assumes direct responsibility for managing the project budget on behalf of the Project Executive Board (PEB), ensuring that:
 - (1) project funds are made available when needed and disbursed properly
 - (2) accounting records and supporting documents are kept,
 - (3) required financial reports are prepared,
 - (4) financial operation of the project are transparent and stands up to audit at any time, and
 - (5) ensure that the financial procedures and regulations for NEX projects are applied.
- (h) Prepare annual Project Reports (financial and technical) as scheduled, and organize Tripartite Project Reviews and evaluation missions in coordination with UNDP;
- (i) Supervise the project staff and local or international consultants working for the project;
- (j) Ensures the creation of a knowledge management system including collection of lessons learned and best practices;
- (k) Ensure that all activities carried out under the project are compliant with international human rights standards, are non-discriminatory and promote gender equality and the active inclusion of disadvantaged groups;
- (l) Ensure that all staff of the project and project partners are trained on HRBA; and
- (m) Report regularly to the PEB.

Qualifications:

The candidate should hold at least a Bachelor's Degree in law with Master's Degree in law, human rights, management, social science, development studies or any other relevant fields with a minimum of seven years of relevant working experience. Knowledge of the legal/justice sector and practical working experience with Government and I/NGOs is required. The candidate must have sound experience in the management and co-ordination of development projects/programmes. Knowledge of result based management (RBM) will be an asset. Proven competency in report writing in English and excellent oral and written communication skills in Nepali and English languages as well as computer skills are required.

Terms of Reference of Mediation Specialist

Post Title	: Mediation Specialist (SB 4)
Duty Station	: Kathmandu with frequent travel to programme districts
Duration	: Service contract to be issued on an annual basis, subject to satisfactory performance.

Responsibilities:

Generally, the Mediation Specialist will be responsible for implementing mediation component of the project in close collaboration with relevant stakeholders. In particular s/he will:

1. Provide necessary support for the finalization of the Mediation act;
2. Develop a plan for the implementation of the Mediation Act;
3. Undertake mapping of mediation activities and review them in terms of geographical coverage, accessibility and satisfaction from the users and human rights perspectives;
4. Support MOLJPA to develop mediation procedures, rules and code of conduct of the certified mediators;
5. Review the existing training curricula on court referred mediation and community mediation and develop a new curricula;
6. Support NGOs to conduct training on court referred mediation and community mediation;
7. Take necessary actions to develop national federation of Mediation Centres;
8. Provide technical inputs in developing IEC materials for the promotion of mediation practices;
9. Ensure that all mediation practices carried out under the project are compliant with international human rights standards, are non-discriminatory and promote gender equality and the active inclusion of disadvantaged groups;
10. Undertake regular field visits to monitor the ongoing mediation programme and provide written reports and other information s required by the NPM;
11. Provide additional support as requested by NPM and as required to make this programme a success.

Qualifications:

The candidate should hold at least a Bachelor's Degree in law or similar relevant fields with a minimum of five years of working experience in the similar field. Knowledge of the legal/justice sector and practical working experience with Government and I/NGOs is required. Previous experience in the management and co-ordination of development projects/programmes will be an asset. Good oral and written communication skills in Nepali and English languages as well as computer skills are required.

**Terms of Reference
of
Access to Justice Specialist**

Post Title	: Access to Justice Specialist (SB 4)
Duty Station	: Kathmandu with frequent travel to programme districts
Duration	: Service contract to be issued on an annual basis, subject to satisfactory performance.

Responsibilities:

Generally, the Access to Justice Specialist will be responsible for implementing paralegal component of the project in close collaboration with relevant stakeholders. In particular s/he will:

1. Provide necessary support to Paralegal Committees in the selected districts, including revising the criteria for paralegal committees to make them more inclusive;
2. Support to develop mechanisms to have regular interactions of Paralegal Committees with other actors of formal justice system;
3. Review the existing training curricula on paralegal issues and develop a new curricula based on the review;
4. Provide technical inputs to develop IEC materials on legal awareness and functions of Paralegal Committee;
5. Organize a series of training to PLCs and District Resource Group Members on: human rights, child protection, domestic violence, legal issues related to discrimination, negotiation skills, advocacy and mediation;
6. Develop a plan in consultation with Nepal Bar Association for the mobilization of women lawyers to women police cell and internship programme for women lawyers;
7. Provide training on (directly or through NGOs or other service providers) on HRBA, Access to Justice using HRBA tools and inclusiveness to relevant actors;
8. Ensure that all practices and activities carried out under this component of the project are compliant with international human rights standards, are non-discriminatory and promote gender equality and the active inclusion of disadvantaged groups;
9. Undertake regular field visits to monitor the ongoing paralegal programme and provide written reports and other information as required by the NPM
10. Provide additional support as requested by NPM and as required to make this programme a success.

Qualifications:

The candidate should hold at least a Bachelor's Degree in law or similar relevant fields with a minimum of five years of relevant working experience in the similar field. Knowledge of the legal/justice sector and practical working experience with Government and I/NGOs is required. Previous experience in the management and co-ordination of development projects/programmes will be an asset. Good oral and written communication skills in Nepali and English languages as well as computer skills are required.