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Resilient nations.*

## Annual Progress Report - 2012

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

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

Signature \_\_\_\_\_

Kshitij Yadav  
Office In-Charge

Signature \_\_\_\_\_

Bipul Neupane  
Executive- Project Board

## 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 Inquiry on Enforced Disappearances (COID) 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 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.*

## 2. Key Results in 2012

**2.1 Summarize three major results achieved in 2012, 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.**

- a) *In the Project support, an explanatory note on Penal Code, Criminal Procedure Code and Sentencing Bill was developed by a group of experts. While a multi-stakeholder consultation was organized in collaboration with Nepal Bar Association, the Office of Attorney General and the Ministry of Law and Justice on the proposed Penal Code and Civil Code. 300 participants including CA members and legal experts attended the programme. Likewise, the security law was reviewed from the international human rights standards. 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."*
- b) *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 50000 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"*
- c) *With regards to community mediation, 1771 disputes registered at the Community Mediation Centers out of which 1457 disputes resolved successfully till the end of December of 2012. Similarly, free legal aid service was provided to 1496 victims of GBV through legal aid desks till December 2012. 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."*

3. **Achievements against Annual Work Plan (Annual Targets & Activities)**

4. **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 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 provided forums for easy access to justice for women and socially excluded communities. These 36 mediation centers handed over to local authorities with endowment fund of Rs. 50000 each and they are functioning well.
- Legal Aid Desks established in four districts are providing free legal aid services to victim women of GBV. To the end of December 2012, the total of 1496 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 27 VDCs of three districts, Sarlahi, Dhanusha and Mahottari in September 2012. The mobile legal aid clinics in of Dhanusha, Mahottari and Sarlahi districts provided free legal counselling to 2204 persons (50% Dalit women from poor economic background) of these, 471 (21%) were male and 1733 (79%) were female. Altogether 233 persons (201 women and 32 men) were benefitted from the 21 mobile legal clinic services conducted in three districts. The project developed various IEC materials such as Public Service Announcement, docudrama, posters and booklets on women rights and anti-GBV. Majority of the beneficiaries was women and Dalits.
- Eighteen 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.
- A PSA and a docudrama with a view to raise people aware on the Domestic Violence Law were developed and disseminated.
- Gender Policy of Nepal Police 2069 has been developed and rolled out on July 01, 2012. A series of orientation was organized to train police officials on the Policy in five regions. Gender Orientation was organized in all five regions to orient police commanders.

**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

4.4 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?

- 83 local people were trained on replacement training and 372 mediators were trained on refresher trainings on the Basic Mediation and Human Rights
- Four-day training was organized in November 2012 for 35 legal officers working in the different ministries on legislative drafting, treaty negotiation and legal opinion
- 59 non-gazetted officers of the judiciary received training on gender justice and gender based violence. While 32 women officers representing from different governmental agencies received orientation training on "Addressing Sexual Harassment in Work Place"
- Altogether 4 events of training on court management including judgment execution were conducted to 124 non-gazetted staff of various courts attended the training. In addition, five-week training for 27 non-gazetted staff on court management.
- The study tour to learn from their experience on judgment execution was organized from 20 to 23 November 2012 under the leadership of Hon Justice. The delegation had meetings with various stakeholders on justice sector on judgment execution.
- An Under-secretary of the Ministry attended the workshop on Minority Rights in Geneva with the support of the project.
- Senior most Justice and woman activist attended the Conference to support SAARC LAW Two female judges attended the Conference of the International Association of Women Judges (IAWJ) held in London from May 2-5, 2012.
- A five-day training on Gender based violence, Gender Justice and Psychosocial Counselling for 30 Legal aid Lawyers and Police from March 28 to 31, 2012.
- A coaching class was organized for 36 women and men law graduates who were taking Public Service Commission Final Exam for Law and Judicial Service for two months. In addition, coaching classes for 25 men/women candidates who were success in the PSC written examinations was conducted and among them 18 successfully passed out.
- A coaching class for 25 women and men law graduates of Nepal Bar Council Exam was conducted for a month from March 14 to April 11, 2012 successfully. All candidates passed the exams.
- A three-month training to build capacity of 30 young women and men marginalized lawyers conducted from September 02 to December 06 2012 in the collaboration with Nepal Bar Association.
- The inter district observation visit for 175 personnel (mediators and stakeholders) was carried out.

5.1 Describe any implementation challenges you have faced during the implantation of the project in 20112, as well as your responses

- The dissolution of Constitutional Assembly dead locked the process of passing of the draft Civil Code and Civil Procedure Code and Criminal Code and Criminal Procedure Code.
- Non-establishment of the Truth and Reconciliation Commission halted the vast majority of activities related to transitional justice).
- Mediation Act passed and enacted but remains unimplemented.
- The inactiveness of multi-sectoral response is one of the big challenges to activate referral network between legal aid clinics, police, prosecution and women's organizations.
- 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.	Mediation Act passed and enacted but remains unimplemented.	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	14 Sept-12	Little progress has been seen.
2.	Delay in enactment of the TRC and CED bill	Political	Due to delay in the enactment of bill on TRC and CED, the activity regarding TRC and CED could not take place	Necessary supports to the legal division of the MoPR could be provided	NPM	PO	Programme Officer	October 2012	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-12	NPM

## 6. 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 2013, 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.

N/A

7. 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	Quantitative justification for variances not provided and carried over activities not stated distinctively in QWP.	<ul style="list-style-type: none"> <li>It is recommended that Causes for delays are reported along with the statuses for all the activities with quantitative analysis.</li> <li>Distinction shall be made at the QWP and QPR about the carried over activities of the previous quarter for proper identification of activities pertaining to previous periods.</li> </ul>	Low	Causes of delays will be quantified and reported in the QPR and any carried over activities will be comprehensively and distinctively noted in the QWP and QPR.	Jan-12	Project Manager	Implemented	The Project has prepared variance analysis report on the quarterly basis and the distinctively noted in the QWP and QPR of any carried over activities.
2	Financial management capacity of service providers weak and inadequate financial monitoring by the project.	<ul style="list-style-type: none"> <li>Financial management capacity of the service provider shall be assessed before contracting them,</li> <li>Activity of the service providers shall be monitored regularly and ensure compliance with the terms of contract with them and observance of sound financial management system by them.</li> </ul>	Medium	The PMU will make capacity assessment before awarding contract and ensure that service provider has enough financial capacity to manage the funds provided under the contract. If necessary; PMU will provide orientation to strengthen the capacity of the service provider. PMU will increase the monitoring visit of the service provider. The PMU will also clarify the requirement on contract in reporting and monitoring before awarding the same.	Jan-12	Project Manager	Implemented	The three days residential training was conducted for staff of NGO partner CeIRRD and three days was for Nepal Bar Executives and legal aid desk lawyers. Likewise, internal audit was conducted in all partners of the project through an independent audit firm. While series of monitoring visits were conducted.
3	Weak budget Monitoring System: Preparation of sub-activity wise budget and budget vs. actual analysis at sub-activity level was not practiced. Thus, even if FACE forms show exactly 100% budget utilization, it does not means that all the sub-activities planned were carried out.	<ul style="list-style-type: none"> <li>Carry out variance analysis with justification on sub-activity and quantified to the extent possible.</li> <li>Discussion the issue in the project board meeting about the justifications and decision taken about the same.</li> </ul>	Low	PMU will prepare sub-activity wise budget variance analysis and will quantify and specify the reasons. Variance analysis will be presented on the project board meeting in a regular basis.	Jan 12	Project Manager	Implemented	The project prepared variance analysis report and sub-activity wise budget from 2012 AWP



4	Consultancy contracts extensions done by NPM without proper delegation of authority		Low	Follow appropriate delegation of the authority from the NPD to NPM for no cost extension of consultancy contracts.	Jan 12	Project Manager	Implemented	Implemented
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