

UNDP Nepal Annual Report 2018 – A2J Project

Context:

For Nepal, the year 2018 was a landmark year for implementation of constitutional requirements for legislative and institutional reform in relation to the access to justice. Criminal and civil codes, both material and procedural, entered into force and the Parliament passed sixteen bills related to fundamental rights. Judicial Committees at the local level scaled up their presence and operational capacity. The UNDP, through its A2J Project, continued to provide technical assistance to the Ministry of Law, Justice and Parliamentary Affairs in legislative reform efforts and supported a number of initiatives aimed at capacity development of Judicial Committees.

Key achievements:

The Project provided space for marginalized groups to participate in the process of drafting of legislations on fundamental rights. The Project supported Dalit NGO Federation to review six laws from the human rights, particularly Dalit rights, perspective and provide substantive feedback to the Parliament prior to adoption of laws. As a result of this support, several amendments were included in the final text of the bills, for example, in the amendment of the Caste Based Discrimination and Untouchability Act, the term “descent” has been inserted in the preamble as well as body of the Act, as it is considered one of the bases of caste based discrimination, punishment has been amended with imprisonment “and” fine (instead of “or”), compensation to be provided by the state fund (instead of “offender”). Similarly, the specific term “Dalit” has been inserted in the Act relating to Free Education, Housing, Food and Social Security to ensure their rights in the respective Acts passed by the Parliament.

The Project supported the key stakeholders in implementation of the Costed Action Plan for implementation of the newly enacted criminal and civil legislation. As part of the partnership with the Law Book Management Committee, the Project prepared simplified versions of the newly adopted criminal and civil codes which were disseminated widely within the justice sector in order to increase understanding on the new codes amongst key stakeholders but also the general public. In addition, the Project provided technical support to the Office of the Attorney General to draft guidelines, policies and introduce systems to implement the codes. Moreover, the Project facilitated organization of the national conference of attorneys where a plan of action for implementation of criminal codes was adopted.

The Project devised and implemented a number of outreach activities on implementation of the new codes and judicial committees. The Project partnered with Nepal Television and Radio Nepal to develop and broadcast 5 (five) TV PSA, 8 (eight) TV and 15 (fifteen) radio talk programs, covering different topics on roles and responsibilities of Judicial Committees and features of the newly adopted codes. As a result of this intervention, a total of 100,000 were reached and their

awareness on the new codes and judicial committees raised. In addition, the Project supported developing of “Major Highlights of the Criminal and Civil Code” which were disseminated through MoLPA among the officials of the government at federal and province level.

The Project provided technical support to the Nepal Bar Association in drafting and finalization of Pro Bono Guideline for lawyers. The Guideline was adopted at the General Assembly of the NBA held on 25th of August. Adoption of the guideline is expected to contribute to better streamlining of Pro Bono work of the lawyers. The biggest impact of the guideline, however, is that it will increase the number of recipients of legal aid in Nepal. In addition, institutionalizing of the pro bono concept will influence a more integrated approach in the delivery of legal aid in Nepal and facilitate adoption of the National Integrated legal Aid policy.

The Project introduced for the first time in Nepal a dialogue on business and human rights as part of its law and development agenda. Three inter-agency dialogues were organized with participation of judges, lawyers, members of the National Human Rights Commission, members of the human rights and justice committee of the parliament, business representatives, academia, media and civil society. Introducing this activity in Nepal contributed to put Nepal on the map of business and human rights in South Asia and ensure participation of Nepal in the first Business and Human Rights Forum in South Asia to be held in 2019.

The Project continued to support affirmative legal education, through scholarship (20 students, out of them 12 women) and internship program (31 young lawyers, out of them 16 women) for young professionals coming from marginalized groups, significantly increasing representativeness of the most vulnerable in the legal profession and justice institutions. The Project also worked closely with women lawyers, providing them with a possibility to come together for a national conference and discuss issues and challenges that they face in the profession. As an outcome of the conference, a number of women lawyers registered as providers of free legal aid from which many women and marginalized categories stand to benefit, ensuring that they have access to legal recourse in protection of their rights.