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Strengthening the Rule of Law and Human Rights Protection System in Nepal Programme



(2013-2017)

**United Nations Development Programme Nepal
Programme Document**

Programme Title: Strengthening the Rule of Law and Human Rights Protection System in Nepal Programme (2013-2017)

Expected UNDAF and CP Outcomes:

Vulnerable groups benefit from strengthened legal and policy frameworks and have improved access to security and rule of law institutions.

Expected CPAP Outputs:

1. Judicial, legislative and administrative authorities have improved capacity to draft, reform, and implement legislation that protects people's rights and constitutional guarantees; 2. Justice sector institutions have improved capacity for coordinated service delivery; 3. Vulnerable people are better enabled to access fair and effective security and justice institutions; 4. Government institutions have increased capacity to monitor and report on human rights and on the status of implementation of human rights obligations; 5. The Government and civil society have enhanced capacity to develop, establish, and implement inclusive and gender-sensitive transitional justice mechanisms; and 6. Policies that comply with international law and standards.

Lead Implementing Partner:

Supreme Court of Nepal.

Implementing Partners:

Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs.

Responsible Parties:

Ministry of Peace and Reconstruction; Office of the Attorney General; National Dalit's Commission; National Women's Commission; National Judicial Academy; Judicial Service Training Centre; Nepal Bar Association.

The 'Strengthening the Rule of Law and Human Rights Protection System in Nepal' Programme (the Programme) focuses on supporting systemic changes in national legislative, policy and institutional frameworks and structures and on delivering tangible results at the local level.

To improve the administration of justice in Nepal, the Programme will further strengthen communication, coordination and cooperation amongst justice sector institutions, and support the development of core institutional capacities as well as support better implementation of protective legislation in Nepal. By laying the foundations for a sectorial approach to justice sector reform and administration, the Programme will enhance the sustainability of all resources allocated to the sector.

To enable vulnerable groups to access justice, the Programme will support the Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs (MoLJCAPA) to lead reforms in the legal aid regime of Nepal towards the establishment of an integrated system which coordinates and regulates relevant, accessible socio-legal aid service provision throughout Nepal. By further enabling vulnerable groups to enjoy their right to legal aid services, the Programme will empower them to exercise their rights to poverty-reducing services such as inheritance, pensions, education allowances, health and legal services, thereby addressing systemic inequality which is one of the root causes of conflict in Nepal.

To promote accountability for due process and human rights violations, the Programme will support the revision of legislation in line with international human rights instruments and the development of the institutional capacities needed to effectively implement revised legislation and other human rights frameworks.

To support a holistic transitional justice process in Nepal, the Programme will support the development of transitional justice mechanism(s) that is aligned with international standards and will strengthen the criminal justice system so as to ensure that the system has the capacity to address conflict-related legal challenges

facing Nepal. These efforts will develop sustainable complementarity between the criminal justice system and the established transitional justice mechanism(s) so resolution for conflict-era violations is reached and the grounds for peace are laid.

Programme Period: 60 months (01/13 – 12/17)	Total resources required	USD 24,093,650
Key Result Area (Strategic Plan): Democratic Governance	Government	
Atlas Award ID:	UNDP (Regular)	USD 2,500,000
Start Date: April 2013	BCPR	USD 2,500,000
End Date: December 2017	Donors:	
PAC Meeting Date: 9 November 2012	UNPFN	USD 2,200,000
Management Arrangement: NIM	Norway:	USD 4,023,406
	Unfunded:	USD 12,870,244

Agreed by: (Supreme Court of Nepal)



Date:

01/11/2013

Agreed by: (UNDP Nepal)



Date:

28 Nov. 2013

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Country Director, a.i.

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I. EXECUTIVE SUMMARY

The Rule of Law and Human Rights Programme (the Programme) aims to ensure that women and other vulnerable groups benefit from a protective legal framework and recent improvements in the field of administration of justice. The Programme will work in three primary areas to achieve its goals. First, it will support rule of law institutions to be more responsive to demands for justice service delivery; improving the supply aspect of the justice sector. Second, it will augment the demand for justice service delivery by developing the capacity of vulnerable groups to access rule of law institutions and assert and enjoy their human rights and entitlements. Third, it will support the criminal justice system, civil society, and the media to work together to ensure increased accountability for justice service delivery. To complement this work, the Programme will support the development and implementation of a holistic transitional justice process for Nepal, including by building complementarity between the transitional justice mechanism(s), if established in compliance with international standards, and the criminal justice system, to address the issues related to conflict-era human rights abuses.

To strengthen the administration of justice, the Programme will support the development of a justice sector reform process, through which rule of law institutions will define their own priorities and identify measures to effectively address them. The Programme will support justice sector institutions to conduct regular self-assessments to identify 'what is needed' to improve justice service delivery. The Programme will further assist justice sector institutions to test out strategies for filling in gaps in service delivery and, once institutions have discovered 'what works', the Programme will help institutionalize successful initiatives throughout Nepal, including through the development of research, planning, monitoring and evaluation capacities. In this way, the Programme will work both bottom-up and top-down to improve the administration of justice in Nepal; testing initiatives at the local level and then ensuring that successful initiatives are systematically implemented by and reflected in national policy.

Having strengthened the capacity of the justice sector to deliver justice, the Programme will focus on increasing access to justice for Nepal's vulnerable groups. The Programme will accomplish this by establishing an 'affirmative action' law degree scholarship and internship scheme through which vulnerable groups currently not well represented in the legal profession can obtain a law degree and practical work experience. This scholarship and internship scheme will not only improve representation of vulnerable groups in the legal profession, but will also make the provision of legal aid and other justice services more emphatic to the needs of vulnerable communities. Additionally, the Programme will support development of a relevant, accessible and integrated socio-legal aid scheme in close collaboration and cooperation with the Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs (the MoLJCAPA) to enable vulnerable groups to assert and enjoy their rights in civil and criminal cases.

To improve accountability for the delivery of justice and other services that promote and protect human rights, the Programme will strengthen and develop the core institutional and human capital of relevant line ministries, offices and national institutions to enable improved implementation and domestication of Nepal's human rights obligations, as stipulated by international legal frameworks, the National Human Rights Action Plan (NHRAP) and the Universal Periodic Review (UPR). The Programme will also support the linkages between the government and specialized national commissions for Women and Dalits – the National Women's Commission (NWC) and the National Dalit Commission (NDC) – as well as the work of these commissions on the protection and promotion rights of women and Dalits in Nepal.

The Programme will also work specifically to increase the capacity of the criminal justice system. The Programme will support the revision of laws and development of the human resource capacities needed to implement penal legislation, anti-gender based violence, anti-caste based discrimination, and anti-corruption legislation. Further, the Programme will strengthen the criminal justice system's capacity to prosecute conflict-related human rights violations and forward the peace-building processes in Nepal. In the event that a transitional justice mechanism is established in line with international human rights standards, the Programme will enable this mechanism to fulfill its role in a holistic transitional justice process; namely, to complete truth-seeking and documentation activities and provide evidence to support criminal prosecutions. In this way, the Programme will work to develop sustainable complementarity between the transitional justice mechanism, once established, and the criminal justice system as a whole.

Expected programme results

Strengthening the administration of justice

The justice sector reform process will be achieved through a justice sector coordination process aimed towards establishing a sector-wide approach to justice administration (SWAp); a comprehensive justice sector strategy with measurable results supported by a multi-donor funding mechanism. The reform process is also expected to result in practical inter-institutional initiatives and evidence-based investments, which are expected to contribute to the following results: 35% increase in the number of judgments executed; 30% increase in the number of households satisfied with court, police, and prosecutors' services; 16% increase in the number of vulnerable groups who trust state justice and security institutions; and a 15% increase in the number of SGBV, caste-based discrimination and corruption cases which result in conviction.

Strengthening access to justice

The consultative legal aid reform process is expected to result in the development and implementation of an institutional, legislative, and policy framework for an integrated 'socio-legal aid' system. In addition, socio-legal aid services and the promotion of mediation provided under this component are expected to contribute to the following results: a 12% increase in the number of SGBV and caste-based discrimination cases reported to police; 14% reduction of the pre-trial detention population; the revision and enactment of the Legal Aid Act, ensuring legal aid provision in line with international standards; and an increase from 2,555 to 12,000 vulnerable people benefitting from legal aid services.

Strengthening accountability for the provision of justice and other services which protect and promote human rights

The Programme's support to implementation of Nepal's international human rights obligations – including the UPR – and strengthening of the NWC and the NDC is expected to result in overall improvement of the human rights framework in Nepal, as well as improved visibility of rights issues related to women, Dalits and other vulnerable groups. As such, this support will also reinforce the impact of the Programme's other components, in particular outputs related to implementation of anti-discriminatory legislation and access to justice.

Support to the holistic transitional justice process in Nepal

To ensure a holistic transitional justice process for Nepal, the Programme will support a future transitional justice mechanism established in accordance with international law, and

ensure complementarity between the criminal justice system and all elements of the transitional justice process. Toward this end, the Programme will pursue a 'victim-centric approach to transitional justice which will engage both civil society and concerned government agencies. The support under this component is expected to achieve the following results: full implementation of 40% of UPR recommendations regarding transitional justice and conflict-related violations; 500 women trained on transitional justice issues; and 4,000 women victims trained on truth telling processes.

II. BACKGROUND

Nepal is a least developed country, facing transitional justice, state restructuring and rule of law challenges. Nepal's distinguishing feature is its extraordinary ethnic, cultural and linguistic diversity. According to the 2011 census data, there are 125 caste/ethnic groups in the country speaking 123 languages. The Government of Nepal has, with varying success, attempted to design and implement policies which are sensitive to this diversity but doing so is extremely challenging and despite all efforts, certain vulnerable groups¹ in Nepal have been marginalized in legal, economic and political processes. Many of these groups united under the Maoists in the early 1990s to begin an armed insurgency against the Nepali state.

Nepal's armed conflict began in 1996 and continued until 2006. It resulted in the death of about 16,729 persons, displacement of about 78,689 persons, disappearance of about 1,327 people, and severe damage to public infrastructures valued at approximately 5 billion Rupees.² On 21 November 2006, the conflict officially ended with the signing of the Comprehensive Peace Accord (the CPA). The CPA lays out the framework for a peaceful 'New Nepal' underpinned by the rule of law³ and calls for total transformation⁴ of the state, towards an inclusive polity in which all can enjoy their civil, political, economic, social and cultural rights. To enable the vulnerable groups to participate in a 'historic campaign to build a new Nepal',⁵ the CPA provides for restructuring of the state to address the over-centralisation of power, resources, and opportunities. The Interim Constitution of Nepal (the Constitution) promulgated on 15 January 2007 incorporated the principles and objectives of the CPA and established the institutional framework for the rule of law: multi-party democracy; transparent and accountable government; human rights for all and affirmative action for vulnerable groups; and a series of institutions with the power to enforce, promote and protect human rights, including an independent judiciary and the NHRC, a constitutional body with full autonomy.

The Constitution also provided for the establishment of a joint interim Legislature-Parliament Constituent Assembly (CA) charged with writing the new constitution and carrying out the state-restructuring process mandated by the CPA. Election to the CA was held on 10 April 2008; a third of its members (33%) were women and a record number of Dalits and

¹The UN Common Country Assessment (CCA) identifies 20 of the most vulnerable groups who suffer from disproportionately high levels of poverty, low human development, and exclusion: women subject to sexual abuse and exploitation; Women from the Mid- and Far West; Women of reproductive age; Adolescent girls; Endangered and highly marginalized indigenous populations; Selected religious communities; Dalits; Persons with disabilities; Children without basic education; Undernourished children; Under- and unemployed youth; Migrant workers and their families; Rural landless and land-poor; Bonded and forced laborers; Urban slum dwellers and squatters; Conflict-affected people; People at risk of statelessness; Illiterates; People from lowest-performing districts; People from areas vulnerable to climate change and natural disasters. *Country Analysis with a Human Face (UN Country Team in Nepal, Sept 2011)* p.15).

² National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1, Human Rights Council Working Group on the Universal Periodic Review Tenth session Geneva, 24 January–4 February 2011.

³ *Comprehensive Peace Accord Concluded Between the Government of Nepal and The Communist Party of Nepal (Maoist)*, 21st November 2006, section 3.4, p.5.

⁴ CPA, *ibid.*, section 3.

⁵ CPA, *ibid.*, section 10.7, p.22

indigenous peoples were elected, making the CA the most reflective and inclusive body in Nepal's history. Despite its representativeness and over four years of operation, however, the CA failed to promulgate the democratic constitution before it was dissolved in May 2012.

As such, Nepal continues to undergo a profound socio-economic and political transformation in order to meet the CPA and Constitution's calls for peace; change; and political and economic stability, Nepal's ongoing peace process is anchored in the principles of democracy and access to justice as well as the foundational human rights to equality, inclusion and participation. The success of the peace process depends on addressing the hitherto prevalent culture of impunity and improving rule of law for the nation and its inhabitants,

The ROLHR Programme will address this need by supporting system-wide interventions to strengthen the rule of law, transitional justice process and human rights protection system in Nepal.

III. SITUATION ANALYSIS

Positive Attributes of the Justice and Human Rights Systems in Nepal

Nepal is undergoing profound and rapid changes: from absolute monarchy to multi-party democracy; from a Hindu state to a secular state; from a majoritarian to an inclusive, proportional electoral system. The peace process has progressed, with significant achievements, including in the reintegration of Maoist combatants. There have been many positive legislative, policy and institutional developments, and improvements in the services offered by justice and security sector institutions since the cessation of the civil war in 2006.

Nepal's justice sector institutions are making significant progress to consolidate a culture of the rule of law, through which vulnerable groups will finally be able to enjoy the entitlements created by Nepal's progressive and protective laws as well as its international human rights treaty obligations. The Supreme Court (SC) has played a lead role in promoting and protecting human rights, entrenching important principles through its judgments in relation to internationally recognized human rights (including economic, social and cultural rights and the rights of children and women). In a range of areas, such as rights against sexual harassment and forceful disappearance, the SC has issued directive orders for formulating necessary enabling laws or streamlining laws to ensure compliance with constitutionally and internationally guaranteed rights. The SC has also advanced a public interest litigation regime for the protection and promotion of public interest and human rights, enabling the public to seek redress against violations of a range of human rights. From 2011—2012, the Judicial Council developed merit-based, competitive criteria for judicial appointments, opened files of some 200 complaints against more than 60 judges, investigated complaints against 12 judges, removed two Appellate Court judges from their posts, and issued warnings to four others. The Office of the Attorney General (OAG) strengthened its planning capacities and developed user-friendly practice manuals, learning materials, and a research report on detention monitoring; these efforts contributed to a 9% improvement in the prosecution rate in Nepal in 2011.⁶

⁶ The prosecution rate increased from 49.1% in 2010 to 53.7% in 2011 (a 9.4% annual increase). *Office of the Attorney General Annual Report 2011*.

The Judiciary as a whole has also demonstrated a commitment to promoting rule of law as it adopted a strategic plan in 2004 to execute sector-wide reforms to ensure that the Judiciary maintains its impartiality, independence and efficiency and is therefore able to administer justice for all members of Nepal's society. As part of these reforms, the Judiciary established in-camera hearings and juvenile benches, relaxed fees for indigent persons including women, and issued many decisions in public interest petitions which promote the rights of conflict-affected persons, women, and vulnerable groups. The Judiciary has energetically pursued its reform agenda and invested in planning, research, monitoring and evaluation. This process has generated significant improvements in the administration of justice, with many courts exceeding performance improvement targets and the court system as a whole achieving the majority of its targets despite budget shortfalls.

In addition to administration of justice issues, the Judiciary's planned reforms focus on increasing access to justice by promoting alternative dispute resolution mechanisms as a vehicle for decentralization of justice and involvement of local peoples in dispute resolution. Coordination between different branches of government can be observed on this point, as Nepal's former Parliament enacted umbrella legislation on mediation in recognition of the fact that promoting mediation and other informal justice practices can fill the gaps left in justice service provision due to over-reliance on the formal system. Significantly, the Judiciary has exhibited a will to improve its service provision and administration capacity and it is this will and energy that UNDP will seek to build upon and support through the ROLHR Programme.

Besides the Judiciary itself, the MoLJCAPA has made efforts to strengthen the justice sector and its service delivery, particularly by making headway in the field of legal aid. For example, the MoLJCAPA initiated a 'village to village', women's rights-focused legal education programme and media awareness engaging local officials and media persons in all 75 districts and has already established Legal Aid Committees in 32 districts around Nepal. Many INGOs are also active in this area and have partnered with the MoLJCAPA to make progress in legal aid service provision. Improved legal aid services contribute to the human rights protection system in Nepal, as well as to forging a culture of rule of law with increased accountability and responsiveness from the Government.

In addition to an increasingly active set of justice and human rights system actors, Nepal also enjoys a relatively strong legal and policy framework on human rights. Nepal has ratified many international human rights instruments, including: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Cultural and Social Rights, the United Nations Convention Against Corruption, the Convention of the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, ILO Convention 169 (Indigenous and Tribal Peoples Convention), and the Optional Protocols of both the Convention on the Elimination of Discrimination Against Women and the Convention of the Rights of the Child. Additionally, Nepal has enacted many laws, policies and strategies which are protective of human rights, including: the Right to Information Act (2006), Good Governance Act (2008), Untouchability and Caste-based Discrimination (Prevention and Punishment) Act (2011), Gender Equality Act (2006), Domestic Violence (Offence and Punishment) Act (2009), National Human Rights Commission Act (2011), National Action Plan on Implementation of the UN Security Council Resolutions 1325 and 1820 (2011/12-2016/2017), National Human Rights Action Plan (2011-2013), and the National Plan of Action for "Year Against GBV, 2010", which is being updated for the post-2012 period based on lessons learned. Bills for a new penal code and civil code, along with their procedural instruments, and sentencing legislation, which were submitted to the former Legislature-Parliament, are widely believed to contain provisions to further align the administration of justice with international standards.

Room for Improvement

Despite all of these positive attributes, the rule of law and justice system in Nepal is still suffering from several deficits. Ineffective implementation of laws, inadequate access to justice and other basic services, absence of accountability for many serious human rights violations and widespread poverty remain real challenges to the full realization of rule of law in the country. Nepal's justice sector and human rights institutions must be supported so they can play their role in the development of democracy, peace and of ensuring access to justice and rule of law in the nation. The Programme will seek to provide this support and to address areas of institutional weakness and challenges to the development of rule of law and the protection of human rights.

The provision of justice is often spoken of as having a supply and demand component. The supply side is the institutions and actors responsible for overseeing the implementation of laws and the provision of justice; for example: the Supreme Court, the MoLJCAPA, lawyers and human rights defenders. The demand side is comprised of the beneficiaries who seek justice or otherwise depend on the rule of law to protect their lives and investments; for example: conflict victims, potential legal aid clients, and citizens more generally. It is not possible to improve rule of law without focusing on strengthening both the demand and supply side of justice; as such, the discussion of the identified areas for improvement in Nepal's justice system will be divided to address both supply and demand issues.

Justice Sector: "Supply" Deficits

Challenges to the Administration of Justice

Institutional Capacity Constraints

Nepal's court system faces many constraints in institutional capacity. Ineffective case management, complex legal procedures and limited human resources in many courts result in delays, low case disposal rates and case backlogs.⁷ Prosecutors in many districts do not have adequate office space, transport or libraries.⁸ With no specialized pre-service training programme, prosecutors often lack adequate expertise on emerging issues. Investigative resources are insufficient; the country has only two forensic labs, both of which are located in the capital. Government officials are in most instances unaware of how to fulfil their obligations under newer legislation as their training programmes do not feature human rights components.

Court processes in Nepal are mired by debilitating delays; perpetual underfunding; frequent and long adjournments; delays in issuing initial notices and in passing execution of final orders; and persistent allegations of irregularities. All these factors undermine confidence in the judiciary and limits access to the court system. Despite the Judiciary's effort to provide

⁷ In 2010-11, the Supreme Court disposal rate was 41.75%, leaving 9589 cases to be carried forward. In 2010-11, the Courts of Appeal carried forward a backlog of 8751 cases. They were able to settle 15,648 cases or 63.54%, leaving around 9,000 to be carried over. In 2010-11, District Courts carried forward a backlog of 36,374 cases, registered an additional 51,421 new cases, giving a total of 87,795, of which they settled 48,977 cases (55.79%), leaving around 38,000 to be carried over. Other courts and tribunals (the Corruption Special Court, Labour Court, Administrative Court, Revenue Tribunal and Foreign Employment Tribunal) carried forward a backlog of 649 cases in 10/11, registered 965 new cases giving a total of 1614, of which they settled 398 cases (24.66%) - *Annual Report of Supreme Court 2010-11* (Kathmandu: Supreme Court, 2011).

⁸ 27% of prosecutorial units nationwide do not have their own office buildings, and many more lack transport or libraries. *Assessment of the Office of the Attorney General*, (UNDP, June 2009), p.22.

justice, it continues to struggle in enhancing the public's access to justice and in tackling the multitude of problems plaguing the courts in a comprehensive and effective manner.

Inadequate communication, coordination and cooperation amongst justice sector institutions

Though lack of hardware and training in individual institutions significantly constrains the administration of justice, lack of effective interaction between them is often equally damaging. Justice is the outcome of a system composed of numerous actors, institutions, and processes. For this system to function, each institution must perform its specific role, and also cooperate with other 'links' in the justice 'chain'. Justice Sector Coordination Committees (JSCCs)—which convene judges, lawyers, prosecutors, police, the Chief District Officer, and prison officials under every court in Nepal—have been established to strengthen justice service delivery by fostering inter-institutional communication and processes, trust, inter-personal skills, and mutual understanding of legal requirements and operational protocols. Though at the policy level, justice institutions appreciate their interdependence and the potential of the JSCCs to strengthen their performance, the network has lacked an administrative support and clear mandate it needs to be effective in every district.⁹ Consequently, poor cooperation between the Nepal Police and OAG means that prosecutors are often presented with files at the very end of the 25-day period specified for the completion of investigations.¹⁰ With little opportunity to clarify facts relevant to the case—or knowledge of how to file a charge that matches the evidence available—the quality of the prosecution is often inadequate, and 46% of cases do not result in conviction.¹¹ The fact that only 8.73% of fines are executed, 60.54% of civil court decisions are implemented, and 21.09% of prison sentences are served indicates absence of proper communication between court officials, local administration and police.¹²

Increasing trend of backlog cases in the court system

Due to the lack of coordination in the justice sector, ineffective case management system, inadequate human resource capacity and manual case handling process, there is a huge backlog of cases in Nepal's court system. A study has shown that the Supreme Court's general caseload is higher than the caseloads of the other courts in the country. In a well-functioning justice system the superior and appellate courts collectively can be expected to process between 5% and 10% of all court cases; and about 90% can be expected to be processed in the first instance of courts. This is based on the notion that in an ideal system most cases should be commenced in first instance courts of which only a small percentage ought to go to first appeal and, in turn, only a small percentage should go to second appeal. However, Nepal's Supreme Court's share of the national caseload is around 25%, the appeal courts and special tribunals process 18% and the caseload of the district courts is 57%. This difference suggests that the share of the caseload being borne by the Supreme Court is too high and it appears not to be a recent trend. In 1999, the corresponding share of national caseloads was as follows: Supreme Court 19%, courts of appeal 26% and district courts 64%.¹³

⁹ E.g. Supreme Court Strategic Plan, p.4.

¹⁰ *Access to Security, Justice, and Rule of Law in Nepal: An Assessment Report*, (UNCT, DANIDA, DFID, October 2011) p.47.

¹¹ *Office of the Attorney General Annual Report*, 2011.

¹² Supreme Court Annual Report 2011/012.

¹³ CeLRRD Research Report of Trial Court System in Nepal: With Special Reference to Women's Accessibility to the Criminal Justice System, March 2002

The recent Annual Report of the Supreme Court has shown that the Supreme Court's share of the caseload is around 12%, the Appeal Courts and special tribunals processes 25% and the case load of the District Court is 63%¹⁴.

Low representation of women and vulnerable groups in the justice sector and lack of sensitivity to the needs of communities

There is disproportionately low representation of women and other vulnerable groups in the formal justice sector in Nepal. Although representation of these groups in the legal profession is steadily increasing, it is still very poor. For example, just 8% of licensed lawyers are women, less than 1% is Dalit, and very few of these actually practice law. The judiciary itself is constituted by approximately 80% Brahmin and Chhetri judges.¹⁵ There are just six female judges. Many studies have been carried out internationally which suggest that people have increased confidence in their judiciary if they see it as representative of the population; representative judiciaries are perceived to be less discriminatory and have more public legitimacy. As was observed by the Commission for Judicial Appointments in the UK, "judicial diversity can have a powerful symbolic value in promoting public confidence in the fairness of courts." The lack of representation in the Nepali judiciary has had the opposite effect—public confidence in the justice sector is weak.

Besides affecting the legitimacy and public perception of the judiciary, the lack of representation of Nepal's diverse population in the legal profession signifies that providers of judicial services, including legal aid, are less able to empathize with the needs and legal issues of vulnerable groups in Nepal. If there were increased numbers of women and members of other vulnerable groups receiving legal education and entering the legal aid service profession, vulnerable groups would be better heard and represented in the legal system. A UNDP commissioned study found that "perceiving it as costly, cumbersome and agonizingly slow, many view the formal legal system as being owned by legal professionals who control procedures and outcomes...legal process[es are] perceived as being largely incomprehensible and intimidating to people with little, if any, education. Overall, the formal legal system has been criticized for its failure to adequately recognize the dignity of complainants and defendants, satisfy human needs and provide for direct participation in a meaningful way." Indeed, as currently structured, the court system in Nepal inhibits the participation and voice of communities and civil society in the administration of justice; better fora are needed to ensure that a plurality of voices and expertises are employed to improve the justice system in Nepal.

Challenges to Ensuring Equitable Access to Justice

Beyond improving the administration of justice, promoting rule of law also requires ensuring equitable access to justice for a nation's citizenry so that the improved administration actually makes a difference for peoples' lives and perceptions of the law and associated institutions. Ensuring access to justice by promoting myriad justice mechanisms (formal and informal) and providing legal aid services is the responsibility of the Government and the justice sector as a whole; however, it is important to note that improvements in Government services relating to access to justice have significant consequences for the demand side of the justice system as well. When Government services are efficiently and effectively

¹⁴ Annual Report of the Supreme Court, 2011-2012

¹⁵ "As of November 2011, among the total of 270 judges in the country, only one is from the Dalit community, while 2055 are from the Brahmin and Chetri castes." OHCHR Report, *Opening the Door to Equality: Access to Justice for Dalits in Nepal* (2011), p. 71.

provided and access to justice is thereby increased more peoples from a variety of backgrounds are enabled to be legal clients.

Currently, there is inadequate coordination amongst formal and informal justice systems in Nepal and legal aid service provision is uncoordinated and insufficient such that Nepal's vulnerable groups continue to face significant barriers in their attempts to access justice.

Insufficient legal aid provision and low quality of legal aid services

Legal aid—assistance provided free of charge to those who cannot afford it—enables vulnerable groups to enjoy their equal right to access their entitlements. Legal aid also provides a degree of scrutiny which stimulates improvements in the administration of justice and ensures that vulnerable groups' rights are respected throughout legal processes.¹⁶ Hence, a strong international legal framework provides that legal aid is necessary to ensure rights to a fair trial, achieve equality before the law and rights related to the administration of justice.¹⁷

Though the Interim Constitution ensures the right to obtain free legal service as a fundamental right,¹⁸ the realisation of this right is still a challenge for many. The MoLJCAPA is responsible to coordinate, administrate and regulate the national legal aid scheme however it is working with legislation that does not fulfil international standards. The Legal Aid Act (1997) does not explicitly provide for legal services to that in detention, or during the pre-trial phase. OAG prison monitoring data find that 83% of detainees are low-income earners.¹⁹ As such, detainees often cannot afford lawyers, and in the absence of guaranteed legal aid, do not have the assistance they need to ensure that their rights are respected throughout the legal process. Without accompaniment at police interview, lawyers' visits while in detention, or effective representation at trial, criminal accused may be subjected to inappropriate interrogation techniques in police stations which often rely on confession evidence,²⁰ trial in absentia, illegal or unnecessary detention. OAG prison monitoring data suggests that in the absence of the degree of scrutiny afforded by a legal aid lawyer, detainees are not informed of their rights,²¹ 35% report being abused, and approximately 15% suffer ill treatment.²²

In addition, the Legal Aid Act has no explicit provision to extend assistance to quasi-judicial institutions, in which a large number of criminal accused are tried. 'Non-formal' and quasi-judicial justice systems are perceived to be failing to respect parties' procedural and substantive rights in most cases. Several laws empower various administrative officials including Chief District Officers to try offenses involving punishment of imprisonment and

¹⁶Legal aid service providers develop the capacity of law enforcement personnel by informing them of their obligations, and providing a degree of scrutiny as they accompany clients through legal processes ('accountability through accompaniment'). The effect is to reduce pre-trial detention populations, prison over-crowding, and the incidence of torture in police stations which often rely on confession evidence—and the abusive means of obtaining it.

¹⁷International Covenant on Civil and Political Rights 1996, Art 14; UN Body Of Principles For The Protection Of All Persons Under Any Form Of Detention Or Imprisonment, 1988, Art. 17, 18, and 38; UN Standard Minimum Rules For The Treatment Of Prisoners, 1957, Art. 93; UN Basic Principles On The Role Of Lawyers, 1990 Principles 1, 7, and 17 and Articles 3, 6, and 25; UN Declaration On Basic Principles of Justice For Victims Of Crime and Abuse of Power, 1985, Arts 5 and 6.

¹⁸*Interim Constitution of Nepal*, Art.24 (10).

¹⁹Manual labourers (50%), vehicle drivers (17%), students (8%), and farmers (8%). *OAG Monitoring Report on the Human Rights Situation in Prison and Detention Centres* (with DANIDA, the Swiss Embassy, and CeLRRD), 2012., p.47.

²⁰Joint donor assessment notes a 'preponderance of confession-based convictions'. And 'largely confession-centric police investigations.'

²¹In 8 of the 10 Districts, none of the detainees were informed of their pre-trial rights (e.g. to remain silent, right to legal representation, right to free legal aid and the right against self-incrimination before their statement is taken). (These rights are provided by Article 24 of the Interim Constitution of Nepal 2007 as fundamental rights, and the ICCPR 1966, Art. 14). In other detention centres monitored, less than 33% of detainees had been informed of their rights. *Ibid.*, p.48.

²²*Ibid.*, p.50.

fine. However, most of these officials do not have a law degree or adequate legal training. A large number of accused are tried in such 'quasi-judicial' proceedings without proper representation.

Finally, the Legal Aid Act and scheme mainly responds to the financial challenges to accessing justice. It does not adequately address the educational, geographic, linguistic, and 'social' challenges which often hinder access to justice for vulnerable groups. Some legal aid service users report that they found it difficult to communicate with lawyers—whose level of education places them at a 'social distance' from many poor clients, and may not be familiar with local languages. For this reason, the MoLJCAPA overseen, Ministry of Women, Children and Social Welfare's (MWCSW) nation-wide network of Para Legal Committees—through which active community members use their training in law and functionality of government to assist women and other vulnerable people to access justice—has been an especially important mechanism.

The MoLJCAPA has, through its Central Legal Aid Committee, extended legal aid grants to District Legal Aid Committees. The legal aid grant has been perceived to be inadequate, however.²³ The Central Legal Aid Committee administers the legal aid grant through District Legal Aid Committees operated by the District Bar Association (and chaired by the District Attorney) in 32 of Nepal's 75 districts. The legal aid scheme establishes financial eligibility criteria which disqualify many needy and indigent people.²⁴ Applicants must first obtain a letter of recommendation from the Village Development Committee. Many vulnerable people are reported to be unable to do so. Cumbersome application processes and eligibility criteria also make the scheme costly to administrate.

There are other mechanisms for the provision of legal aid services as well. A Supreme Court-operated Baitanik ('paid lawyer') system is active in all tiers of Nepali courts. However, it provides court-based pleading services of varying quality to just 4.8% of those potentially in need of criminal defence services at the district courts.²⁵ The OAG is mandated to support detainees to access their rights, but has only just started to resume part of this function.²⁶ The 'Para Legal Committee' network offers mainly awareness-raising, early interventions, and referrals services. Nepal Bar Association has performed an important role in the operation of the legal aid scheme. It has been supporting police station-based legal aid desks in 7 districts, as well as other donor-supported legal aid projects. These schemes do not generally provide legal assistance in police interrogations, quasi-judicial hearings or detention facilities. Where criminal defence lawyers are provided, they often lack the know-how to identify where a right to bail or release exists or make a case for these rights. Consequently, many detainees have not been able to obtain free legal aid services in an

²³ The Ministry of Finance allocation for the national legal aid scheme is Rs.4million (2010/11, or approx. USD 45,000). It is understood that the Supreme Court 'Baitanik Wakil' scheme budget is approximately three times larger.

²⁴ Only persons with household earnings of less than NRs. 40,000 per year (USD 464) are eligible to apply. Since this sum is often divided among many members of 'joint' families, even very poor people are not eligible for legal aid services. In addition, women who are members of wealthy families are often unable to obtain legal aid services, even though they have no money of their own.

²⁵ In 2010-2011, the Supreme Court reported that the 75 district courts handled a total of 34,986 criminal cases. Baitanik Wakil handled a total of 1,664 cases over this period: 4.8% of the total. The Baitanik Wakil did not support in any of the 9,487 cases prosecuted before the CDOs over the same period, meaning that just 3.7% of those potentially in need received legal aid services. The figures for the numbers of cases heard by other quasi-judicial bodies (e.g. Tax Revenue Office, Land Reform Office, Forestry Offices) are unknown, but it is clear that just a tiny proportion of the total number of criminal accused have access to the legal aid services they need to achieve a fair trial. Just 0.4% of the (8,305) public offence cases prosecuted by the CDO resulted in acquittal.

²⁶ In 2012, the OAG undertook a detention monitoring mission for the first time in many years. It has now developed a questionnaire and allocated staff for regular prison and detention monitoring.

effective manner, and a very high pre-trial detention population (59% of total) leads to a 209% prison occupancy rate.²⁷

Lack of coordination amongst legal aid service providers

As noted above, Nepal has a number of legal aid schemes. To fill in the gaps left by the official systems discussed a number of NGOs and organizations work to improve legal aid provision in Nepal. While together these programs represent a robust attempt on behalf of the Nepali government and civil society to improve access to justice for indigents, the plural nature of the legal aid service provision often creates confusion. A lack of coordination between the providers means that there is duplicity in some service provision, and gaps in other areas; there is a need to foster and implement synergy amongst government and civil society actors to ensure effective service delivery. Some national and international organizations that need to be consulted and included in any programme geared towards improving legal aid services in Nepal are: FWLD, Card, LAAC, International Alert, ICJ, CeLRRD, ICTJ and the Asia Foundation. The Nepal Bar Association will also have to play a key role in any activities related to improving legal aid and access to justice in Nepal.

Lack of a socio-legal approach to legal aid provision

The need to reform the legal aid system has been amplified by the impact of conflict and economic migration. A survey shows that 28% of Nepali households are now female-headed;²⁸ rising to 40% in the poorest regions.²⁹ Many of these women do not have the resources of knowledge, confidence and capacity to assert their rights. Illiterate people and 'single women' face particular challenges in accessing justice in Nepal, as they can easily be deprived of their entitlements by officials who are unaware of their responsibilities towards them. They need the support of legal aid service providers who will not only inform them of their rights and how to assert them, but also accompany them through each step of complex processes: assist them to physically access police, courts and administrative offices; fill in forms, make calls, and translate procedures; explain authorities' obligations under the law; and persist to overcome any attempts to shirk those obligations. They need this support to navigate legal and bureaucratic processes in order to obtain livelihoods-enhancing economic and civil entitlements, such as pensions, education allowances, child maintenance, credit and health services. Survivors of crimes such as caste-based discrimination and SGBV often need 'socio-legal' aid services through which they can also access shelter, counselling, child protection, and medical care in addition to legal services. Consequently, there is a need to effectively coordinate, regulate, and promote access to these services in Nepal.³⁰

²⁷The official maximum capacity of the prison system is 6,700 (Department of Prison Management (MoHA), April 2012). The total prison population (including pre-trial detainees / remand prisoners) is 14,000 (April 2012). This makes the occupancy level 209%. Prison over-crowding is likely to worsen, with the number of prisoners rapidly increasing: from 6,200 in 1994, to 14,000 in 2012.

²⁸This proportion has risen by 5% since 2006, and the rise is more marked in rural than urban areas. NDHS, *ibid*, p.25.

²⁹Nationally, 32% of married women report that their husbands live away from home. The figure is 40% in rural areas. NDHS, *ibid*, p.43.

³⁰According to international standards, an independent legal aid institution (e.g. legal aid board or committee accountable to parliament) should coordinate and regulate legal aid service provision, ensuring even geographical coverage of quality, relevant services nation-wide. As recommended by the *UN Principles and Guidelines on Access to Justice in Criminal Justice Systems* (endorsed by the UN Committee on Crime Prevention and Criminal Justice, the *Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa* (endorsed by UN Economic and Social Council), and the UNDP-UNICEF *Legal Aid Service Provision Programming Guide* (forthcoming).

Lack of interface between formal and informal justice mechanisms

Besides legal aid provision, the development and institutionalization of informal justice mechanisms is another important way to improve access to justice for vulnerable groups.

Due to the efforts of previous UNDP projects, and other projects conducted by leading INGOs in the field (including International Commission of Jurists and the Asia Foundation), a Mediation Bill has been passed through Nepal's parliament. Awareness about mediation and other alternative dispute resolution mechanisms in Nepal is high and, according to an assessment conducted on behalf of UNDP, *Mediation-related Activities of A2J, RoL and RoJ Projects*, there is widespread recognition of the need for mediation and other informal justice mechanisms to complement the formal justice system in Nepal. Having raised awareness about the benefits of mediation, however, there is still much work to be done to firmly institutionalize the practice and to adequately train mediators to ensure that international human rights standards are respected in informal processes.

Partly in response to the flaws in the formal justice system (see discussion on institutional capacity above), and partly as a consequence of the armed conflict, large segments of the Nepali population who lack the information and/or the means to surmount the significant substantive and procedural barriers to accessing the formal justice system have come to utilize informal mechanisms to redress grievances. Various informal systems have evolved over time, which provide an escape valve for certain types of cases and offer an alternative to the adversarial legal system. Though informal justice promoting a 'victim-centric approach', has been welcomed throughout Nepal to increase access to justice for those who have traditionally been denied such access, issues remain relating to oversight, monitoring and the interface between the formal and informal justice system.

For one, the linkage between the formal and informal justice sector mechanisms must be better institutionalized. As it now stands, it is difficult for members of vulnerable communities to choose the most appropriate justice mechanism because there is no streamlined information available about how to move cases between the formal and informal systems. Furthermore, often vulnerable communities are forced towards mediation as an option without understanding the consequences of this choice. Under a previous Access to Justice project, UNDP implemented 1,325 court-referred mediators in 20 districts in Nepal and supported the Government to establish a mediation centre in Kathmandu but there is a need for these sorts of projects to be permanently implemented and institutionalized. Furthermore, it is necessary that mediation and other informal justice practices are integrated fully in court procedure so that judges can refer disputants to other forms of dispute resolution.³¹

Inadequate training and awareness on human rights approach among mediators

One of the barriers to having stronger linkages between the informal and formal justice sector, is the underdevelopment of the informal justice sector itself. A study on the traditional justice system conducted by UNDP in 2011 shows that levels of awareness on human rights standards are extremely low among the community dispute settlers. The majority of mediators are unaware about human rights standards and issues such as due process requirements and how international law applies to Nepali judicial processes. A study conducted by CIVCT in 2004 found that community-based dispute settlers often use

³¹Forum for Protection of People's Rights Nepal (PPR Nepal), *Mediation-related Activities of A2J, RoL and RoJ Projects: Shifting Challenges and New Opportunities* (2008).

traditional knowledge, custom and practices and at times, even superstitions, while handling and deciding cases.

OHCHR has further observed that mediation processes in Nepal often “fail to meet the most basic standards of justice, bypassing the available criminal procedures and the rule of law. At the same time, they do not even follow acceptable standards for mediation and alternative dispute resolution processes.”³² Because of severe limitations on competent human resources and insensitivity towards the respect of the procedural and substantive rights of parties in most cases, informal justice mechanisms have not been as effective as they could be in Nepal.

Though the Asia Foundation has developed a code of conduct for community mediators, the Government of Nepal has not officially endorsed the code of conduct. There is need for consistency in the development of codes of conduct for mediators and for better oversight in the delivery and trainings surrounding codes of conduct. It is imperative that the informal justice sector is strengthened so that it can be a just and effective component of Nepal's justice system as a whole.

Challenges to Promoting and Protecting Human Rights

The CPA envisages that justice for crimes against Nepal's vulnerable, especially conflict-victims, will promote a culture of accountability, and address discrimination issues that were among the root causes which lead to the conflict in the first place. The CPA holds justice for vulnerable groups—including conflict victims—as part of the peace process and transition to the 'New Nepal', as it would signal a move from a culture of impunity to one of accountability and rule of law. The rationale for this call for justice as a tool of social transformation is clear. Convictions for violations of the rights of excluded persons would stimulate critical thinking about who has access to power and resources and how these may—and may not—be used. This process could break down the norms which sustain discrimination, heralding a new social order in which access to and use of power is limited and defined by law. The government has compensated some victims; however, prosecution against alleged perpetrators is yet to be initiated.

Lack of alignment of legislation with the Constitution and international human rights standards

Entire categories of crime are not accounted for in Nepalese law and legislation concerning other crimes is scattered throughout several laws, creating ambiguity, confusion, and delays at all stages of the justice process. Though the government has repealed many out-dated laws which frustrate the application of protective legislation, there is still a great need for legislative review and reform; some laws permit arbitrary case withdrawals, and amnesty for international crimes,³³ 103 laws explicitly discriminate against women,³⁴ and many more create loopholes which allow for discriminatory interpretations. Victims of many crimes therefore cannot obtain a legal remedy.³⁵

³²OHCHR Report, *Opening the Door to Equality: Access to Justice for Dalits in Nepal* (2011).

³³ E. g State Cases Act.

³⁴UNDAF CCA data (output 4.1.1), from Nepal Gazette.

³⁵72.8% of law and justice professionals cite 'outdated legal framework' as an obstacle to providing justice. USIP, *ibid*, p.69.

Inadequate capacity to implement the NHRAP and the UPR Recommendations

The Government of Nepal initiated the process of drafting a new National Human Rights Action Plan (NHRAP) in 2013, and the Office of the Prime Minister and Council of Ministers (OPMCM) are working to finalize the NHRAP in partnership with the MoLJCAPA. The NHRAP will determine the strategy for the Government's efforts to address key human rights issues and strategic interventions for the next three years and develop an oversight mechanism comprising of representatives from diverse government and human rights institutions in Nepal. To ensure effective and timely implementation of the NHRAP, awareness and capacity regarding human rights frameworks and approaches must be strengthened amongst government agencies and line ministries responsible for implementation, as well as amongst civil society organizations, human rights defenders, and the general population.

Nepal's human rights record was reviewed for the first time under the UPR mechanism in 2011. There were altogether 135 recommendations made by the Member States to the Government of Nepal, out of which 56 recommendations were accepted, 28 were accepted but considered to be already implemented or in the process of implementation, 36 were taken under consideration, and 15 were rejected by the Government of Nepal. Though some of the recommendations related to addressing SGBV and caste based discriminations and minority rights have been implemented normatively, many of the recommendations related to accountability and transitional justice are yet to be implemented. The Government has developed an integrated follow up plan for the implementation of UPR in partnership with the concerned national institutions, with the OPMCM as the responsible oversight mechanism. To bring this process forward and hold the responsible agencies accountable, technical and logistic support is required.

Inadequate interaction between civil society and human rights actors and the Government

Establishment of the OPMCM as the central coordination mechanism mandated to ensure and oversee prompt implementation of court decisions, UPR recommendations and the NHRAP was an important step towards a better human rights protection framework in Nepal, however, much work remains to be done to build operational relationships between human rights organizations and the Government. There is a need to strengthen the Government's engagement with various human rights actors, including national human rights institutions, such as the National Women Commission and the National Dalit Commission, civil society organisations, media and other human rights defenders, as well as to increase and institutionalize coordination amongst these institutions.

Challenges to transitional justice

Lack of transitional justice mechanism(s)

One of the biggest challenges facing Nepal's peace-building process and the resolution of conflict victims' complaints is the development of a transitional justice mechanism that complies with international human rights standards has been stalled. Efforts must continue to press for the development of such a mechanism(s) which would be charged with truth-seeking and documentation of conflict-era human rights violations as well as with providing evidence, as the result of these processes, for criminal prosecutions. Until a transitional justice mechanism is developed (and the criminal justice sector is strengthened), conflict

victims will remain doubly victimized—once by the conflict itself, and a second time by a lack of state response to their suffering.

Low institutional capacity of criminal justice Institutions in response to transitional justice

Investigation and prosecution through the criminal justice system is an essential component of ensuring transitional justice and is complementary to truth-seeking processes. A number of decisions of the Supreme Court have reinforced the central role of the criminal justice system in dealing with past human rights violations.

The courts have been relatively active in responding the issues related to transitional justice and impunity in Nepal. There are a couple of decisions and directives issued in the name of the Government of Nepal ordering that a transitional justice mechanism must be developed in compliance with international standards while and further clarifying that the criminal justice system does have jurisdiction to handle transitional justice issues. The Court Directive stated that the transitional justice mechanisms would not replace the mandates and jurisdiction of the existing criminal justice system. Recently, the Supreme Court issued a stay order in the name of the Office of the Attorney General against a circular issued to suspend an investigation into conflict-era human rights violations initiated by the district police and prosecutor's office in Dailekh. The Court clearly stated that the transitional justice mechanism cannot replace the jurisdiction of the existing criminal justice system. Nonetheless, the criminal justice system requires training and capacity building so that it is better equipped to handle the specific issues of conflict victims and transitional justice.

Even in the event that transitional justice mechanism(s) are established in full compliance with international human rights standards, it will be necessary to develop a system of complementarity between the transitional justice mechanisms and the criminal justice system as a whole to address the issues related to impunity and transitional justice.

Justice Sector: “Demand” Deficits

Addressing and acknowledging the challenges associated with the supply side of justice will only go so far in strengthening rule of law in Nepal. Even if institutions are better coordinated, better funded and more effective at administering justice, it is necessary that citizens are also emboldened to approach the justice system. Given the history of the culture of impunity and discrimination in Nepal, many citizens are understandably weary and even afraid of engaging in justice processes. There is a need to rebuild trust and understanding between the justice sector and the people who require its services. Until that is accomplished, several problems on the demand side of the justice sector will persist.

Inadequate civic education: low levels of awareness about court systems and rights and responsibilities under the law

Vulnerable communities often do not know their rights and how to assert them, or their responsibilities under the law. Citizens often lack a required level of awareness of the contents of the law, and their right to seek justice for crimes committed against them—as well as responsibilities to support others to access justice, such as by cooperating in police investigations and obeying the law. Inadequate ‘civic education’ is therefore a critical challenge. The MoLJCAPA has responded to this need by developing a ‘village-to-village’ legal awareness raising programme in all of Nepal’s 75 districts, as the first step in its new legal aid strategy.

Furthermore, under a previous UNDP projects namely; Reform of Judiciary Project (ROJ), Reform of Law Project (ROL) and the Access to Justice Project (A2J), the judiciary introduced information centres for court clients in 7 districts in Nepal. Despite this, generally speaking, Nepal's citizenry are not aware of how to navigate the court system. A study conducted by UNDP in 2009 about model court system shows that the public's low levels of awareness and information about courts and their services has contributed to people having low confidence in the justice sector. Furthermore, due to lack of information and communication mechanisms between courts and clients, people either do not approach the courts for remedies or do not feel comfortable to report violations that they suffer.

Low confidence in judicial system and low levels of judicial reporting

Lack of accountability for human rights violations affects access to justice and compliance with rule of law. If perpetrators are not held strictly accountable for their crimes, would-be perpetrators will not be deterred and victims are less likely to resort to the justice system for resolution of disputes and rights violations. Consequently, lack of accountability for rights violations fosters general disregard for law and order and insecurity for large sections of the citizenry. Withdrawals of criminal cases involving serious violations of human rights undermine the rule of law and accountability.

In the absence of the deterrent effect of convictions, crimes against vulnerable groups proliferate. Caste-based discrimination, SGBV and other human rights violations occur in many communities. There is a high rate of occurrence of SGBV nation-wide. It includes physical and sexual violence, verbal and psychological abuse, harassment and obstacles to obtaining basic services and entitlements such as legal identity documents property inheritance, child maintenance or education allowances,³⁶ as well as socio-cultural practices such as child marriage, abuse from in-laws, dowry-related violence, polygamy, *Chhaupadi* (the practice of keeping menstruating women in a small shed away from the main house), accusations of witchcraft, and trafficking. Up to 12,000 girls and women aged 10-20 years are trafficked every year. 26% of Nepali women have experienced either physical or sexual violence,³⁷ but only one in four (23%) have ever reported cases.³⁸ Despite this very low reporting rate, 1,123 cases of violence against women and children were reported to the Nepal Police in 2011/12. 65% of these were for rape or attempted rape.³⁹

A number of factors may have resulted in the under-reporting or even non-reporting of cases. Many people do not report cases because they do not know that they have a right to justice, or how to assert that right: e.g. what rights and responsibilities are conferred by the law, how to file cases, how courts function, etc. Many live several hours' or days' travel from the nearest police station, court or administrative office. Others resolve to suffer in silence to avoid being 'doubly victimised' through stigma, harassment or threats in their communities. In addition, the justice delivery system is perceived to be largely lengthy and inaccessible to

³⁶ According to Article 1 of the UN Declaration on the Elimination of Violence against Women, these economic deprivations constitute SGBV. They also compound poverty, dependence on others, and other, physical forms of SGBV.

³⁷ *Nepal Demographic and Health Survey 2011*, Ministry of Health and Population, p.239. Survey size: 12,674 women (and 4,121 men).

³⁸ Victims of sexual violence are particularly reluctant to seek help. Just 4% of victims of sexual violence report cases to police, and only 3% seek help from doctor/medical personnel or social service organizations. NDHS, *ibid*, p.250.

³⁹ In 2011/2012, the following cases were reported: 557 rape cases, 160 attempted rape cases, 248 related to bigamy, and 118 related to trafficking, 14 were witchcraft cases, and 1 was for domestic violence. The total number of cases of violence against women and children reported in 2010/2011 was 1,131: 481 rape cases, 197 bigamy cases, 151 attempted rape cases, 183 trafficking cases, 18 witchcraft cases, 1 domestic violence case. *Women and Children Service Centre report*, June 2012.

vulnerable groups. Women and other vulnerable groups often therefore forego their entitlements, or settle their disputes through local dispute resolution mechanisms. Mediation committees have been welcomed throughout Nepal, where they meet a need for inexpensive, community-based, and consensual dispute resolution at local level (as discussed above). However, not all cases can or should be mediated, not all cases which can be mediated result in a settlement, and not all settlements endure. It is necessary that citizens are made aware of the strengths and weaknesses associated with informal and formal justice processes are thereby empowered to make a choice between these processes.

Importance of Strengthening Rule of Law

Without legal assistance, vulnerable groups—and women in particular—often cannot enjoy their economic and social rights to poverty-reducing entitlements including inheritance and land title. Since women spend more of their incomes on the health, nutrition and education of their families than men do, deprivation of these rights entails lower development outcomes for their families, communities, and the country as a whole. Without assistance to access the entitlements created by protective laws, vulnerable groups often therefore have no ladder out of poverty. Inequalities persist and therefore one of the root causes of conflict in Nepal goes unaddressed.

The rule of law provides the foundation for economic growth and human development. It gives people confidence that their investments will be physically secure, that they can accurately predict the costs of doing business, and that their contracts and property rights will be enforced. In Nepal, such confidence is somehow lacking. Nepal's World Bank Governance Indicator for rule of law has fallen,⁴⁰ and Transparency International's Corruption Perceptions Index ranks Nepal 154 of 182 countries.⁴¹ The World Economic Forum's Global Competitiveness Index suggests that instability and violence is the most problematic factor for doing business in Nepal.⁴² Again, until such factors are actively addressed and the rule of law is promoted, peace will remain elusive in Nepal.

Regardless, upon completion of the process of progressive, democratic and inclusive restructuring of the State, the justice and security institutions will need to significantly build their capacity and infrastructures to be more responsive to the changed context. Currently, they are critically under-resourced by both the government and the international development community. Budget allocations cover current (operational) expenditure, not the capital investment required for institutional strengthening.⁴³ While significant donor resources have been invested in the peace process, few have been invested in the rule of law institutions which will ensure the sustainability of peace. A significant proportion of donor investment in the sector has been made in informal institutions (e.g. mediation committees) while investments in the formal sector have been too small-scale, scattered and fragmented to achieve significant or sustainable impact.

If a more coordinated and unified justice sector were to be created in Nepal, better legal aid services provided, and the transitional justice process begun in earnest, investments in the

⁴⁰Nepal's World Bank Governance Indicator for rule of law dropped from 0.73 in 2008 to -0.91 in 2009 to -1.02 in 2010. Scoring in this index is from -2.5 to + 2.5.

Transparency International Corruption Perceptions Index 2011.

⁴² Business people consistently rank instability/presence of violence as the single most significant challenge to doing business: 21.8% in 2012; 21.8% in 2011; 17.2% in 2010; and 23.4% in 2009. See respective annual World Economic Forum Reports.

⁴³ For example, in 2010/2011, total Government of Nepal funding for the judiciary was USD 15,814,984 (NRs. 1,40,88,55,361).

justice sector could have more far-reaching impacts and the situation of Nepal's vulnerable communities could be much improved. It is in recognition of this conclusion that the ROLHR Programme was developed.

IV. PROGRAMME DEVELOPMENT STRATEGY

The United Nations' Development Assistance Framework (UNDAF), UNDP Country Programme Document,⁴⁴ and Nepal's Peace and Development Strategy all identify the rule of law and human rights as priority areas for Nepal, and UNDP as the preferred partner to address them. Together with the joint donor (DFID-DANIDA-UNCT) assessment on *Access to Security, Justice and Rule of Law in Nepal (October 2011)* and the independent *Ten Year Outcome Evaluation of UNDP Nepal's Programming on Access to Justice and Human Rights (2001-2010)*, as well as a number of other surveys, studies, assessments and reports, these strategic documents shaped the design of the Programme.

Nepal Peace and Development Strategy (2010-2015)

This joint donor (AusAID, CIDA, DANIDA, DFID, EU, SNV, USAID, SDC, Embassy of Germany, Embassy of Finland, Embassy of Norway) and UNCT Strategy identifies *justice* as the primary short-term peace building priority (3B-3D), and support to the *rule of law* (4C) as a critical action for medium and long-term peace building. The PDS commits development partners to achieve these goals by working in the following ways:

- *'State building' approach (5B)*: Support the emergence of a more legitimate, responsive and accountable state by strengthening the relationship between state and society. This will require efforts to: strengthen the independence of the judiciary and constitutional bodies as checks and balances on state power; support affirmative action in state bodies; strengthen vulnerable groups' participation in decision-making processes; support participatory monitoring and social accountability tools.
- *Paris Declaration (and Accra Agenda for Action) and the coordination and alignment agenda (5C)*: Minimise duplication and maximise impact by coordinating interventions, aligning support to national objectives, including through integrated support to sector-wide approaches (SWAps) in which women and vulnerable groups have a voice.
- *Conflict-sensitive programme management (5F)*: Conduct analysis to ensure that assistance does not unintentionally reinforce exclusion or contribute to the dynamics of conflict.
- *Cooperation with civil society (5G)*: Civil society has played a prominent role in the institutionalization and consolidation of peace and democracy in Nepal. Development partners therefore commit to support CSOs to advocate, review and monitor progress in the peace process, and to 'help build the civil society space that would foster the dialogue between citizen and state that is crucial for nation-building.'⁴⁵

⁴⁴ CPD Outcome 4: Vulnerable groups benefit from strengthened legal and policy frameworks and have increased access to fair and effective security and rule of law institutions that comply with international standards.

⁴⁵PDS, p.84-85.

United Nations' Development Assistance Framework (2013- 2017) (UNDAF)

Grounded in the UN system's Common Country Assessment, the UNDAF commits UNDP agencies to achieve goals, two of which are a focus of the Programme:

- UNDAF Outcome 4: Vulnerable groups benefit from strengthened legal and policy frameworks and have improved access to security and rule of law institutions.⁴⁶
- UNDAF Outcome 8: National institutions have addressed conflict-related violations of human rights and international humanitarian law and the post-conflict needs of victims (Outcome 8).⁴⁷

In accordance with UNDAF, the goals should be accomplished by focusing on:

- *Vulnerable groups:* Interventions will be targeted to the most vulnerable groups, as identified by the CCA. Of these, ROLHR will focus on the following vulnerable groups: women subject to sexual abuse and exploitation; women from the Mid-and Far West; women of reproductive age; adolescent girls; endangered and highly marginalized indigenous populations, and Dalit. The Programme will also benefit other vulnerable groups and the general population by improving the provision of legal aid services for these groups and by implementing a legal scholarship programme to enable more members of vulnerable groups to serve in the legal profession.
- *Demand side:* UN agencies will intervene in a more systematic way to improve the human capital and confidence of vulnerable groups through education, awareness, communication for social change, and other forms of individual empowerment, especially in remote areas, for example by way of the establishment of Client Information Desks

UNDP Country Programme Document (2013-2017) (CPD)

The Programme will assist UNDP in realizing two of its country-wide outcomes:

- Outcome 4: Vulnerable groups benefit from strengthened legal and policy frameworks and have improved access to security and rule of law institutions
- Outcome 8: National institutions have addressed conflict-related violations of human rights and international humanitarian law and the post-conflict needs of victims

UNDP's CPD is informed by the following lessons learned from past interventions, including the *Ten Year Outcome Evaluation of UNDP Nepal's Access to Justice and Human Rights Programme (2001-2010)*:

⁴⁶The key outputs under this outcome area are: (4.1) Judicial, legislative and administrative authorities have improved capacity to draft, reform and implement legislation that protects people's rights and constitutional guarantees; (4.2) Vulnerable people are better enabled to access fair and effective security and justice institutions; (4.3) Government and human rights Institutions have increased capacity to monitor and report on human rights and on status of implementation of human rights obligations.

⁴⁷The key outputs under this outcome area are: (8.1): Government and civil society have enhanced capacity to develop, establish, and implement inclusive transitional justice mechanisms and policies that comply with international standards; (8.2) People affected by conflict are empowered through targeted development support tailored to the specific needs of the different groups, complemented by targeted awareness raising.

- *'Bottom-up' approach:* UNDP will increase its focus on the demand side of justice, by incorporating a legal empowerment/pro-poor agenda in all its access to justice and human rights programming.
- *Focused interventions aiming at system-wide and comprehensive changes:* Rather than thinly spread its resources, the Programme should focus its interventions on a few strategic areas where it can generate sustainable, systemic changes.
- *Strengthen inter-area synergies:* To generate synergies, several UNDP justice initiatives should operate in the same districts at the same time. UNDP programmes should also coordinate internally, and explore new-partnerships.

Research, assessments and analyses

The Programme is designed on the basis of government strategic plans, consultations, and research, including the sector-wide review conducted by the UNCT, DFID, and DANIDA (*Assessment on Access to Security, Justice & Rule of Law in Nepal* (2011)).⁴⁸ Recommendations emerging from this research include:

- *Promote coordinated support to institutional capacity development:* Investments in the security, justice and rule of law sector have been small-scale, fragmented, and duplicative. To ensure greater impact, future support should be well coordinated.
- *Support the emergence of an integrated legal aid system* which complies with international standards.
- *Strengthen the administration of justice at community level:* Efforts should be made to address the jurisdiction and strengthen the quality of dispute resolution services provided by quasi-judicial and other alternative dispute resolution mechanisms and institutions.

Consultations

UNDP's daily work with national partners (the Supreme Court, the MoLJCAPA, OAG, and , CSOs) over ten years has established open lines of communication which have provided the basis for a highly consultative programme design process. The Strategic Plans of the Supreme Court (2009/10-2013-2014), and Office of the Attorney General (2011/12-2016-17) formed the basis for these discussions, which evolved considerably as ideas germinated and flourished in almost weekly meetings over a period of more than 10 months. Consequently, this Programme enjoys a very high level of national ownership because it is based on needs identified by the institutions themselves, and which most have already begun to address with their own resources. The principle of national ownership guided the selection of programme areas. Within those areas, the design of programme activities emerged from continuous discussion and research of global practice. Thematic experts at various development

⁴⁸This assessment was conducted in consultation with the Rule of Law and Coordination Resource Group (RoLCRG) chaired by the UN Deputy Secretary General and through coordination by the Rule of Law Donor Working Group at the national level. Other assessments and analyses which have informed Programme design include: UNDP *Needs Assessment of the Office of the Attorney General* (2009); UNDP *Needs Assessment of the Judicial Council* (2009); UNDP *Study of Family Mediation in Nepal* (2011); UNDP *Assessment of Impact of Legal Aid Services in Nepal* (2011); UNDP *Study of Local Traditional Justice Systems in Nepal* (2010); World Bank *Judicial Mapping and Judicial Assessment* (2010); Saferworld *Public Perception Survey of Justice and Security Sector Institutions* (2011);⁴⁸ USAID *Study of the Current Legal Aid System in Nepal* (2005); and Saferworld *Informal Justice Provision Survey* (2011).⁴⁸

partners as well as international non-governmental organisations were also consulted in the process of formulation of the Programme, along with civil society and media organisations.

V. PROGRAMME IMPLEMENTATION STRATEGY

The rule of law is a principle of governance whereby freedom of action is defined and limited by the law. Participation is the essence of the rule of law: laws must be defined by legitimate representatives of the people, through democratic processes, and publicly promulgated. They apply equally to all persons, entities, and state institutions, irrespective of their power, wealth, or connections. The state, and only the state, can adjudicate and enforce them, through independent justice institutions. And though 'law enforcement institutions' are exclusively responsible for their enforcement, overtime, laws eventually become 'self-policing' as a shared culture of lawfulness emerges: a willing acceptance that the cluster of laws and institutions of the state ought to be obeyed in the collective interest of all members of society.

It is as citizens progressively accept a duty to abide the law and to hold themselves and others accountable to the law that a culture of the rule of law is established. This culture of the rule of law provides the foundation for sustainable peace, development, and universal enjoyment of human rights. Instead of using violence, threats, or strikes to seek revenge for perceived injustice, disputes are managed within pacific, structured and fair processes. Peace, stability and an independent judiciary give citizens the confidence to resort to the justice system for dispute resolution and give potential investors the confidence to invest. In turn, human rights are promoted and protected, jobs are created, tax revenues increase, and budget allocations for health, education, and social services increase.⁴⁹ Similarly, strengthening rule of law better enables transitional justice and other peace processes and allows nations to move forward in post-conflict contexts.

Improving the Administration of Justice

This Programme aims to strengthen peace, development and human rights in Nepal. Towards this end, the Programme will strengthen the capacities of justice sector institutions to work together to implement Nepal's international human rights commitments and its protective and progressive legislation. This will entail laying the foundations for a sectoral approach to justice and will involve intensive, system-wide interventions to improve the coordination and cooperation of various justice actors. The Programme will strengthen the capacities of the JSCC network at central and district level, to enable it to provide the institutional framework for improved service delivery across the sector. A central-level JSCC Secretariat will be established to support justice sector institutions to identify and conduct research on justice sector challenges which require coordination and collaboration from a number of justice sector institutions, such as case management, prison administration, and judgment execution. The district level JSCCs will then test and assess initiatives designed to address every-day challenges to the administration of justice, the results of which will then be communicated to the Central JSCC Secretariat, so that district-level successes can 'translate' into nation-wide improvements in the administration of justice through high-level policy decisions. The Secretariat will also be responsible for the development of research, strategic planning, and monitoring and evaluation capacities in key justice institutions.

A sectoral approach will both strengthen justice service delivery, and increase the impact and sustainability of all resources allocated to the sector. During the course of the

⁴⁹As above.

Programme, a national justice sector strategy developed in a highly consultative manner could potentially be accompanied by the establishment of a multi-donor funding mechanism. This would provide a suitable framework for the Government and development partners to scale up their investments in the sector in support of an evidence-based, nationally-owned, and results-oriented justice sector strategy. By enabling the Government and development partners to strategically coordinate and allocate their resources to justice-sector priorities, as the relevant justice institutions themselves understand them, the national justice sector strategy would increase the impact, relevance and ownership of all resources allocated to the sector. The Programme will support the implementation of the findings of case management, prison reform, judgment execution and other research conducted under this output, as well as other priority initiatives identified through evidence-based and results-oriented planning processes so as to support the development of a results-based SWAp and thereby improve the overall administration of justice in Nepal.

Improving the Justice System's Capacity to Implement Human Rights Obligations & Protective Legislation

To support the development of the human resource capacities needed to implement protective laws and other human rights legislation and policy, the Programme will support the National Judicial Academy and Judicial Service Training Centre to train each category of legal professionals, and support law faculties of relevant universities to establish a legal scholarship and internship scheme. By enabling women and other vulnerable groups currently under-represented in the legal profession to obtain a law degree and internship by establishing a legal scholarship programme, the Programme will support vulnerable groups to access a career in the justice sector. It is expected that a more inclusive and better-trained legal cadre will be able to better promote access to justice. Thus, by increasing the number of legal professionals who have been trained and come from the background to appreciate the importance of human rights and protective legislation, the Programme will increase the justice system's overall capacity to implement this legislation.

Improving Access to Justice for Women and Other Vulnerable Groups

The Programme will support the MoLJCAPA to lead a national process of legal aid reform. The intended outcome of the reform process is a national legal aid scheme which coordinates, regulates and supports access to high quality, relevant, legal aid services for Nepal's vulnerable groups. The MoLJCAPA envisages a scheme with both civil and criminal branches of legal aid administered by a single institution with 'satellite' offices in all 75 districts (Legal Aid Centres⁵⁰). The MoLJCAPA has planned and obtained a Nepal Peace Trust Fund grant for this work, and has sought UNDP's support to establish and implement the scheme. The Programme will support capacity building of the Ministry's planned Legal Aid Unit. The Programme will assist the Legal Aid Unit and other national legal aid service providers to engage in an evidence-based reform process, informed by the lessons learned from Legal Aid Centres (LACs) established in a number of districts. In this way, best practices will be communicated to national level actors and incorporated into national level policy.

The Legal Aid Centres will also develop and implement a socio-legal approach to justice: provision of the comprehensive package of socio-legal services which vulnerable groups need to access justice, such as legal advice on all their (formal and non-formal) dispute resolution options, representation, shelter, counselling, and accompaniment throughout legal processes. The envisaged integrated legal aid scheme would provide support to enable women and other vulnerable groups to obtain their rights in criminal, civil and administrative

⁵⁰ The Legal Aid Centres will be essentially a 'reformed' versions of the current District Legal Aid Committees: based on the existing structures, but with a revised TOR and modus operandi.

cases, including poverty-reducing entitlements such as education allowances, pensions, property inheritance and child maintenance.⁵¹By connecting clients with institutions, assisting them to pursue, and accompanying them throughout legal and bureaucratic processes, socio-legal aid service provision will enable vulnerable groups to overcome the challenges that often separate them from their entitlements. Every person supported to hold the state accountable for implementing the law will acquire a rudimentary civic education which will help to erode the factors which sustain poverty and other underlying causes of conflict in Nepal.

The MoLJCAPA intends that its legislative and legal aid reform efforts will promote a broader justice reform, towards an integrated legal system comprised of various formal and non-formal institutions and mechanisms, including courts and quasi-judicial bodies—each of which respects national and international law. It aims to support reform of the quasi-judicial mandate, capacity development and oversight of non-formal dispute resolution mechanisms. The LACs discussed above will play a key role in this process by providing a degree of oversight as they accompany clients through justice processes ('accountability through accompaniment'); constituting a referral mechanism or 'human bridge' between justice providers as they support clients to achieve a satisfactory outcome; and providing a mechanism or forum for regular interaction and discussion between justice service providers and communities.

The overall effect of these efforts—to ensure that national laws respond to the needs of grassroots communities; that legal professionals are representative of Nepal's diversity; that legal aid provision is standardized and coordinated; and that valued, community-based dispute resolution mechanisms are in place—will be twofold. For one, access to a justice system that is sensitive and responsive to communities' needs will be increased for Nepal's vulnerable groups. Second, collaboration between the Government and civil society will be strengthened and synergy will be maximized. As such, two major causes of conflict in Nepal will be addressed.

Promoting Human Rights

Promoting 'mutual (state-society) accountability' for establishing a culture of rule of law and respect for human rights is mainstreamed throughout the Programme. For example, as part of legal aid and penal legislation implementation activities, the Programme will support legal literacy 'civic education' efforts to enable communities to have an enhanced level of understanding about their rights and mechanisms for redress in cases of their infringements, as well as their responsibilities to respect the rights of others. The Programme will also support regular dialogues between justice institutions and civil society organisations. These 'state-society' interactions will enable civil society to elicit accountability for justice service delivery and implementation of protective laws, while enabling communities to understand their own responsibilities under the law. As part of these mainstreaming efforts the Programme will work also to expand membership of JSCCs to enable civil society organisations to participate in their function and to promote a 'human rights based approach' (HRBA) to justice delivery.

The Programme will work directly with relevant government institutions, line ministries and agencies to support their implementation of Nepal's human rights obligations, including both international commitments in the form of treaties, declarations and UPR recommendations,

⁵¹ They will advise vulnerable people of their dispute resolution options (e.g. customary institutions, mediation committees, quasi-judicial institutions, and formal processes), and then support them to navigate the option which they have chosen. Legal aid service providers will either provide or connect their clients with the services which they need to access justice, such as: transport to shelters, medical clinics, police stations, courts and administrative offices; assistance to translate proceedings, fill in forms and make calls; food and lodging during trial; and representation in court.

as well as national commitments, particularly the NHRAP. By the same token the Programme will support the National Dalit Commission (NDC), the National Women's Commission (NWC), and other national institutions charged with overseeing the implementation of the Government of Nepal's human rights obligations, and ensure their meaningful participation in relevant government forums and processes.

Supporting the Transitional Justice Process

In strengthening the administration of justice, the capacity of the criminal justice system, the culture of rule of law and the promotion of human rights in Nepal, the Programme as a whole will actively contribute to the establishment and implementation of a holistic, 'victim-centric' and gender-sensitive transitional justice process. In recognition of the importance of complementarity, the Programme will specifically support the existing justice sector institution's capacity to prosecute conflict-era human rights violators and, simultaneously, the creation of a transitional justice mechanism(s) that is established with the goal of pursuing truth and accurate documentation of the conflict. In this way, the Programme will address the long standing issues related to impunity and accountability in Nepal.

In addition to the overarching efforts to increase the justice system and its associated institutions' capacity, the Programme will assist in the development and implementation of a transitional justice process action plan and will train women on transitional justice issues as well as on women's engagement in truth-telling processes.

The cumulative effect of efforts to strengthen the administration of justice; access to justice; transitional justice; and rule of law institutions will be to enable historically excluded, vulnerable people to enjoy their civil, political, economic, social and cultural entitlements. This will progressively strengthen the principle of accountability, access to justice and the rule of law in Nepal, as the foundation for human development and sustainable peace.

VI. PROGRAMME OUTPUTS IN BRIEF

The Programme will contribute to the following UNDAF/CPD Outcomes and Outputs overall:

- **Output UNDAF/CPD Outcome 4: Vulnerable groups benefit from strengthened legal and policy frameworks and have improved access to security and rule of law institutions.**
- **UNDAF/CPD/CPAP Output 4.1: Judicial, legislative and administrative authorities have improved capacity to draft, reform and implement legislation that protects people's rights and constitutional guarantees.**

The Programme's Outputs and associated contributions to UNDP's country documents are:

ROLHR Output 1 (CPAP Output 4.1.1): Justice sector development process established.

1.1: Justice Sector Coordination Committee Secretariat established at central level and in selected districts.

1.2: High-level justice sector dialogue on case management and other key justice sector priorities institutionalised and national strategy developed.

1.3: Justice sector institutions demonstrate improved, coordinated service delivery in 10 districts.

- 1.4: Research, planning and monitoring capacities of the Supreme Court, OAG and MoLJCAPA strengthened.
- 1.5: Implementation of key priorities of evidence-based, budgeted, and results-oriented Strategic Plans supported.⁵²
- 1.6: Public Information ('community relations' and donor coordination) mechanism developed.
- 1.7: Judgment execution system strengthened.

ROLHR Output 2: Capacities for the implementation of Penal, anti-GBV, anti-discrimination and anti-corruption legislation developed.

- 2.1: Capacities of MoLJCAPA on legislative and treaty drafting in line with international standards developed.
- 2.2: Systems and procedures for revision of laws and formulation of rules and regulations in line with international human rights standards developed.
- 2.3: Best practice model for implementation of laws developed and tested through implementation of penal legislation.
- 2.4: Human resource capacities for implementing key laws developed.
- 2.5: 'Affirmative action' legal education, scholarship, internship and professional development scheme established.
- 2.6: OAG performance management system strengthened.

ROLHR Output 3: MoLJCAPA-led consultative legal aid reform process supported and institutional, legislative and policy framework for integrated national legal aid system developed.

- 3.1: Consultative comprehensive national legal aid reform process established and a comprehensive national policy on legal aid and integrated implementation mechanism developed.
- 3.2: Socio-legal aid service provider capacity development and oversight framework developed and implemented.
- 3.3: Community-level legal education programme of MOLJCAPA strengthened and implemented.
- 3.4: Socio-Legal Aid Centres and referral networks established through existing institutional framework in a number of districts.
- 3.5: Regular community 'socio-legal aid coordination and confidence-building' interactions on access to justice-related issues established in a number of districts.
- 3.6: Framework and procedures developed to strengthen the interface between formal and informal justice systems.

ROLHR Output 4: Human rights promotion and protection system strengthened and transitional justice process supported.

- 4.1: Implementation and domestication of human rights framework supported.
- 4.2: NWC and NDC mechanisms to monitor and report on rights of women and Dalits and advocate for implementation of Domestic Violence (Offence and Punishment) Act and the Untouchability and Caste-Based Discrimination (Prevention and Punishment) Act established and strengthened at national and local level.
- 4.3: Criminal justice system's capacity to respond to transitional justice issues strengthened.
- 4.4: System developed to discourage the trend of withdrawal of serious human rights cases.

⁵²Supreme Court, Ministry of Law, Justice, Office of the Attorney General, and Department of Prison Management.

4.5: National truth-seeking process in line with international law and human rights standards supported.

4.6: Victim support capacity developed and capacitated to provide efficient mechanisms for redress and participation for victims in transitional justice process.

The activities conducted under this ROLHR Output will also contribute to realization of:

- **CPD/CPAP Output 4.3:** Government institutions have increased capacity to monitor and report on human rights and on the status of implementation of human rights obligations.
- **UNDAF/CPD Outcome 8:** National institutions have addressed conflict-related violations of human rights and international humanitarian law and the post-conflict needs of victims.
- **CPD Output 8.1:** Government and civil society have enhanced capacity to develop, establish, and implement inclusive transitional justice mechanisms and policies that comply with international law.

VII. NARRATIVE DESCRIPTION OF OUTPUTS

Output 1: Justice sector development process established.

This output will lay the foundations for a *justice sector reform process* by strengthening the existing justice sector coordination mechanism to support: dialogue to identify key challenges to the administration of justice; joint research and implementation of inter-institutional initiatives to address those challenges; and the development of strategic planning, monitoring and evaluation capacities needed to implement successful initiatives nation-wide.⁵³As such, the Programme design incorporates a significant degree of flexibility and opportunities for review and redesign in response to Programme successes and weaknesses.

By definition, it is not possible to 'pre-judge' the outcomes of the evidence-based reform process established by this output. It is expected that the appropriate response to the justice sector coordination challenge (for quality justice service delivery, as well as effective development partner support to the sector) will be a justice sector wide approach (SWAp). This will comprise a joint sector investment plan informed by research, analysis, and practical initiatives proven to deliver concrete improvements in the administration of justice. This plan would ideally be implemented through a basket fund with contributions from donors as well as the Government. Such a plan would allow for more effective and efficient use of funds; strengthening the administration of justice and thereby improving service delivery and increasing access to justice.

Under Output 1, the Programme will:

Establish a Central JSCC Secretariat and empower JSCCs at district level. To encourage the implementation, monitoring, and evaluation of practical initiatives designed to address day-to-day operational challenges in the administration of justice, and generate

⁵³Pilot initiatives will focus on generating improvements in the quality of justice services enjoyed by women and vulnerable groups. UNDP's previous programme experience suggests that concrete, low-cost inter-institutional initiatives designed and implemented by the justice sector personnel who face practical, operational challenges on a daily basis can result in significant improvements in the administration of justice (e.g. case disposal rates; prosecution rates; judgment execution rates). UNDP anticipates that a justice sector strategy which invests in such proven practical operational arrangements and invests in other research-based reforms will enable justice sector institutions to deliver quality justice services.

improvements in the quality of justice services enjoyed by Nepal's vulnerable groups, the Programme will support the JSCCs and the established Secretariat to:

- Expand the mandate of existing JSCCs to test low-cost inter-institutional initiatives aimed at addressing identified priority issues and challenges to the administration of justice, with additional support provided by the Central Secretariat.
- Monitor and review low-cost inter-institutional initiatives to determine 'what works' and can be scaled up nationally, to achieve nation-wide improvements in the administration of justice
- Create a feedback loop between the district-level JSCCs and the central Secretariat to enable service delivery results achieved in carefully supported initiatives to 'translate' into nation-wide improvements in the administration of justice.
- Develop and operate a simple (low-tech) data management system to keep track of and assess the impact of JSCC initiatives, as well as the broader, sector-wide impact of successful initiatives which are 'mainstreamed' in institutional practice.

Conduct high-level justice sector dialogues and research projects on key justice sector issues and develop a national strategy for the justice sector. In order to identify and address the key challenges to justice sector administration, the Programme will support high-level justice sector dialogues and research initiatives to determine reform options for priority issues which concern each rule of law institution but are beyond the mandate of any one of them. In addition to case management, such issues might include: federal and inclusive restructuring; implementation of penal legislation; prison reform; mandate of quasi-judicial institutions; case withdrawals; linkages between formal and non-formal dispute resolution mechanisms; processing the deluge of cases which may follow the enactment of transitional justice legislation; and, developing a multi-sectoral approach to implement Nepal's gender justice framework. The Programme will further support the development of a strategic vision for the sector with reference to the successful JSCC initiatives discussed above, leading to the development of a national justice sector strategy.

The Gender and Social Inclusion Officer will ensure that policy dialogues, JSCC initiatives, and any national justice sector strategy is focused on generating practical operational improvements which improve women and other vulnerable groups' access to quality services.

Strengthen research, planning, and monitoring capacities. To improve their performance, there is a need to strengthen the research, planning and monitoring capacities of rule of law institutions. In addition to generating nationally-owned research on case management, prison reform, and possible reform options (including differentiated case management, alternative (non-custodial) sentencing), these capacities will enable institutions to develop their own understanding of other challenges to the effective administration of justice. These capacities will also enable national institutions to identify, plan, and implement means of addressing key challenges, to ascertain the impact of proposed solutions, and fine-tune strategies accordingly. In addition to improving the administration of justice by strengthening individual 'links' in the justice chain, these capacities will, in the long-term, provide the basis for implementing the sector-wide approach (SWAp) to justice behind a widely consulted, quality justice sector strategic plan (discussed below).

The Programme will provide logistical, technical, and financial support to enhance research capabilities, including assistance to establish South-South cooperation with institutions which

may have experience with reform in priority areas. The Programme will also strengthen the capacities of the Planning and Monitoring Units of the Supreme Court, OAG, the MoLJCAPA, and Department of Prison Management.⁵⁴ The Programme will provide technical and logistical assistance to develop these institutions' capacities to design, refine, implement, monitor, evaluate, and report on costed, actionable Strategic Plans with measurable performance targets. Technical assistance will include efforts to integrate the requirements for implementation of penal legislation, anti-GBV, anti-caste based discrimination, and anti-corruption legislation into each institutional strategic plan. These plans will also include measures to integrate successful district pilot inter-institutional initiatives, and the findings of research-based policy initiatives undertaken by the high level dialogues.

Support implementation of key priorities of evidence-based, budgeted, and results-oriented strategic plan/sector strategy. In addition to the seed fund for low-cost or no-cost initiatives, the Programme comprises a fund to support other strategic plans/sector strategies to improve the administration of justice. This fund will enable institutions to meet needs and respond to lessons learned and opportunities presented by the reform process, as part of well-researched, budgeted, results-based strategies. This is likely to include, for example: training, equipment or other hardware to strengthen case management, prison reform, and the implementation of the findings of research on other priority issues conducted under this output - as well as other priority initiatives identified through evidence-based and results-oriented planning processes.

Donor coordination and public information ('community and development partner relations') mechanism developed. The Programme will support the establishment of an external relations unit within the JSCC. This unit will communicate reforms and successes to the general public and donor community. The unit will enable other development partners to take advantage of the investment opportunities created by the justice sector reform process by: liaising with international development partners; maintaining an updated 'who-what-where' record of all donor activities against national priorities; and a database of all research reports, assessments, etc. This will enable justice sector institutions to enjoy some of the benefits of more coordinated support to the sector pending establishment of a possible justice sector strategy with a multi-donor funding mechanism. It will also enable national institutions to develop the capacities to coordinate all development partner support to the sector.

The external relations unit will also develop and implement a public communications strategy to ensure that communities are aware of courts' and other justice institutions' reforms, and the various services available to make courts more accessible to vulnerable groups (e.g. no court fees for indigent persons; availability of legal aid). The unit will design its communications' strategy on the basis of a public perception survey. The survey will help to identify where public information gaps lie – as well as what the courts might do to strengthen access to justice. The external relations unit will also have a presence in JSCCs, where legal interns will provide a 'court orientation' function by helping visitors to understand proceedings, find the right court room, and access relevant support services(see Output 2).

Judgement execution system strengthened. Very low judgment execution rates mean that even when the legal system has functioned effectively and convicted perpetrators, those who are found guilty often do not serve their sentences. This is largely due to limitations in the judgment execution system: a process which engages police, court, and local

⁵⁴ The draft Penal legislation provides that the DoPM will become a part of the MoLJCAPA. UNDP will also coordinate with the (DFID-DANIDA) Nepal Police's Modernisation Programme team to ensure that all institutions learn from each other and 'move forward' together in terms of their planning capacities.

government officials and depends on effective inter-institutional interaction. Having supported the establishment of the Judgment Execution Directorate (JED) as an institutional structure for judgment execution, together with some inter-justice sector institutional processes to facilitate its work, the Programme will continue to support:

- Formation of a Judgment Execution Task Force (e.g. as a JSCC working group) to lead judgment execution review process and support implementation of outcomes.
- Comprehensive research on civil and criminal judgment execution.
- Development and implementation of a judgment execution model.⁵⁵

Output 2: Legislative and human resource capacities for the implementation of Penal, anti-GBV, anti-discrimination and anti-corruption legislation developed.

Under this output, the Programme will support relevant institutions to implement legislation which can further strengthen the rule of law and human rights in Nepal. This includes, in particular, penal legislation which aligns the administration of criminal justice with human rights standards; legislation which penalizes SGBV and discrimination; and legislation relevant to the recently ratified UN Convention Against Corruption. This component will support implementation of these laws in two ways. First, the Programme will support the MoLJCAPA to develop the structure and capacities to lead the revision of laws in line with the Constitution and international human rights standards set forth in the treaties to which Nepal is a party. Second, the Programme will support the establishment of the legal education and human resource mechanisms needed to establish a cadre of legal professionals able and willing to implement the legislation. In conducting these activities, the Programme will strengthen the criminal justice system as a whole and thereby also improve its capacity to prosecute cases brought by conflict victims.

Under output 2, the Programme will undertake the following activities:

System for revision of laws developed. Despite several positive developments, many of Nepal's laws need further revision in line with anti-discrimination and protective laws. The Programme will support the MoLJCAPA to lead a process to develop a body of laws which is precise, internally consistent, and aligned with human rights standards and to revamp its Treaty and Legislative Drafting Divisions. The Programme will facilitate the Judicial Service Training Centre to partner with an internationally renowned university to develop and conduct training programmes and reference materials on human rights, legislative drafting, and the legislative development and revision process.

Best practice model for implementation of laws developed and tested through implementation of Penal Legislation. Building on the Penal Code implementation action plan previously developed by the High Level Committee with UNDP support, the Programme

⁵⁵Research will yield concrete activities needed to support more effective judgment execution. It is expected that UNDP's support will include support to address identified gaps and challenges, through a corresponding judgment execution plan and Strategic Plan for the JED. This is likely to include: a) development of regulation(s) to expand JED's mandate to include enforcement of quasi-judicial judgments; b) upgrade Judgment Execution Manual to include current laws, rules, and regulations; c) implementation of judgment execution plan, including support to upgrade logistics and existing software and district databases into a single, central database accessible across government. This will mean that other government departments (e.g. transport offices issuing vehicle licenses; land revenue offices issuing title deeds; passport offices) can support judgment execution by verifying whether judgments are pending against any applicants and making referrals; d) completion and roll-out of the national judgment execution database; e) the establishment of effective coordination procedures between the courts, police, JED; f) provision of logistical and technical support to operation of Judgment Execution Task Force in districts with highest volume of cases and outstanding judgments; g) coordination (through dialogue, regular interaction, and support to implement inter-institutional procedures) with government agencies and civil society.

will support the development of a best practice model for the implementation of laws. This model will demonstrate 'what it takes'—in terms of revising existing laws, developing operational protocols, by-laws, and training programmes—to implement laws nation-wide. The Programme will support the implementation of the training component of the Penal Code implementation action plan, by supporting the National Judicial Academy and Judicial Service Training Centre to develop and deliver high quality training programmes and reference materials on the new legislation tailored for judges, lawyers, prosecutors, and government officials. Requirements for implementing legislation against gender or caste-based discrimination and corruption will be incorporated in each training programme. Through support to key institutions' planning processes, the Programme will support the integration of key laws into institutional Strategic Plans and the justice sector strategy. The JSCC donor liaison officer will then assist other development partners to coordinate their support to other aspects of the penal legislation implementation action plan (see Output 1).

'Affirmative action' legal education scholarship and internship scheme established.

Many challenges to achieving justice for SGBV, caste-based discrimination and other cases concerning vulnerable groups pertain to lack of diversity in the legal profession. New laws which enhance legal protection for vulnerable groups have generally not featured in the present legal cadre's education and experience. Studies show that vulnerable groups are much less likely to access justice when they feel that their own ethnic group is not well-represented in the legal profession. Since 52% of Nepali households do not believe that their ethnicity or caste group is adequately represented in the sector, increasing participation in the legal profession is a rule of law priority. The Programme will support law faculty of universities, as appropriate,⁵⁶ to design and implement the following initiatives:

- *Legal education school outreach programme* to encourage groups currently under-represented in the legal profession to pursue legal careers, and support candidates to prepare for university entry exams.
- *Scholarship programme* to enable eligible (under-represented) candidates to pursue a law degree.
- *Legal internship scheme* to enable law students to obtain practical experience working as: judges' 'assistants'; court orientation staff (including in district courts); and legal aid service providers in district Legal Aid Centres (see Output 3). The internships will strengthen legal education by providing students with a practical adjunct to their theoretical education, and the ability to empathise with vulnerable clients.
- *Access to justice and human rights studies.* To enable students to understand the law as a tool to promote human rights and social justice, the Programme will support: the development of modules on these topics; procurement of research and reference materials (e.g. books, journal subscriptions); and a 'guest lecture' series engaging NHRI Commissioners, senior UN officials and experts.
- *Cross-sectoral gender and social inclusion dialogues.* To create an 'enabling environment' for university scholars and interns entering the legal profession, the Programme will support the law faculty/ies, as appropriate, to convene 'cross sector' dialogues engaging legal professionals who are members of minority groups. The dialogues will aim to identify the challenges which women and vulnerable groups in

⁵⁶Beginning with Tribhuvan University Law Faculty, and then to be expanded to other institutions if successful and demand exists.

the legal profession face, and measures for addressing them. The Programme will support relevant initiatives emerging from this process (e.g. caucuses; mentoring arrangements between new graduates and established professionals).

The students will go on to be lawyers, prosecutors, and judges, as well as legal aid providers. The effect of these efforts will be to strengthen the future administration of justice by fostering the emergence of a more competent, inclusive, pro-poor cadre of legal professionals which is representative of Nepal's diversity. This cadre will be better positioned and able to ensure better implementation of Nepal's protective and human rights legislation. The scholarship and internship scheme as a whole will aim to make students: aware of the role of the legal profession in promoting social change; able to empathise with the needs of vulnerable groups; and motivated to use their careers to help improve access justice.

OAG performance management system strengthened: The Office of the Attorney General (OAG) prosecutorial function plays a critical role in the administration of justice. The OAG has, however, been critically under-resourced. Its capacity to support the preparation of cases, filing of charges that match the evidence available, or to effectively lay these before judges in court should thus be enhanced.⁵⁷ The OAG has also recently resumed its detention centre monitoring role, produced a strategic plan, and designed a case audit to ascertain where capacity development efforts should be targeted. With the reform initiatives in the penal legislation, the OAG will be required to play a much greater role in criminal investigations.⁵⁸ In order for recent improvements in the administration of justice to be sustained, there is an urgent need for support to develop the capacity of the OAG to more effectively execute its current and forthcoming mandates. In addition to Programme support to the OAG under output 1,⁵⁹ under this output UNDP will support the OAG's performance management unit to create a career development policy, training modules, reference materials, as well as a complaints-handling, investigation, and disciplinary system with public outreach.

Output 3: MoLJCAPA-led consultative legal aid reform process supported and institutional, legislative and policy framework for integrated national legal aid system developed.

Nepal's vulnerable groups are largely unable to obtain their right to justice, and other basic services. Under this output, UNDP will support the MoLJCAPA to achieve its objective to establish an integrated legal aid system which coordinates, regulates, and supports access to the socio-legal services which vulnerable groups need to access justice.

The MoLJCAPA has shared with UNDP its felt need for support to achieve its objective to establish an integrated legal aid scheme. This scheme would coordinate, regulate, and support access to the complete package of advisory, representative, 'accompaniment' and other socio-legal aid services which vulnerable groups need to access and achieve justice. International standards and preliminary research conducted by the OAG suggest that the

⁵⁷Statistic reveal that only 53.7% of cases filed in court result in conviction (2010-2011). This is a 9% increase on the previous year but still leaves room for improvement. *Office of the Attorney General Annual Reports 2009-2010 and 2010-2011*.

⁵⁸ The OAG also has a significant role in supporting the implementation of GBV and caste-based discrimination legislation.

⁵⁹ Under output 1, UNDP will support the development OAG planning capacities, and the design of a prosecutor training programme. The training programme will be designed on the basis of a 'case audit' to be conducted in Q3 2012. The 'case audit' will entail following cases through the system to ascertain where challenges to effective investigation lie, and promising practices to address them. The training programme will cover priority learning needs identified by the case audit.

system would have both civil and criminal branches.⁶⁰A strengthened version of the Supreme Court's 'paid lawyer' system could constitute the criminal branch.⁶¹ The scheme would support vulnerable groups wherever they appear in the legal system—whether as victims, witnesses or accused, in civil, criminal, and administrative cases. It would aim to support them to realise their rights to justice and security services, a fair trial, as well as other basic services, such as entitlements to pensions, child maintenance, inheritance, education allowances and citizenship certificates. This integrated scheme would be supported by revised legal aid legislation, policy, and institutional framework aligned with the Interim Constitution and international standards. Establishing a system of this kind is ambitious and will take several years. However, there are several indications that the MoLJCAPA has laid the foundations:

1. The institutional framework for an integrated legal aid system has been designed and partially funded. The MoLJCAPA has plans and funding from the Ministry of Finance and Nepal Peace Trust Fund (NPTF) to extend the national legal aid scheme to all 75 Districts. It will do so by establishing a central Legal Aid Unit, with 'satellite' offices ('Legal Aid Centres', 'LACs') in 43 districts. Combined with the MoLJCAPA's current network of District Legal Aid Committees in 32 districts, the 43 LACs could provide the institutional framework for a legal aid scheme which coordinates and regulates legal aid service provision across Nepal.
2. The MoLJCAPA has been requested to administer the nation-wide Para Legal Committee (PLC) network. The PLC network is at the 'front-line' of justice service delivery in Nepal, because it is present in rural, grassroots communities. The PLCs are operated by women who live in the communities which they serve, speak local languages and understand local justice options and their limitations.
3. The MoLJCAPA has initiated a 'village to village' legal awareness raising programme which will be conducted in all of Nepal's 75 districts. The programme engages CDOs, WDOs and other local justice providers to explain what rights communities have and how to assert them. The programme also has a media component, which will encourage journalists to report on SGBV issues, and train them in how to do so. The ROLHR Programme will support this innovative initiative which will engage national and local (electronic and print) media in framing and disseminating legal information, including 'justice success stories': vulnerable people who have used the legal system to achieve judgments in their favour.

Under output 3, the Programme will undertake the following activities:

Relevant, accessible national legal aid scheme established through socio-legal aid service provision. The MoLJCAPA is responsible to coordinate, administrate and regulate the national legal aid scheme. As discussed above, the MoLJCAPA has laid the necessary foundations to fulfil its responsibility but there is still much work to be done before a national, integrated and accessible legal aid scheme will be in place. The MoLJCAPA is prepared to

⁶⁰ A strengthened version of the Supreme Court's 'Baitanki Wakil' system could constitute the criminal branch. The International Legal Foundation has developed a model for a public defender system in Nepal which is both increasing access to justice for vulnerable groups, and strengthening judges' and prosecutors' awareness of the law. The strength of the ILF programme has won it the support of the Supreme Court of Nepal. Since the ILF shows potential to support the Supreme Court to strengthen Nepal's 'Baitanki Wakil' to become an effective public defender system within the criminal branch of a reformed national legal aid system, the ILF's agreement to participate in a national legal aid reform process will foster the success of output 3. ROLHR will channel funds to ILF for this purpose.

⁶¹ In practice, the 'Baitanki Wakil' lawyers tend to be allocated criminal cases, whereas the District Legal Aid Committee scheme tend to support parties to civil cases. This 'division of labour' would therefore fit well with the respective expertise of the Baitanki Wakil and Legal Aid Committees respectively.

put more of its resources and efforts into building the capacity of Nepal's legal aid system, however, and UNDP will support the MoLJCAPA in its efforts to operate such a system under this Programme Output.

Experience globally and specifically in Nepal suggests that a legal aid scheme which is relevant and accessible to the most vulnerable—especially victims of SGBV and caste-based discrimination—needs to ‘reach into’ vulnerable communities. Community workers (i.e. ‘paralegal’-type so-called ‘barefoot lawyers’) who are consistently trained, supervised, and mentored can provide such ‘reach’, as they can empathise and effectively communicate with vulnerable groups, and provide the basic legal advice and support which meets the majority of their legal needs. In addition, a relevant legal aid scheme needs to provide *socio-legal* services to enable vulnerable clients (victims, witnesses, and accused) to navigate each step of legal and bureaucratic processes to obtain a range of legal services and entitlements such as dispute resolution, a vote, land title deeds, pensions, education allowances, alimony (‘child maintenance’), and others. Beyond raising awareness of what rights communities have and how to assert them, the type of socio-legal aid service providers that the Programme will train help vulnerable clients to understand all the options practically available to them—e.g. informal and formal justice mechanisms—to promptly and effectively assert their rights. They then accompany clients to access the option they have chosen, assisting them to navigate what are often bewildering or traumatic legal and bureaucratic processes. The Programme will also employ an ‘accountability through accompaniment’ approach wherein the legal aid service providers who accompany vulnerable clients through justice processes will ensure that their rights are protected through those processes, including by explaining to local justice personnel what is required of them under national and international law. Such accompaniment will provide a degree of protection to vulnerable clients; reducing the risk of their rights being violated by local justice personnel unhindered by scrutiny or accountability. It will also provide a capacity development opportunity for local justice providers: socio-legal aid service providers accompanying clients will remind justice personnel of their obligations and ensure that due process is followed.

In this way, a socio-legal aid provision system will at once provide services to increase vulnerable communities’ access to justice, provide oversight to the administration of justice, and increase citizen confidence in the justice system as a whole. Lessons learned from previous UNDP programmes suggest that the integrated legal aid system will thereby strengthen both the so-called ‘demand’ and ‘supply’ sides of justice; the Programme will work off of these lessons in pursuing its activities related to legal aid reform.

A two-track approach to legal aid reform. To ascertain exactly how a ‘relevant, accessible integrated legal aid system’ would function in Nepal, the Programme will support the MoLJCAPA to implement the same ‘two-track’ approach which the UNDP used to promote mediation in Nepal and which, ultimately, proved so effective:⁶² ‘up stream’ efforts to reform national policy, law, and institutional frameworks, informed by lessons learned from ‘down stream’ efforts to pilot socio-legal aid service provision at the grassroots level.

Consultative national legal aid reform process established (*‘Upstream’ policy component*). The Programme will strengthen the capacities of the MoLJCAPA’s planned Legal Aid Unit to enable it to lead an evidence-based national legal aid reform process, in partnership with the Nepal Bar Association as follows: a) Convene all relevant socio-legal aid service providers; b) Conduct research to map legal aid needs and capacities, and develop

⁶² The Supreme Court credits UNDP with introducing mediation to Nepal more than ten years ago, when there was a need for an accessible, affordable, and speedy alternative to formal justice processes. Today, Nepal is preparing to support institutionalisation of mediation under the Mediation Council provided by the Mediation Act (2011).

reform options; c) Develop effective capacity development and regulation frameworks for all legal aid service providers (e.g. training and supervision and monitoring and evaluation); d) Monitor, evaluate, and compile lessons learned from Legal Aid Centres piloting socio-legal aid service provision; e) Establish 'South-South' cooperation with legal aid schemes in countries which have successfully surmounted similar access to justice through legal aid (e.g. Sri Lanka, South Africa) to enable 'peer learning'; f) Support drafting of a national legal aid policy and revision of the national Legal Aid Act to clarify where a right to legal aid exists and how it is to be met (i.e. the roles, responsibilities, and qualifications of socio-legal aid service providers; training, supervision, and regulation framework); g) Support design and establishment of an institutional framework to administer a relevant, accessible integrated legal aid scheme.

The MoLJCAPA expects that its legal aid reform efforts will complement broader justice reform efforts under Output 1. First, legal aid reform will further strengthen public confidence in the entire justice system. Second, it will strengthen the administration of justice. Third, it will support broader legal reform in Nepal, towards an integrated legal system comprised of numerous formal and non-formal dispute resolution mechanisms which all respect national and international law.

Legal Aid Centres and referral networks established (*'Downstream' practice component*): The Programme will support the Legal Aid Unit (LAU) to establish, monitor and evaluate Legal Aid Centres (LAC) implementing a socio-legal approach to legal aid service provision beginning in 10 districts. UNDP will also support the establishment of socio-legal aid referral networks in those 10 districts, which will give the LACs 'reach' into vulnerable communities. The LACs will also participate in the existing 'village to village' and media legal education programme. Lessons learned from the initial testing of the socio-legal approach to legal aid provision in the first 10 LACs will be communicated to key policy-makers and integrated into national policy as a system-wide intervention, informing the development of a revised Legal Aid Act, a reformed access to justice policy, the establishment of the other 36 LACs planned by the MoLJCAPA, and reform of the existing District Legal Aid Committees in 32 districts.

To enable vulnerable groups to access their entitlements, the LACs will fund, train, supervise, and coordinate a 'frontline' of community workers who are engaged and active in the communities in which they live and work—e.g. paralegal 'problem solvers', VDC, LGCDP and project 'social mobilisers', WDOs, CSOs, and other actors who are already engaged and active in their communities and understand local justice needs and challenges. This 'front line' will ensure that quality legal aid services are physically, socially, and psychologically accessible to vulnerable groups. The Programme will support the community workers to provide 'first aid' legal aid services and thereby enable their vulnerable clients to understand dispute resolution options and access institutions. Furthermore, the community workers will stand by their clients as they seek services from legal institutions, and will encourage their clients to overcome challenges that might otherwise lead them to give up their claims. Socio-legal aid service providers will raise awareness of what rights and responsibilities communities have and how to assert them. They will respond to individual clients' concerns, providing counselling, advice on the laws relevant to their case, and all of the dispute resolution options practically available to them (e.g. mediation committees, formal justice system, quasi-judicial authorities). The socio-legal aid service providers will then accompany clients to access the option they have chosen, assisting them to navigate every step of legal and bureaucratic processes, and either directly providing or connecting them with the range of socio-legal services that are required for this purpose.

Socio-legal aid service provider capacity development and oversight framework developed. With support from the Programme, the LAC lawyers will train and supervise, mentor, advise, and provide other forms of technical ‘back up’ to this ‘front-line’ of community workers and law students. The ‘back-up’ civil and criminal legal aid lawyers will ‘take on’ more serious or complex cases referred by community-based legal aid service providers, to ensure that clients whose cases cannot be resolved at the community-level are supported while in contact with the law.

The LAU/LAC scheme will build the capacity and framework necessary to coordinate, regulate, and support access to quality legal aid services as follows:

- *Research and establishment of legal aid service networks:* The LAU will conduct an assessment of legal aid needs and capacities in each district. It will identify local actors which have—or could develop—the capacity to provide needed legal aid services, and administer grants to relevant organisations, through the Technical Approvals Committee (described in management arrangements). The findings of the legal aid needs and capacities assessment will form the basis for the design of socio-legal aid service networks.
- *Capacity development, monitoring and evaluation (M&E):* In coordination with other relevant stakeholders,⁶³ the LAU will develop modules, guidelines, and training courses for all LAC staff and service providers (including paid lawyers), as well as a supervision framework. An M&E framework will be established and maintained by the LAU to obtain quantitative, qualitative and disaggregated data. LAC Coordinators will collate information to administer the M&E framework and communicate results and lessons learned to the LAU, to inform the design of a national legal aid scheme with supportive legislation and policy. Establishing the training, supervision, M&E and reporting system and ensuring that all staff know how to use and operate them will be the major initial task of the project, before any LACs are established.
- *Coordination:* The LACs will require all providers of legal aid services (as defined under the revised Legal Aid Act)⁶⁴ operating in the district to register with the LAC, and to maintain a ‘who-what-where-how to contact’ profile in a district legal service provider database.⁶⁵ The database will record which organisations are providing which types of legal aid services in which areas (e.g. Women and Child Service Centres (WCSCs), Women’s Development Officers (WDOs), VDC and other development project ‘social mobilisers’; INGOs, CSOs, etc). Since each provider offers different kinds of services, they need to work together to connect vulnerable

⁶³ The International Legal Foundation has established an extremely effective model for training criminal legal aid lawyers. It has developed a model for a public defender system in Nepal which is both increasing access to justice for vulnerable groups, and strengthening judges’ and prosecutors’ awareness of the law. The strength of the ILF programme has won it the support of the Supreme Court of Nepal. Since the ILF shows potential to support the Supreme Court to strengthen Nepal’s ‘Baitanki Wakil’ to become an effective public defender system within the criminal branch of a reformed national legal aid system, its participation will foster the success of legal aid reform efforts.

⁶⁴ Section 2(a) of the draft revised legal aid act defines legal aid as (not official translation): “any legal counsel or advice given for the protection of the collective right and welfare of people included accordingly, or any such person to be included for negotiation, or taking initiative for the settlement of legal dispute or advice or counsel or the person engaged in the correspondence with the court or offices, pleading or engaged in legal aid programmes to be conducted as specified from time to time, and paralegal programs also.”

⁶⁵ Profiles will include details of the services which each provider offers in which areas, the funding available to them, trainings received, as well as the findings of on-going monitoring and evaluation processes. The database will be used to support coordination and referrals amongst the local network of legal aid service providers, as well as capacity development activities. NB: a quality, user-friendly platform for such a database already exists. However, in the initial phase of the project, the Legal Aid Unit may decide that a paper database is more feasible.

clients with all of the services they need to access justice. The legal aid database will promote referrals and 'joined up' legal aid service provision by helping service providers to connect clients with complementary services. LAC Coordinators in each district will be responsible for maintaining and regularly circulating the service provider database. The Coordinator will also support the 'cohesiveness' of district socio-legal aid service provision networks by convening monthly meetings between all providers, and supporting the flow of information between all providers. These efforts will include and account for NGOs and INGOs that are already engaged in improving legal aid service provision in Nepal. Synergy, collaboration and coordination with these organizations will be promoted and implemented in practice.

- *Legal aid service provision fund management:* The running costs of LACs, including staff salaries and legal intern stipends, will be paid centrally, by the LAU. The LAU will administer grants-making arrangements to local CSO/NGO service providers.⁶⁶ The district Coordinator will also manage a small fund to pay for communication and client support services. This fund will predominately be used to support services provided by LAC staff. However, it will be possible in exceptional circumstances for other providers to access 'petty cash' to cover the costs of essential services which they would otherwise be unable to provide for clients (e.g. food for women to whom they are providing shelter; transport to court; basic medical assistance).

Regular confidence-building interactions on justice issues established. To develop communities' confidence in justice and security institutions, the LACs will organize direct interactions with legal professionals and government decision-makers. The LAC Coordinator will invite police, judges, prosecutors, lawyers, VDC Secretaries, CDOs and other relevant actors to participate in the latter part of monthly legal aid coordination meetings. These interactions will enable rule of law institutions and grassroots communities to understand their respective roles in promoting the rule of law, and establish mutual accountability for community security. They will also provide an opportunity for democratic state-society interactions in Nepal. Such interactions will create a link between communities and law enforcement institutions which promotes and strengthens public confidence in the justice sector and compels an improvement in service provision. Finally, to strengthen public confidence in justice and security institutions and hence increase access to justice, the Programme will support service providers to create justice 'success story' films, with due sensitivity to the privacy or confidentiality of clients. These films will relate the stories of real lives changed through access to justice: vulnerable groups who have used the formal justice system to achieve judgments in their favour. The films will help vulnerable groups to understand what support is available to assist them to realize the power of the law to transform their lives and could reduce the incidence of rights violations and criminality by amplifying the deterrent effect of each conviction through communicating it to a wider audience.

Systems and procedures developed to enable Community Mediation Committees and other non-formal justice mechanisms. The Programme will make special efforts to ensure that justice seekers are able to both *access* justice institutions and *achieve* just outcomes, whether they choose to pursue their claims in non-formal or formal systems. To complement 'formal' justice sector reform under Output 1, the MoLJCAPA wishes to reform of the 'non-formal' justice system. It envisages that the legal aid reform process promote an integrated legal landscape comprised of dispute resolution mechanisms which all respect national and international law. The MoLJCAPA legal aid reform task force will engage other line ministries to explore ways to reform quasi-judicial mandates, and promote a stronger interface between so-called 'non-formal' and 'formal' systems through capacity development and

⁶⁶ See management arrangements: Socio-legal aid referral networks will be established, in the first two years, by UNDP, through a grants-making mechanism operated by the programme implementation team.

oversight of non-formal dispute resolution mechanisms. The legal aid scheme will play a key role in this process. In addition to sensitizing the authorities on national laws, due process, and human rights standards and providing a degree of oversight,⁶⁷ Legal Aid Centre personnel will act as a 'human bridge' between various dispute resolution mechanisms. Socio-legal aid service providers will also act as a referral mechanism to assist clients who do not receive a satisfactory outcome in non-formal dispute resolution mechanisms to bring their cases to the formal system. By making referrals happen where institutional connections are currently inadequate, legal aid personnel will constitute the referral mechanism or bridge between 'non-formal' and 'formal' systems and will themselves build the interface between the 'formal' and 'non-formal' justice systems.

LAC lawyers will also conduct trainings and 'encounters' whereby local formal and non-formal justice providers (police, courts, quasi-judicial and traditional authorities, VDC secretaries, etc.) will be supported to understand their obligations under protective legislation, and to identify means by which they can harmonise their current practice with national law and international standards. The Programme will support research on the dispute resolution and justice practices of specific ethnic, cultural or religious groups to ascertain the relevant norms which affect non-formal justice processes and will also support research on the types of cases that non-formal justice providers effectively resolve. These activities will ensure that the justice systems available to vulnerable groups are culturally relevant and thereby effective.

Output 4: Human rights promotion and protection system strengthened and transitional justice process supported.

The overall aim of establishing inter-institutional linkages, joint monitoring, human rights dialogue, and coordinated advocacy will be to enable a cohesive and effective human rights protection *system* in Nepal. The Programme will focus on strengthening the relevant line ministries, agencies and institutions' capacities to effectively implement international human rights frameworks, the National Human Rights Action Plan (NHRAP), the Universal Periodic Review (UPR) and other human rights treaty body recommendations – individually, and together. The coalition can also conduct coordinated advocacy to generate a critical mass of momentum for reform of laws in line with the constitution and international human rights standards.

To ensure a holistic approach to transitional justice in compliance with international standards, it is necessary that efforts are made to empower the criminal justice system as well as civil society to effectively address the issues of conflict victims. Even in the event that transitional justice mechanism(s) are established in full compliance with international human rights standards, it is necessary to develop a system of complementarity between the transitional justice mechanisms and the criminal justice system as a whole to address Nepal's pertinent impunity issues. Therefore, the Programme will support victims' organizations and associations as well as the criminal justice system to lay the foundations for prosecution of conflict-era human rights violations, and reinforce a transitional justice mechanism established in line with international human rights instruments ratified by Nepal, to conduct truth-seeking and documentation activities.⁶⁸

Under output 4, the Programme will undertake the following activities:

⁶⁷ This programme document cannot predict what the outcome of the reform process will be. However, it is possible that the MoJCAPA and others will establish a mechanism for oversight of 'informal' and quasi-judicial authorities that goes beyond legal aid 'accountability through accompaniment'. This could emerge as part of the process to establish the Mediation Council under the Mediation Act.

⁶⁸ UNDP will not work with any transitional justice mechanism or process that is not fully aligned with international standards and law.

National Women's Commission (NWC) to monitor and advocate for implementation of Domestic Violence Act (Offence and Punishment) and NAP 1325/1820. To encourage the coalition of national human rights promoters and protectors, the Programme will also work with the NWC to enhance its coordination with the relevant government institutions and CSOs. In addition, the programme will also support NWC to implement the Domestic Violence (Offence and Punishment) Act, the international human rights commitments against all forms of discrimination against women, and the National Plan of Action (NAP) on UNSCRs 1325 and 1820. These activities will be implemented in conjunction with activities under Output 2, which calls for review of laws to ensure their consistency anti-gender based violence legislation. Furthermore, capacity strengthening and coordination with NWC will also contribute supporting a gender sensitive transitional justice process.

National Dalit Commission (NDC) to raise awareness, monitor and report on implementation of the Untouchability and Caste-Based Discrimination (Prevention and Punishment) Act at national and local level. Amongst its broader advocacy, affirmative action, and policy-related functions, the NDC has a special role with respect to ensuring implementation of the Untouchability and Caste-based Discrimination (Prevention and Punishment) Act. NDC's mandate in this respect includes: supporting the revision of other laws perceived to be discriminatory; raising awareness of the right to redress; monitoring implementation; and undertaking of investigations of alleged failures of justice and security institutions to register, investigate, and prosecute caste-based discrimination cases. However, the NDC has a total (core and programming) budget of just NRs. 30 million per year (approx. USD 336,000), and no capacity development support to use this budget effectively. Parallel to comprehensive institutional capacity development support provided by UNDP's Poverty and Inclusion Programme, the ROLHR Programme will therefore support the NDC to exercise its specific mandate to support implementation of the Untouchability and Caste-Based Discrimination (Prevention and Punishment) Act. Since the NDC does not have national outreach capacity –i.e. no regional offices– the Programme will support the NDC to establish a monitoring unit with nation-wide coverage. The NDC Officers assigned to this unit will participate in joint monitoring missions and advocacy campaigns, conduct awareness raising activities at the national and local level, as well as receive and investigate complaints from victims of caste-based discrimination who have been denied access to justice. Besides informing law enforcement personnel of their obligations under the Act, the Monitoring Officers will elicit accountability for the institutional challenges which vulnerable groups face in accessing justice to the attention of justice and security institutions at the district JSCC.

Support a holistic and 'victim-centric' transitional justice process. The transitional justice component of the Programme will be implemented by UNDP together with UNWOMEN, based on their established collaboration in this area. UNDP and UNWOMEN will support relevant transitional justice mechanisms –which are compliant with international law and human rights standards– and the criminal justice system for prosecutions of gross human rights violations, as well as coordinated advocacy and other activities for the establishment of effective transitional justice mechanism(s) and processes under the Constitution. Strengthened coordination in this area will also assist in mobilizing available resources from the broader justice sector in terms of legislative and institutional support, witness protection and victim support, inclusion of civil society actors, and outreach and communications capacity of transitional justice-related institutions.

The role that UNDP plays in support of justice sector coordination overall is also expected to enable national and international organizations to approach transitional justice processes in a more concerted and strategic manner. UNDP will support the strengthening of overall

institutional and professional capacity for the OAG, thereby enabling the criminal justice system to begin systematic prosecution of conflict-related cases. As such, UNDP's activities will remain pertinent with or without a functioning transitional justice mechanism. According to international law, the resolution of conflict era human rights violations cannot wait until the Government of Nepal establishes a satisfactory and effective mechanism. Instead, UNDP and UNWOMEN will work to empower victims as well as the criminal justice system to bring peace and resolution to conflict victims immediately. UNDP and UNWOMEN will focus on a 'bottom-up' approach; working with victims support organizations to ensure a victim-centric, gender-sensitive and holistic transitional justice process for Nepal. The Programme will support dialogue on transitional justice-related issues, access to support services, and the development of institutional and organizational arrangements which are representative of all relevant stakeholders. The Programme will also train women on truth-seeking processes and transitional justice issues in recognition of their sensitive position in the transitional justice process. Furthermore, by strengthening the criminal justice system's capacity to conduct in-camera hearings for SGBV cases, the Programme will assist in the resolution of cases in which SGBV was used as a tool of violence during the conflict.

VIII. KEY ACHIEVEMENTS

UNDP has been working together with the Government of Nepal in the area of rule of law and human rights for more than 10 years. An independent outcome evaluation affirmed the following key successes which collectively explain why UNDP is the ideal organization for overseeing the implementation of the ROLHR Programme:

Participatory law reform: UNDP provided the secretariat and technical support to the High Level Committee which drafted bills on Penal Code, Criminal Procedure Code, Civil Code, Civil Procedure Code and Sentencing Act. UNDP's support enabled the Committee to actively engage with government agencies, civil society and human rights actors in a highly participatory process. These new draft laws will replace the Muluki Ain (General Code) of 1953, modernising the legal system and aligning the administration of justice with international standards.⁶⁹ Initiatives have also been taken to make timely reforms in laws dealing with withdrawals of cases, taking into account international human rights law.

Court administration: UNDP's Pilot Court Programme and training of the judiciary led the entire judicial reform agenda in Nepal. It resulted in the institutionalisation of separate civil and criminal benches; introduction of technology for case management in some courts; improvements in the quality of court judgment writing; frequent citation of international human rights treaties in court judgments; and adoption of a new, systematic case allocation method which the Supreme Court considers to have increased judicial accountability and efficiency. UNDP also supported the introduction of a national network of Justice Sector Coordination Committees (JSCCs) to strengthen communication, cooperation and collaboration amongst rule of law institutions.

Transitional justice: UNDP and UNWOMEN conducted a joint study on GBV Prevalence, Trends, Legal Recourse and Impact in Conflict and Transitional Period and Legal Recourse During Armed Conflict to inform a comprehensive package of support to enable the Ministry of Peace and Reconstruction (MoPR) to strengthen access to justice for women. This included a reparations scheme which has so far provided NRs 202 million to the conflict affected people. UNDP and UNWOMEN established transitional justice networks in 10

⁶⁹ An explanatory note on these detailed laws has also been produced, and nation-wide orientation training delivered to court personnel, police, prosecutors and lawyers.

districts⁷⁰ to enable victims to obtain relief and reparation packages, participate in the truth-seeking process, and advocate for meaningful, victim-centric transitional justice in Nepal. UNDP and UNWOMEN also supported the MoPR to ensure that the draft Truth and Reconciliation Bill incorporates a gender perspective.

Mediation: UNDP helped to introduce court referred and community mediation in Nepal, as an accessible, affordable, and speedy alternative to formal justice processes. Provisions for court-referred mediation have been incorporated in court rules and regulations. In 2011, 1,167 disputes were settled by UNDP's 36 community mediation centres.⁷¹ Satisfaction with community mediation is reported to have been higher than all other dispute resolution mechanisms. Having helped to convince policy makers of the value of mediation, UNDP supported the drafting of the mediation legislation. The Mediation Act, 2011 formalises and harmonises mediation practices nationwide.

Court judgement execution: In 2009, low judgment execution rates were a critical challenge in Nepal: just 5.3% of fines were recovered; 15% of prison sentences enforced; and 49% of decisions on civil cases were enforced. UNDP's support to the Court Judgment Execution Directorate (JED) resulted in clarity on which institutions are responsible for judgment execution, development of a judgement execution protocol, and a national judgement database. Though the database is not yet complete, UNDP's efforts to strengthen coordination between the police, prosecutors, local administrators, courts, and JED contributed to the following key results in 2011: a 177% increase in the number of fines recovered; 11% increase in the number of prison sentences enforced; and 8% increase in the number of civil court decisions enforced – notwithstanding the fact that the numbers of civil court decisions increased by 15%.⁷²

Women's access to justice: For those cases which cannot be mediated, UNDP has strengthened legal aid service provision for women and vulnerable groups. UNDP has supported the establishment of SGBV legal aid desks in 7 police stations and mobile legal aid clinics in 3 districts.⁷³ Staffed primarily by female lawyers, legal aid desks are not only increasing SGBV survivors' access to justice, but are preparing young women lawyers for their legal career, and building police officers' capacity to process SGBV cases. Between 2009 and 2011, legal aid desk lawyers assisted 2,555 complainants, 47% of whose cases related to SGBV.⁷⁴ In 2011, UNDP's mobile legal aid clinics provided legal advice and assistance to 1,531 poor and disadvantaged persons. Coaching classes provided by UNDP in 2011 have contributed to increasing women's participation in the legal profession: 45 women passed the Bar Council exam, and received a license to practice law. In addition, 8 women passed the Judicial Service exam.

⁷⁰Dang, Banke, Siraha, Surkhet, Dhanusa, Kailali, Doti, Udayapur, Morang, Bara.

⁷¹UNDP's community mediation programmes operate in 36 districts and four municipalities.

⁷² In 2009, Judgment Execution Directorate figures show that just 5.34% of fines were recovered; 14.83% of prison sentences and 48.8% of decisions on civil cases were enforced. Following UNDP support, the data in 2011 was as follows: 14.79% fines recovered; 16.48% prison sentences enforced (the number of prison sentences issued also increased by 12% over this period); and 52.68% of civil court decisions were enforced (the number of civil court decisions also increased by 15% over the period).

⁷³Banke, Kathmandu, Biratnagar, Kaski, Saptari, Dhanusa, Sarlahi.

⁷⁴ Rape, human trafficking, polygamy, child marriage, domestic violence, sexual harassment, rape, trafficking, early marriage, witchcraft, and family disputes.

IX. PARTNERSHIP STRATEGY & MANAGEMENT ARRANGEMENTS

Government partners

Outputs 1 and 2: Justice sector coordination and implementation of protective legislation will be implemented by the Supreme Court of Nepal in close consultation with relevant national partners and stakeholders. The Supreme Court is the appropriate partner for the implementation of this pillar because it convenes the JSCC network, which has been convening all justice and security actors at central, regional, and district level since the network's establishment in 2003. As *de facto* sector coordinator and 'site' of the Judgment Execution Directorate and Judicial Council, the Supreme Court is the appropriate institution to implement coordinated service delivery activities under these outputs. It will do so in close coordination with the MoLJCAPA, the OAG, Ministry of Home Affairs, National Judicial Academy, Judicial Council, and civil society representatives. Active participation of these other national institutions will be ensured by regular meetings convened at national and local level by the JSCC network.

Output 3 – National legal aid reform process towards an integrated system will be implemented by the MoLJCAPA in collaboration with relevant national partners and stakeholders. The MoLJCAPA has the legal mandate to reform the national legal aid system in Nepal. The MoLJCAPA will be directly responsible for implementing initiatives in consultation with other legal aid providers. The reform process will also engage counterparts in effective national legal aid schemes from the global practices. It will also incorporate the lessons learned from pilot Legal Aid Centres in a number of districts. Socio-legal aid referral networks will be established, in the first two years, by UNDP, through a grants-making mechanism operated by the programme implementation team, in close consultation with LAU staff.

Outputs 4 – Human rights protection system and transitional justice process supported will be implemented in consultation and collaboration with the National Dalit Commission, the National Women Commission, media, civil society representatives and human rights defenders. UNDP will, in partnership with UNWOMEN, directly implement activities associated with transitional justice, in close consultation with the MoPR.

Civil Society Partners

The ROLHR Programme will engage non-governmental, civil society and community-based organisations in various aspects of the programme implementation, especially: consultative legislative revision; human rights and transitional justice-related interventions, and legal aid reform, where CSO 'barefoot lawyers' will ensure that the envisaged 'one window' national legal aid scheme has a presence in grassroots communities, and provides services which are relevant and accessible to vulnerable groups.

The Programme will actively work with human rights defenders, legal aid organizations, and human rights and victim society organizations. By increasing sensitivity to human rights and conflict-victim issues amongst justice sector actors, the Programme will better enable responsiveness to issues raised by CSOs and NGOs in the sector. Additionally, by providing opportunities for CSOs to meet with government officials and communities as part of the programme's goal of increasing justice sector coordination, the Programme will also benefit these organizations by providing forums for information-sharing and advocacy efforts.

Recognizing that civil society is a primary beneficiary as well as a key barometer of the levels of access to justice, the Programme considers the development of strong alliances with the Nepal Bar Association and other civil society organizations, at the national and international level, to be a priority.

To better strengthen the coordination among different actors, referral networks will also be developed. The networks are aimed to play a significant role in enhancing coordination among different actors the complementarity between formal and informal justice systems as well. The networks will be composed by the representation of civil society members, concerned legal aid and community mediation actors and the representatives from of the local government and administration authorities

There are numerous current donor initiatives relevant to this programme. Every effort will be made to build synergies with these initiatives. In particular the programme aims to explore and build on coordination and partnership opportunities with national and international organizations and other UN agencies working in the area of legal aid, justice sector coordination, access to justice and human rights. Collaboration with NGOs and specialist institutions will also be explored, especially as implementing partners.

United Nations Country Team

UNWOMEN: The victim support programme, transitional justice and affirmative action and legal scholarship components of the Programme will be implemented in partnership with UNWOMEN, to support the integration of gender perspectives into programme initiatives.

UNDP Local Governance and Community Development Programme (LGCDP): The Programme will benefit significantly from LGCDP's strong partnership with the Ministry of Local Development and Federal Affairs (MoLDFA). MoLDFA plays an important role in the administration of justice, as local administrative offices (VDCs and DDCs) are required to: issue court summons; support judgment execution; and support the institutionalisation of mediation. LGCDP colleagues will support MoLDFA's participation in reform processes under outputs 1 (e.g. to identify means to address the often protracted delays in issuing court summons and consequent case backlogs), 2 (e.g. engaging local administrative offices in the roll-out of the judgment execution database) and 3 (institutionalising mediation as VDCs progressively take over the running of many NGO/donor supported community mediation committees.).

UNDP State Restructuring Programme: The State Restructuring Programme (SRP) will enable implementation of Nepal's constitution by supporting reform of non-compliant legislation. The SRP will draw up a list of laws which need to be revised, and will work across government to support legislative reform of all public administration-related laws. The Programme will coordinate with the SRP to support reform of legislation including penal legislation, anti-discrimination and anti-SGBV legislation. Together, the two programmes will support the development of a body of clear, concise, human-rights compliant body of legislation.

UNDP Poverty and Inclusion Programme: This is a five-year Programme including comprehensive institutional capacity development support to the National Dalit Commission (NDC). This Programme aims to develop the NDC's core organisational, human resource, financial management, planning, budgeting, and programming capacities, as well as its technical skills to effectively execute its policy development, affirmative action, monitoring,

and advocacy (including CSO/NGO outreach and grants management) mandates. In other words, the P&I Programme aims to build the capacity of the NDC to execute *all* of its mandates. This support will strengthen the impact of the ROLHR Programme's efforts to support the NDC to execute its mandates specific to strengthening access to justice under the Untouchability and Caste-based Discrimination (Prevention and Punishment) Act (2011).

UNDP Collaborative Leadership and Dialogue Programme: The ROLHR Programme will avail itself of the expertise of UNDP's Collaborative Leadership and Dialogue (CLD) Programme, which has developed a proven structured dialogue method created in, for, and by Nepalis. UNDP's ROLHR and CLD Programmes will work together to support the process through which justice sector coordination and strategic integration can emerge. ROLHR will provide technical and logistical support to establish national and district-level justice sector strategic dialogues, while UNDP's CLD Programme will promote the effectiveness of these mechanisms by providing dialogue expertise to ensure that they generate constructive communication, collaboration, and confidence.

Management arrangements

The Programme will follow the national implementation modality (NIM) with Supreme Court of Nepal as a principle implementing agency and the Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs as implementing partner.

For the accountability and responsibility purpose, the three components of the Programme are designed to be implemented by the following agencies: (i) the Supreme Court of Nepal will implement component 1 in coordination with the Office of the Attorney General; (ii) the MoLJCAPA will implement component 2, in coordination with the Nepal Bar Association and other actors engaged in legal aid service provision; and (iii) component 3 will be implemented in coordination with the NWC and the NDC, and the transitional justice related activities will be implemented directly by UNDP in partnership with UNWOMEN and the Ministry of Peace and Reconstruction.

Socio-legal aid referral networks will be established, in the first two years, by UNDP, through a CSO grants-making mechanism operated by the Programme Implementation Team, in collaboration with LAU staff.

Programme Executive Board:

The Executive Board is the entity responsible for making key decisions on programme implementation, to ensure that the Programme remains relevant and responsive through changing circumstances. The Executive Board is responsible for: a) directing and guiding the National Project Director; b) reviewing activities and any impending issues; c) approving work-plans, budget, and risk log; d) approving project revisions based on changes in the situation. The Executive Board will meet on a quarterly basis. To maximize programme impact, the Executive Board and other stakeholders may jointly agree to review and revise any project components, outputs, and activities. Any revisions they undertake will be undertaken in close consultation with all partners, advisors, and stakeholders. The Executive Board will comprise of:

- **The Executive:** representing the implementing partner /agency who will chair the Board. This role will be assumed by the Registrar of the Supreme Court of Nepal.

- **The Senior Supplier:** providing financial support and technical expertise to the programme. This role will be represented by the UNDP ACD, the UNWOMEN Representative, and a donor representative.
- **The Senior Beneficiaries:** ensuring that programme results are in accordance with the perspectives of those who are intended to benefit from the Programme. This role will be assumed by representatives from the Supreme Court, MoLJCAPA, MoPR, OAG, and NBA.
- **Quality Assurance:** The Quality Assurance role supports the Executive Board and is assumed by the Programme Analyst, UNDP. S/he carries out objective and independent oversight and monitoring functions on behalf of the Board. This role ensures that appropriate programme management milestones are managed and completed.

In addition to the regular board members, the Deputy Project Director/Component Leaders and Technical Advisors of the programme will be invited as required for their specific inputs to the Board. The representatives of other Government stakeholders and development partners will be regularly invited to participate in the Board meetings. In the absence of the Supreme Court Registrar a, quarterly Project Board meetings will be called by the UNDP, and a Senior Government official representing the board will chair that meeting.

Programme Implementation Team:

The Programme Implementation Team led by a National Programme Director will have overall implementing responsibilities. It will be tasked with delivering on designated objectives of the components, and overall coordination and reporting on joint programme delivery to the Programme Board. The Programme Implementation Team will be comprised of international and national advisors who will be tasked with providing overall technical support, strategic guidance and delivering on components executed under the programme.

- **National Programme Director:** The National Programme Director (NPD) from the Supreme Court will be responsible for guiding the overall management of programme activities, ensuring that that the programme produces the specific results and they are consistent with the signed Project Document. The NPD will be accountable to the Executive Board. The Director ensures adherence to all financial management, procurement and recruitment rules and procedures under UNDP NIM modality.
- **National Programme Manager:** The National Programme Manager (NPM) will manage the Programme on a day-to-day basis on behalf of the Programme Executive Board. S/he will ensure that the programme produces the results specified in the programme document, to the required standard of quality and within the specified time and cost. In addition, his/her role will be to ensure coherence and coordination of all programme components in accordance with the programme strategy and objectives.
- **Chief Technical Advisor CTA) (International):** The Chief Technical Advisor (CTA) will provide strategic guidance and technical support to the implementation of all programme components. S/he will ensure coherence and coordination of all programme components in accordance with programme strategy and objectives. The CTA will also assume an international development partner coordination role: ensuring that the Programme is well coordinated with other justice sector programmes implemented by other donors, UN agencies, and international organisations. S/he

will promote coordinated international support to rule of law institutions' strategic plans, and participation in efforts towards a SWAp.

- **Transitional Justice Advisor:** The Transitional Justice Advisor will be responsible for the implementation of transitional justice components of output 4 as well as for working with the criminal justice system to ensure increased sensitivity to transitional justice issues. In addition to supporting implementation of transitional justice activities, s/he will provide technical advice to civil society transitional justice networks, victim support organisations, and any transitional justice mechanism, as well as promote dialogue and coordinated action amongst all actors concerned with transitional justice issues.
- **Human Rights Officer:** The Human Rights Officer will be responsible for implementation of the human rights components of output 4, as well as for overseeing the mainstreaming of human rights/incorporating a 'human rights based approach' throughout all other programme components. This will include working closely with Government counterparts to ensure maximum policy impact of the Programme.
- **Gender and Social Inclusion Officer:** The Social and Gender Inclusion Officer will be responsible for: advising all programme staff on gender and social inclusion issues and policies; incorporating a 'human rights based approach' in the Programme; and mainstreaming gender and social inclusion in the Programme. In addition, the Officer will also be responsible for working closely with Government counterparts to identify policy options for gender mainstreaming and social inclusion, and to enhance the policy impact of the Programme.
- **Monitoring and Evaluation Officer:** The Monitoring and Evaluation Officer will support programme component teams to develop and implement their respective M&E plans (as per M&E framework provided). S/he will collate data and programmatic lessons learned. To ensure that all programme implementation decisions, reports and communications are evidence-based, the M&E Officer will share this information with the Executive Board, NPD and Communication and Reporting Officer. To ensure that the programme contributes to the global knowledge base on how to strengthen the rule of law in conflict-affected contexts, s/he will also prepare regular communiqués for practice networks, corporate knowledge products, and the UNDP Global Programme on the Rule of Law, Justice and Security.
- **Communication and Reporting Officer:** The Communication and Reporting Officer will be responsible for all ensuring that partners and stakeholders receive regular status updates on programme implementation and results achieved. S/he will also obtain and share programmatic lessons learned with partners, stakeholders, and UNDP's Global Programme on Rule of Law, Justice and Security. S/he will also support all component units to develop communications and media outreach strategies. S/he will work closely with the Justice Sector Development Component Team (especially the Justice Sector Development Specialist) to support the 'external relations' function of the JSCC Secretariat. This function aims to ensure that ordinary citizens are aware of services offered by the justice sector, and that media and civil society can help create momentum for key reforms under each component. The Officer will also be responsible for interpretation, and translating key documents as needed.

- **Administration and Finance Officer:** Administration and Finance Officer (AFO) will support disburse funding to legal aid service providers and mediation service providers and assisting the TU Law Faculty to implement the legal education component (output 2).

Component Unit Teams

The overall Programme is divided into three components, as described above. The responsibility for undertaking the activities under components 1 and 2 are assigned mainly to national institutions, with the Supreme Court and MoLJCAPA taking the lead. These institutions will comprise component management teams, which work under the direction of the NPD, and the supervision (delegated authority) of the supervision of the Deputy Programme Director/Component leaders. The DPDs/Component Managers are officials assigned by each institution to support the component team, as well as to coordinate and report on the component activities to the National Programme Director. As component 3 will be implemented directly by UNDP and UNWOMEN the component team will be situated with the Programme Management Unit.

- **Access to Justice Specialist (International):** The Access to Justice Specialist will support the overall implementation of Output 3 by providing expertise on socio-legal aid service provision. S/he will work closely with all stakeholders (including programme implementation staff with expertise in relevant areas) to support the: consultative reform process; development and implementation of legal aid service provider regulation (training and M&E) frameworks; design of accessible legal awareness raising materials; establishment of Legal Aid Centres (including database and coordination mechanisms) and socio-legal aid referral networks. The Specialist will be required to work alongside the Legal Aid Officer and Access to Justice Coordinator. The Specialist will transfer his/her skills and knowledge on socio-legal aid service provision to the Legal Aid Coordinator and Officer, so that they can undertake all aspects the Specialists' work within three years, including management of the grants-making process. The Specialist will be responsible for supporting all Output 3 activities, as well as for ensuring that, by the end of his/her tenure, the MoLJCAPA is able to lead all aspects of legal aid reform, regulation, coordination and other aspects of the mandate conferred by the revised national legal aid policy framework.
- **Legal Aid Officer:** The legal aid officer will work alongside the Access to Justice Specialist, in order to develop specialised technical skills in socio-legal aid service provision.
- **Component Coordinators:** The component coordinators will support the Deputy Programme Director/Component leaders and technical Specialists in implementation of all component activities.

Component 1:

Justice Sector Development Component Team: The Justice Sector Development Component Team will be based in the Supreme Court by establishing a separate secretariat within the Central JSSC and the team will be led by a senior official deputed as Deputy Programme Director/Component leader who reports directly to the NPD. The other team members will be composed of: Strategic Planning and M&E Officer; Field (district JSCC) Support Officer; Administration and Finance Associate; Programme Assistant; Driver and Clerk.

Component 2:

Access to Justice Team: The Access to Justice Team will be based in the MoLJCAPA. The team will be led by a senior official from the MoLJCAPA, deputed as Deputy Programme Director/Component leader who reports directly to the NPD. The A2J Team will be composed of an Access to Justice Specialist; Access to Justice Coordinator; Legal Aid Officer; Training, M&E Officer; Administration and Finance Associate; Programme Assistant; Driver and Clerk.

Component 3:

Human Rights Protection System and Transitional Justice Team: The human rights protection and transitional justice team will be based with the Programme Management Unit. The team will be comprised of a Transitional Justice Specialist and a Human Rights Officer who will report to the National Programme Manager.

UNDP Support Services: As per LOAs with implementing partners, UNDP support will be required for programme implementation in areas such as: a) recruitment of programme staff; b) procurement of goods, equipment and services; c) recruitment of national and international consultants; d) planning and implementation of training and workshops; e) mid-term and final evaluation of the Programme, etc.; f) CSO grants-making.

Cash Transfer Mechanism: UNDP will transfer the funds allocated for this Programme into the Programme's account on a quarterly basis. First, based on the approved AWP, a quarterly work plan will be prepared and approved. UNDP will transfer the budget required for the first quarter in the beginning of programme implementation. Upon receipt of the signed completion of each quarterly plan including a financial report as well as the next quarterly plan, the funds for the subsequent quarters will be transferred into the Programme's account. Fund request and reporting will be done by implementing partners to UNDP as per Harmonized Approach of Cash Transfer (HACT). Additionally there will be direct payment and payment through UNWOMEN as given below:

Direct Payment: UNDP will make direct payment for the components to be implemented by UNDP and the payment for the activities where UNDP assigned as a responsible party or upon request from implementing partners. As required, MOUs can be done with other implementing partners for some of the specific activities under the Programme.

Audit Arrangements: The Programme will be audited as per UNDP's audit requirements. The Office of the Auditor General (OAG) may undertake the audits of the government implementing partners. The audit of the Programme can be assigned to the OAG only on the condition that the institution has a demonstrated capacity to carry out the audits. If the OAG chooses not to undertake the audits of the Programme to the frequency and scope required by UNDP, UNDP will commission the audit to be undertaken by private audit services.

Review, Revision of the Project Components, Outputs and Fund Allocation: With a view to optimizing the benefits of the Programme, if the Supreme Court of Nepal, UNDP, UNWOMEN and donors jointly agree to review and revise any programme components, outputs, activities along with the allocated funds, they will do the review and revision of the programme components, outputs, and fund allocations and will keep all the implementation partners informed accordingly.

Programme Advisory Committee (PAC): The Programme Advisory Committee (PAC) will be the advisory body for the Programme. It will provide policy guidance and ensure coordination with other national initiatives and development projects (including those operated by CSOs). The PAC will meet bi-annually, and will be composed as follows:

Chair. Sr. Justice of the Supreme Court of Nepal

Representative, UNDP

Representative, UN Women

Representative, Ministry of Law, Justice, Constituent Assembly, and Parliamentary Affairs.

Representative, Office of the Attorney General

Representative, National Dalit Commission

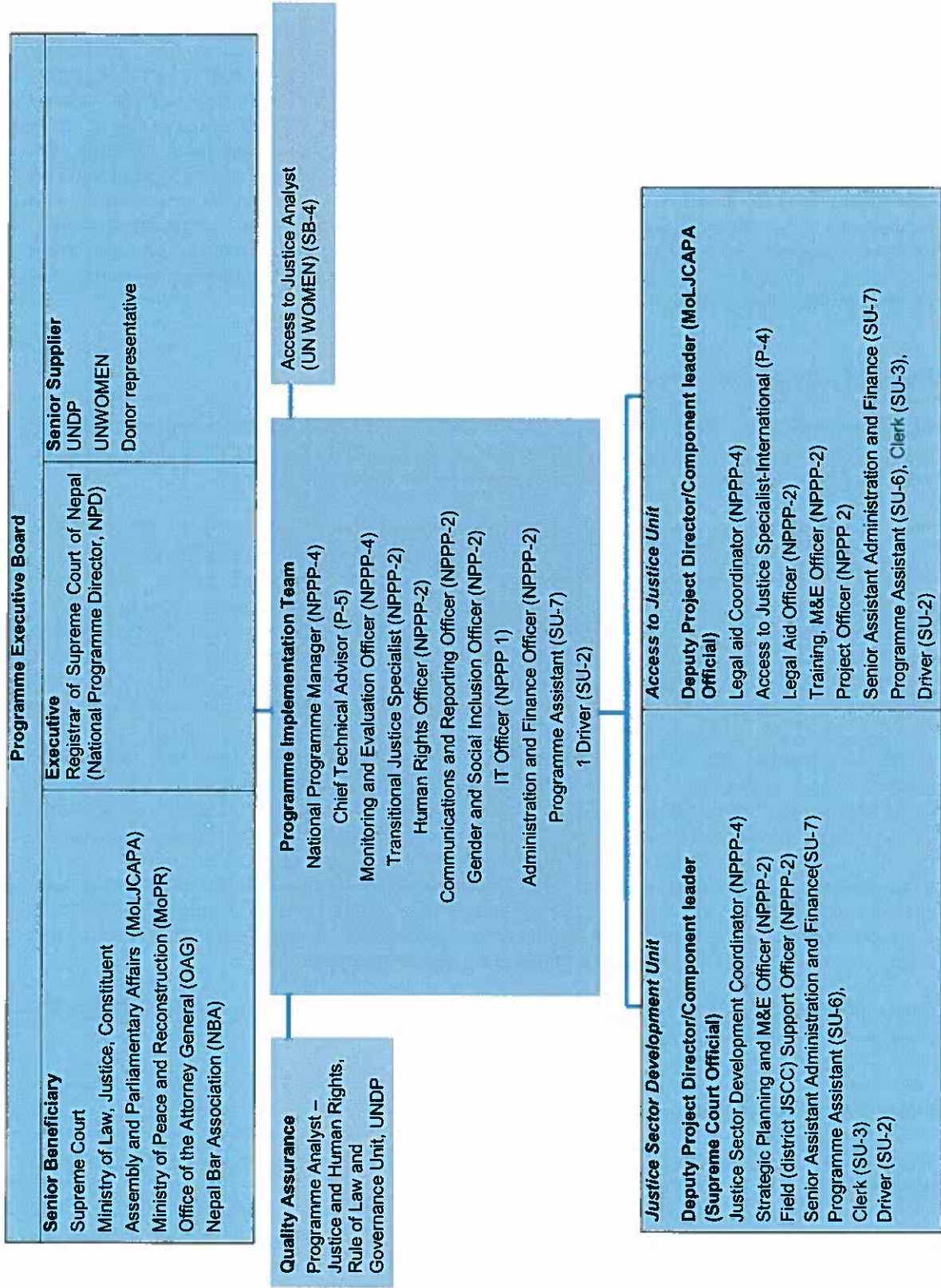
Representative, National Women Commission

Representative, Civil Society

Representative, Donors, and

National Project Director: Member Secretary

Programme Organizational Structure



X. MONITORING AND EVALUATION STRATEGY AND DRAFT FRAMEWORK

The Programme will be monitored against the following M & E framework, derived from the CPAP M&E framework. The framework comprises both quantitative and qualitative indicators; some of which are measured by the 'proxy' indicators provided by UN Perception Survey data. Though not directly attributable to UNDP, UNDP will contribute to them. These results will therefore confirm the relevance and impact of ROLHR interventions. It is expected that progress against all indicators will be reviewed regularly through the procedures and tools described below, and the M&E framework updated accordingly. The Monitoring and Evaluation Officer will have primary responsibility for monitoring and evaluation. S/he will be required to coordinate with partners and other programme staff to develop comprehensive human-rights based M&E strategy within the first four months, when it is clearer what data can be obtained through existing data management systems, and where and how these systems could be improved.

Output 1 – Justice sector development

The Supreme Court, JED, OAG, MoLJCAPA, DoPM, and NBA's existing data management systems will enable UNDP to measure results under Output 1. The UNDP programme team will strengthen and foster greater connections between these institutions.

The Supreme Court's planning process is facilitated by a simple but effective data management system which enables it to track progress against Strategic Plan targets, including some of the indicators provided in the results framework below. During the Programme period, UNDP will support the JSCC Secretariat to strengthen this system, so that it will be possible to track case files throughout the sector: e.g. case filed at police; police/joint police-prosecutor investigation conducted; suspect held in pre-trial detention; charge sheet filed in court; suspect held in detention; court hearings; decision reached; judgment executed. Various protection measures will protect the confidentiality of all persons, and the independence of relevant institutions. This system will be developed primarily for purposes of tracking the impact of district-level JSCCs, and established following data collection, business process mapping, and assessments, as well as the information collected by the field (district JSCC) support officer. Support provided to enable justice sector institutions to develop and implement strategic plans with measurable results-based targets—which include situation and gap analyses, and support to improve records management—will strengthen this system, enabling UNDP to measure the broader, system-wide impact of policy initiatives supported under this Output. The JED judgment database produced with UNDP's support will continue to provide data on changes in the number and proportion of fines, prison sentences and court judgments executed.

Other indicators provided under this Output will be provided by the annual UN Perception Survey, and the JSCC-based donor liaison officer.

Output 2 – Implementation of protective laws.

The following tools are to be used to ascertain the impact of Programme interventions under this Output:

Revision of laws: A list of laws to be reviewed will be prepared, which will enable the MoLJCAPA and UNDP to track legislative revision results. The list will comprise comparative information on which laws do not comply with which international instruments, and a 'work

flow' matrix to chart progress in the revision process. The Legislative Drafting and Treaties Divisions will use this list to track the status of revision.

Implementation of key legislation: The NJA will conduct a 'user questionnaire' survey and a Knowledge, Attitudes and Practice (KAP) assessment at the end of each phase of its training courses (orientation; induction; refresher). This will enable the NJA and UNDP to ascertain the impact of training and fine tune courses accordingly.

'Affirmative action' legal education: The number of applicants to the legal scholarship and internship will demonstrate the impact of the schools' outreach programme. End of year exams will be modified along with course content and research resources strengthened with UNDP's support. These exams will enable Law Faculty and UNDP to track the impact of efforts to strengthen the quality of legal education. The Law Faculty's planned Inclusive Legal Education (ILE) Unit will also coordinate with the Bar and the MoLJCAPA to track changes in the number of members of vulnerable groups who pass the Bar Council and Judicial Service exams. Finally, the ILE Unit will coordinate with the NJA to obtain the findings of its assessments on the proportion of legal professionals which have the knowledge, aptitude and practice to implement anti-GBV and anti-caste-based discrimination legislation. This information will support fine-tuning of course content.

OAG performance management: The OAG's existing data management system will enable UNDP to continue to record changes in the prosecution rate. The planned Human Resource Department will enable UNDP to record changes in the number of complaints registered and disciplinary actions taken.

Output 3 – Legal aid service provision

The Communications, Monitoring and Reporting Officer will support the LAU in the development of a monitoring and evaluation system for legal aid provision. The results provided in the M&E framework below will form part of this system. This system will comprise both quantitative, qualitative data, disaggregated by gender, caste/ethnicity, and income level. It will include a series of user questionnaires, and a field monitoring schedule to review Centres' procedures, and provide additional training and guidance as needed. At district level, the non-gazetted first class officers who run the Legal Aid Centres will report to the LAU Monitoring Officer. The Officer will collate information provided by the Legal Aid Centre Coordinators, and communicate results and lessons learned to UNDP and the Legal Aid Reform Task Force. In addition to information concerning the number of clients supported and their satisfaction with services rendered, the Centre Coordinators will work with JSCC field monitors and district JSCC members to ascertain more impact-level data; such as how many of those LAC-supported cases were investigated, passed to court, resulted in convictions etc. This data will be compared to information gathered from 'control' districts (i.e. those in which LACs have not been established), in order to generate an accurate picture of how legal aid service provision influences justice outcomes for vulnerable groups. The results of this data analysis will be communicated to the central level so as to ensure that successful and impactful initiatives are stream-lined in national policy.

To ensure that the LACs offer high quality, regulated services, the M&E and capacity development (training and supervision) systems will be developed and refined before the LACs are established. This will require both training the LAC Coordinators, legal aid lawyers and 'barefoot' lawyer community workers to be deployed in the LACs, as well as the LAC senior lawyer trainers and mentors (i.e. capacity development at three levels: grassroots legal aid service providers 'on the front line'; their LAC-based technical 'back-up'; and the LAU staff. Training will impart both technical and M&E skills.

To establish, monitor, evaluate and assure the quality of the services offered by the Centres, the LAU will focus initially on establishing a quality training and supervision and M&E framework.⁷⁵

Outputs 4 – Human rights protection and promotion and transitional justice process supported

To measure the development in capacity to monitor and implement human rights obligations, including the UPR recommendations, key human rights treaties and the NHRAP, the Programme will support the NWC, NDC and relevant government institutions and line ministries to develop monitoring and evaluation frameworks and reports, and conduct regular dialogues amongst the responsible authorities. The Programme will monitor the percentage of implemented UPR recommendations and the implementation status of the NHRAP. Similarly, the Programme will support the NWC and the NDC to monitor the implementation of their recommendations issued to the Government. Finally, the impact of the human rights component of the Programme will also be measured by the number of normative frameworks that are endorsed by the Government.

The success of the transitional justice component of output 4, and appropriate indicators and M&E systems, will be developed following further analysis of the current capacities of the criminal justice system and victim support societies. Quantitative and qualitative data will be relied upon. Quantitatively, the Programme will measure how many women receive trainings related to transitional justice issues—including truth-seeking and truth-telling processes—and how many UPR recommendations related to transitional justice are implemented by the Government and how many cases related to conflict-era violations are prosecuted in the criminal justice system. Qualitatively, the Programme will closely monitor the development of a transitional justice action plan to ensure that such a plan is gender-sensitive and to ensure complementarity is fostered between transitional justice mechanism(s) and the criminal justice system. Furthermore, the Programme will conduct regular interactions and consultations with conflict victims and CSO stakeholders to discuss their interactions with and impressions of the transitional justice process.

Within the annual programme cycle

- **Quality Assessment:** On a quarterly basis, a quality assessment will record progress towards the completion of key results, based on quality criteria and methods captured in the M & E Framework.
- **Issue Log:** An issue log will be activated in Atlas and updated by the Programme Reporting Officer (working in coordination with other M&E staff) to facilitate tracking and resolution of potential problems or requests for change.
- **Risk log:** Based on the initial risk analysis submitted (see above), a risk log will be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- **Quarterly Progress Reports:** Based on the above information recorded in Atlas, quarterly programme reports (QPR) will be submitted by the CTA to the Executive Board through Programme Quality Assurance, using the standard UNDP report format.

⁷⁵ To ensure that the LACs offer high quality, regulated services, the M&E and capacity development (training and supervision) systems will be developed and refined before the LACs are established. This will require both training the LAC Coordinators, legal aid lawyers and 'barefoot' lawyer community workers to be deployed in the LACs, as well as the LAC senior lawyer trainers and mentors (i.e. capacity development at three levels: grassroots legal aid service providers 'on the front line'; their LAC-based technical 'back-up'; and the LAU staff. Training will impart both technical and M&E skills.

- **Lessons Learned Log:** A project lesson learned log will 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 produced as part of Annual Review Reports.
- **Monitoring Schedule Plan:** A monitoring schedule plan will be activated in Atlas and updated to track key management actions/events

Annually

- **Annual Review Report.** An Annual Review Report will be prepared by the CTA and shared with the Executive Board. As a minimum requirement, the Annual Review Report will 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. The Annual Review Report will be amended to meet development partners' requirements as necessary.
- **Annual Programme Review.** Based on the Annual Review Report, an annual project review will 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. It will focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

Mid-term and end of programme

- **Evaluations.** A mid-term review evaluation will be conducted in the second year of the Programme. A final evaluation will be conducted at the end of the Programme. The evaluations will engage national and international partners and stakeholders. The evaluations will focus on programme impact, sustainability, and degree of national ownership and lessons learned, best practices extracted and identified areas for improvement will be integrated into regular Programme plan review and revision.

Results	Indicator(s)	Baseline	Target	Means of verification
Output 1 ⁷⁶ : Justice sector development process established.	% of population who are satisfied with court/police/prosecutor services.	TBD	30% increase on baseline.	UN perception survey
1.1: Justice Sector Coordination Committee Secretariat established at central level and in selected districts.	Establishment of a policy mechanism with the mandate and composition to lead justice sector coordination (yes/no) # of thematic working groups established. ⁷⁷	Current JSCC mandate is limited, but there is a perception that it has potential to generate reform in many areas. No working groups exist.	JSCC moves beyond just issue-based coordination to the design of a justice sector strategy. At least 2 issue-based groups by mid-2013.	JSCC ToR; JSCC meeting minutes (noting participation of other justice sector institutions). JSCC meeting minutes and working group meeting minutes
	Updated public information about development partner initiatives is easily accessible (yes/no).	Information about justice sector projects is either not publicly available, or dotted throughout numerous development partner websites.	Sector strategy design working group established (2014-2015). Information about projects is consolidated in a publicly-accessible JSCC web-based portal.	JSCC website, document repository, donor mapping, and event calendar.
	#pilot JSCC initiatives 'mainstreamed' in institutional practice.	Few pilots face robust government-led evaluations and few successful pilots are mainstreamed. ⁷⁸	At least 3 rapid evaluations conducted per year, and 14 initiatives mainstreamed.	JSCC minutes; justice institutions' operational plans.
	#'mainstreamed' pilot initiatives achieving measurable impact, as per performance metrics developed by high-level committee.*	Government data is not systematically analysed from a 'sectoral perspective' to identify bottlenecks or progress.	At least 9 mainstreamed pilot initiatives achieve measurable impact of at least 5% improvement over baseline.	JSCC records (collected at both district and central (Kathmandu) level).
	* Likely to be similar to those measured in pilot initiatives listed in			

⁷⁶NB: These are 'indicative' targets. This output aims to put national institutions in the driving seat of their own justice sector reform process. UNDP is mindful that the need for respect for national ownership, and the inability to predict the outcomes of a reform process demands flexibility. Consequently, the indicator targets proposed here will be reviewed by the Central JSCC. Any proposed revisions to existing targets and additional indicators will be consulted with development partners, and presented to the Programme Executive Board for approval. This will be done following establishment/updates of baseline information during the first six months of the programme.

⁷⁷ Possible themes: case management; judgment execution; federal restructuring; Code implementation; case withdrawals; institutionalizing mediation; formal oversight of non-state justice systems; transitional justice; affirmative action.

⁷⁸ In 2011, pilot judgment execution initiative devised and tested by 10 JSCCs implemented nationally was properly evaluated by UNDP and scaled up to achieve significant impact throughout Nepal (on judgment execution rates).

<p>1.2. High-level justice sector dialogue on case management and other key justice sector priorities institutionalised and national strategy developed.</p>	<p>output 1.3 below.</p>	<p># of annual Justice Sector Conferences held.</p> <p>0</p>	<p>5 (1 per year)</p>	<p>JSCC records; media.</p>
	<p>#joint research studies conducted by justice sector institutions.</p> <p>0</p>	<p>15 (3 per year)</p>	<p>Research reports; working group minutes.</p>	
	<p>#policy dialogues held.</p> <p>0</p>	<p>15 (3 per year)</p>	<p>JSCC records; media.</p>	
	<p># sector dialogues held on issues of impunity, withdrawal of serious human rights cases and amnesty</p> <p>TBD</p>	<p>30% increase on baseline.</p>	<p>OAG office records; Annual Report of the OAG; JSCC records.</p>	
	<p>Drafting of justice sector strategy following broadly inclusive process (yes/no)</p>	<p>No government decision to draft a sector strategy.</p>	<p>Sector strategy developed following community consultations engaging minorities, opposition groups, and various interest groups.</p>	<p>Sector Strategy document; JSCC consultation reports and meeting minutes; record of comments received and amendments made; amended institutional strategic plans.</p>
	<p>Establishment of basket of performance metrics for the entire justice sector (yes/no)</p>	<p>No sectoral performance metrics exist.</p>	<p>Sectoral performance metrics agreed.</p>	<p>JSCC records; Justice Sector Strategy Monitoring and Evaluation Framework.</p>

<p>1.3. Justice sector institutions demonstrate improved communication, coordination and cooperation in 10 districts.</p> <p>*NB: All data provided here is nation-wide data. Baselines for selected districts will be obtained in inception phase.</p>	No. deadwood cases removed.	0		At least 9,000 cases removed from the system. ⁷⁹	Supreme Court data JSCC records.
	% cases correctly referred from informal mechanisms to the District Court.	TBD		60% increase.	Official court records; MoLJCAPA Legal Aid Unit/Centre records; (Kathmandu and district) JSCC records.
	% justice sector workers and civil society organisations report improved responsiveness to community needs.	TBD		30% increase.	UN perception survey.
	Case disposal rate.	2011: 56%		20% increase.	JSCC records
	No. cases dismissed due to inadequate investigation and criminal procedure compliance.	TBD		18% increase.	JSCC records; OAG Annual Reports.
	Judgment execution rate.	2011: e.g. 15% (fines). 2012: 59%		50% increase.	JED database.
	Pre-trial detention population (as % of total).			14% decrease	JSCC records; DoPM data; OAG monitoring survey.
	% victims and witnesses who do not report cases to police.	2011: 31%		30% decrease.	UN perception survey report.
	No. of court orders and directives implemented relating to human rights issues and impunity.	TBD		100 orders and directives implemented.	Supreme Court reports.
	# of strategic plans with results based targets.	1 (Supreme Court)		5 ⁸⁰	SC, MoLJCAPA, DoPM, NBA, MoLJ, OAG Strategic Plans and M&E frameworks.
	# of agencies with costed operational plans linked to the strategic plan.	0		5	SC, MoLJCAPA, DoPM, NBA, MoLJ, OAG Strategic Plans and M&E frameworks.

⁷⁹ In 2010-2011, district courts (collectively) carried forward a backlog of 36,374 cases.

⁸⁰Supreme Court, Ministry of Law and Justice, Office of the Attorney General, Department of Prisons Management, and the Nepal Bar Association.

1.5 Implementation of key priorities of evidence-based, results-oriented Strategic Plans supported.	% of strategic plan priorities mostly implemented.	2012: Supreme Court: 47%	65%	Mid-term review reports and evaluations (*led by institutions themselves).
	Increase in the national budget allocated to the justice sector (yes/no).	TBD	>baseline.	Government of Nepal Budget. JSCC records.
1.6 Public Information ('community relations' and donor coordination) mechanism developed.	No. of strategic plans informing state budget through mid-term expenditure framework	TBD	RBD	SC, MoLJCAPA, DoPM, NBA, MoLJ, OAG Strategic Plans and M&E frameworks.
	% vulnerable groups who trust state justice and security institutions.	TBD	16% increase on baseline.	UN perception survey.
1.7 Judgment execution system strengthened.	Increase in donor allocations to the (formal) justice sector (yes/no).	2010: USD 25, 787,000 allocated to 'formal' sector. 40% of all donor spending on ROLR and A2J allocated to 'non-state providers.'	> USD 25, 787,000	JSCC records.
	# of donors channelling resources through a multi-donor trust fund or mechanism stated in justice sector national strategy.	0	TBD	JSCC records
Output 2: Capacities for the implementation of the Penal Code, anti-GBV, anti-discrimination, and anti-	% judgments executed (fines recovered; prison sentences served; civil court decisions implemented).	2011: 15% (fines) 16% (prison sentences) 53% (civil court decisions)	35% increase	JED database.
	#government officials trained on judgment execution protocols.	150	5000	Annual report of the Supreme Court; Annual Report of the JED.
	% law and justice professionals (judges, prosecutors, lawyers, court staff) with knowledge, attitude and practice to implement protective legislation.	2012: 4% have KAP to implement gender-sensitive procedures.	75% increase.	NJA KAP assessment.

corruption legislation developed.	# (filed) SGBV, caste-based discrimination and corruption cases which result in conviction.	TBD		15% increase over baseline	Annual Report of the Supreme Court of Nepal; JSCC records; OAG reports; UNDP evaluation reports.
2.1. Capacities of MoLJCAPA on legislative and treaty drafting in line with international standards developed.	#government officials trained on legislative drafting.	20		400	Law and Justice Training Centre records.
	#government officials trained on treaty drafting and negotiation skills.	N/A		300	MoLJCAPA report.
2.2 Systems and procedures for revision of laws and formulation of rules and regulations in line with international human rights standards developed.	#outdated laws revised in line with constitution and international standards through consultative process.	20		200	Nepal Gazette; MoLJCAPA consultation reports/ consultation website records.
2.3.Best practice model for implementation of laws developed.	Codes enacted (yes/no)	No		Yes	Nepal Gazette.
2.4. Human resource capacities for implementing key laws developed.	#practising legal professionals who receive orientation/induction/refresher training on penal code and criminal procedures.	100		2000	NJA Annual Report; NJA training attendance records.
2.5 'Affirmative action' legal scholarship and internship scheme established.	% Bar Council and Judicial Service graduates who are members of vulnerable groups.	2010:0% Judicial Service Graduates are female.		30% increase over baseline.	Nepal Bar Council records; UNDP ROLHR Annual Reports ; records; UNDP ROLHR Annual Reports.
	#legal scholarships provided.	0		110	Law Faculty Legal Education Unit Annual Report.
	#supervised legal internships provided.	0		120	TU Law Faculty Legal Education Unit Annual Report.
	#cross-sector gender and social inclusion dialogues conducted.	0		20	TU Law Faculty Legal Education Unit Annual Report.
2.6 OAG performance management system established.	#complaints registered with OAG human resource department.	0		45	OAG human resource department records

	#OAG staff subjected to disciplinary proceedings.	0		22	OAG human resource department records.
Output 3: MoLJCAPA-led consultative legal aid reform process supported and institutional, legislative and policy framework for integrated national legal aid system developed.	% SGBV and caste-based discrimination cases reported to police.	2011: 23% (SGBV)		12% increase.	Nepal Demographic and Health Survey 2011 (Ministry of Health and Population)
	% reduction in the pre-trial detention population.	2012: 59%		14% decrease.	DoPM Reports; OAG detention monitoring reports; MoLJCAPA Legal Aid Unit Reports.
3.1 Consultative national legal aid reform process established and a comprehensive national policy on legal aid and integrated implementation mechanism developed.	#research-based consultative policy dialogues held.	0		52	MoLJCAPA Legal Aid Unit reports.
	Legal Aid Act aligned with international standards revised and enacted (yes/no).	No		Yes	Nepal Gazette.
	Legal aid policy developed and adopted (yes/no).	No		Yes	MoLJCAPA Legal Aid Unit.
3.2 Socio-legal aid service provider capacity development and oversight framework developed and implemented.	Legal aid practitioner guidelines and training materials developed.	No.		Yes.	MoLJCAPA Legal Aid Unit.
3.3 Community-level legal education programme of MoLJCAPA strengthened and implemented.	% of cases which are reported to police, investigated, filed in court, and prosecuted, as compared with control group (in non-LAC district).	TBD		40% increase.	MoLJCAPA Legal Aid Unit/Centre Reports; JSCC records.
	#vulnerable people benefiting from legal aid services.	2009-2011: 2,555 (47% of which relate to GBV)		12,000	MoLJCAPA Legal Aid Unit; UNDP independent monitoring reports.
3.4 Legal Aid Centres established through existing institutional framework in 10	% (district) population who report that they cannot access legal aid locally.	2011: 47%		50% decrease	UN Perception Survey; MoLJCAPA Legal Aid Unit assessments.

districts. *NB: All data provided here is nation-wide data. Baselines for selected districts will be obtained in inception phase.	#legal aid clients who achieve outcomes in their favour, and the monetary value of those outcomes.	TBD	10,000	MoLJCAPA Legal Aid Unit/Centre database.
	% of legal aid clients satisfied with legal aid services rendered.	TBD	80%	MoLJCAPA Legal Aid Unit/Centre database.
	% pre-trial detention population, as compared to control (non-LAC) district.	2011: 59%	30% decrease.	DoPM Reports; OAG detention monitoring reports; MoLJCAPA Legal Aid Unit/Centre Reports.
	% detainees who report deprivation of rights,* as compared with control (non-LAC) district. (*not accompanied at police interview; not informed of rights; not visited by a lawyer while in detention; subjected to abuse; subjected to torture).	2011: 35% report abuse 15% report torture	80% reduction	OAG detention monitoring reports; MoLJCAPA Legal Aid Unit/Centre Reports.
3.5. Regular 'confidence-building' interactions on justice issues established in 10 districts.	# 'state-society' interactions held.	0	490	MoLJCAPA Legal Aid Unit/Centre Reports.
	% of households who demonstrate awareness of rights and responsibilities.	TBD	15% increase.	UN Perception Survey
	% of vulnerable and poor victims and witnesses who trust state justice providers.	TBD	16% increase.	UN Perception Survey
3.6 Framework and procedures developed to strengthen the interface between formal and informal justice systems.	# of Referral networks developed to enhance linkages between formal and informal justice system.	0	Referral networks established in selected districts	Mediation Council Annual Reports.
	Training module revised for the mediators in line with international human rights standards.	Training manual is there for court referred mediation but needs to be revised	Training module developed	Mediation Council Annual Reports.
	Code of conduct developed and endorsed by the Government.	A code of conduct has been drafted but yet to be endorsed	Code of conduct developed for community, court and traditional mediators	Mediation Council Annual Reports.
Output 4. Human rights monitoring and reporting system, and Transitional	% of Universal Periodic Review (UPR) recommendations fully implemented by the	2012: 41% (56/135)	90%	NHRC Annual Reports; OPMCM ad hoc reports.

Justice process supported	Government of Nepal.			
Output 4.1 Implementation and domestication of human rights framework supported	<p>Ratio of implemented human rights treaties increased</p> <p># of studies conducted on the implementation status of international human rights treaties conducted</p> <p># of court decision on human rights implemented</p>	<p>TBD</p> <p>3 studies conducted on ICCPR, ICERD and CEDAW (2013)</p> <p>TBD</p>	<p>25 % increase in the implementation of international and national human rights obligations</p> <p>4 studies on international human rights instruments and 2 studies on NHRAP implementation conducted</p> <p>At least 20 court decisions on human rights implemented</p>	<p>OPMCM Annual, MOLJCAPA Annual Report, MOLJCAPA Annual Progress, Annual Report of the Supreme Court, Annual Progress Report of ROLHR</p>
Output 4.2 NWC and NDC mechanisms to monitor and report on the rights of women and Dalits and advocate for implementation of Domestic Violence Act and the Untouchability and Caste-Based Discrimination Act established and strengthened at national and local level.	<p># joint monitoring missions with the National Dalit Commission, the National Women Commission, civil society and programme representatives undertaken to oversee the overall situation of rights of women, Dalits, and other vulnerable groups.</p>	<p>5 missions in 2012</p>	<p>Joint action plan develop to monitor the violation cases</p>	<p>NWC Annual Report, NDC Annual Report, Annual Programme Report, News Letter</p>
4.3 Criminal justice system's capacity to respond to transitional justice issues strengthened.	<p># of court staff and officials from Office of the Attorney General trained on transitional justice, NAP of UNSCRs 1325 and peace-making process</p>	<p>0</p>	<p>300 staff trained</p>	<p>Annual Report of Supreme Court,</p>
4.4 System developed to discourage the trend of withdrawal of serious human rights cases.	<p>% of UPR and court decisions regarding the transitional justice process, or in relation to conflict-related violations implemented</p>	<p>0</p>	<p>40%</p>	<p>UPR report, NHRC annual report</p>
4.5 National truth-seeking process in line with international law and human rights	<p>Action plan for the TJ process developed and implemented</p>	<p>TJ process not yet established.</p>	<p>Plan of action developed for the TJ process</p>	<p>Transitional justice process reports.</p>

standards supported.					
4.6 Victim support capacity developed and capacitated to provide efficient mechanisms for redress and participation for victims in transitional justice processes.	# of women training on TJ, NAP, 1325 and 1830 UNSCR.	25 were trained as TOT trainer	500 women trained on NAP, TJ, UNSCR 1325, and 1820	UNWOMEN/ reports.	
	# of women victims trained on women's engagement in the truth telling process	200	4000 women victims trained on truth telling process and NAP 1325.	Transitional justice process reports. MoPR report	

XI. RISK LOG

Risk Brief description of risk.	Impact Potential effect if risk occurred. Impact (I) measured from 1-5: 1 (low), 5 (high)	Probability Likelihood of this risk occurring. Probability (P) measured from 1-5: 1 (low), 5 (high)	Countermeasure/ response Actions which will be taken to mitigate this risk.
Political Instability	I= 3 The policy and legislative reform related initiatives will be directly affected.	P=4 The Programme comprises numerous activities aiming to support needed changes in policies, laws and practices in line with international human rights standards. For example, the penal code and procedure are still pending in the parliament.	During periods of instability, the programme will focus on implementation of existing policies and laws. In addition, the capacity building initiatives would be focused at the central level.
Delay in constitution making and restructuring	I= 4 Delay in constitution making process and restructuring process may affect the activities related to justice dispensing and legal aid as well assistance	P=4 The activities related to OAG, even judiciary, Judicial Council and the local initiatives would also be affected, since there constitution-making process does not seem much clear on these issues.	The orientation and induction programme will be launched and implemented to prepare the rule of law actors in new context and political scenario.
Delay in establishment of TJ mechanisms.	I= 3 The TJ mechanisms are not yet established.	P= 4 The programme aims to work on building the capacity of TJ mechanisms and victim support programme. The delay in the establishment of TJ mechanism will directly affect in dealing with the issues of past human rights abuses	The further capacity will be provided to the other existing rule of actors and government institutions, court and prosecutor to deal with the issues of past abuses. Likewise, a constant advocacy will be continued for the establishment of the TJ mechanisms in line with international human rights standards
Frequent transfer of the Government senior officials	I=4 The frequent transfer of the senior government officials also affect the implementation of the programme	P=3 There is a trend of frequent transfer of the government senior officials which will largely affect the implementation of the programme and of course the expected targets.	Support will be provided to the Government of Nepal to develop a clear rules and regulation.

XII. RESULTS AND RESOURCES FRAMEWORK

UNDP STRENGTHENING THE RULE OF LAW AND HUMAN RIGHTS IN NEPAL PROGRAMME (2013-2017) – WORKING DRAFT RRF				
United Nations Development Assistance Framework/CPD Outcome:				
Outcome 4: Vulnerable groups benefit from strengthened legal and policy frameworks and have improved access to security.				
Outcome 8: National Institutions have addressed conflict-related violations of human rights and international humanitarian law and the post-conflict needs of victims.				
UNDAF Outputs/ UNDP Country Programme Document Outputs:				
Output 4.1: Judicial, legislative and administrative authorities have improved capacity to draft, reform and implement legislation that protects people's rights and constitutional guarantees.				
Output 4.1.1: Justice sector institutions have improved capacity for coordinated service delivery.				
Output 4.2: Vulnerable people are better enabled to access fair and effective security and justice institutions.				
Output 4.3: Government rights institutions have increased capacity to monitor and report on human rights and on the status of implementation of human rights obligations.				
Output 8.1: Government and civil society have enhanced capacity to develop, establish, and implement inclusive and gender-sensitive transitional justice mechanisms and policies that comply with international law and standards.				
Applicable Key Result Area from 2008-11 Strategic Plan: Democratic Governance				
Project ID (ATLAS Award ID):				
INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	IMPL. PARTY & (RESP. PARTIES).	BUDGET (USD)
Output 1: Justice sector development process established. 1.1 Justice Sector Coordination Committee secretariat established at central level and in selected districts. Indicators Establishment of a policy mechanism with the mandate and composition to lead justice sector coordination (yes/no)	Year 1 - JSCC mandate expanded. - JSCC Secretariat established. - JSCC seed fund established. - Central JSCC staff members trained on leadership, management, and planning. - JSCC Secretariat staff trained on planning, budgeting, M&E. - At least 2 thematic working groups functioning on cross-sector	1.1 Undertake a rapid needs assessment of JSCC network.	Supreme Court: JSCC, UNDP, CSOs	10,000
		1.2 Establish and train a JSCC secretariat whose role will be to support the JSCC to implement recommendations and undertake research, monitoring and evaluation of initiatives.		70,000

<p>Measurable impact from policy initiatives, as per performance metrics agreed (to be determined by high-level committee). Those to be measured in pilot initiatives include:</p> <ul style="list-style-type: none"> - Case disposal rate increased. - No. pending cases removed. - Prosecution rate increased. - Judgment execution rate increased. - Pre-trial detention population reduced. - % victims and witnesses who do not report cases to police decreased. 	<ul style="list-style-type: none"> - priority areas selected by JSCC members. - South-South cooperation mission conducted. <p><u>Year 2</u></p> <ul style="list-style-type: none"> - Seed fund accessed by all JSCCs. - 2 thematic working groups on cross-sector priority areas selected by JSCC members functioning. - South-South cooperation mission conducted. <p><u>Year 3</u></p> <ul style="list-style-type: none"> - All JSCC's are accessing the seed fund. - 2 thematic working groups functioning. - Initiatives monitored and evaluated. <p><u>Year 4</u></p> <ul style="list-style-type: none"> - All JSCC's are accessing the seed fund - 2 thematic working groups functioning - Initiatives monitored and evaluated. <p><u>Year 5</u></p> <ul style="list-style-type: none"> - All JSCC's are accessing the seed fund - 2 thematic working groups functioning - Initiatives monitored and evaluated. 	<p>1.3 Develop TOR and standard operating procedure for JSCC.</p> <p>1.4 Train JSCC Secretariat staff on planning, budgeting, M&E.</p> <p>1.5 Provide technical assistance to the JSCC and secretariat, including to review JSCC mandate/composition.</p> <p>1.6 Establish seed fund and develop criteria for funding and operational guidelines then provide technical assistance to support initiatives that are able to demonstrate tangible benefits across the sector. Can be accessed by: 1) Central JSCC; 2) District level JSCC; and 3) individual agencies.</p> <p>1.7 Support Committee members to visit other developing countries with justice sector policy coordination mechanisms implementing justice sector strategies</p> <p>1.8 Support establishment of JSCC Secretariat desks in pilot district JSCCs.</p>	<p>20,000</p> <p>80,000</p> <p>5,000</p> <p>500,000</p> <p>120,000</p> <p>200,000</p>
<p>1.2 High-level justice sector dialogue and research on case management and other key justice sector priorities institutionalised and national strategy developed.</p> <p><u>Indicators</u></p> <p># of working groups established.</p>	<p><u>Year 1</u></p> <ul style="list-style-type: none"> - Justice sector comprehensive analysis conducted. - Working groups established on cross-sector priority areas selected by JSCC members (e.g. case management, prison reform; judgment execution, victim/witness protection, federal transition, challenges to implementing PIL decisions). - 3 pieces of joint research on priority justice sector issues completed. - 3 policy dialogues on priority justice sector issues supported. - Annual Justice sector conference held. - Pilot initiatives reviewed, and successful initiatives 	<p>2.1 Undertake comprehensive analysis(s) of the justice sector and sub-sectors and an evidence-based study to establish a programme baseline.</p> <p>2.2 Provide technical expertise and training to JSCC working groups on selected priority areas, as per Central and district level demand (e.g. differentiated case management, alternative (non-custodial sentencing), judgment execution, mediation, case withdrawal protocols, etc.).</p>	<p>Supreme Court: JSCC</p> <p>UNDP, CSOs</p> <p>20,000</p> <p>180,000</p>

<p>No. pilot JSCC initiatives 'mainstreamed' in institutional practice.</p>	<p>'mainstreamed'.</p>	<p>2.3 Justice sector dialogues and annual sector conferences (on-going).</p>	<p>30,000</p>
<p>No. of annual Justice Sector Conferences held.</p>	<p><u>Year 2</u></p> <ul style="list-style-type: none"> - 3 pieces of joint research on priority justice sector issues completed. - 3 policy dialogues on priority justice sector issues supported. - Annual Justice sector conference held. - Pilot initiatives reviewed, and successful initiatives 'mainstreamed' through policy decisions. 	<p>2.4 Define performance metrics and conduct baseline study.</p>	<p>10,000</p>
<p>No. of joint research studies conducted.</p>	<ul style="list-style-type: none"> - Annual Justice sector conference held. - Pilot initiatives reviewed, and successful initiatives 'mainstreamed' through policy decisions. 	<p>2.5 Provide technical and logistical support to formation of justice sector strategy working group.</p>	<p>10,000</p>
<p>No. of policy dialogues held.</p>	<p><u>Year 3</u></p> <ul style="list-style-type: none"> - Justice sector needs assessment and fiduciary risk assessment conducted. - 3 pieces of joint research completed - 3 policy dialogues supported - Annual Justice sector conference held. - Justice Sector Strategy drafting working group formed. - Initiate drafting of Justice Sector Strategy. - Pilot initiatives reviewed, and successful initiatives 'mainstreamed' through policy decisions. 	<p>2.6 Support the drafting and consultation of a justice sector strategy backed by a justice sector needs assessment and fiduciary risk assessment.</p>	<p>40,000</p>
<p>Justice sector strategy drafted following broadly inclusive process (yes/no)</p>	<ul style="list-style-type: none"> - Justice sector needs assessment and fiduciary risk assessment conducted. - 3 pieces of joint research completed - 3 policy dialogues supported - Annual Justice sector conference held. - Justice Sector Strategy drafting working group formed. - Initiate drafting of Justice Sector Strategy. - Pilot initiatives reviewed, and successful initiatives 'mainstreamed' through policy decisions. 	<p>2.7 Provide technical and logistical support to development of justice sector strategy implementation plan, informed by sector research.</p>	<p>20,000</p>
<p>Establishment of basket of performance metrics for the entire justice sector (yes/no)</p>	<p><u>Year 4</u></p> <ul style="list-style-type: none"> - 3 pieces of joint research completed - 3 policy dialogues supported - Annual Justice sector conference held. - Justice sector strategy completed. - Pilot initiatives reviewed, and successful initiatives 'mainstreamed' through policy decisions. 	<p>2.8 Support design of multi-donor trust fund.</p>	<p>60,000</p>
<p></p>	<p><u>Year 5</u></p> <ul style="list-style-type: none"> - 3 pieces of joint research completed - 3 policy dialogues supported - Annual Justice sector conference held. - Plan of action for implementation of justice sector strategy drafted. - Justice sector strategy implementation initiated through 		

<p>1.3 Justice sector institutions improved, coordinated service delivery in 10 pilot districts.</p> <p>Indicators</p> <p>No. and impact of successful policy initiatives generated by JSCC, as measured by sector performance measures listed above, in addition to the following:</p> <p>Case disposal rate increased.</p> <p>No. pending cases removed.</p> <p>No. joint investigations for serious crimes increased.</p> <p>No. cases dismissed due to inadequate investigation and criminal procedure compliance.</p> <p>No. cases correctly referred from informal mechanisms to the District Court.</p> <p>% Justice sector actors and civil society organisations report improved responsiveness to community needs.</p>	<p>development of multi-donor trust fund.</p> <ul style="list-style-type: none"> - Pilot initiatives reviewed, and successful initiatives 'mainstreamed' through policy decisions. <p><u>Year 1</u></p> <ul style="list-style-type: none"> - 10 JSCCs trained priority issues (e.g. case management, judgment execution, legal aid service provision, handling SGBV cases). - Evidence based data collection completed - Each JSCC identifies two priority areas for action - Each JSCC makes, at least, one submission to the seed fund - At least two inter-institutional initiatives commenced. <p><u>Year 2</u></p> <ul style="list-style-type: none"> - Each JSCC identifies two priority areas for action - Each JSCC makes, at least, one submission to the seed fund. - At least two (additional) inter-institutional initiatives commenced. <p><u>Year 3</u></p> <ul style="list-style-type: none"> - Each JSCC identifies two priority areas for action - Each JSCC makes, at least, one submission to the seed fund. - At least five (additional) pilot initiatives commenced. <p><u>Year 4</u></p> <ul style="list-style-type: none"> - Each JSCC identifies two priority areas for action - Each JSCC makes, at least, one submission to the seed fund. - At least five (additional) pilot initiatives commenced. <p><u>Year 5</u></p> <ul style="list-style-type: none"> - Each JSCC identifies two priority areas for action - Each JSCC makes, at least, one submission to the seed fund. - At least five (additional) pilot initiatives commenced. 	<p>3.1 Activate and train district level JSCC in case-management strategies and CLD.</p> <p>3.2 Support evidence based data collection, establishment of case-databases, and undertake analysis for identification of key case type area and priority cases (building on existing databases where available).</p> <p>3.3 Support District JSCC to explore and implement strategies to speed case flow and improve sectoral coordination (such as summons, diversion, witness and prisoner management etc.)</p> <p>3.4 Support implementation of work plans in pilot areas based on principle of enhanced case management.</p> <p>3.5 Conduct trial observations and step-by-step justice process 'walk-throughs'.</p> <p>3.6 Business process mapping and ICT needs assessment studies undertaken to support case flow management systems.</p> <p>3.7 Provide local partners with basic equipment (computers, furniture) to improve work-flows.</p>	<p>Supreme Court, MOLJCAP, A, UNDP, CSOs</p>	<p>60,000</p> <p>70,000</p> <p>50,000</p> <p>70,000</p> <p>20,000</p> <p>50,000</p> <p>90,000</p>
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<p>1.4 Research, planning and monitoring capacities of the Supreme Court, OAG and MoLJCAPA strengthened.</p> <p>Indicators</p> <p># of strategic plans with results based targets.</p> <p># of agencies with costed operational plans linked to the strategic plan.</p> <p>No. of strategic plans informing state budget through mid-term expenditure framework.</p> <p>% of strategic plan priorities mostly implemented.</p>	<p><u>Year 1</u></p> <ul style="list-style-type: none"> - MoLJCAPA Strategic Plan developed. - Research staff of Supreme Court, MoLJCAPCA and OAG trained in research techniques. - OAG, MoLJCAPA and Supreme Court research teams, planning and monitoring divisions access technical support. - Differentiated case management study and knowledge-sharing seminars conducted. <p><u>Year 2</u></p> <ul style="list-style-type: none"> - Strategic Plan of Supreme Court (2010-2014) evaluated. - Supreme Court Strategic Plan developed. - OAG Strategic Plan mid-term review conducted. - OAG, MoLJCAPA and Supreme Court research teams, planning and monitoring divisions access technical support. <p><u>Year 3</u></p> <ul style="list-style-type: none"> - All agencies have strategic plans with results based targets - 50% of strategic plan priorities implemented. - OAG, MoLJCAPA and Supreme Court research teams, planning and monitoring divisions access technical support. - MoLJCAPA SP mid-term review conducted. <p><u>Year 4</u></p> <ul style="list-style-type: none"> - Increase in allocation of government and donor funds to the justice sector - All agencies have costed operational plans linked to strategic plans. - OAG, MoLJCAPA and Supreme Court research teams, planning and monitoring divisions access technical support. - Supreme Court Strategic Plan mid-term review conducted. <p><u>Year 5</u></p> <ul style="list-style-type: none"> - MoLJCAPA Strategic Plan evaluated. - MoLJCAPA Strategic Plan (new) developed. - OAG, MoLJCAPA and Supreme Court research teams, 	<p>4.1 Provide logistical and financial support to strengthen research facilities (e.g. libraries, journal subscriptions, etc).</p> <p>4.2 Train research staff in research techniques.</p> <p>4.3 Provide technical expertise, training and other support to facilitate specific research tasks (e.g. case management options).</p> <p>4.4 Support JSCC to conduct differentiated case management study, a situation and gap analysis on improved information management of case files.</p> <p>4.5 Support prison reform study.</p> <p>4.6 Support the consultative preparation and evaluation of strategic plans which are complemented by measurable results based targets.</p> <p>4.7 Provide on-going technical advice to planning and monitoring units and build capacity in the areas of research, strategic planning, monitoring and evaluation and budgeting, including by linking to existing national and international work on public financial management.</p> <p>4.8 Develop operational/ costed action plans linked to strategic plan priorities.</p> <p>4.9 Undertake mapping and gap-analysis of justice agencies' institutional mandates and budgets.</p>	<p>Supreme Court, MoLJCAP, A. OAG, UNDP, CSOs</p> <p>240,000</p> <p>110,000</p> <p>200,000</p> <p>60,000</p> <p>60,000</p> <p>40,000</p> <p>40,000</p> <p>40,000</p> <p>30,000</p>
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<p>1.5 Implementation of key priorities of evidence-based, budgeted, and results-oriented Strategic Plans supported.</p> <p>Indicators Increase in the national budget allocated to the justice sector (yes/no).</p> <p>Increase in donor allocations to the (formal) justice sector (yes/no).</p> <p># of donors channelling resources through a multi-donor trust fund or mechanism stated in justice sector national strategy.</p>	<p>planning and monitoring divisions access technical support. 70% of strategic plan priorities implemented.</p> <p><u>Year 1:</u></p> <ul style="list-style-type: none"> Justice sector capacities on alternative case management approaches strengthened. <p><u>Years 2-3:</u></p> <ul style="list-style-type: none"> Implementation of Supreme Court and other evidence-based, results-oriented institutional Strategic Plans supported. <p><u>Year 4:</u></p> <ul style="list-style-type: none"> Implementation of Supreme Court and other evidence-based, results-oriented institutional Strategic Plans supported. <p><u>Year 5:</u></p> <ul style="list-style-type: none"> Justice Sector Strategy implementation initiated. 	<p>5.1 Provide technical, logistical, capacity development, financial or other support to implement findings of case management study, prison reform study, and implementation of other priority initiatives identified through evidence-based and results-oriented planning processes. E.g. provision of world-class technical expertise to build national capacities on case management systems and support development of reform options.</p>	<p>Supreme Court, MoLJCAP, A, OAG, UNDP, CSOs</p> <p>2,000,000</p>
<p>1.6 Public Information ('community relations' and donor coordination) mechanism developed.</p> <p>Indicators Updated public information about development partner initiatives is easily accessible (yes/no).</p> <p>Increase in donor allocations to the (formal) justice sector (yes/no).</p> <p>Increase in % of households who are satisfied with court/prosecutor/police</p>	<p><u>Year 1</u></p> <ul style="list-style-type: none"> Donor website, document repository and mapping complete. Justice sector public communications strategy developed. Public awareness communications tools designed and distributed. Judgment writing training programme developed and delivered. Court 'orientation' desks established in secretariats of pilot JSCC. Justice sector public perception survey conducted. <p><u>Year 2</u></p> <ul style="list-style-type: none"> Donor website, document repository and mapping updated. Public awareness campaign continued. <p><u>Year 3</u></p>	<p>6.1 Support greater coordination by establishing donor 'who-what-where' mapping, website with document repository and event calendar, and updating quarterly.</p> <p>6.2 Develop and implement public information communication strategy to improve understanding and practice of justice sector services.</p> <p>6.3 Establish court 'orientation' desks in secretariats of district level JSCCs.</p> <p>6.4 Support NJA to develop and deliver induction and refresher training on judgement writing.</p>	<p>Supreme Court, MoLJCAP, A, OAG, UNDP, CSOs</p> <p>50,000</p> <p>50,000</p> <p>50,000</p> <p>60,000</p>

<p>services.</p>	<ul style="list-style-type: none"> - Donor website, document repository and mapping updated. - Public awareness campaign continued. <p><u>Year 4</u></p> <ul style="list-style-type: none"> - Donor website, document repository and mapping updated. - Public awareness campaign continued. <p><u>Year 5</u></p> <ul style="list-style-type: none"> - Donor website, document repository and mapping updated. - Public awareness campaign continued. - Increase in allocation of government and donor funds to justice sector. - Justice sector public perception survey conducted. 	<p>6.5 Conduct justice sector public perception survey.</p>	<p>60,000</p>
<p>1.7 Judgment execution system strengthened.</p> <p><u>Indicators</u></p> <p>No. of government officials trained on judgment execution protocols.</p> <p>% of fines recovered increased.</p> <p>% of prison sentences executed increased.</p> <p>% of number of civil court decisions executed increased.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Judgement Execution Task Force established. - Judgement execution research and district assessments conducted. - 20 judgment execution assessment finding review consultation /multi-stakeholder JED coordination meetings conducted. - Draft follow-through model for systematic execution of judgements (judgment execution plan) developed. - M&E strategy and capacities for its implementation developed. - JED 5-yr Strategic Plan and capacities for its implementation developed. - Interim Judgment execution communication protocol agreed. - JED basic logistical capacities put in place at central level. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - JED basic logistical capacities put in place in selected locations at district level. - JED judgment execution manual upgraded and ToT training programme developed and conducted nationwide. - JED communication strategy developed and implemented. - JED completes web-based sentencing record and rolls-out across 	<p>7.1 Establish Judgement Execution Task Force (potentially as JSCC working group).</p> <p>7.2 Conduct judgement execution research and district assessments.</p> <p>7.3 Organise 20 consultations meetings to discuss judgment execution assessment findings at national and local level.</p> <p>7.4 Develop and refine follow-through model and implementation plan for systematic execution of judgments.</p> <p>7.5 Develop and implement a judgment execution plan M&E strategy.</p> <p>7.6 Provide ('on the job' learning) technical support to develop JED M&E capacities.</p> <p>7.7 Develop JED 5-yr Strategic Plan with measurable targets.</p> <p>7.8 Provide technical support ('on the job training') to develop JED capacities to implement budgeted Strategic Plan with measurable targets.</p>	<p>Supreme Court, Judgement Execution Directorate</p> <p>10,000</p> <p>50,000</p> <p>25,000</p> <p>30,000</p> <p>15,000</p> <p>20,000</p> <p>15,000</p> <p>20,000</p>

<p>government.</p> <ul style="list-style-type: none"> - 10 multi-stakeholder JED coordination meetings held at national and local level. - 2 JED Strategic Plan retreats conducted. - Follow-through model for execution of judgements approved and implementation initiated. - Judgment execution process monitoring mechanism agreed, established and functional. <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - Refresher judgment execution ToT training conducted. - 10 multi-stakeholder JED coordination meetings conducted. - JED communication strategy implemented. - Mid-term review of JED 5-yr action plan conducted. - 2 JED Strategic Plan retreats conducted. - JED quasi-judicial mandate regulation drafted. <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - JED planning, budgeting, implementation and performance management capacities functional. - JED communication strategy implemented. - 10 multi-stakeholder JED coordination meetings conducted. - 2 JED Strategic Plan retreats conducted. <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - Judgement execution model reviewed and refined. - Refresher judgment execution ToT training conducted. - JED communication strategy implemented. - 10 multi-stakeholder JED coordination meetings conducted. - 2 JED Strategic Plan retreats conducted. 	<p>7.9 Provide logistical support to JED (office equipment and furniture, transport).</p> <p>7.10 Establish and provide logistical support to facilitate operation of JED Task Force in districts in which case loads heaviest.</p> <p>7.10.1 Upgrade software and support and development and roll-out of centralised judgment execution database.</p> <p>7.10.2 Update judgment execution manual.</p> <p>7.10.3 Develop and implement judgement execution ToT programme.</p> <p>7.10.4 Design and implement communications strategy for parties engaged in judgement execution, including communications tools (e.g. fact sheets)</p> <p>7.10.5 Support implementation of coordination/interaction mechanism with all relevant government institutions and civil society organisations, including judgement execution plan implementation meetings and bi-annual JED Strategic Plan retreats.</p> <p>7.10.6 Support drafting and passage of regulation to expand JED's mandate to include enforcement of quasi-judicial judgments.</p>	<p>40,000</p> <p>95,000</p> <p>100,000</p> <p>15,000</p> <p>15,000</p> <p>15,000</p> <p>30,000</p> <p>15,000</p>
<p>SUBTOTAL OUTPUT 1</p>		<p>5,345,000</p>

Output 2: Capacities for the implementation of Penal, anti-GBV, anti-discrimination and anti-corruption legislation developed and sustainable.

<p>2.1 Capacities (of MoLJCAPA) on legislative and treaty drafting in line with international standards developed.</p> <p>Indicators</p> <p>No. government officials trained on legislative and treaty drafting.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - 25 government officials of the MoLJCAPA(including JSTC faculty staff) receive international-level training on legislative drafting and treaty negotiation skills at an internationally reputed academic institution. - Legislative drafting manual, module and training materials completed. - Treaty negotiation training module and reference materials completed. - Treaty manual developed and adapted. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - 50 government officials trained on legislative drafting and treaty negotiation and domestication process (induction and refresher training). <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - 20 government officials trained on legislative drafting and treaty negotiation and domestication process (induction and refresher training). <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - 20 government officials trained on legislative drafting and treaty negotiation and domestication process (induction and refresher training). <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - 20 government officials trained on legislative drafting and treaty negotiation and domestication process (induction and refresher training). 	<p>2.1.1 Support MoLJCAPA (JSTC) to establish a partnership with an internationally reputed academic institution to establish robust and sustainable capacities for legislative drafting, treaty negotiation, and international legal process.</p> <p>2.1.2 Support MoLJCAPA to develop, test, and refine learning materials on legislative and treaty drafting, international legal process, and treaty negotiation.</p> <p>2.1.3 Support MoLJCAPA to deliver legislative drafting and treaty negotiation training</p>	<p>MoLJCAP A, Nepal Law Commissio n, UNDP, CSOs</p> <p>120,000</p> <p>20,000</p> <p>20,000</p>
<p>2.2 Systems and procedures for revision of laws and development of rules, and regulations in line with international human rights</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Legislative drafting department of the Ministry of Law and Justice provided with basic equipment and furniture. <p><u>Year 2:</u></p>	<p>2.2.1 Provide basic equipment and furniture to MoLJCAPA legislative drafting department.</p>	<p>MoLJCAP A, Nepal Law Commissio n, UNDP, UNWOME</p> <p>10,000</p>

<p>standards established.</p> <p>Indicators</p> <p>% of draft which meet agreed standards of concision and simplicity.</p> <p>No. of out-dated laws revised.</p>	<p>- Laws inconsistent with penal legislation, anti-GBV, anti-caste-based discrimination, and anti-corruption legislation identified and list distributed.</p> <p>- 20 legislative reform consultations conducted.</p> <p>- Protocol to facilitate submission process on draft laws developed.</p> <p>- 36 laws revised to enable implementation of penal legislation.</p> <p>- Rules and regulations drafted to enable implementation of penal legislation.</p> <p><u>Year 3:</u></p> <p>- 20 legislative reform consultations conducted.</p> <p>- 30 laws reviewed in line with penal legislation, anti-GBV, anti-caste-based discrimination, and anti-corruption legislation.</p> <p><u>Year 4:</u></p> <p>- 20 legislative reform consultations conducted.</p> <p>- 30 laws reviewed in line with penal legislation, anti-GBV, anti-caste-based discrimination, and anti-corruption legislation.</p> <p><u>Year 5:</u></p> <p>- 20 legislative reform consultations conducted.</p> <p>- 30 laws reviewed in line with penal legislation, anti-GBV, anti-caste-based discrimination, and anti-corruption legislation.</p> <p>- Protocol to facilitate submission process on draft laws developed.</p> <p>- 26 laws pertaining to quasi-judicial of local authorities CDO jurisdiction revised.</p>	<p>2.2.2 Support MoLJCAPA (Law Commission) to identify laws not compliant with penal legislation, anti-GBV, anti-caste-based discrimination, and anti-corruption legislation, with 'work flow' chart to track status of reform process.</p> <p>2.2.3 Support MoLJCAPA to revise 36 laws not aligned with the new penal legislation and draft 'enabling' rules and regulations.</p> <p>2.2.4 Support legislative reform consultations.</p> <p>2.2.5 Support MoLJCAPA to establish and maintain website for consultation of draft laws.</p> <p>2.2.6 Support MoLJCAPA to develop protocol to facilitate submission process on draft laws.</p>	<p>N, CSOs</p>	<p>10,000</p> <p>20,000</p> <p>40,000</p> <p>20,000</p> <p>10,000</p>
<p>2.3 Best practice model for implementation of laws developed and tested through implementation of penal legislation.</p> <p>Indicators</p> <p>Penal legislation enacted (yes/no).</p> <p>Action plan completed (yes/no).</p>	<p><u>Year 1:</u></p> <p>- Plan of action for the implementation of Penal legislation finalised and approved.</p> <p>- Donors and development partners agree to support specific aspects of the penal legislation implementation action plan.</p> <p><u>Year 2:</u></p> <p>- Penal legislation implementation action plan integrated into institutional strategic plans.</p>	<p>2.3.1 Support JSCC to obtain technical expertise, conduct consultations and finalise action plan for implementation of penal legislation.</p> <p>2.3.2 Support integration of penal legislation implementation action plan into institutional strategic plans.</p> <p>2.3.3 Facilitate coordinated donor support to the penal legislation implementation action plan.</p>	<p>Supreme Court, JSCC, NJA, Nepal Law Commission, UNDP, CSOs</p>	<p>20,000</p> <p>20,000</p> <p>10,000</p>

<p>Explanatory note finalised (yes/no).</p>	<p>- NJA conducts nation-wide public awareness campaign on penal legislation.</p> <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - National awareness campaign conducted. <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - National awareness campaign conducted. <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - National awareness campaign conducted. 	<p>2.3.4 Support NJA to develop and conduct national awareness campaign on penal legislation.</p>	<p>25,000</p>
<p>2.4 Capacities for implementing Penal, anti-GBV, anti-discrimination and anti-corruption legislation developed.</p> <p>Indicators</p> <p>No. of practising legal professionals who receive orientation/induction/refresher training.</p> <p>% trained law and justice professionals (judges, prosecutors, lawyers, court staff) with knowledge, aptitude and practice (KAP) to implement protective legislation.</p> <p>No. of SGBV, caste-based discrimination and corruption cases which result in conviction.</p> <p>No. of corruption cases which result in conviction.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - NJA training curricula developed for judges, prosecutors, and lawyers. - LJTC training curricula developed for judicial service staff. - KAP assessment developed. - Orientation training conducted. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Induction training programme conducted for 1300 judges, prosecutors, lawyers, and court staff. - KAP assessment conducted. <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - Refresher training ToT conducted for 200 law and justice professionals. - KAP assessment conducted. - National awareness campaign conducted. <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - Refresher training conducted for 250 law and justice professionals. - KAP assessment conducted. <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - Refresher training conducted for 250 law and justice professionals. - KAP assessment conducted. 	<p>2.4.1 Support NJA to develop and conduct phased (orientation, induction, refresher) training courses for implementation of penal legislation, incorporating components for implementation, anti-caste based discrimination, anti-corruption, and anti-GBV legislation (including SOP on right to confidentiality).</p> <p>2.4.2 Support LJTC to develop and conduct phased (orientation, induction, refresher) training courses for implementation of penal legislation, incorporating components for implementation, anti-caste based discrimination, anti-corruption, and anti-GBV legislation (including SOP on right to confidentiality).</p> <p>2.4.3 Support NJA to develop and periodically conduct penal, anti-GBV, anti-GBV and anti-corruption legislation implementation knowledge, aptitude and practice (KAP) assessment.</p>	<p>Supreme Court, MoLJCAP A, NJA, Nepal Law Commission, UNDP, CSOs</p> <p>356,000</p> <p>176,000</p> <p>20,000</p>

<p>2.5 'Affirmative action' legal scholarship and internship scheme established.</p> <p><u>Indicators</u></p> <p>No. legal scholarships provided.</p> <p>No. supervised legal internships provided.</p> <p>No. cross-sector gender and social inclusion dialogues conducted.</p> <p>% women, dalits and marginalised groups who pass Bar Council exam.</p> <p>% women, dalits and marginalised groups who pass Judicial Service exam.</p> <p>% law and justice professionals with capacity to implement gender and caste-based discrimination legislation.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Law Faculty Inclusive Legal Education Task Force established and meets once per month. - Institutional relationship with well-established clinical legal education programme formed. - Clinical Legal Education needs assessment and action plan completed. - Four cross-sector 'gender and social inclusion' dialogues conducted. - BAVBL admissions criteria reviewed. - Schools outreach programme designed. - Legal research resources procured. - Human rights components incorporated in BAVBL course. - Legal education scholarship fund established and offers places to 10 students. - 4 human rights 'guest lectures' conducted. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Schools outreach programme continued. - Legal education scholarship provided to 25 students. - Supervised legal internship programme launched and offers places to 30 students. - Four cross-sector 'gender and social inclusion' dialogues conducted. - Guest lecture series and subscriptions to online legal journals continued. <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - Clinical Legal Education needs assessment and action plan updated. - Schools outreach programme continued. - Legal education scholarship provided to 25 students. - Supervised legal internship places offered to 30 students. - Internship scheme M&E system functional. - Four cross-sector 'gender and social inclusion' dialogues conducted. - Guest lecture series and journal subscriptions continued. <p><u>Years 4 and 5:</u></p> <ul style="list-style-type: none"> - Schools outreach programme continued. 	<p>2.5.1 Establish Inclusive Legal Education Task Force, with secretariat (an ILE Unit).</p> <p>2.5.2 Establish institutional relationship with university offering world-class clinical legal education.</p> <p>2.5.3 Conduct clinical legal education and sector gender/social inclusion needs assessment.</p> <p>2.5.4 Convene cross-sector 'gender and social inclusion' dialogues.</p> <p>2.5.5 Support implementation of initiatives emerging from cross-sectoral dialogues (e.g. formation of caucuses, mentorship scheme for new graduates, mentoring/coaching or 'on the job training' for women staff in the judicial sector or capacity development for legal organisations working on women's rights issues).</p> <p>2.5.6 Prepare clinical legal education action plan.</p> <p>2.5.7 Review BAVBL admissions criteria.</p> <p>2.5.8 Design and implement legal scholarship fund (for school pupils under-represented in the legal profession).</p> <p>2.5.9 Design and conduct legal scholarship schools outreach campaign through Ministry of Education circulars, electronic and print media.</p> <p>2.5.9.1 Design and implement 12-month supervised legal internship programme in coordination with Judiciary and MoLJCAPA Legal Aid Unit.</p> <p>2.5.9.2 Design and implement of legal internship M&E strategy.</p> <p>2.5.9.3 Review and strengthen BA/BL courses, to include social inclusion and human rights components.</p>	<p>Law Faculty UNDP, UNWOME N, CSOs</p> <p>20,000</p> <p>60,000</p> <p>22,000</p> <p>20,000</p> <p>60,000</p> <p>10,000</p> <p>5,000</p> <p>300,000</p> <p>30,000</p> <p>300,000</p> <p>60,000</p> <p>25,000</p>
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	<ul style="list-style-type: none"> - Four cross-sector 'gender and social inclusion' dialogues conducted. - Scholarship provided to 25 students each year. - Internship places offered to 30 students each year. - Guest lecture series and journal subscriptions continued. 	<p>2.5.9.4 Procure human rights and social inclusion-focused legal research materials.</p> <p>2.5.9.5 Organise 'guest lecture' series on social inclusion, human rights and gender justice by NHRI Commissioners, senior UN officials and experts'.</p>	25,000
<p>2.6 OAG performance management system strengthened.</p> <p>Indicators</p> <p>Prosecution rate increased.</p> <p>No. complaints registered with OAG human resource department.</p> <p>No. OAG staff subjected to disciplinary proceedings.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Human Resource Department 'rapid needs' assessment conducted. - Logistical and technical capacities of Human Resource Department established. - OAG human resource policy approved and implementation initiated. - Prosecutorial training programme designed and tested. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Prosecutorial training programme conducted nation-wide. - Prosecutorial Code of Conduct approved. - Human resource policy implemented. - Publicly accessible OAG disciplinary committee established, with publicly accessible complaints mechanism. - Complaints mechanism public awareness campaign conducted. <p><u>Years 3-5:</u></p> <ul style="list-style-type: none"> - Disciplinary committee functional. - Human resource policy implemented. - Refresher trainings conducted. 	<p>2.6.1 Conduct human resource department rapid needs assessment.</p> <p>2.6.2 Provide logistical and technical support to Human Resource Department.</p> <p>2.6.3 Develop and implement prosecutorial training courses based on 'case audit' findings, in consultation with NJA.</p> <p>2.6.4 Provide prosecutors with access to software on legal precedent (to improve case preparation and conviction rates).</p> <p>2.6.5 Develop human resource policy (incorporating recruitment, retention, and promotion policies).</p> <p>2.6.6 Develop prosecutorial Code of Conduct.</p> <p>2.6.7 Support establishment of a disciplinary and internal investigations mechanism with publicly accessible complaints mechanism.</p> <p>2.6.8 Support disciplinary mechanism public complaints awareness campaign.</p>	<p>OAG, UNDP, UNWOME N, CSOs</p> <p>5,000</p> <p>273,492</p> <p>250,000</p> <p>250,000</p> <p>50,000</p> <p>50,000</p> <p>130,000</p> <p>20,000</p>
SUBTOTAL OUTPUT 2			2,921,492

Output 3: MoLJCAPA-led consultative legal aid reform process supported and institutional, legislative and policy framework for integrated national legal aid system developed.

<p>3.1 Consultative national legal aid reform process established.</p> <p>Indicators</p> <p>No. of research-based consultative policy dialogues held.</p> <p>Legal Aid Act revised and enacted (yes/no).</p> <p>Access to justice policy developed and adopted (yes/no).</p>	<p>Year 1:</p> <ul style="list-style-type: none"> - MOLJ legal aid capacity and fiduciary risk assessment conducted - Human resource and logistic capacities Legal Aid Division of MoLJCAPA strengthened. - Communication and data-sharing mechanism between legal aid service providers and the MoLJCAPA established. - Legal aid needs and capacity assessment conducted. - Comparative research on legal aid law, policy and practice conducted. - Socio-legal Aid Reform Task Force TORs approved. - Socio-legal Aid Reform Task Force established and meets every month. - MOLJ staff and Task Force members trained on international and national legal aid legislative and policy framework. - 4 facilitated socio-legal aid reform dialogues conducted. - South-South and global best practice model legal aid system visits and cooperation <p>Year 2:</p> <ul style="list-style-type: none"> - Socio-legal Aid Reform Task Force meets every month. - Task Force leadership's capacity to lead informed discussion on legal aid issues in place. - Dialogues and consultations with formal and informal justice service providers conducted. - Socio-legal aid research consulted through nation-wide JSCC network. - 16 legal aid reform consultations conducted, including with informal justice providers. - Socio-legal aid reform options refined and updated. - South-South cooperation agreement established and functional. - MOLJ technical capacity to drive reform on legal aid law, policy, and practice in place. 	<p>3.1.1 Strengthen logistical, human resource, data management, financial management and M&E capacities of Legal Aid Unit.</p> <p>3.1.2 Establish communication and data-sharing mechanism between all legal aid service providers (e.g. Supreme Court, NBA, OAG, MWCWSW).</p> <p>3.1.3 Draft and agree Socio-Legal Aid Reform Task Force TOR.</p> <p>3.1.4 Train Task Force members on socio-legal aid law, policy and practice.</p> <p>3.1.5 Organise multi-stakeholder socio-legal aid dialogues.</p> <p>3.1.6 Conduct research on current legal framework and providers, and reform options.</p> <p>3.1.7 Support Task Force to obtain and integrate lessons learned from Legal Aid Centres into reform process.</p> <p>3.1.8 Support establishment of South-South cooperation with relevant and accessible legal aid schemes (e.g. study tours, staff 'exchange' placements, videoconferences, teleconferences, participation in experience sharing workshops convened on relevant thematic issues).</p> <p>3.1.9 Conduct nation-wide consultations on legal aid research findings and socio-legal aid reform options with communities, formal and informal justice service providers.</p> <p>3.1.9.1 Develop legal aid research findings and reform options, based on feedback from</p>	<p>MoLJCAPA (SC, NBA, OAG, UNDP, UN WOMEN, CSOs).</p> <p>80,000</p> <p>5,000</p> <p>5,000</p> <p>5,000</p> <p>15,000</p> <p>15,000</p> <p>10,000</p> <p>20,000</p> <p>30,000</p> <p>30,000</p>
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	<p>Year 3:</p> <ul style="list-style-type: none"> - Socio-legal Aid Reform Task Force meets every month. - 16 socio-legal aid reform consultations conducted, including with informal justice providers. - Lessons learned from pilot Socio-Legal Aid Centres and consultations incorporated in policy and law development process. <p>Year 4:</p> <ul style="list-style-type: none"> - Socio-legal Aid Reform Task Force meets every month. - Draft (revised) Socio-Legal Aid Act developed. - Draft access to justice policy developed. - 18 consultations on draft socio-legal aid law and access to justice conducted, including with informal justice providers. <p>Year 5: (may be achieved earlier)</p> <ul style="list-style-type: none"> - 12 consultations on draft socio-legal aid law and access to justice policy conducted. - High-level advocacy for adoption of socio-legal aid act and access to justice policy conducted. - Revised socio-legal aid law enacted. - Access to justice policy adopted. - Legal aid mechanism (e.g. committee or board) designed. - Legal aid mechanism establishment action plan drafted. - Selected aspects of action plan to be implemented by UNDP identified. - Framework for coordinated donor support to implementation of integrated legal aid committee/board developed. 	<p>consultations.</p> <p>3.1.9.2 Revise and conduct consultations on Legal Aid Act.</p> <p>3.1.9.3 Develop and conduct consultation on access to justice policy.</p> <p>3.1.9.4 Support advocacy for adoption of revised legal aid law and policy.</p> <p>3.1.9.5 Design (reformed) legal aid mechanism and action plan for its establishment.</p> <p>3.1.9.6 Provide technical support for establishment of legal aid mechanism (development of action plan, direct support to designated (policy) aspects of plan, and coordinated donor support to other aspects of plan).</p>	<p>30,000</p> <p>20,000</p> <p>5,000</p> <p>15,000</p> <p>20,000</p>
<p>3.2 Socio-legal aid service provider capacity development (training and supervision) and oversight (M&E) framework developed.</p> <p>Indicators</p> <p>Socio-legal aid service provider</p>	<p>Year 1:</p> <ul style="list-style-type: none"> - LAC Coordinator capacity development and M&E strategy developed. - Criminal legal aid lawyer capacity developed and M&E strategy developed. - Civil legal aid lawyer capacity developed and M&E strategy developed. - Detention monitoring capacity developed and M&E strategy developed - 'Barefoot lawyer' capacity developed and M&E strategy developed. 	<p>3.2.1 Design, test, and implement capacity development strategy for LAC Coordinators comprising of induction and periodic refresher training, as and supervision.</p> <p>3.2.2 Develop and implement capacity development strategy for criminal legal aid lawyers comprising of training, mentoring and supervision.</p>	<p>MoLJCAPA, NBA, I/NGOs, CSOs, UNDP, UNWOMEN)</p> <p>30,000</p> <p>230,000</p>

<p>capacity development and oversight frameworks developed (yes/no).</p> <p>Socio-legal aid service provider codes of conduct developed (yes/no).</p>	<p>- Socio-legal aid service provider learning and reference materials developed.</p> <p>- Socio-legal aid service provider codes of conduct developed.</p> <p><u>Year 2:</u></p> <p>- Capacity development and oversight strategies reviewed and refined.</p> <p><u>Year 3:</u></p> <p>- Capacity development and oversight strategies reviewed and refined.</p> <p><u>Year 4:</u></p> <p>- Capacity development and oversight strategies reviewed and refined.</p>	<p>3.2.3 Develop and implement capacity development strategy for civil legal aid lawyers comprising of training, mentoring and supervision.</p> <p>3.2.4 Develop and implement capacity development strategy for OAG detention monitors, comprising of induction and periodic refresher training, as well as mentoring and supervision component.</p> <p>3.2.5 Develop and implement capacity development strategy for 'barefoot' lawyers ('paralegals' or 'problem solvers') comprising of training, mentoring and supervision.</p> <p>3.2.6 Develop and implement M&E framework for each 'category' of legal aid service provider.</p> <p>3.2.7 Develop legal aid service provider learning and reference materials combining technical legal skills, 'soft skills' (e.g. assertiveness, communication) and core transferrable skills (M&E, financial management, report writing).</p> <p>3.2.8 Legal aid service provider codes of conduct developed in consultation with justice service providers and communities.</p> <p>3.2.9 Conduct regular reviews of capacity development and oversight frameworks.</p>	<p>130,000</p> <p>130,000</p> <p>130,000</p> <p>50,000</p> <p>20,000</p> <p>20,000</p> <p>5,000</p>
<p>3.3 Village-level legal awareness raising programme developed and implemented.</p> <p>Indicators</p> <p>% of households who demonstrate awareness of rights and responsibilities.</p>	<p><u>Year 1:</u></p> <p>- Simplified versions of laws printed and distributed in appealing formats suitable for illiterate audiences.</p> <p>- User-friendly guide on due process and national law drafted, tested and distributed.</p> <p>- Justice 'success story' articles and subtitled film clips distributed through local and national media.</p> <p><u>Year 2:</u></p> <p>- Simplified versions of laws printed and distributed in appealing formats.</p> <p>- Justice 'success story' articles and subtitled film clips distributed through</p>	<p>3.3.1 Develop and distribute simple, accessible, communications materials simply explaining rights and responsibilities under the law, how to assert/observe them, and support available to so do through LACs.</p> <p>3.3.2 Conduct awareness campaign on legal aid network activities and code of conduct, including information sharing interactions/Q&A sessions with local communities.</p> <p>3.3.3 Provide LAU monitoring staff with cameras and train them on their technical</p>	<p>35,000</p> <p>30,000</p> <p>20,000</p>

	local and national media.	and ethical use.	
	<p><u>Year 3:</u></p> <ul style="list-style-type: none"> - Justice 'success story' articles and subtitled film clips distributed. <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - Justice 'success story' articles and subtitled film clips distributed. <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - Justice 'success story' articles and subtitled film clips distributed. 	<p>3.3.4 Compile recorded 'success stories' into a subtitled film, newsletters and reports in order to build awareness of gender justice issues and confidence in the justice system.</p> <p>3.3.5 Support distribution of justice 'success stories' through national and local print media.</p> <p>3.3.6 Develop and implement media outreach and training strategy to encourage ethical, quality, reporting on SGBV, caste-based discrimination and other legal aid cases in court.</p>	<p>30,000</p> <p>20,000</p> <p>30,000</p>
<p>3.4 Socio-Legal Aid Centres and referral networks established through existing institutional framework in 10 districts (initially).</p> <p>Indicators</p> <p>No. of vulnerable people benefiting from legal aid services.</p> <p>% of beneficiaries satisfied with legal aid services rendered</p> <p>% of beneficiaries who achieve outcomes in their favour, and the monetary value of those outcomes.</p> <p>% pre-trial detention population, a compared to control (non-LAC) district.</p> <p>% detainees who report deprivation of rights,* as compared with control (non-LAC) district. (*not accompanied at police interview; not informed of rights; not visited by a lawyer while in</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - MOLJ legal aid assessments conducted and Legal Aid Unit capacities strengthened. (** see output 3.1). - Legal aid needs and capacities assessment conducted in 10 districts. - Socio-legal research study conducted in 10 districts. - LAC training and supervision programme developed and implemented. - LAC coordination database and M&E framework established. - 1 Legal Aid Centre established in consultation with local authorities. - Socio-legal aid service providers recruited and capacity development package developed and implementation initiated. - Research on state and non-state justice provision conducted in 1 district. - Linkages between state and non-state established in 1 district. - 10 culturally appropriate capacity development and networking 'encounters' with informal justice personnel conducted in 1 district. - Annual LAC Centre staff retreat held. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Legal Aid Unit capacities to train, monitor and evaluate LACs functional. - LAC capacities to train, mentor, M&E socio-legal aid service providers functional. - 2 Legal Aid Centres established in consultation with local authorities. - 20 capacity development and networking 'encounters' with informal 	<p>3.4.1. Conduct assessment of socio-legal aid service needs and capacities in 10 districts (including analysis of role of local traditional and informal dispute resolution mechanisms).</p> <p>3.4.2 Prepare terms of reference for LACs, staff guidelines, and conduct recruitment and training.</p> <p>3.4.3 Design and implement LAC coordination and M&E framework.</p> <p>3.4.4 Conduct five annual LAC staff retreats.</p> <p>3.4.5 Establish LACs (with small legal aid service provision fund) in close consultation with local justice institutions and communities.</p> <p>3.4.6 Establish socio-legal aid referral networks (UNDP grants-making mechanism conducted in consultation with MoLJCAPA).</p> <p>3.4.7 Develop institutional relationships with formal, informal and traditional justice service providers.</p>	<p>MOLCAPA, (SC,NBA, OAG, UNDP, UNWOMEN, CSOs.</p> <p>10,000</p> <p>70,000</p> <p>40,000</p> <p>20,000</p> <p>940,000</p> <p>820,000</p> <p>30,000</p>

<p>detention; subjected to abuse; subjected to torture).</p> <p>% of cases which are reported to police, investigated, filed in court, and prosecuted, as compared with control group (in non-LAC district).</p>	<p>justice personnel conducted in 2 districts.</p> <ul style="list-style-type: none"> - Linkages between formal and informal dispute resolution mechanisms established in 2 districts. - Guideline for role of informal providers in the justice process and socio-legal aid service networks established. - Network member guidelines and code of conduct drafted. - Annual LAC Centre staff retreat held. <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - 3 Legal Aid Centres established in consultation with local authorities. - Linkages between formal and informal systems established in 3 districts. - 30 culturally appropriate capacity development and networking 'encounters' with informal justice personnel conducted in 3 districts. - Annual LAC Centre staff retreat held. <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - 4 Legal Aid Centres established in consultation with local authorities. - Linkages between formal and non-formal dispute resolution mechanisms established in 4 districts. - 40 capacity development and networking 'encounters' with informal justice personnel conducted in 4 districts. - Inputs provided to national process for design of informal/traditional justice oversight and regulation mechanism. - Annual LAC Centre staff retreat held. <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - LACs effectively coordinate socio-legal aid services in 10 districts. - Socio-legal aid service provider referral mechanism (human 'bridge') between communities, traditional/informal and formal justice systems functional in 10 districts. - Models for traditional and informal oversight and regulation mechanisms tested. - Annual LAC staff retreat held. 	<p>3.4.8 Conduct socio-legal research to ascertain indigenous/cultural/religious norms which are compatible with protective national and international norms.</p> <p>3.4.9. Develop capacity development strategy for traditional/informal justice personnel, including user-friendly guide on due process and national law.</p> <p>3.4.9.1 Support provision of inputs/lessons learned to national-level traditional/formal oversight and regulation discussion.</p> <p>3.4.9.2 Support testing of formal-informal linkage models proposed by national dialogue.</p>	<p>20,000</p> <p>40,000</p> <p>5,000</p> <p>15,000</p>
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<p>3.5 Regular community 'socio-legal aid coordination and confidence-building' interactions on justice-related issues established in 10 districts.</p> <p>Indicators</p> <p>No of interactions held.</p> <p>% victims and witnesses who do not report cases decreased.</p> <p>% households who trust justice and security institutions increased.</p> <p>% of households who demonstrate awareness or rights and responsibilities.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - JSSC membership and TORs revised to include civil society representatives (** output 1). - 22 inclusive JSSC meetings held. - 2 LAC-convened 'state-society' interactions held. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - 36 inclusive JSSC meetings held. - 10 LAC-convened 'state-society' interactions held. <p><u>Years 3-5:</u></p> <ul style="list-style-type: none"> - 120 inclusive JSSC meetings held each year. - 20 LAC-convened 'state-society' interactions held each year. 	<p>3.5.1 Support LACs and JSCCs to engage informal and traditional justice personnel in LAC coordination meetings.</p> <p>3.5.2 Support organisation of monthly coordination meetings for each district network: first half of meeting allocated for CSO 'peer review' reporting to plenary on progress against work plan, access to justice challenges and opportunities. Second half to be devoted to 'interaction' with JSSC members (judges, prosecutors, lawyers, police, WCO, CDO, etc) and NHRC, NDC, NWC Commissioners.</p>	<p>MoLJCAPA, (SC, NBA, OAG, MWCSW, UNDP, UNWOMEN, CSOs</p> <p>5,000</p> <p>12,000</p>
<p>3.6 Framework and procedures developed to strengthen the interface between formal and informal justice systems</p> <p>Indicators</p> <p>No. of vulnerable people benefiting from mediation centre services.</p> <p>% of cases which result in enduring settlement.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Mediation needs assessment conducted. - Mediation public awareness campaign conducted. - Mediation training capacity put in place. - Assist Mediation Council to revisit mediation training manual; revise manual and develop oversight mechanism - Facilitate continued dialogues and consultations with formal and informal justice system actors to increase coordination and understanding between them <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Mediation supervision, monitoring and evaluation framework functional. - Finalize/government endorses code of conduct for mediators in consultation with concerned I/NGOs - Organize learning activities for relevant stakeholders on the complementarity between formal and informal justice system to enhance knowledge of implementing partners and law enforcement agencies - Facilitate continued dialogues and consultations with formal and informal 	<p>3.6.1 Referral network developed in selected districts.</p> <p>3.6.2 Training module for mediation revised to mainstream the human rights; code of conduct developed and endorsed by the Government.</p> <p>3.6.3 Referral system enhanced through collaboration with local justice sector institutions.</p> <p>3.6.4 Conduct training and organize interactions among local justice providers from the formal and informal systems.</p> <p>3.6.5 Mediation Council's capacity to develop interface between formal and informal justice system and to strengthen informal justice system enhanced.</p>	<p>UNDP</p> <p>5,000</p> <p>25,000</p> <p>10,000</p> <p>5,000</p> <p>15,000</p>

	<p>justice system actors to increase coordination and understanding between them</p> <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - Models for referring cases from mediation centres to the formal system tested and refined. -Facilitate continued dialogues and consultations with formal and informal justice system actors to increase coordination and understanding between them <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - Capacity to regulate provision of quality assured mediation services functional. -Human rights based approach to access to justice streamlined in informal justice sector <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - Referral mechanism to formal system established. - Mediation Council capacity to standardize mediation practices in place. 		5,100,000
SUBTOTAL OUTPUT 3:			
Output 4: Human rights promotion and protection system strengthened and Transitional Justice process supported.			
<p>4.1 Implementation and domestication of human rights framework supported</p> <p><u>Indicators</u></p> <p>% of Universal Periodic Review (UPR) recommendations fully implemented by the Government of Nepal.</p> <p>% of Court decision regarding human rights issues implemented.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Needs assessment of MOLJ and PM's (Human Rights Office) conducted - Action Plan on UPR reviewed <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - A study on the implementation status of UPR conducted - Studies on the implementation of human rights treaty on racial and gender discriminations conducted - Induction courses on NHRAP developed and disseminated 	<p>4.1.1 Conduct needs assessment of responsible government institutions.</p> <p>4.1.2 Develop action plan for staged implementation of recommendations of assessment.</p> <p>4.1.4 Organize interactions on the implementation of UPR action plan for concerned government stakeholders at central and local level.</p> <p>4.1.5 Publish the UPR progress report and disseminate widely.</p>	<p>UNDP</p> <p>10,000</p> <p>20,000</p> <p>50,000</p> <p>20,000</p>

<p>Ratio of the domestication of international and national human rights obligations increased</p> <p>No. of studies conducted on the implementation of human rights treaties</p>	<p><u>Years 3-5:</u></p> <ul style="list-style-type: none"> - Government institutions supported to develop a report on UPR - Numbers of training conducted for the government staff on NHRAP - Monitoring framework developed for the to track the National Human Rights Action Plan - Carry out studies on the domestication of human rights treaties - Reports published and disseminated widely among the government institutions and civil society members 	<p>4.1.7 Develop induction package on the NHRAP and international human rights.</p> <p>4.1.8 Develop a new report on UPR in a consultative manner.</p> <p>4.1.9 Conduct a number of studies on the implementation of international human rights treaties.</p> <p>4.1.10 Organize a number of interactions and workshops on national and international human rights instruments.</p> <p>4.1.11 Conduct gap analysis on the domestication of international human rights treaties.</p> <p>4.1.12 Provide institutional supports to the government institutions to monitor the implementation of human rights treaties.</p> <p>4.2.1 Conduct needs assessment of the NWC.</p> <p>4.2.2 Develop plan of action to enhance capacity of NWC to document the cases.</p> <p>4.2.3 Develop guidelines and policies to monitor the human rights situation relating to women's rights in Nepal.</p> <p>4.2.4 Support NWC to carry out comprehensive review of the existing structure and organogram.</p> <p>4.2.5 Publish informative booklets and disseminate about the roles and responsibilities of NWC.</p>	<p>80,000</p> <p>80,000</p> <p>90,000</p> <p>80,000</p> <p>50,000</p> <p>20,000</p> <p>90,000</p> <p>120,000</p> <p>90,000</p>
<p>4.2 NWC mechanisms to monitor and report on rights of women and advocate for implementation of the Domestic Violence (Offence and Punishment) established and strengthened at national and local level.</p> <p><u>Indicators</u></p> <p># joint monitoring missions with NDC, NWC, civil society and programme representatives undertaken to oversee the overall situation of rights of women, Dalits, and other vulnerable groups.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Consultation meeting organized on need assessment - Conduct need and capacity assessment of NWC <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Induction training courses developed for staff and commissioners in NWC - Policies and guidelines developed on monitoring and advocacy - Support to monitoring the human rights situation of women in selected districts and produce reports <p><u>Year 3:</u></p> <ul style="list-style-type: none"> - NWC supported to develop organizations structure - Adequate logistic supports provided to establish field offices 	<p>NWC</p>	<p>80,000</p>

	<p>- Reporting system strengthened</p> <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - Numbers of informative booklets developed and disseminated on NWC and their roles and responsibilities - Necessary logistic support provided to the divisions of NWC <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - Capacity strengthened in reviewing the laws and lobbying with the government for necessary reformation - Numbers of monitoring mission deployed - Numbers of monitoring reports produced 	<p>4.2.6 Provide necessary logistic supports to NWC, incl. support to deployment of missions.</p> <p>4.2.7 Support the law review division and review numbers of laws related to women's rights.</p> <p>4.2.8 Provide necessary supports to the relevant divisions of NWC.</p> <p>4.2.9 Publish numbers of report and disseminate widely among the beneficiaries.</p>	<p>15,000</p> <p>40,000</p> <p>50,000</p>
<p>4.3 NDC mechanisms to raise awareness, monitor and report on implementation of the Anti-Discrimination Act established at national and local level.</p> <p><u>Indicators</u></p> <p># joint monitoring missions with NDC, NWC, civil society and programme representatives undertaken to oversee the overall situation of rights of women, Dalits, and other vulnerable groups.</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - National Anti-Discrimination Act awareness campaign conducted. - CSO training on justice sector monitoring and reporting conducted at national and local level. - CSO justice sector monitoring small grants fund established. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - NDC Anti-Discrimination Act Justice sector monitoring networks established and functional in 7 districts. - 6 action-oriented dialogues on challenges to implementation of Anti-Discrimination Act conducted. <p><u>Years 3-5:</u></p> <ul style="list-style-type: none"> - Anti-Discrimination Act-related components incorporated in Nepal Police and NJA and JSTC training programmes. - 18 justice sector dialogues on implementation on Anti-Discrimination Act conducted. - Implementation status of CERD reviewed and report published. 	<p>4.3.1 Support NDC to establish monitoring and reporting unit(s) at national and local level (with presence in NHRC regional offices).</p> <p>4.3.2 Support Units to raise awareness on Anti-Discrimination Act.</p> <p>4.3.3 Support Units to monitor and report on anti-discrimination cases in the justice system.</p> <p>4.3.4 Train and support NDC monitors and Commissioners to participate in district JSCC, and to conduct quarterly high-level dialogues with Nepal Police, OAG, and Supreme Court to identify actions to address findings of field monitoring reports.</p> <p>4.3.5 Support NDC to integrate Anti-Discrimination Act-related components in police and justice sector training programmes.</p> <p>4.3.6 Support NDC to review the implementation status of the concluding remarks of ICERD, and discuss progress with government.</p>	<p>NDC</p> <p>100,000</p> <p>50,000</p> <p>50,000</p> <p>40,000</p> <p>80,000</p> <p>30,000</p>
<p>4.4 Capacity of the criminal justice strengthened to respond transitional justice related issues</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Complementarity between criminal justice system and transitional justice 	<p>4.4.1 Capacity of the OAG and courts to address the issues related to past abuses of human rights strengthened.</p>	<p>MoPR, SC, OAG</p> <p>150,000</p>

<p>Indicators</p> <p># of court staff and officials from Office of the Attorney General trained on transitional justice, NAP of UNSCRs 1325 and peacemaking process</p>	<p>enhanced.</p> <ul style="list-style-type: none"> - # of training conducted for the court and officials from OAG, lawyers, MoLJCAPA on transitional justice, UNSCRs, 1325, etc. - In-camera hearing guidelines developed. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Conduct numbers of interaction and dialogues on holistic approach of transitional justice. - Support for continued coordination between OAG and transitional justice mechanism(s). <p><u>Years 3-5:</u></p> <ul style="list-style-type: none"> - Facilitate continued training to the prosecutor's office at local level complementarity, holistic approach to transitional justice and specialized prosecution skills. - Support for continued coordination between OAG and transitional justice mechanism(s). 	<p>4.4.2 In-camera hearing guidelines developed.</p> <p>4.4.3 In-camera hearings conducted.</p> <p>4.4.4 Court officials and officials from OAG, MoLJCAPA and lawyers trained on transitional justice issues.</p> <p>4.4.4 Transitional justice interactions organized.</p> <p>4.4.5 Numbers of dialogue on holistic approach of transitional justice organized.</p> <p>4.4.6 Numbers of coordination meeting organized with transitional justice actors.</p>			
<p>4.5 System developed to discourage the increased trend of withdrawal of even heinous human rights cases.</p> <p>Indicators</p> <p>% of UPJ and court decisions regarding the transitional justice process, or in relation to conflict-related violations implemented</p>	<p><u>Year 1</u></p> <ul style="list-style-type: none"> - Develop a negative list for the withdrawal of the cases in Nepal - Conduct training to the officials of courts, OAG, Lawyers on transitional justice and human rights standards - Publish the court directives and NHRC recommendations against withdrawal of the cases <p><u>Years 2-5</u></p> <ul style="list-style-type: none"> - Numbers of interactions organized between transitional justice mechanism and the officials of court administration 	<p>4.5.1 Negative list developed and disseminated.</p> <p>4.5.2. Numbers of court officials and officials from OAG, MoLJCAPA and lawyers trained on transitional justice issues.</p> <p>4.5.3 Numbers of reports published.</p> <p>4.5.4 Numbers of interactions organized</p>	MoPR, SC, OAG	100,000	
<p>4.6 National transitional justice truth-seeking processes that are in line with international law and standards supported.</p> <p>Indicators</p> <p>Action plan for the TJ mechanism</p>	<p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Coordination arrangement with ICTJ and ICJ conducted. - Gender Expert seconded to TJ mechanism. - Gender Office/Desk established within TJ mechanism. - Gender-sensitive case processing ToT courses adapted for specific legal professionals developed. <p><u>Years 2-3</u></p>	<p>4.6.1 Support development of coordination mechanism among national governmental and non-governmental and international organisations supporting the truth-seeking process.</p> <p>4.6.2 Provide technical and logistical support for the truth-seeking process, including on outreach, victims' participation, and establishment of a gender desk.</p>	OAG, CSOs, UNDP, UNWOME N	200,000	

developed and implemented.	<p>- 4 Gender-sensitive case processing ToT training courses conducted.</p> <p><u>Year 4:</u></p> <ul style="list-style-type: none"> - Comprehensive transitional justice mechanism organisational structure designed. - Transitional justice mechanism establishment strategy and action plan developed. - Technical team to guide implementation of action plan put in place. <p><u>Year 5:</u></p> <ul style="list-style-type: none"> - Oral history recorded, access to TJ mechanisms, compensation packages conducted in at least 10 districts. - TJ mechanism logistical, technical, human resources and operational capacities put in place. <p><u>Year 1:</u></p> <ul style="list-style-type: none"> - Institutional framework of Victim Support Forum (VSF) developed. - VSF capacity to provide an access point to redress mechanisms developed. - Forums for national and local level dialogue on transitional justice issues facilitated through VSF. - Oral history recorded in at least 10 districts. - Access to TJ mechanism supported in at least 10 districts. - Access to compensation packages supported in at least 10 districts. - Delivery of compensation packages monitored in at least 10 districts. - Public awareness campaign on TJ processes at national and local levels. - TJ public opinion baseline survey conducted. <p><u>Year 2:</u></p> <ul style="list-style-type: none"> - Forums for national and local level dialogue on transitional justice issues facilitated through VSF. - Oral history recorded in at least 10 districts. - Access to TJ mechanism supported in at least 10 districts. - Access to compensation packages supported in at least 10 districts. 	<p>4.6.3 Support drafting of the strategy and action plan for the truth-seeking process, and recruitment of technical team to guide implementation of plan.</p> <p>4.6.4 Support development and implementation of a witness protection and victim support programme.</p> <p>4.6.5 Support development and implementation of relevant capacity development resources (e.g. in-camera hearing guideline; complaint handling guideline; public hearing guideline; witness protection programme SOPs; evidence handling and confidentiality guidelines).</p>	200,000
		<p>4.7 Victim support capacity developed for providing mechanisms for redress and participation in transitional justice process.</p> <p><u>Indicators</u></p> <ul style="list-style-type: none"> # of women trained on TJ, NAP, 1325 and 1830 UNSCR. # of women victims trained on women's engagement in the truth telling process 	<p>4.7.1 Support institutional development of the Victim Support Forum (VSF), including infrastructure, development of by-laws and organizational structure, and professional development of staff.</p> <p>4.7.2 Establish VSF capacity for networking between victims' associations and relevant CSOs.</p> <p>4.7.3 Create VSF referral services for free legal aid and reparation schemes, and support development of procedures to enable victims and their families to initiate proceedings.</p> <p>4.7.4 Develop and implement VSF programme for national and local dialogue on transitional justice issues.</p> <p>4.7.5 Train and support women's groups to record oral history, support access to TJ mechanism, including compensation provisions</p> <p>4.7.6 Support VSF public awareness campaign on TJ processes at national and local levels.</p>

	<ul style="list-style-type: none"> - Delivery of compensation packages monitored in at least 10 districts. - Public awareness campaign on TJ processes at national and local levels. - TJ public opinion survey conducted. <p><u>Years 3-5:</u></p> <ul style="list-style-type: none"> - Forums for national and local level dialogue on transitional justice issues facilitated through VSF. - Public awareness campaign on TJ processes at national and local levels. - Oral history recorded, access to TJ mechanisms and compensation packages supported in at least 10 districts. - TJ public opinion survey conducted. 	<p>4.7.7 Conduct a baseline and regular follow-up public opinion surveys on the level of public awareness and perception of society's need to face the past and address the needs of conflict victims.</p>	100,000
SUBTOTAL OUTPUT 4			31,05,000
SUBTOTAL PROGRAMME COSTS			16,471,492

Programme Management Costs -

Mid-term Review and Evaluation			
Baseline Survey			30,000
Mid Term Review			30,000
Final Review of the program Salaries			60,000
Staff salaries			50,56,034
International Positions		No. of positions	Amounts
Chief Technical Advisor	P-5	1	979,624
Access to Justice Specialist	P-4	1	795,945
National Positions			
National Programme Manager	NPPP-4	1	223,261

Coordinator	NPPP-4	2	562,331	
Field office coordinator	NPPP-3	1	136,931	
Strategic Planning & M&E Officer	NPPP-2	1	136,931	
Translator/Interpreter	NPPP-1	1	136,931	
Communication & Reporting Officer	NPPP-2	1	136,931	
Gender & Social Inclusion Officer	SB-4	1	136,931	
Project Officer	NPPP-2	2	136,931	
Legal Aid Officer	NPPP-2	1	136,931	
Human Rights Officer	NPPP-2	1	136,931	
Access to Justice Specialist (UNWOMEN)	SB-4	1	136,931	
Administration & Finance Officer	NPPP-2	1	136,931	
Administration & Finance Associate	SU-7	3	373,943	
Programme Assistant	SU-6	3	230,240	
Clerk	SU-3	3	170,308	
Driver	SU-2	3	227,077	
Messenger	SU-2	3	123,995	
Vehicle and fuel costs				100,000
Operation Costs				450,000
Communication, Monitoring & Security (2%)				443,950
F&A (7%)				14,52,174
Total programme management costs				76,22,158
PROGRAMME GRANT TOTAL BUDGET				24,093,650

