

# Access to Justice



Project: *Enhancing Access to Justice through Legal and Judicial Reforms Project (A2J)*

## > Background

There have been significant improvements in Nepal's justice system in recent years as many justice officials are now aware of and abide by modern human rights standards. However, many Nepalis are still denied access to justice. Many women and poor and disadvantaged people are unable to invest the considerable time, effort and money needed to pursue cases through the courts. Nor do they know about their rights and how to channel their complaints and get their grievances redressed. Even after approaching the courts their cases are sometimes not tried fairly. As a result many poor people's livelihoods are undermined, especially by the failure to deal promptly with civil cases such as land disputes. Another drawback of Nepal's criminal justice system is that many laws are outdated and contrary to international standards. The shortcomings of Nepal's justice system were exacerbated by the decade-long conflict, which upped the case load and made it more difficult to administer justice fairly.

## > The project

UNDP's new access to justice project began work in the latter part of 2008 to improve people's access to justice, particularly for women and people from socially excluded groups. It is building on previous UNDP justice in the following five areas:

**More efficient district courts providing justice for all** — The Reform of the Judiciary project (\$1.8m, Jul 01–Dec 07) supported seven district courts to more efficiently provide timely justice by training staff on modern court procedures and introducing computerised case management. The new project will bring these courts to a stage where the way they operate can be replicated in other courts. It will also assist the Supreme Court to improve services to court users, with an emphasis on assisting women and disadvantaged people.

**Legislation revised to meet international standards and treaty obligations** — The Strengthening the Rule of Law project (\$0.7m, Feb 01–Dec 05) built up the capacity of the Ministry of Law and Justice to draft laws and supported the drafting of new criminal and civil legal codes. The new project will take this legislation through to completion, including reviewing it from the human rights and gender perspectives.

**Mediation systems institutionalised** — The Enhancing Access to Justice project (\$1.1m, Apr 03–Dec 07) established court-referred mediation as a low-cost way of quickly settling civil cases in 20 districts' courts and quasi-judicial bodies. It is particularly long-pending civil cases, many of them land disputes, that are referred to mediation committees.

## Project details

**Nepali name:** न्यायमा पहुँच अभिवृद्धि परियोजना

**Duration:** August 2008 to December 2010

**Budget** \$2 million

**Funded budget:** \$1.2 million (UNDP)

**Funding gap:** \$0.8 million

**Implemented by:** The Supreme Court of Nepal

**Other implementing partners:** Ministry of Law, Justice and Constituent Assembly Affairs; Office of the Attorney General; Nepal Bar Association; Law Commission; the Judicial Council

**UNDP's role:** Main donor; overseeing implementation

**Implemented in:** Central level justice agencies and 7 district courts



A mediation session between disputants in Tanahun



The new project will work to institutionalise court-referred and community mediation to enhance access to justice for women and socially marginalised groups. It will support the Government to implement and enact the new Mediation Act, train 1,400 more mediators (mostly women and marginalised people) and establish 140 paralegal committees in 100–200 VDCs. It also aims to help settle 10,000 cases through mediation.

**Countering gender based violence** — Building on the work of UNDP's Mainstreaming Gender Equity Programme (\$1.9m, Oct 02–Jun 06), this project will support research, policy advocacy and capacity building at the central and local levels to improve access to justice for victims of gender-based violence. It will also help provide legal aid to women and socially excluded people by helping to set up district legal aid funds and by developing paralegal services for women and poor justice seekers. The project will also build up the capacity of female lawyers to provide legal aid to the needy.

This work will go ahead in association with other agencies who work to protect women and the disadvantaged, including the United Nations human rights office in Nepal (OHCHR), UNICEF, the International Commission of Jurists, the National Human Rights Commission and the Nepal Bar Association.

**The management of justice** — The project will also support three high level government agencies (the Justice Sector Coordination Committee, the Office of the Attorney General, and the Judicial Council) to strengthen the management of the justice sector.

**> Funding gap**

As of February 2009, this project needs a further \$800,000 to implement all its planned activities.

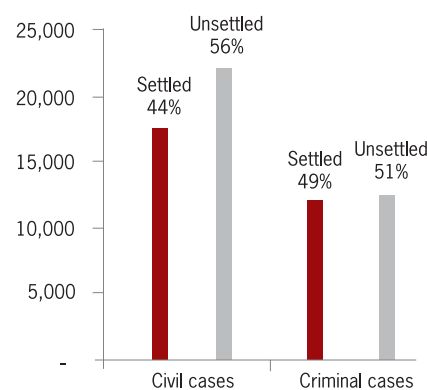


Mediation training for lawyers

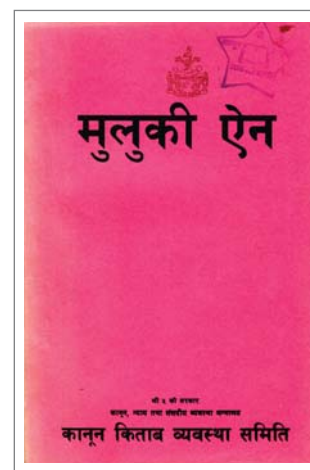
**Importance of this project towards achieving the MDGs and consolidating peace**

Restoring the rule of law and ensuring access to justice for all citizens is essential to building a lasting peace. The project will enable poor and marginalised people to claim their rights and reduce the backlog of cases in the courts, thus allowing the courts to focus on more important cases. Giving poor and marginalised people access to justice will help them improve their livelihoods by enabling them to more easily solve disputes, thus contributing to the poverty MDG (MDG 1).

**Status of cases in Nepal's district courts, 2008/09**



Source: Supreme Court Annual Report 2064/65



UNDP support is helping to update Nepal's laws

**For more information:**

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