



Government of Nepal



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# Evaluation Report of Enhancing Access to Justice through Institutional Reform in Nepal (A2J Project: 2018 – 2020)

By

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Commissioned by

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United Nations Development Program (UNDP) Nepal

Project Information Table		
Project title	Enhancing Access to Justice through Institutional Reform in Nepal Project	
Project ID	00106402	
Relevant CPD Outcomes and Outputs	<ul style="list-style-type: none"><li>• CPD Outcome 2: By 2022, inclusive, democratic, accountable and transparent institutions are further strengthened towards ensuring rule of law, social justice and human rights for all particularly for vulnerable people.</li><li>• CPD Output 2.1: National level executive and legislative branches of the Government and commissions have the capacities and tools to implement the Constitution, including peaceful transition to federal structure</li><li>• CPD Output 2.4: Justice sector institutions strengthened in accordance with the Constitution and human rights standards to ensure greater access to justice.</li></ul>	
Country	Nepal	
Region	South-east Asia	
Date project document signed	June 2018	
Project dates	Start	Planned end
	June 2018	December 2020
Project budget	US\$ 4.6 million	
Project expenditure as of July 2020	US\$ 2.85 Million	
Funding source	1. Norwegian Ministry of Foreign Affairs through Norwegian Embassy 2. UNDP funding windows	
Implementing party	Ministry of Law, Justice, and Parliamentary Affairs of Nepal	
Evaluation information Table		
Evaluation type (project/ outcome/ thematic/country programme, etc.)	Project Evaluation	
Final/midterm review/ other	Final	
Period under evaluation	Start	End
	July 2018	December 2020
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## LIST OF ACRONYMS

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A2J Project:	Enhancing Access to Justice through Institutional Reform Project
B+HR:	Business and Human Rights
CAP:	Costed Action Plan
CLAC:	Central Legal Aid Committee
Covid-19:	Corona Virus Disease (Pandemic)
CPD:	Country Programme Document
CSO:	Civil Society Organizations
DLAC:	District Legal Aid Committees
FNCCI:	Federation of Nepalese Chambers of Commerce and Industry
GESI:	Gender Equality and Social Inclusion
GoN:	Government of Nepal
IEO:	Independent Evaluation Office
JC:	Judicial Committees
JSCC:	Justice Sector Coordination Committee
LoA:	Letter of Agreement
M&E:	Monitoring and Evaluation
MoFAGA:	Ministry of Federal Affairs and General Administration
MoLJA:	Ministry of Law, Justice, and Parliamentary Affairs
NBA:	Nepal Bar Association
NGO:	Non-Governmental Organization
NLAP:	National (Integrated) Legal Aid Policy
NPD:	National Project Director
NTV:	Nepal Television
OAG:	Office of Attorney General
OECD/DAC:	Organization for Economic Cooperation/Development Assistance Committee
PEB:	Project Executive Board
PSA:	Public Service Announcement
RoLHR:	Strengthening the Rule of Law and Human Rights Protection System Programme
RRF:	Results and Resource Framework
SC:	Supreme Court
SDG:	Sustainable Development Goals
SOP:	Standard Operating Procedure
ToR:	Terms of Reference
UNDAF:	United Nations Development Assistance Framework
UNDP CO:	United Nations Development Programme Country Office
UNDP:	United Nations Development Programme
USD:	United States Dollar

## EXECUTIVE SUMMARY

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This is the Final Evaluation Report of Enhancing Access to Justice through Institutional Reform in Nepal (A2J) Project. The project is the continuation of long-standing collaboration between UNDP and Government of Nepal, towards improving access to justice in Nepal. The project theory of change has intended to induce a number of longer and medium term and immediate changes to enhance access to justice. In the longer term, project intended to benefit women, vulnerable and marginalized groups. In the medium term, it intended to put in place and strengthen legal frameworks and mechanisms for the enforcement of fundamental rights. In the short run, the project intended to improve legal aid policies and mechanisms, build capacities of Judicial Committees, strengthening of law drafting and implementation framework and justice sector collaboration etc. Project specific outputs includes: 1. National Legal Aid System strengthened, 2. Capacity of Judicial Committees at the Local Level to deliver justice developed, 3. National capacity for drafting and implementation of laws strengthened and 4. Justice sector strengthened for inclusive economic development.

The duration of the Project is 30 months (July 2018 to December 2020) and the total project budget is US\$ 4.6 million. The Norwegian Ministry of Foreign Affairs (MFA), through Norwegian Embassy in Nepal, has been the main donor, beside funding from UNDP TRAC and UNDP funding windows. Geographically the project interventions, especially related to Judicial Committees and awareness are mainly focused in 12 selected districts in three provinces i.e. Province-2, Karnali and Sudurpaschim. Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) is the principle implementing agency, while other main partners included Office of the Attorney General (OAG) and Nepal Bar Association (NBA). In addition to the main partners, project has collaborated with a wide range of justice sector stakeholders.

This evaluation was commissioned by UNDP Nepal and the overall objectives of the evaluation was to assess the Relevance, Effectiveness, Coherence, Efficiency, Impact and Sustainability of the project and mainstreaming of Gender Equality and Social Inclusion. The evaluation was also intended to identify and document achievements, challenges, lessons learned and best practices as well as provide recommendations for remaining period of the project and the potential areas of interventions for future initiatives. The evaluation exercise was conducted in accordance with UNDP's Evaluation Guidelines 2019 and followed OECD/DAC standard revised evaluation criteria and principles. The primary audience of this report is UNDP Country Office, MoLJPA, OAG, NBA and Norwegian Embassy, however the report is also prepared with the view to benefit all relevant justice sector stakeholders in Nepal.

Mixed method approach was adopted using range of qualitative and quantitative data collection and analysis methods. Data collection methods included review of documents, key informant's interviews, and focus group discussions. Given the travel restrictions due to Covid-19 pandemic, all stakeholder consultations were conducted virtually using mostly ZOOM online audio/video conferencing. In total 103 key informants, out which 41 are women, were consulted individually or in groups through online meetings. The key informants belonged from a wide range of justice sectors stakeholders including UNDP, MoLJPA, OAG, NBA relevant national, provincial and district governmental authorities, Supreme Court Bar Association, Parliamentary Committees, National Human Rights Institutions, National Judicial Academy, Access to Justice Commission of the Supreme Court, CSOs, Academia, Students, Media, FNCCI, Experts, UN Agencies, donors and beneficiaries. Acquired data was analyzed both qualitatively and quantitatively. Qualitative was processed using

analysis techniques like validations, triangulations, interpretations and abstractions. Quantitative data was analyzed using simple statistical methods to determine progress and trends.

Based upon the detailed analysis and findings of the evaluation exercise, below are the summary conclusions;

#### a) Project Design and Management

- Overall project's theory of change is found plausible and credible, with clear linkages between interventions and expected short- and long-term changes. However, keeping in view the larger scale and complexities of justice sector issues, it seems slightly beyond the scope of one such project to bring about the longer-term changes.
- The overall project steering and management arrangements and partnerships were found appropriate and effective to a greater extent. However, the Covid-19 pandemic has considerably disrupted and slowed down the implementation of project since March 2020.
- Unlike the predecessor ROLHR programme, the judiciary was not formally involved, as a partner, in the implementation of the project. Which had implications for active involvement and capacity building of judiciary, especially at the provincial and district level.

#### b) Relevance

- Project objectives and interventions to promote access to justice, are found highly relevant consistent and coherent with New Constitution of Nepal and relevant policies like Integrated Legal Aid policy etc., UNDP priorities, global development agenda (SDGs especially Goal 5 and 10), and needs of the beneficiaries especially the disadvantaged and vulnerable groups.

#### c) Effectiveness

- Project has made commendable efforts to strengthen national legal aid system in Nepal. The Integrated Legal Aid Policy was duly approved and adopted. Similarly, the Pro Bono Guidelines and GESI monitoring guidelines have been developed and capacities of legal aid lawyers have been built. It is expected that guidelines will considerably increase the coverage and quality of free legal aid services to all deserving and needy parties through district bar units all over Nepal
- However, the formulation and approval of legal aid policy consumed significant time. Furthermore, the enabling legislations to give effect to the implementation of the policy has also been delayed are still awaited.
- The scholarship and internship programmes of the project were very successful and are found very instrumental in inducing a cadre of lawyers among the women, vulnerable and marginalized groups of the society.
- Project has made strenuous efforts to build the capacities of Judicial Committees. The Code of Conduct for JCs has been developed and capacities of JCs members were built (682 JC members trained, including 325 Women) in the target three provinces. However, there is need to scale up the capacity building of JCs to all other provinces and districts.
- Project organized mass awareness campaigns through radio and TV, which reached out to more than 100,000 people. Which were found very instrumental in delivering the desired messages about fundamental rights, access to justice mechanisms and especially the roles and mandate of the JCs.
- Project has made strenuous efforts to build the capacities of stakeholders in drafting of laws and regulations. Project support in providing feedback from marginalized communities to parliamentarians in drafting 16 laws for fundamental rights was found quite instrumental. Similarly, project has helped in review of 11 draft bills through expert consultations in Province 2 and Karnali Province in 2019.

- Project supported the implementation of costed action plan, developed by the predecessor ROLHR project, for implementation of newly adopted legal codes and procedures. However, due to the limited involvement of the judiciary in the project activities judges of the high courts and district courts were not covered as envisioned in the costed action plan.
- Project organized several stakeholder's dialogues at the national and provincial level, to introduce and generate stakeholder's discourse about business and human rights issues. It is expected that it will help in formulating laws and regulations which induce inclusive economic growth and safeguards human rights.

#### d) Efficiency

- As of July 2020 the project has utilized around 71% of the total project available budget. Output-wise utilization suggests that a major chunk (36%) resources has been utilized under Output 3: followed by Output 1, 2 and 4. Overall flow of funds remained smooth and project funds were managed and spent using UNDP and GoN standard financial management and procurement systems and procedures, keeping in view the best value for money.
- Project delivery rate was optimal during 2018 and 2019. However, since March 2020 implementation of project activities has been considerably slowed down due to the Covid-19 pandemic. In view the uncertain situation, it is expected the project may require some extra time to utilize its remaining resources and achieve its targets.

#### e) Impact

- Since the project is still going on, at this juncture it seems early, to assess or provide much indications on assess the medium term and long-term changes. However, it is expected that various project supported interventions like the integrated legal aid policy, capacity building of JCs, capacity building in law drafting and legal aid, awareness raising, scholarship and internship programmes will considerably improve the access to justice situation, especially for the women and marginalized groups in the longer run.
- Overall in view of the high level of acceptance and ownership of relevant governmental institutions for project outcomes and interventions, it can be deduced that the work related to reforms of the justice sector will continue and benefits will gradually continue to flow. However, in the wake of federalization process several laws and regulations at the federal and provincial level still need to be drafted in times to come.
- Due to the resource intensive nature of justice sector reform agenda, the replicability and scalability of good practices poses challenges in terms of availability of desired technical and financial resources. Therefore, there is a continued need for technical and especially financial support from external (international) funding agencies.
- Project has made efforts to incorporate GESI principles and approaches in its design and implementation. Ensuring social justice and human rights for all particularly for women, disadvantaged and vulnerable groups.

#### f) Gender Equality and Social Inclusion

- GESI was duly mainstreamed into capacity building programs for all justice sector actors and around 40-50% of participants/beneficiaries of these capacity building interventions were women. GESI sensitive pro bono M&E guidelines were prepared and around 25,932 persons, were benefited from legal aid services, out of which 15951 (66%) were women.
- Project scholarship and internship programmes were instrumental in increasing numbers of legal professionals from women and other marginalized communities.
- Awareness raising interventions also focused on women and marginalized groups and helped in increasing awareness on issues related to gender based violence, domestic violence, and child

rights and rights of the marginalized communities. Similarly, as a result of these campaigns there has been a considerable increase in registration of cases in Judicial Committees.

Based upon the detailed analysis and findings of the evaluation exercise, below are the summary recommendations;

a) For remaining period of the project

- Allow for a 3-6 months no-cost extension in the project timeline to duly complete the remaining interventions and fully utilize the project's resources to achieve its targets.
- Speed up the process of enactment of required acts regulations for implementation of legal aid as well as the establishment and operationalization of the secretariat at the earliest, before the end of project. Similarly, District Legal Aid Committee in each district needs to be established with necessary physical infrastructure.
- Prepare a timely and pragmatic exit strategy, outlining issues, ways and means to smoothly phase out and handover interventions to partners, to ensure sustainability and continuity.
- Develop a robust resource mobilization strategy to generate external financial resources to design and implement future projects to replicate and scale up good practices.

b) For future course of action

- Continue external technical and financial support to further improve and strengthen capacities of relevant institutions towards achieving overall aim of improving access to justice, especially for the disadvantaged and vulnerable.
- Continue support in conducting research, improving collaboration and building capacities of stakeholders for formulation, adoption and implementation of relevant laws and regulations at the provincial level.
- Extend the capacity building support to JCs in other provinces and districts, to equip them with knowledge and skills to dispense justice in their respective areas.
- Devise, strengthen and implement specific mechanisms for effective coordination among JCs and district courts and local administrations.
- Continue the scholarships and internships programmes to help more and more deserving students and graduates to acquire desired legal knowledge and expertise to serve the needy peoples especially from vulnerable and disadvantaged communities.
- Scale up the awareness campaigns to other provinces and districts, especially to disadvantaged communities in the remote regions.
- Fully streamline the business and human rights principles and approaches in the prevailing legal and justice system through reviewing existing legislations, formulating new laws and establishing specific implementation mechanisms.
- Duly involve the various tiers of judiciary, in future projects and to build capacities of judges and relevant judicial staff especially at the provincial and districts level to effectively deal with the access to justice issues.
- Strengthen Alternate Dispute Resolution and informal justice mechanisms through active involvement of local communities and indigenous institutions.



The Evaluation Team ratings of the project in terms of evaluation criteria is given in the below table.

Evaluation Criteria	Rating/Score	Description of performance
Relevance	1: Highly satisfactory	Overall, the project objectives and interventions were found relevant and consistent with Govt. of Nepal priorities, need of the local communities and UNDP priorities and SDGs etc. (For details please see section (6.2 Relevance)
Coherence	2: Satisfactory	Project established linkages and collaborated with other UNDP projects and UN Agencies like UN Women. For details please see section (6.3 Coherence)
Effectiveness	2: Satisfactory	Project has achieved many of its targets outlined in the Results Framework. For details please see section (6.4 Effectiveness)
Efficiency	3: Moderately satisfactory	Project has utilized 71% of its resources as interventions were delayed due to Covid-19. Therefore, an extension is required. For details please see section (6.5 Efficiency)
Impacts	3: Moderately satisfactory	It is too early to assess the longer term impacts at the moment, however it is expected that in the long run project interventions will help improve access to justice for women and vulnerable groups. For details please see section (6.6 Impact)
Sustainability	2: Satisfactory	There is very high level of acceptance and ownership of relevant governmental institutions for project outcomes and interventions. For details please see section (6.7 Sustainability)
Human rights Gender and Social Inclusion	2: Satisfactory	GESI was duly mainstreamed into capacity building programs for all justice sector actors and around 40-50% of participants/beneficiaries of these capacity building interventions were women. For details please see section 6.8)
<b>Overall</b>	<b>Satisfactory</b>	

**Scale:** 1: Highly satisfactory, 2: Satisfactory, 3: Moderately satisfactory, 4: Somehow satisfactory, 5: Not satisfactory

The overall Project's rating is **Satisfactory**.

## 1. INTRODUCTION

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This is the Final Evaluation Report of Enhancing Access to Justice through Institutional Reform in Nepal (A2J) Project. The project is expected to complete its 30 months stipulated lifespan on 31 December 2020, therefore UNDP Nepal, has commissioned this final evaluation to identify and document achievements, challenges and lessons learned. Overall, the evaluation addresses various evaluation questions related to standard evaluation criteria of Relevance, Effectiveness, Coherence, Efficiency, Impact, Sustainability and Gender Equality and Social Inclusion.

The evaluation provides an overall assessment of project performance and offer suggestions and recommendations to improve future interventions. The primary audience of this report is UNDP Country Office, MoLJA, OAG, NBA and Norwegian Embassy, however the report is also prepared with the view to benefit all relevant justice sector stakeholders in Nepal. It is expected that relevant stakeholders in general and UNDP in particular will duly consider, prepare a detailed management response for the incorporation of the recommendations and lessons from this evaluation to further improve the performance of future projects and programmes in the areas of access to justice and rule of law in Nepal.

The report is structured according to the UNDP standard guidelines for project evaluation and the main sections include; Introduction, Description of the intervention, Evaluation scope and objectives, Evaluation approach and methods, Data analysis, Findings, Conclusions, Recommendations and Lessons learned. The Findings sections analyses and discuss in detail the overall Relevance, Effectiveness, Coherence, Efficiency, Impact and Sustainability and Gender Equality and Social Inclusion of project interventions. The report also analyses and provides information on the results achieved against the project outputs and indicators. Similarly, it also provides recommendations for remaining period of the project -ending December 2020- and the potential areas and approaches of interventions for future intervention.

## 2. DESCRIPTION OF THE INTERVENTION

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### 2.1 A2J Project background

Project document in its situations analysis reflects that a functioning justice system is key not only to protect and guarantee the human rights of all citizens, resolve disputes at sub-national level and deliver justice to both victims and accused of crimes but, also to accelerate economic development which is one of the key goals of the Government of Nepal. At the critical juncture of Nepal's federalization and state building process, it is apparent that justice sector reform is critical in helping to sustain and create an enabling environment for further socio-economic growth.

It has been anticipated that with the full-fledged implementation of the Constitution, profound changes will occur in the justice sector. This includes the federalization of state power with judicial mandate to judicial committee at local level, redefining role of justice sector actors at the district level, and ensuring that district courts remain the courts of first level of appeal. In addition, it is expected that there will be significant improvement in the status of marginalized and vulnerable groups with profound changes in the legal framework, including critical legislations expanding human rights guarantees. The implementation of the civil and criminal codes and sentencing act and their procedures are also expected to fundamentally change the way justice is dispensed.

The Constitution has significantly expanded the catalogue of fundamental rights, however, efforts to fulfill the right to social justice and other fundamental rights of marginalized groups depend on enactment and effective enforcement of appropriate legislations. As the Constitution has very innovatively recognized many gender equality, social inclusion, economic, social and cultural rights, as fundamental rights along with collective rights of weaker sections of society, that requires laws and regulations for enforcement. Given the nature of these rights, all the three tiers of government- federal, provincial and local- will have important roles and responsibilities in the enforcement of those rights. The Constitution has clearly demarcated the powers and responsibilities among the three tiers of government, including for law making in their respective jurisdictions.

Despite notable progress achieved over the years, limitations in the access to justice persist, especially for women and vulnerable groups. A 2016 study revealed that 50% of Nepali citizens have limited trust the criminal justice system and 87.7% of citizens were not aware of free legal aid services<sup>1</sup>. Among the obstacles to access to justice are the cumbersome court procedure (76%), lack of priority for women in the courts (56 %), lack of legal provision (51%) not complain (72%) and poor economic conditions (90%)<sup>2</sup>.

## 2.2 The A2J Project description

The Enhancing Access to Justice through Institutional Reform (A2J) Project, is the continuation of long-standing collaboration between UNDP and Government of Nepal towards improving access to justice in Nepal. The project was built on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme (ROLHR 2013-17). The project continued to focus on the reform of the legal aid system, supporting national efforts of reform and coordination in the justice sector, implementation of constitutional provisions on fundamental rights through legislative reform, implementation of the newly adopted criminal and civil legislations, capacity building of justice sector actors and in particular on enhancing the access to justice for the vulnerable and disadvantaged segments.

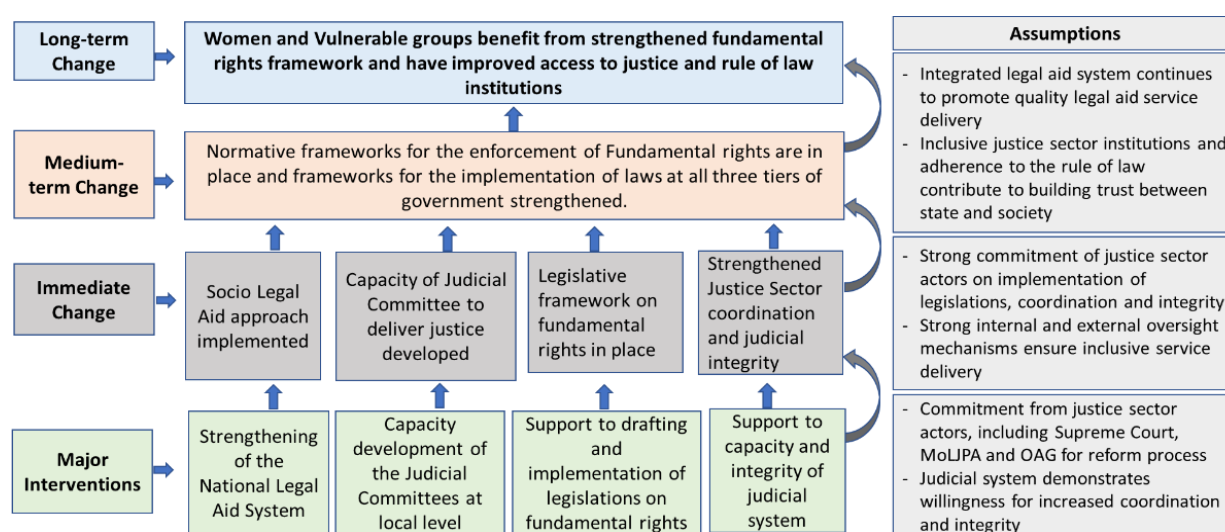
The theory of change, as envisaged in the project document, intended to induce a number of longer and medium term and immediate changes to enhance access to justice. In the longer-term project intended to benefit women and vulnerable groups from strengthened fundamental rights framework and have improved access to justice and rule of law institutions. In the medium term it intended to put in place and strengthen frameworks and mechanisms for the enforcement of fundamental rights at all three tiers of government. In the short run the project intended to improve legal aid policies and mechanisms, build capacities of Judicial Committees, strengthening of legislative frameworks and justice sector collaboration etc. Please see figure below:

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<sup>1</sup> Project Document

<sup>2</sup> (NJA report- Study on Access to Justice for Women, 2016)

## Project Theory of Change



The project results framework envisaged that overall project interventions and outputs will contribute to;

- **UNDAF/CPD Outcome 2:** By 2022, inclusive, democratic, accountable and transparent institutions are further strengthened towards ensuring rule of law, social justice and human rights for all particularly for vulnerable people.
- **UNDAF/CPD Output 2.1:** National level executive and legislative branches of the Government and commissions have the capacities and tools to implement the Constitution, including peaceful transition to federal structure
- **UNDAF/CPD Output 2.4:** Justice sector institutions strengthened in accordance with the Constitution and human rights standards to ensure greater access to justice.

Project results framework has outlined four project specific outputs to help achieve the overall UNDAF/CPD outcomes and outputs, these includes:

1. **National Legal Aid System strengthened**
2. **Capacity of Judicial Committees at the Local Level to deliver justice developed**
3. **National capacity for drafting and implementation of laws strengthened**
4. **Justice sector strengthened for inclusive economic development**

The total duration of the Project is 30 months (July 2018 to December 2020) and the total budget is US\$ 4.6 million. The Norwegian Ministry of Foreign Affairs (MFA), represented by the Royal Norwegian Embassy has been the main donor for the A2J Project, beside funding from UNDP regular funds and UNDP HQ and ROLHSR funding windows. Norway contributes to three out of the four project outputs, apart from the output-2 related to the capacity building of the judicial committees. Geographically the project interventions, especially related to JCs and awareness were mainly focused in 12 selected districts (Siraha, Dhanusha, Mahottari, Rautahat, Salyan, Surkhet, Dailekh, Kalikot, Bajhang, Dadeldhura, Baitadi, Kailali) in three provinces i.e. Province-2, Karnali and Sudurpaschim. However, a number of interventions were also implemented at the national level and other provinces.

The project has been implemented as per UNDP's National Implementation Modality, with the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) as the principle implementing agency. Other main partners included Office of the Attorney General (OAG) and Nepal Bar Association (NBA). In addition to the main partners, project has collaborated with a wide range of stakeholders including relevant national, provincial, district and local governmental authorities, Supreme Court Bar Association, Parliament, Judicial Committees, Parliamentary Committees, National Human Right Commission, A2J Commission of Supreme Court, Nepal Law campus, CSOs, Academia, Media, FNCCI, Justice sector Experts, UN Agencies and local communities.

Overall, the project has successfully implemented its interventions and has realized most of its targets. However, Since March 2020, implementation of project activities has been considerably slowed down due to the Covid-19 pandemic. Keeping in view the uncertain situation in the coming months, it is expected the stipulated targets related to capacity building might not be achieved on time. Therefore, project may require some extra time to achieve its stipulated targets related to capacity building etc.

### 3. EVALUATION SCOPE AND OBJECTIVES

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#### 3.1 Evaluation Scope

The evaluation looked into the Relevance, Effectiveness, Coherence, Efficiency, Impact and Sustainability of the assistance provided by the project during the project cycle and to ensure that the Gender Equality and Social Inclusion (GESI) lens is applied in all aspects of the evaluation. In relation to the scope of evaluation, the evaluation team reviewed the progress of the project targets and analyzed the overall performance of the project. The broader scope of the evaluation covered the following:

- To determine the extent to which the Project objectives have been achieved in terms of the four outputs: i) National Legal Aid System strengthened; ii) Capacity of Judicial Committees at the Local Level to deliver justice developed; iii) National capacity for drafting and implementation of laws strengthened; iv) Justice sector strengthened for inclusive economic development
- To determine how far the project has managed to collaborate, build synergy and avoid duplication with other like minded projects in UNDP.
- To examine and analyze challenges and limitations faced by the project and mitigation strategies adopted; with specific focus on accountability, inclusiveness and effectiveness
- To study the prospect for long-term sustainability of the processes and results achieved;
- To capture lessons learned and best practices and provide concrete recommendations for remaining period of the project 2020 and the future interventions in enhancing access to justice and strengthening the rule of law system in Nepal.

#### 3.2 Evaluation Objectives

According to the ToR, the overall objective of the evaluation was to assess the Relevance, Effectiveness, Coherence, Efficiency, Impact and Sustainability of the project. The specific objectives of the evaluation include:

- To assess the approaches and interventions adopted by the project towards achieving the outputs in line with the Theory of Change;

- To assess and analyze the results achieved against the project outputs and indicators as specified in the project monitoring and evaluation framework, UNDAF and CPD;
- To ascertain the relevance, effectiveness, coherence, efficiency and sustainability of the project interventions; and
- To identify and document lessons learned and provide recommendation for remaining period of the project 2020 and the potential areas and approaches of interventions for future intervention;
- To recommend potential new areas of intervention and approaches in the current federal context of Nepal, and in light of the Covid-19 crisis and socio-economic response efforts.

### 3.3. Evaluation Criteria

In line with the UNDP Evaluation Guideline, the OECD/DACC revised evaluation criteria of *Relevance, Effectiveness, Efficiency, Coherence, Sustainability and Impact* were used to assess the overall project progress and performance. Accordingly, the evaluation also summarily assessed project design and theory of change, management and implementation arrangements and partnerships. Evaluation process also ensured that the Gender Equality and Social Inclusion (GESI) lens is applied to assess the extent to which project design and implementation has taken into consideration the main cross cutting issues of Gender Equality, Social Inclusion and Human Rights. Following is a brief outline of the main evaluation criteria;

- **Relevance:** To assess whether the aims, objectives and interventions of the project are still relevant and appropriate to the needs of the beneficiaries, national priorities and UNDP priorities and global development agenda.
- **Coherence:** To assess how and to what extent the project intervention is in coherence with Government's policies and UNDP's priorities and to what extent the intervention was consistent with other actor's interventions in the same context.
- **Effectiveness:** To assess how effective has the project been in enhancing access to justice and legislative reform and implementation in Nepal. To assess how successful, the project was in achieving its stipulated outputs and outcomes and what were the major factors influenced the achievement or non-achievement of the outputs?
- **Efficiency:** To assess the extent of mobilized resources (human, technical and financial) and its economic utilization keeping in view cost effectiveness and best value for money.
- **Impact:** To Assess what longer terms impact did the ROLHR (the predecessor project) and A2J project have made at the rule of law and access to justice situation in Nepal, especially the impacts related to access to justice situation for the women and disadvantaged segments of the society?
- **Sustainability:** To assess the likelihood of continuity of project interventions and flow of longer-term benefits through analysis of financial, socio-economic, institutional, governance and environmental risks to sustainability.

Similarly, the evaluation assessed the extent to which gender equality and the empowerment of women, disadvantaged and marginalized groups has been addressed in the design and implementation of the project.

### 3.4 Evaluation Questions

A number of evaluation questions were provided in the ToR, related to evaluation criteria. These questions were further refined and elaborated, keeping in view specific stakeholders, and were used during the key informant interviews and group discussions during the data collection process. A



detailed evaluation matrix has been prepared, outlining the evaluation criteria, main evaluation questions, data sources/methods, indicators and data analysis methods etc. Please see **Annex-2** for Evaluation Matrix.

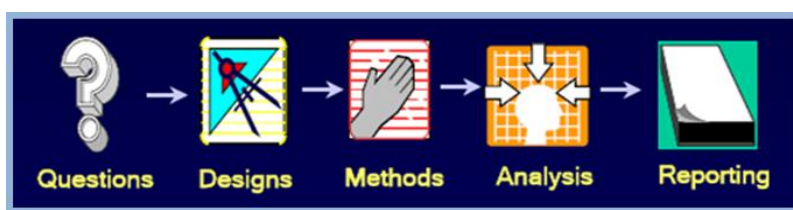
Similarly, a long list of evaluation questions has also been prepared keeping in view the specific stakeholders. It is important to highlight that to capture GESI perspective, a number of questions have been formulated and included in the long list. Please see **Annex-3** for long list of evaluation questions. Similarly, efforts have been made to include specific questions to assess cross cutting issues, with respect to each of the above-mentioned evaluation criteria. Please see list of GESI specific questions as **Annex-4**.

## 4. EVALUATION APPROACH AND METHODS

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### 4.1 Evaluation approach

Overall, the final evaluation exercise was conducted in accordance with IEO Evaluation Guidelines and OECD/DAC standard evaluation criteria and principles. Keeping in view the scope of the final evaluation, a mixed method approach was adopted using range of qualitative and quantitative data collection and analysis methods, techniques and tools. In summary the overall evaluation process consisted of five standard evaluation steps i.e. 1) *Evaluation Questions*, 2) *Evaluation Design*, 3) *Data Collection Methods*, 4) *Data Analysis* and 5) *Presentation and Reporting*. Please see figure below:



### 4.2 Sampling strategy

In view the scope and timeline of the evaluation exercise, it was not possible to reach all stakeholder's and especially direct and indirect beneficiaries. Furthermore, due to the Covid-19 pandemic, in person meetings and field visits to project sites were also not possible. Given the extraordinary situation the evaluation team suggested to use a mix of purposive and convenience sampling strategy. Overall key informants among main stakeholders have been identified in consultation with UNDP CO, a long list was drawn and respondents were selected keeping in view their level of involvement in project implementation and their availability. Data was collected through online interviews and group discussions through online platforms like zoom application. Few interviews were also conducted through telephone.

### 4.3 Data-collection procedures and instruments

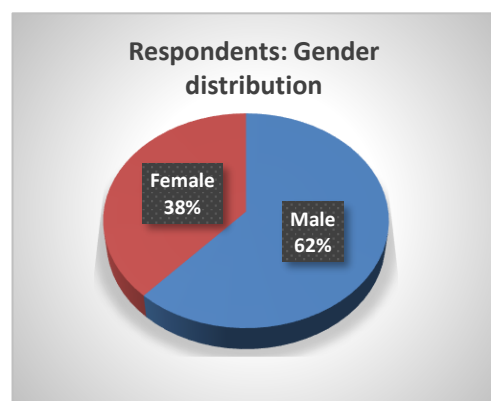
- **Desk Review of documents**

A good deal of relevance, coherence, efficiency, effectiveness, impact and sustainability related data was obtained from review of relevant documents, reports and publications etc. Qualitative and quantitative data was extracted from various project related documents and secondary sources, like documents of various governmental and other institutions including online resources, and was used to assess project progress and performance based on mentioned evaluation criteria and indicators of the Project Results and Resource Framework. Please see **Annex 5** for List of Reviewed Documents.

- **Key Informants interviews and Focus Group Discussions**

Key informant's interviews and discussion remained the main instrument for collection of primary data related to evaluation questions. A long list of stakeholders has been compiled and key informants among all stakeholders were identified in consultation with UNDP CO. Efforts have also been made to identify and include respondents in perspective of gender and social disaggregation of data, as far possible.

Given the movement/travel restriction due to Covid-pandemic, all stakeholder consultations were conducted remotely/virtually using mostly ZOOM audio/video conferencing. These individual and meetings with stakeholders were organized and facilitated by UNDP and conducted by the evaluation In total around 103 key informants, out which 41 are women, were consulted individually or in groups through online meetings. These key informants belonged from a wide range of justice sectors stakeholders including UNDP, MoLJA, OAG, NBA relevant national, provincial and district governmental authorities, Supreme Court Bar Association, Parliamentary Committees, National Human Rights Institutions , National Judicial Academy, Access to Justice Commission of the Supreme Court, CSOs, Academia, Students, Media, FNCCI, Experts, UN Agencies, donors and beneficiaries. Please see the list of key persons interviewed as **Annex-1**.



19  
online  
group  
team.

#### 4.4. Ethical considerations

The evaluation has been conducted keeping in view the values and obligations outlined in the UNEG 'Ethical Guidelines for Evaluators. According to the guidelines the evaluators duly respects people's right to provide information in confidence and have made participants aware of the scope and limits of confidentiality, while ensuring that sensitive information cannot be traced to its source.

#### 4.5 Evaluation Team

The evaluation team consisted of an International Expert (Team Leader), a National Expert on Access to Justice (Team Member) and a National Consultant on Gender and Social Inclusion Expert (Team Member). The evaluation team members bring along years of expertise in project evaluations, access to justice and in the cross cutting themes of gender equality, social inclusion and human rights etc. The evaluation team also included a women member with extensive expertise in GESI issues and practices.

#### 4.6 Major limitations of the methodology

Like every evaluation exercise this evaluation also has its own limitations. As mentioned earlier, initially it was envisaged in the ToR, that the stakeholder's interviews/discussions would be conducted in-person during the field missions to Nepal. However, given the travel and personal contact restrictions resulting from Covid-19 pandemic, it was not possible to physically reach out to stakeholders and beneficiaries, especially in the remote regions. Therefore, the stakeholder's consultations were conducted through virtual/online interviews and groups discussions. The online consultations were mostly conducted with relative ease, thanks to the active facilitation of UNDP team. However, online consultations with respondents from outside Kathmandu were challenging with lots of disruptions, due to connectivity issues. Initially the evaluation team also wanted to visit



field locations and held on spot discussions with the ultimate beneficiaries, especially the marginalized and disadvantaged segments of the society, to assess project benefits.

## 5. DATA ANALYSIS

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In view of the use of mix-method approach for data collection, the acquired data was analyzed both qualitatively and quantitatively. Since most of the primary data was acquired in qualitative form therefore it was processed using qualitative data analysis techniques like validations, triangulations, interpretations and abstractions. Data collected from review of documents, key informant interviews and questionnaires was validated and triangulated through comparing data from different sources to identify similarities, contradictions and patterns. Efforts were made to logically interpret stakeholder's opinions and statements, keeping in view the specific context of various respondents. Similarly, available data was also analyzed using triangulation of data from GESI perspective. It is important to highlight that GESI related specific questions were asked from all respondents during the data collection process and the data collected during interviews and group discussions was triangulated and validated keeping in view the perceptions of various stakeholders and data reported in project documents and progress reports. Specific emphasis was given to analyze the level of involvement of women and vulnerable groups in project activities and especially in the capacity building interventions through assessing the percentage/proportion of women and vulnerable groups.

Quantitative data was analyzed using simple statistical methods to determine progress and trends. Project Results Framework indicators and targets was used as the main reference for assessing the progress and performance of project. Quantitative data related to project outcome and outputs indicators was analyzed through comparing achievements with stipulated targets, to assess progress towards specified targets of the results framework. The same was also validated and triangulated against data obtained from interviews/discussions with key stakeholders etc.

## 6. FINDINGS OF THE EVALUATION

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The following sections describe the detailed findings of the project evaluation exercise. The analysis and discussion are intended to assess the overall project progress and performance towards contribution in achieving its outcomes and outputs, using the key evaluation criteria of relevance, coherence, effectiveness, efficiency, impact and sustainability. In addition, the evaluation also assessed project design and management arrangements and mainstreaming of cross cutting issues of Gender Equality and Social Inclusion.

### 6.1 PROJECT DESIGN AND MANAGEMENT

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#### 6.1.1 Project Theory of Change and Results Frameworks

The project is the continuation of long-standing collaboration between UNDP and Government of Nepal towards improving access to justice in Nepal. The project builds on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme (2013-2017), and continues to focus on the reform of the legal aid system, supporting national efforts of reform and coordination in the justice sector, implementation of constitutional provisions on fundamental rights through legislative reform, implementation of the newly adopted penal and civil

codes, and in particular on enhancing the access to justice at the local level. To mainstream GESI, the project has developed its own GESI strategy and has supported the implementing partners and CSOs to mainstream GESI in all activities. During the inception workshop of the project detailed deliberations were made on UNDP corporate values related to GESI and its importance and implications for the success of the project. Which greatly helped in developing a common understanding among the implementing partners.

Overall, theory of change of the project is found plausible and credible keeping in view the overall context of the project. It can be easily deduced that if there are strong legal framework and sufficient capacity of justice sector authorities to implement it, then access to justice of women and vulnerable groups will considerably improve in times to come. Having said this, it is also important to note that keeping in view the larger scale and complexities of the access to justice issues especially for women and vulnerable groups in Nepal, it seems slightly beyond the scope of one such project to bring about the longer term changes. Realization of such longer-term changes requires considerable time and collaborative efforts among all stakeholders and especially the governmental institutions, over a longer period of time. For detailed discussion on the major interventions and resulting immediate changes please see section on effectiveness.

A Comprehensive Results and Resource Framework was formulated at the time of project design consisting of Outcomes, Outputs, Indicators, Baselines, Targets and Key activities. The results framework envisaged that overall project interventions and outputs will contribute to UNDAF/CPD Outcomes and Outputs.

Overall, the cause effect relationship among interventions and results in Results Framework were well formulated and exhibited clear linkages among interventions, outputs and outcomes. The project design and results framework were found appropriate and therefore no changes have been made in the original RRF, with the only exception removing indicator related to national access to justice strategy developed. Output level indicators were also found SMART and are being effectively measured.

However, project overall outcome, which is basically UNDAF outcome was found very broad in scope and posed challenges in terms of measuring the specific contribution of A2J project towards this outcome. Since this is a UN country level outcome therefore many other initiatives/projects implemented by several other UN agencies may be simultaneously contributing to the same broader outcome. In such projects for the purpose of measurability there is always a need for devising project specific intermediate outcomes, which should link the project outputs to the broader UNDAF outcomes.

### **6.1.2 Project Management and Partnerships**

The project has been guided and overseen by a Project Executive Board, chaired by Joint Secretary, MoLJPA, who is also the National Project Director (NPD) of the project. The PEB is comprised of representatives of UNDP, OAG, NBA and Norwegian Embassy -as an observer member-. In addition, project staff also participated to assist the project board. PEB has met very frequently almost on quarterly basis and has deliberated in details on project affaires. PEB meetings were found very instrumental in aligning and approval of work plans and budgets, progress reviews, endorsement of progress reports and setting of priorities and way forward etc.

The project is implemented through the Project Implementation Team, led by a National Project Director from the MoLJPA, who is responsible for guiding the overall management of project activities and results. The day to day project management and implementation is coordinated by the National Project Manager. Other member of the project team includes Access to Justice Specialist (International), Output Leaders for each output, Field Project Coordinator, Gender and Social Inclusion Officer, Monitoring and Evaluation Specialist, Administration and Finance Officer. There is a single field coordinator for all the project activities in various districts, which was found insufficient. Moreover, taking into consideration of geographical distances between the project target provinces the field coordinator was required to move around all the time.

As mentioned, at the highest level, project progress was regularly reviewed by the Project Board. Project had developed and implemented Annual M&E Plans based on the indicators and targets of the RRF. Project has employed a dedicated M&E Specialist, who facilitated the overall monitoring of project interventions and results. Project progress has been regularly compiled and reported against indicators and targets of Results Framework through Quarterly and Annual Progress Reports. In addition, the project also monitored its progress through internal review meetings and project team also regularly visited field interventions to observe and report on the progress and performance of interventions.

In addition, UNDP country office provides support in areas such as: a) recruitment of project staff; b) procurement of goods, equipment and services; c) recruitment of national and international consultants; d) planning and implementation of training and workshops; e) CSO grants-making g) coordination with national partners and development agencies and h) overall quality assurance and oversight.

Overall project management arrangements and partnerships were found appropriate and effective to good extent. All relevant project partners and stakeholders brings along wide range of experience and expertise in the areas of access to justice and GESI mainstreaming. No significant challenges among existing partners were faced during implementation except the Covid-19 pandemic, which considerably disrupted and slowed down the implementation of project interventions since March 2020. Similarly, overall collaboration and partnerships at the federal, provincial and local level during project implementation were found very appropriate, swift and optimal among existing partners.

It is important to highlight that the Supreme Court was the main implementing partner during the predecessor ROLHR Programme. However, SC was not involved, as a partner, in the implementation of the A2J project. The evaluation team could not ascertain the official reasons for non-involvement of the judiciary in the A2J project. However, most probably the main reason for non-involvement of judiciary in A2J project was, on one hand, the decision of the Government of Nepal, to route all foreign grants through the relevant ministries, in this case the MoLJPA. On the other hand, the SC also informally showed reluctance in receiving any direct grants and participation in such projects. Discussion with the Supreme Court Bar, it was indicated that this may be to ensure their impartiality in case of any future litigations arising out of or in relation to the project.

Though the project informally involved judiciary in some of the project interventions, like the collaboration with Access to Justice Commission of the Supreme Court in publishing and dissemination of legal information booklets to increase access to justice for women and marginalized groups. However, the absence of judiciary as a formal partner to the project has serious implications for project success in improving overall access to justice situation in Nepal. Moreover, the project could not effectively engage the National Judicial Academy—the agency responsible for capacity building of the judges and judicial officers—as implementing partner.

#### **Reflections by officials of National Judicial Academy**

- We were actively involved in the implementation of the ROHLR programme. But we are not being involved in the A2J Project. We have no idea why collaboration with A2J didn't happen, although we had no reservations on working with the project or UN agencies.
- We have a huge demand for the capacity building/training of judiciary, however we have very limited resources to match the demand. Therefore, we are looking forward to working with UN and other agencies in future.

Since judiciary remains one of the major stakeholders in improving access to justice and especially delivering timely justice, therefore there was a greater need for active involvement of the various tiers of judiciary, especially in the capacity building of judges and judicial staff of the lower courts, to effectively deal with the access to justice issues, especially for the women and vulnerable segments and to dispense justice in line with the new penal and civil codes. It is important to highlight that the project has supported the implementation of costed action plan through preparation of guidelines and capacity building of relevant officials in new criminal and civil codes etc. However, due to the non-involvement of the judiciary in the project the judges of the high courts and district courts were not covered as envisioned in the costed action plan.

In the wake of requirements of the new constitution and federalization process, it is expected that scores of new acts and regulations will be formulated and implemented at various levels, therefore capacities of judiciary, especially at the provincial and district levels, need to be continually built to address justice related issues in the times to come. Judiciary's active involvement and guidance is also required in streamlining and supporting the working of local Judicial Committees.

Overall collaboration in the awareness raising campaigns for poor and vulnerable in the targeted districts went very well. However, to their experience the involvement and funding for CSOs has been found very limited given the greater scale of awareness issues especially among remote and marginalized communities.

## **6.2 PROJECT RELEVANCE**

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The project document envisaged that a functioning justice system is key to protect and guarantee the human rights of all citizens, resolve disputes and deliver justice to all and especially the disadvantaged and vulnerable segments of the society. It was anticipated that with the full-fledged implementation of the constitution, profound changes will occur in the justice sector. Given the critical status of Nepal's development and state building process, it was considered imperative that justice sector reform is very critical to streamline implementation of the new constitution.

In this context the overall objectives and interventions of the project to provide required support in the justice sector reforms to strengthen legal aid systems, build capacities of relevant stakeholders to formulate, adopt and implement relevant laws and regulations at federal , provincial and local levels to improve access to justice; is found highly relevant and consistent with Government of Nepal policies and UNDP priorities and needs of the beneficiaries especially the women, disadvantaged and vulnerable groups.

The newly adopted Constitution of Nepal has not only made promises for the realization of the basic human rights, social justice and the rule of law; and the establishment of competent and independent judiciary in its preamble but also guarantees a bundle of fundamental rights to the people (arts. 16-46). In more concrete terms Article 47 dictates the Parliament to enact legislation within three years of the commencement of the Constitution to give effect to those fundamental rights. Furthermore, the State has been completely restructured by constitution from a unitary state to a federal one with three tiers of government. Despite a federal structure of governance, the constitution adopts a unitary judicial system (art. 127). However, beyond the preview of the regular judiciary, the constitution calls for a judicial committee in each local unit headed by the elected deputy mayor of urban municipality and deputy chairperson of rural municipality to resolve the disputes within its jurisdiction defined by the constitution (art. 217) and Local Government Operation Act, 2074. A2J project aims and activities are found well in line with those constitutional mandates to ensure equality, basic human rights and access to justice.

Overall, project agenda was found fully in line and relevant with the needs of women, disadvantaged and vulnerable groups. The project has adopted gender equality and social inclusion (GESI) principles and approaches in its design and have mainstreamed GESI in implementation of all its interventions. In this regard the project has reached out and involved disadvantaged communities through its consultations and awareness intervention. It is important to mention that, among others, project consultations with disadvantaged and vulnerable groups were greatly helpful in incorporating their concerns and needs in formulation and adoption of various laws and regulations, especially for fundamental rights.

Project awareness campaigns were found very relevant in increasing awareness on rights against gender-based violence, women's rights and role and responsibilities of members of judicial committees. The project had involved around 40-50% of participants/beneficiaries from women in awareness and capacity building programs and events. Victims of gender- based violence belonging to Madhesi, Muslim, Dalits, indigenous, person with disabilities and economically poor and socially excluded communities were benefited from the legal aid service, out of which more than 50 % of beneficiaries were women.

The project mandate is also found well aligned with global development agenda SDGs; gender equality (goal 5), reduced inequalities (goal 10) and, peace, justice and strong institutions (goal 16). The activities of the project are in coherence with SDG targets to achieve the goal to promote the rule of law at the national and international levels and ensure equal access to justice for all (target 16.3). The A2J project mandate is also found highly consistent and in line with overall UNDP Strategic Plan and its focus on improving access to justice and rule of law around the world especially in developing countries. More specifically, it is also directly aligned with the UNDAF/CPD Outcome-2, which calls for strengthening of relevant institutions to ensure rule of law, social justice and human rights for all particularly for vulnerable people.

Geographically the project interventions mainly focus in 12 selected districts of three provinces (Province-2, Karnali and Sudurpaschim). These three provinces were prioritized for UN assistance by Government of Nepal on the basis of their low human development index levels and remote and backward nature. Overall discussions with stakeholders suggest that the geographical focus of project is also found very relevant in improving access to justice in these left behind districts and provinces. It has also been found that the three broad regions -Terai, Hill and Mountain- regions are well represented in project geographical coverage. Nevertheless, it is also important to highlight that a number of project interventions were also carried out at the national level and in other four provinces.

Overall, to a large extent the project objective and interventions are still very valid, especially in the context of prevailing Covid-19 pandemic, which has substantially disrupted all walks of life, including the working of justice sector institutions and relevant services. The project has been found responsive and flexible to mitigate this unforeseen challenge and has quickly responded to find ways and means and has provided socio-legal counseling services to the needy in this time of distress. Similarly, it has also made considerable efforts to continue with some of the capacity building interventions remotely/virtually.

### 6.3 PROJECT COHERENCE

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**Coherence with the Changed Context:** Overall the interventions designed under the A2J project fit well in the changed context as well. It is more relevant in the context of Covid-19 pandemic. The spread of the pandemic all over the world including Nepal has created serious obstruction to access to justice to the public. Lockdowns and mobility restrictions imposed by the governments have not only limited functioning of the courts and other justice delivery mechanisms; it has created a pretext for domestic violence and other abuses. Thus, the marginalized groups are more marginalized in this situation. Further, the restrictive directions issued by the government without proper scrutiny of either the judiciary or parliament are also serious challenge to the rule of law and access to justice.

A2J project interventions on the areas of legal aid, legal drafting, capacity building of the JCs and promoting human rights in business are very relevant in this context also. However, it seems that some sort of modifications of the implementation strategy was required to cope with the unusual situation. Some of the recent activities of the project indicate that it is moving towards this direction. In this regard the project has been providing legal and psycho-social counselling from lawyers by formulating guidelines to address immediate problems of access to justice for victims of domestic violence and other legal problems during COVID-19. However, a comprehensive legislative enactment to manage the pandemic is required in Nepal, in this regard the project may facilitate for drafting such legislation under output3. Likewise, the more competent JCs to provide efficient justice to the poor and marginalized in their locality fit well in the context of COVID-19. Recently carried out revision of the JC guideline for providing their services in the context of COVID-19 shows that the project moving in changed situation.

**Coherence with the Plan and Policies of the Government and UNDP:** Project interventions have been designed coherently with plan and policies of the government of Nepal and UNDP. The project design was found aligned with the Goal 5, Goal 10 and the core principle of the SDGs "Leaving no one behind". A2J project activities are clearly in line with the objective of achieving independent,



impartial, competent as well as accessible justice system echoed in the periodic plans of the government of Nepal.<sup>3</sup> At the working level those activities are in line with the second strategic planning of the Attorney General of Nepal that aims to protect the victims and witness (of crimes) for enhancing the access to justice (to the poor and marginalized). Enhancing the capacity of the government attorneys is one of the main activities underlined in that planning.<sup>4</sup> Similarly, the activities related to the enhancing the capacity of the government official on legal drafting is the part of the MoLJPA annual activities. Some of the activities of the project fit in the annual work-plan of the Access to Justice Commission.<sup>5</sup> Because the Supreme Court was not formally on board in the project, there was no synergy between the project activities and implementation of the fourth strategic planning of the judiciary despite being a higher level of coherence between them.

Project interventions are also coherent with relevant UNDAF and CPD outcomes and outputs. More specifically those interventions are in line with outcome of enhancing capacity of national and sub-national level government's legislative and executive capacities to implement constitution, increasing inclusive transparent and accountable service delivery at national and sub-national levels, drafting law in participatory manner for implanting the constitution, providing legal aid as per the integrated legal aid policy.

**Internal and External Coherence:** Analysis shows that there is internal coherence in the interventions carried out by A2J, Parliamentary Support Project and UN Women's interventions. In respect of supporting law-making process for the implementation of the constitution, it seems both A2J and PSP are working in similar spheres. But at the functional levels they have clear demarcation of areas as well as a way for creating synergy of their actions. A2J supported till the bill is not introduced in the house of parliament. Once the bill is introduced in the parliament PSP supports for public engagements in law making process. UN Women and A2J both have interventions for the capacity building of the JCs. On the ground, UN Women worked beyond the pilot districts of the A2J. It was found that in production of knowledge products there has been good collaboration with UN Women through continuous feedback. Similarly, UN Women uses the knowledge products of A2J project and also engages resource persons identified by A2J for the facilitation of access to justice related training sessions. There is also coherence of legal aid supported by A2J with the court appointed free-legal aid services. The court appointed lawyers, and also pro bono lawyers, provides legal aid service in the litigation process within the particular court. A2J supported legal aid program delivers services of counseling, referral and litigation as well. The crisis response socio-legal counseling service is more typically designed to support in Covid-19 context.

In respect of external coherence there was not clear information available about the other external agencies working in the area of access to justice. However, many actors are working in the areas of training of JC members and not only the CSOs but the provincial governments have also conducted such trainings in the pilot districts. Different actors have oriented/trained them in different fashion. Thus, sometimes it has resulted in creating more confusion than clarity about their roles and responsibilities as well as the proper procedures to discharge them. In addition to A2J supported legal aid services, there are other CSOs providing legal aid service in different districts. However, there has been limited linkages and synergy between respective interventions.

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<sup>3</sup> At the time of project designing Fourteenth Plan (2016/17-2018-19) was in place and now Fifteen Plan (2019/20-2023/24) is in operation.

<sup>4</sup> Second Strategic Planning of the Office of the Attorney General (2015-2020).

<sup>5</sup> Annual work plan of the Access to Justice Commission (2076-2077).

Having said this, the overall idea of integrated legal aid policy is the key to enhance coordination and collaboration among diverse actors in terms of legal aid providers. Once it is implemented it will create necessary means and measures to address it. Regarding judicial committees, as well the project has initiated justice sector coordination at the community. And through CSOs, the referral systems are being established and strengthened in a coordinated manner.

## 6.4 PROJECT EFFECTIVENESS

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Since its inception, the project has made rigorous efforts and implemented a wide range of interventions to achieve the outlined outputs of the project. The following section provides a detailed assessment of the achievement status and effectiveness of these outputs.

### **Output 1: National Legal Aid System strengthened**

The Project document envisaged that the Project will provide support to MoLJA in the implementation of the (Integrated) National Legal Aid Policy. Similarly, the Project also intended to provide necessary support in development of necessary systems to make sure that the policy is implemented in an effective manner. Key activity results under this output included;

#### ***Result 1.1: Legal Framework revised in line with the legal aid policy***

The draft Integrated Legal Aid Policy was prepared towards the end of the predecessor RoLHR program in 2018. A2J project continued its support in the revision and finalization of the draft integrated legal aid policy and provided support to MoLJA to continue high-level consultations on the draft policy with main stakeholders like, Office of the Attorney General (OAG), Supreme Court of Nepal and the Nepal Bar Association (NBA).

The draft policy was accordingly revised and sent for approval of the Cabinet. After review and endorsement of the Legislation Committee of the House of the representative, the policy has been approved by the Cabinet in on 30 December 2019. Following the endorsement of the policy project has duly supported the dissemination of the adopted Legal Aid Policy to relevant provincial level stakeholders, through stakeholder's workshops. The Project also supported MoLJA in the drafting of legal aid bill based on the recently adopted policy, which will be finalized after due consultations with stakeholders in the coming times. In addition, technical assistance was also provided in drafting the Code of Conduct for legal aid providers, which was finalized and adopted after due a consultation with stakeholders.

The integrated Legal Aid Policy was formulated to improve accessibility to socio-legal aid service especially for the poor, disadvantaged, and marginalized segments of the society. The policy focuses on effective delivery of legal aid services through making its definition wider by including socio legal aid approaches, developing integrated mechanism and strengthening the reporting and monitoring system. In this regard the project support was found instrumental in finalization and approval of the integrated policy and drafting of the legal aid bill. Similarly, the developed code of conduct will help legal aid providers to be disciplined and more professional in discharging their role especially at the local level.

#### ***Result 1.2: Secretariat of the Legal Aid Council established/strengthened***

Establishment and operationalization of secretariat for Legal Aid Council was delayed due to the time consumed by the approval of legal aid policy and relevant regulations etc. However, recently the



project has prepared Term of Reference (ToR) for developing SoPs/guidelines for Legal Aid Council with quality assurance mechanism. The procurement process for establishment of the secretariat has already been initiated.

The Secretariat will provide necessary support to the Legal Aid Council to ensure provision of free legal aid under the specified and approved criteria, especially for the marginalized and disadvantaged people. The main functions of the secretariat include development of integrated work plans, monitoring and evaluation system, documentation and reporting including coordination and collaboration. Overall there is a greater need for establishment and operationalization of the secretariat as soon possible, to facilitate the implementation of legal aid policy and regulations.

### ***Result 1.3 Coordination, Monitoring and Reporting system developed***

The project has supported the establishment of coordination, monitoring, and reporting system for the District Legal Aid Committees (DLACs). In this regard the project has organized several workshops for the DLACs officials to assess the gaps and to find ways to improve the reporting and monitoring systems of legal aid services. Support was provided in finalization of the database for registry of cases, which is backed up by mobile phone based reporting system from Districts to Central level. Accordingly, training workshops for all DLACs officials, throughout the country, were conducted on the mobile based monitoring and reporting application.

The training of DLACs officials was found very useful in greatly improving the case record and reporting system. Mobile application has helped greatly in managing and automating the database and reporting mechanisms. The system has particularly helped in improving the availability of gender disaggregated data. The system is already operational and during Jan-June 2020, in total 89 (74 women) persons, who availed the services, were reported by DLACs using the introduced monitoring and reporting system. It is expected that monitoring and reporting system will be further strengthened in coming times and will greatly help in improving the quality, coverage and monitoring of the legal aid services. The system will specifically help in focusing on and reaching out to the poor, vulnerable and disadvantaged groups of the society.

### ***Result 1.4: Pro-bono legal aid system introduced***

The project provided support to the Nepal Bar Association in drafting and finalization of Pro Bono Guidelines for lawyers, which were adopted by the General Assembly of the NBA in 2018, and GESI Sensitive Monitoring Guideline of Pro Bono Service, which was adopted in 2019. According to the guidelines, the deserving parties that cannot afford legal service may apply at any District Bar Unit to request and avail free legal aid. The Project also supported the NBA in dissemination of the Pro Bono Guidelines to its wide membership in the districts to raise awareness and interest of the bar community in pro bono legal aid, especially for the vulnerable and disadvantaged groups.

The pro bono guidelines were also shared during the, project supported, National Women Lawyers Conference, attended by around 600 to highlight the role of women lawyers in provision of the pro bono legal aid. Similarly, the guidelines were also shared with the participants of 8th Asia Pro Bono International Conference' attended by 700 lawyers from all over Asia which the project had co-hosted. The project has also supported the NBA to develop gender-sensitive monitoring guidelines for pro-bono, which were formally endorsed by the NBA. Similarly, the project has also signed a letter of agreement with NBA to disseminate GESI Sensitive Monitoring Guideline of Pro Bono Service especially among women and Dalit lawyers. The introduction of the Pro Bono Guidelines was a

significant accomplishment and it is expected that guidelines will considerably increase the coverage and quality of free legal aid services to all deserving and needy parties through district bar units all over Nepal.

It is important to highlight that due to the extraordinary Covid-19 pandemic situation and its impact on the delivery of justice and human rights, the project has decided to provide legal aid assistance in collaboration with NBA, through 17 High Court Bar Units. The project has hired 72 additional lawyers and psycho-social counselors (including 22 women) to provide legal aid and legal information through telecommunication etc. It was found out that many of the problems are related to gender-based violence, caste-based discrimination and Covid related treatment and relief packages. As of October 2020, around 482 people (234 women) were benefited from the program. Overall, this was an additional intervention, but was found very timely and effective. Similarly, relevant information on legal counselling was also broadcasted through local radio for the awareness of common citizens.

It is important to highlight that the project has conducted trainings for 1650 lawyers on Pro bono, professional skills, mobile based reporting system and Socio-legal aid services etc., and since project inception to June 2020 in total 25,932 needy persons (including 15,951 Women - 66%) benefited from the existing legal aid services.

#### **Legal Aid: A case study-1**

Ms. A.K.K belonging to Jumla District, was married 13 years ago and gave birth to a son. After her son was born, she had been victim of domestic violence by the family constantly. When she could not take it anymore, she went to Sunsari at her father's home. Since the family's economic condition was poor there she could not live there for long and came back to husband's house. She continued to be victim of violence at home by all family members and was beaten to death. She took help of police but was sent back by police after mediation. Due to risk of life, she left the house and contacted 'Women and Children office' in Saptari district. She was referred to DLAC from the office and took her details. DLAC contacted her home to see if there is possibility of mediation and filed a case of domestic violence. The family responded with negative answer and denied relationship with son and wife. In the court, on the basis of photo and witnesses, the crime of violence was established. The decision was approved from Janakpur court, Rajbiraj. After this decision, she filed a case for alimony and partition of property. The family again denied the relationship with child and women. So court ordered for DNA test. Since the relationship was already established in domestic violence case, the DNA test was cancelled upon request of victim. Finally, the case was solved through mediation and family provided alimony to the victim. For past 3 years, DLAC provided her support and she mentioned that if it was not DLAC's support, she would never be able to fight for her right and thanked DLAC for the support.

**Case study prepared by the GESI expert/member of the evaluation team**

### **Legal Aid: A case study-2**

Ms. T.K.B belongs to an indigenous community living in the Palpa district. She is the mother of three daughters and her husband left her for his second wife. She was helpless and no sufficient income even for her daily expenses. Her husband refused to accept her daughters and was not ready to support for birth registration of their daughters. She was seeking for justice, but she did not have knowledge about the legal procedure and whether she could get free legal aid service. With the support of a legal aid lawyer, she filed cases of establishment of relationship and alimony. Her case was very complex. It took almost three years to resolve and finally, she got justice. The court issued an order to register the birth of her children without her husband's support and the court further made responsible for her husband to provide monthly 5000 alimonies to support their monthly expenses. She got around 150,000 amount from her husband. She said that, without the support of a free legal aid lawyer, it would have been impossible for her to go the court and could not able to afford to hire a lawyer and follow up court procedure.

**Case study prepared by the GESI expert/member of the evaluation team**

### ***Result 1.5 Affirmative legal education strengthened***

Project continued to support the Scholarship Program of the Tribhuvan University, Nepal Law Campus, started by the predecessor ROLHR programme. To enhance the representation of the women and marginalized groups in justice sector, full scholarships and living expenses have been provided to 20 students (12 girls and 8 boys) mostly from vulnerable and disadvantaged groups for the 5-year Bachelor of Laws program, which was completed in 2019.

After completing their degrees, the scholarship recipients were deputed for a three-month internship at the Judicial Committees of their respective districts, where they learned about the working of JCs and provided legal and administrative support to JCs. Similarly, two moot-court competitions were also conducted among students from various law schools of the country to improve capacities of law students through practicing their legal and communication skills. The project has also initiated an internship programme for certified law graduates with reputable law firms and a total of 61 young lawyers (including 35 Women) has completed six-months internship program in two batches, and an LoA for another batch of 40 internees has also been signed with NBA. However, the internship programme is already affected due to Covid-19 pandemic and presently project is exploring the possibilities for virtual internship with the reduced duration.

Overall, the scholarship programme was found very instrumental in pursuing their law education and without it many would have not able to complete their university education. The main criteria for the

### **Some reflections by the scholarship recipients**

- It would have not been possible to join law studies, if I have not received this scholarship.
- I would have left the law studies, in the absence of this scholarship.
- It would have been very difficult to fund my law studies from my family sources, the scholarship made it possible.
- It was a good opportunity for me to receive a scholarship since I am a person with a disability.
- I am very happy receive the scholarship to study law, otherwise it would have been very difficult, since I am from Dalit community.

scholarship was to target eligible students from marginalized, disadvantaged and low-income communities. After completing their law degree, they were all placed as interns for 3 months with respective JCs. However, this internship experience with JCs was not found very exciting or knowledgeable by the students as most of the JC members are mostly politicians and have little or no legal background or experience. Furthermore, JCs were also not very forthcoming in seeking the legal advice or assistance of the interneers in effectively dealing with cases. After completing their internship most of them are awaiting their bar exams, which have been postponed due to the Covid-19. They also expressed their dire need to facilitate them to joining law firms.

Similarly, the internship programme was also found very productive and rewarding experience. The main criteria for the selection of interneers remained young lawyers from marginalized, disadvantaged and remote communities including women. The internships provided hands on practical experience and knowledge for the young law graduates in various processes of court cases. Most importantly it helped in building their confidence, improving their communications and building networking and linkages. Most of these young law graduates were struggling to find work before the internship, but now they are mostly employed by law firms, based on their internship experience and some has entered in the civil/judicial service as well. Overall for all of them it was a big step forward toward their future career as a lawyer. Furthermore, all interneers also expressed their keen intention to serve needy people from their respective and marginalized communities in future.

#### **Some reflections by interneers**

- If I had not been selected for the internship programme, it would not have been possible for me to join in law practice and I might have left the legal profession
- This was an opportunity for me to prove that women can effectively handle court cases and represent their clients in a responsible way.
- Internship opportunity made me lawyer otherwise I would have engaged in practice of quasi-judiciary.

Overall, it can be concluded that project has made commendable efforts to achieve specified results and targets under output 1 to strengthen national legal aid system in Nepal. The Integrated Legal Aid Policy was duly approved and adopted, which is one of the major accomplishments of the project. The development and adoption of the Pro Bono Guidelines for legal aid, once implemented, will considerably help in increasing the coverage and quality of free legal aid services especially for the vulnerable and marginalized communities. The development and introduction of online coordination, monitoring and reporting system was also found very useful in improving the monitoring and reporting of legal aid services. The scholarship and internship programmes of the project were very successful and are found very instrumental in inducing a cadre of lawyers among the women, vulnerable and marginalized groups of the society, to help respective communities through provision of legal aid. (For summary achievements of project output level indicators and targets please see the Table:1 at the end of this section)

The immediate change envisioned in the project Theory of Change, as a result of interventions under this output, was to get socio legal aid implemented. As mentioned the Integrated Legal Aid Policy has been approved and adopted. However, the policy formulation and approval process consumed significant time. The enabling legislations to give effect to the implementation of the policy has also

delayed and are still awaited. Therefore, the full scale implementation of socio legal aid, in line with new integrated policy, will start once the prescribed legislations are enacted in times to come.

However, there are still some miles to go to fully institutionalize and implement the legal aid services and increase its reach and benefits to deserving communities all over Nepal. There is still a greater need to put in place necessary mechanisms and human resources to fully streamline implementation of the newly adopted integrated legal aid policy. Work on establishment of Secretariat of the Legal Aid Council need to speed up to make it fully operational at the earliest. There is also a need to institutionalize the pro bono legal aid system among the lawyer's community and raise awareness especially among the disadvantaged and marginalized communities to duly avail and benefit from the pro bono legal aid services. Similarly, the scholarship and internship programmes also need to continue to help more and more law students and graduates to acquire desired knowledge and expertise to serve the needy peoples especially from vulnerable and disadvantaged communities.

### **Output 2: Capacity of Judicial Committees at the local level to deliver justice developed**

The federalization process in Nepal has brought significant shift of power from central to provincial and local level. One of the key constitutional provision is creation of Judicial Committees (JCs) at the local level, mandated to resolve disputes mostly through mediation at the local and community level. The project document envisaged to strengthen the capacity of justice sector at local level through providing specialized support to Judicial Committees in line with the constitutional framework. The Project focused on the following key activity results:

#### ***Result 2.1: Necessary rules/regulations, SOPs, code of conduct and knowledge products for the JC are in place***

Given the lack of clarity related to the mandates and processes of the JCs, initially the project intended to develop a model standard operating procedures (SoPs) and appropriate rules/regulations, which should be used by judicial committees to develop necessary rules/regulations in a standardized manner. But this activity could not be completed due to the preoccupation of MoLJA in other legal and law-making affairs. However, the project was able to produce a final draft of Code of Conduct for JCs. Additionally, in the wake of Covid-19 pandemic the project has helped in developing guidelines on how JCs can work in pandemic situations. This was intended to help JCs in handling the access to justice issues in the extraordinary situation.

To build the capacities of JCs, the project has collaborated with the Judicial Service Training Center in the development of standard training materials along with an elaborate training plan. The materials included general legal provisions, roles and responsibilities and details of the mandate/powers conferred to the JCs by the Local Government Operations Act. Accordingly, an extensive capacity building programme was implemented through organizing a series of trainings involving in total 682 JC members (including 325 Women) from 158 Judicial Committees in the target 3 provinces and 12 districts. Project has also developed necessary forms and formats for JCs and shared with them to formally use them during their dispute resolution processes.

Overall project training programme was found very useful to build the capacity of participants regarding their mandate, roles and responsibilities in providing justice at the local level. Since all JC members are basically from political background, without much legal knowledge, therefore the trainings were found highly effective in providing them with needed legal knowhow and necessary

skills to deal with various cases in their jurisdictions. The training also helped greatly in building their confidence level in facing respective communities and handling their disputes and cases.

The trainings were also instrumental in acquiring knowledge and skills to address and deal with the cases related to women and persons from disadvantaged and vulnerable segments. However, JCs are still in the initial stages of development and there is a strong need to further build their capacities to enable them to play their due role in access to justice especially for the vulnerable and disadvantaged communities.

#### **Some reflections by the Chairs of Judicial Committees**

Project capacity building events helped greatly in:

- Building our confidence to perform our role effectively and gaining community trust to resolve their disputes
- Providing greater clarity and understanding on the roles, functions and jurisdiction of the judicial committees.
- Building self-confidence to discuss with male representatives of concerned municipality and community on women rights issues.

#### ***Result 2.2: System for vertical linkage between district court and JC is in place***

Although JCs are not considered as part of the regular justice system, the fact that their decisions can be appealed at the District Court, brought the need for effective coordination with the formal justice system. In this regard the project has facilitated around 98 coordination meetings/events between the JCs and other justice sector actors including the respective District Courts, Prosecutors Office, Police, Nepal Bar Association, District Administration, Municipalities, Land Reform Office, Land Revenue Office, Women and Children Offices, Local Civil Society Organizations (CSOs) and media etc.

More than 2200 people (around 50% women) participated in these meetings/events, which greatly helped in connecting JCs with other justice sector actors to effectively discharge their mandates. As a result of these deliberations it was decided that members of the JCs will be regularly invited to meetings of the Justice Sector Coordination Committees (JSCC) to discuss and address various issues to streamline work of JCs. The Project conducted four Basic Mediation Training in two provinces to create a pool of qualified mediators that can provide services to the JCs upon referral of cases.

Project interventions helped in improving coordination and linkages among stakeholders. The participation of JC representatives in Justice Sector Coordination Committees (JSCC) is a big step forward towards improving overall coordination to facilitate the mandate and working of the JCs. Accordingly, at the district it is also expected that collaboration among JCs and district courts, district attorney offices and the district bar will further improve in times to come. The creation of the roster of trained mediators will also enhance access to justice for the local people by enabling JC to refer more cases to mediation.

#### ***Result 2.3: Women, poor and vulnerable are aware about the roles and responsibilities of JC and feel confident towards it***

To increase awareness among women, poor and vulnerable on the role and mandate of the JCs for resolution of local disputes and conflicts, the project conducted several awareness raising interventions through mainstream/mass media to reach out to wider and diverse audience, especially the poor and vulnerable. Project in collaboration with Radio Nepal and Nepal Television



has produced and broadcasted various programmes, talk shows, dramas, documentaries, vehicle painting and public service announcements, related to access to justice in general and role of judicial committees in particular.

The mass awareness campaigns through radio and TV were found very instrumental in reaching out and delivering the desired messages, especially to the remote and disadvantaged communities. According to the ratings data provided by Nepal Television and Radio Nepal, more than 100,000 people were reached through these programs in 2018. The figures for 2019 are not compiled, however progress report suggest that the same coverage figures can be also taken for 2019. Furthermore, according to project estimates (Study on Effectiveness of Mass Awareness Activities), 61.6% people in project target area are aware about JC's roles whereas this is only 45.9% in non-intervention areas. Out of them, 68.5% of people reported that JCs were effective. Similarly, as a result of these campaigns there has been a considerable increase in registration of cases in Judicial Committees.

The project also collaborated with and provided grants to 11 local CSOs to organize and implement awareness raising campaigns on access to justice for poor and vulnerable in the targeted districts. These events aimed to raise awareness among targeted communities, on legal issues and processes, roles and functioning of JCs, legal aid mechanisms, rights of the women, poor and vulnerable people, elimination of caste-based discrimination and issues of child marriages etc. In addition, CSOs were also involved in capacity building of local level stakeholders including communities, police and local representatives, teachers and students and local mediators etc.

Project collaboration with CSOs was very fruitful and the awareness raising campaigns and capacity building events were successfully implemented in the target districts. These events were found very effective especially in directly reaching out and making aware general public and especially the poor and vulnerable segments regarding accessing and benefiting from respective local and district level justice institutions. According to project estimates more than 19,000 people (around 60% women) were reached out directly through various awareness and capacity building events.

#### **Reflections by officials of CSOs**

- The communities were totally unaware of their constitutional rights and legal processes to resolve their disputes. We closely interacted with local communities and provided them various information about their legal rights and legal procedures to sort out their disputes etc.
- Overall involvement of CSOs in project was very effective in reaching out to the remote and marginalized communities. However, the funding windows for CSOs was very small as compared to other partners. The share of CSO funding need to be considerably enhanced in future projects.

Overall, it can be concluded that project has made strenuous efforts to achieve specified results and targets under output 2 to build the capacities of Judicial Committees to deliver justice at the local level. The project was able to produce the final draft of Code of Conduct for JCs and additional guidelines for JCs to negotiate its role the Covid pandemic situations. Similarly, capacities of JCs members were built (involving 682 JC members, including 325 Women, from 158 JCs) in the target 3 provinces and 12 districts. Project also helped in improving coordination and linkages among

stakeholders through organizing numerous meetings and events. Project awareness campaigns through its media and CSO's also helped greatly in reaching out and making aware the general public and especially the poor and vulnerable about their rights and the role and functions of JCs for easy access to justice. (for achievement status of output level indicators please see table and the end of the section)

It is also important to highlight that, though the project has achieved its awareness targets, the overall coverage of these interventions were found limited as compared to the large and scattered population base of 9.5 Million people in project focused provinces of Sudur Paschim, Karnali and Province 2. Similarly, the awareness campaigns also need to be scaled up to other provinces to allow all segments of society and especially the poor and vulnerable to benefit from JCs for easy access to justice.

The immediate change envisioned in the project Theory of Change, as a result of interventions under this output, was capacities of Judicial Committees to deliver justice developed. As already mentioned the project interventions were found instrumental in building the capacities of selected JCs members regarding their mandate, roles and responsibilities in providing justice at the local level. These trainings were found highly effective in providing them with needed legal knowhow and necessary skills to deal with various cases of disputes in their respective jurisdictions.

Having said this there is still some miles to go to fully build the capacities of JCs to streamline effective functioning of JCs in delivering justice especially for the vulnerable and disadvantaged segments throughout Nepal. Since JCs are in the initial stages of development and most of its members are from political background, therefore there is a need to continue and scale up the capacity building of JCs to all provinces and districts, presently the A2J project interventions are mostly concentrated in 3 provinces and 12 districts.

Another immediate change envisioned in the project Theory of Change, which relates somehow to interventions under this output, was strengthened justice coordination and judicial integrity. Overall, most of the project work was related to improving coordination among justice sector actors especially at the district level to facilitate the effecting functioning of JCs. More than 2200 people (around 50% women) participated in these coordination events, which greatly helped in connecting JCs with other justice sector actors to effectively discharge their mandates. In this regard allowing the participation of JC representatives in Justice Sector Coordination Committees (JSCC) is a big step forward towards improving overall coordination.

However, being not considered as part of the formal justice system, the coordination of JCs with formal justice sectors actors has been found very challenging, there is further need to build and implement specific mechanisms for effective coordination among JCs and especially district courts and local administration.

### **Output 3: National capacity for drafting and implementation of laws strengthened**

In the wake of new constitution there is a greater demand for drafting of new laws and regulations and their implementation at national, provincial and local levels. This will give effect to the right to social justice and other key fundamental rights related to access to justice as envisaged in the constitution. The Project document outlined that the project will support the efforts of the MoLJA and stakeholders in legislative drafting through achieving the following results.



### **Result 3.1: Research/studies on the key areas of law-making for the fundamental rights**

At the start, when the Government of Nepal was under pressure to meet the 3-year deadline for making laws for fundamental rights, the project provided support in the formulation of sixteen laws related to implementation of fundamental rights<sup>6</sup>. In this regard project main contribution was involvement and consultation with marginalized groups like Dalit NGO Federation etc. These consultations provided substantive information to the parliamentarians, helping them to submit amendment proposals on the respective bills to safeguard the rights of disadvantaged and vulnerable groups. Project also completed number of researches works with respect to implementation of specific Acts (housing, employment, victim protection etc.) and has conducted a comprehensive research study on Implementation of overall Fundamental Rights. The report has analyzed the

#### **Reflections by Access to Justice and HR Experts**

- There are substantial gaps in the adopted 16 laws for fundamental rights. These were drafted in a hurry to comply with the 3 years' time timeframe provided by the constitution. The supporting regulations and procedures for these laws are also not drafted so far, therefore hindering the overall implementation of these laws.
- There is still a long way to go to formulate laws at all levels. The process is already initiated, however progress is very slow. There is also lack of clarity, capacities and awareness regarding making laws, especially at the provincial level.

different perspective on the implementation of the fundamental rights, the status of implementation, initiation made by different concerned agencies, progress on the formulation of the regulation, obstacles and challenges, assessment for the costed action plan, need for coordination and collaboration with all three tiers of government etc. The parliamentary deliberations in the parliamentary sessions reflected the issues and challenges identified by the report.

### **Result 3.2: Laws repository system and standardization of law-making process introduced**

Project provided support in the standardization of laws and developing a law repository system. The software and mobile apps were developed, and more than 500 laws are digitized and being placed in the repository system. The MoLJPA has completed the verification of laws that has been digitalized for the repository system. Once launched, the repository resources will be easily accessible online, this will help increase the awareness level of the general public and will also help the justice sector actors to easily access these resources.

Project also supported the national conference of all Chief Attorneys to create common understanding and synergies on law making process and institutionalization of federal system. Similarly, project was engaged in providing technical support and organizing training on law drafting for provincial level legal officers. The training focused on the technical part of law drafting, using the GESI and Human Rights Based Approach. As of June 2020, the project has provided training to 530 persons (including 81 women) from various justice sector actors at the national and provincial levels. Several more trainings have been planned for 2020, however due to Covid-19 pandemic these could not materialize.

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<sup>6</sup> These laws included; rights of children, citizenship, education, consumer protection, protection of crime victims, rights of PWD, employment, public security, social security, caste-based discrimination and untouchability, privacy, environment, food sovereignty, housing, public health and safe motherhood.

Overall project support was found very instrumental in building the capacities of the provincial officials through various training on law drafting processes, gender equality and social inclusion and

#### **Reflection by Chief Attorney of Bagmati Province**

- The majority of provincial legislators have no law drafting experience. So, training in such areas was very important to build the capacity of legislators in the law drafting process.
- Knowledge gained from project training have been translated into practice immediately, to draft relevant laws, especially related to rights of women, children, and other marginalized people. So far Bagmati province has drafted 59 bills and has passed 45 bills.
- However, two days training was not sufficient to discuss intensively. There is a need for continued follow up and support to build the capacities of all related stakeholders.

gender-based violence including domestic violence. These trainings were found very effective in using a standardized approach in the legislative drafting and several laws have been drafted by the respective provinces with special emphasis on GESI issues and parameters. It is expected that these capacity building interventions will also help in minimizing the duplications and contradictions between various laws at the different tiers of government. Based on the capacity building interventions, MOLIPA has developed separate Law Drafting Manual for Provinces and revisited Law drafting guidelines for federal level in the context of federalized structure. In this regard, with the help of the project 11 draft bills were reviewed through expert consultations in Province 2 and Karnali Province in 2019<sup>7</sup>.

#### **Result 3.3: Support to implement Costed Action Plan (CAP)**

Project implemented a number of activities in collaboration with the Office of Attorney General (OAG) and the Nepal Bar Association (NBA) for implementing the Costed Action Plan developed for the effective implementation of newly adopted penal and civil codes as well as procedures. A number of guidelines have been prepared including Prosecutor's guideline, Advance Training module developed for OAG Officials on Penal Code and Criminal Procedure Code and Sentencing Guidelines. Accordingly, several training courses have been conducted for the justice sector actors on the newly adopted criminal and civil codes and procedures. Similarly, the OAG conducted specialized training courses on cybercrime, banking offence and organized crime and promoting of prosecutorial integrity. OAG also conducted specialized trainings on Protection of Public Property and Service-related Laws. The later was conducted virtually (online), due to the Covid-19 pandemic. Project also helped OAG in monitoring of the prison and detention center during the Covid-19 lockdown and crisis.

Project supported OAG in the digitalization of cases and a total of 11,979 cases were digitized. Which will help in improving the electronic record keeping and case management systems. The digitization of cases has enabled the OAG to implement one of its strategic plans 'Electronic-attorney' program which aims to eliminate corrupt practices caused by the lack of documentation by making digital files available on demand. In addition, the Project continued to organize activities related to the dissemination of simplified versions of the penal and civil codes. For this purpose, 5000 copies of simplified versions were printed and disseminated among stakeholders.

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<sup>7</sup> Karnali Province: Civil Service Act, Protection of Rights of Children, Commerce and Industry Act, Tourism Act, Forest Act, Environment Protection Act and in Province 2: Provincial Civil Service, Protection of Rights of Girl Child, Province Public Service Commission, Commerce and Industry, Land Management.

Project support was found very instrumental, among others, in the implementation of Costed Action Plan for newly adopted criminal and civil codes and procedures through capacity building of government attorneys and stakeholders. The guidelines and trainings have considerably helped the government attorneys to understand and prosecute criminal and civil cases in accordance with the new codes. Similarly, the digitization of cases will also help the OAG in streamlining the electronic record keeping and case management system. However, there is still need for continued support in the full implementation of Costed Action Plan and OAG's strategic plan, in times to come.

Overall, it can be concluded that project has made strenuous efforts to achieve specified results and targets under output 3 to strengthen national capacity for drafting and implementation of laws and regulations. Project support in consultations with marginalized groups and providing feedback to parliamentarians was found instrumental in drafting 16 laws related to fundamental rights. Project reviewed a number of draft bills and provided feedback keeping with specific emphasis on GESI aspects, including Right to privacy act, safe motherhood and reproductive health rights act, employment act, right to food act and free and compulsory education rights act, child rights act.

Project also provided support in the standardization of laws and developing a law repository system and more than 500 laws are digitized. Project also greatly helped in building the capacities of justice sector actors in law drafting at national and provincial levels. Which resulted in drafting of several laws and regulations in the target provinces. Similarly, the implementation of costed action plan was supported through preparation of guidelines and capacity building of relevant officials in new criminal and civil codes etc. However, due to the non-involvement of the judiciary in the project activities the main stakeholders of the justice sector—judges of the high courts and district courts—were not covered as envisioned in the costed action plan. (for achievement status of output level indicators please see table and the end of the section)

The immediate change envisioned in the project Theory of Change, as a result of interventions under this output, was legislative framework on fundamental rights in place. As mentioned, project provided inputs for drafting of 16 laws for fundamental rights. Project has also helped in building the capacities of the provincial officials through various training on law drafting processes. Which helped in drafting several laws and regulations in 2 of the project target provinces. However, there are substantial gaps in the adopted 16 laws for fundamental rights. Which were drafted in a kind of hurry to comply with the 3 years' timeframe provided by the constitution. Similarly, the supporting regulations and procedures for these laws are also not drafted so far, therefore hindering the overall implementation of these laws.

Having said this, discussions and analysis also suggest that in the wake of new constitution and federalization process, there is an ever-greater demand for drafting of new laws and regulations and its implementation, especially at the provincial and local levels. Therefore, there is a need for continued support in conducting research, improving collaboration and building capacities of stakeholders for formulation and implementation of relevant laws and regulations, especially to benefit and safe guard the rights of vulnerable and disadvantaged segments of society.

#### **Output 4: Justice sector strengthened for inclusive economic development**

Project document outlined that as the natural resource scarcity increases over time due to privatization or growing utilization for commercial purposes, communal disputes related to use and access to natural resources are increasing and constituting a threat to local peace and stability.

Implementation of the new federal model could also lead to conflict between states over these resources or change the existing rights for local communities due to new delineations of jurisdictions. Therefore, there is a need to strengthen the justice sector and related laws and regulatory frameworks to induce inclusive economic growth.

**Result 4.1: Effective justice system for inclusive economic development strengthened:**

Project has initiated and conducted a series of dialogues at the national and provincial level involving justice sector actors, parliamentarians, court officials, lawyers, government officials, civil society, academia, media and business community to introduce the subject of law and human rights and development with specific emphasis on addressing business and human rights issues. In this regard around 14 dialogues were organized at the national and provincial level involving more than 1500 participants, including women and marginalized groups. It is important to highlight that these dialogues also involved representatives of various marginalized and vulnerable communities.

The Project had expanded the activities under this output to reach a larger audience in partnership with Federations of National Chamber of Commerce and Industry (FNCCI) and Supreme Court Bar through Memorandum of Understanding. In addition, the project organized an international workshop on “Emerging issues on business and human rights in South Asia”. Project also facilitated participation of delegation from Nepal in international forums like the Forum on Business and Human Rights in South Asia, held in New Delhi, India and UN Working Group meeting in Geneva, Switzerland. The project prepared and advocated for the inclusion of a chapter on B+HR in the National Action Plan on Human Rights. Furthermore, trainings were organized for lawyers and government officials to enhance their capacities in handling the cases related to businesses and commerce.

Overall, the agenda of business and human rights was found very novel in the context of justice sector in Nepal. Therefore, the stakeholder’s dialogues were found very instrumental in bringing the business and human rights agenda into the limelight and has helped in generating a discourse on the connection between law and economic development and issues related gender equality, gender friendly working environment and protection of consumer rights etc. Project interventions also provided the opportunity for the Government of Nepal to actively participate in regional and global forums on business and human rights. It is expected that these interventions will help in the formulation and implementation of development-friendly laws in future. It is also important to highlight that as a result of project lobbying and advocacy, the Government of Nepal has integrated the business and human rights into the draft Plan of Action on Human Rights.

**Reflections by Vice President of FNCCI**

- Before the project interactions, we had no knowledge of business and human rights issues. After interactions with the project, we have realized that human rights considerations are very important for businesses and economy. However, we are still very new to this idea and there is long road ahead to fully mainstream human rights issues in our businesses. We need longer term collaboration from government and especially international agencies to take the agenda of business and human rights forward.

Overall, it can be concluded that project interventions were very instrumental in bringing forth the agenda of business and human rights and generating a stakeholder’s discourse on the subject. However, since the subject is quite new and complex therefore work needs to continue to fully

streamline the business and human rights principles in the prevailing legal and justice system through reviewing existing legislations, formulating new laws and establishing specific implementation mechanisms. There is also greater need to induce inclusive economic growth, which safeguard the rights of all stakeholders and especially the vulnerable and disadvantaged communities.

The following matrix provides a summary of achievements of project output level indicators and targets as outlined in the Project Results Framework. The matrix also provides color code progress in a “traffic light system” for output level indicators.

**Table 1: Project Results Framework Targets and Achievements**

<b>Green= Achieved</b>	<b>Yellow= On track to be achieved</b>	<b>Red= Not on track to be achieved</b>
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Output Indicators	Baseline	Overall targets	Achievement (June 2020)	Remarks
1a # Laws, policies and procedures developed on Legal Aid in line with constitution and Integrated Legal Aid Policy	2	4	2	National (Integrated) Legal Aid Policy adopted by cabinet on December 2019. Legal Aid Bill and Regulation are in drafting and approval process.
1b # People benefitted from integrated legal aid service, as per integrated legal aid policy	26,234 (15467 Women)	10% increase annually (at least 50% women)	25,932 (including 15951 Women)	Needy people benefitted from legal aid services such as litigation, counselling, referral, legal information. It is important to note that these are the people benefitted from the old legal aid system, as the new integrated legal policy has been recently adopted.
1c Legal aid council secretariat established and functioning	0	1	0	The process for establishing the secretariat has been delayed due to the time consumed by the legal aid policy. The TOR and concept note has been drafted and procurement process started.
1d Code of Conduct for Legal Aid Providers developed	0	1	1	Code of Conduct for Legal Aid Providers has been developed
2a # SOPs, rule and regulations developed for the operation of judicial committee	0	2	2	Draft of Code of Conduct for JCs developed Standard training resource manual and curricula for JCs developed
2b # Judicial committee members trained on model law	8 JCs	75 JCs	158 JCs	682 JC members (including 325 Women) from 158 Judicial Committees in the target 3 provinces and 12 districts. The target was extended due to the growing demand for JCs training.

Output Indicators	Baseline	Overall targets	Achievement (June 2020)	Remarks
2c # people reached through awareness events.	0	50,000 persons	119,030 persons	100,00 people reached out through the Radio and TV awareness programme. 19030 people were reached out and made aware directly through CSOs.
3a # Legislation reviewed /drafted in an inclusive and participatory manner to implement fundamental rights	7 thematic areas of laws	7 Laws reviewed /drafted	27 laws/bills	Support provided in the formulation of 16 laws related to fundamental rights. Support provided to draft 5 Bills in Province 2 and 6 Bills in Karnali province.
3b # Judges/prosecutors/ lawyers/ Police officers trained on new Civil and criminal code	475	1000 persons	530 persons (81 women)	Several more trainings have been planned for 2020, however due to Covid pandemic these could not materialize.
3c # necessary rules/guidelines developed as the costed plan of action on implementation of codes	0	3 Guidelines	3	Prosecutor's guideline developed. Advance Training module for criminal and civil codes for OAG developed. Sentencing guidelines developed
3d Revised/ new policies and legislative reflecting promotion of gender equality and the empowerment in place	2 Strategies developed	5 policies and laws	8	6 laws reviewed in GESI perspective. Law Drafting Guideline reviewed. Pro-bono guideline developed with GESI sensitive lens.
3e # people who participated in awareness events on new civil codes and procedures	0	100,000 persons	119,030 persons	100,00 people reached out through the Radio and TV awareness programme. 19030 people were reached out and made aware directly through CSOs.
4a # interagency dialogues conducted	0	15	14	Dialogue held at National and Provincial level related to business and human rights, involving more than 1500 people at national and provincial levels.
4b # of trainings on ADR for handling commercial cases conducted	0	125 persons	65 persons	Two training conducted on arbitration for lawyers and government officials.
4c # of researches conducted on laws, policies and practices related to inclusive economic development	0	4 researches conducted	2	3 researches were planned for 2020. However, was delayed due to C-19. ToR has been developed and hiring process will be initiated soon.



## 6.5 PROJECT EFFICIENCY

According to project document, the project's total original budget is \$ 4.6 Million, out of which \$ 3.6 Million was from Norwegian Ministry of Foreign Affairs through Norwegian Embassy in Nepal, \$ 0.65 Million was from UNDP regular funds and \$ 0.35 Million was from UNDP funding window. The

Table 6.5.1: Total Fund Receipts and Expenditures (2018 to till July 2020)				
Sources of Fund	Total allocation <sup>8</sup> USD	Fund received by July 2020 (USD) <sup>9</sup>	Expenditure (2018 to July 2020) (USD)	Delivery %
NORWAY EMBASSY	3,600,000	3,310,802.00	2,450,982.99	74%
UNDP TRAC	650,000	100,000.00	55,606.81	56%
UNDP WINDOW FUND	350,000	334,561.00	334,561.36	100%
UNDP HQ -RoLSHR fund		277,777.78	8,036.44	3%
<b>Total</b>	<b>4, 600, 000</b>	<b>4,023,140.78</b>	<b>2,849,187.60</b>	<b>71%</b>

following table summarizes total received funds and expenditures.

Around 82% of the available funds were provided by the Royal Norwegian Embassy and the rest of 18% were received through various UNDP funding mechanisms. It is important to highlight that due to currency exchange losses the project received around \$ 3.3 Million from Royal Norwegian Embassy. Similarly, the Norwegian funds were supposed to be utilized for activities under outputs 1, 3 and 4, while UNDP funds were mostly utilized for activities under output-2. Discussions with officials of Norway Embassy suggest that the main reason for non-sponsoring of output-2 is, that at the time of the project design the mandate and roles of the JCs were not very clear.

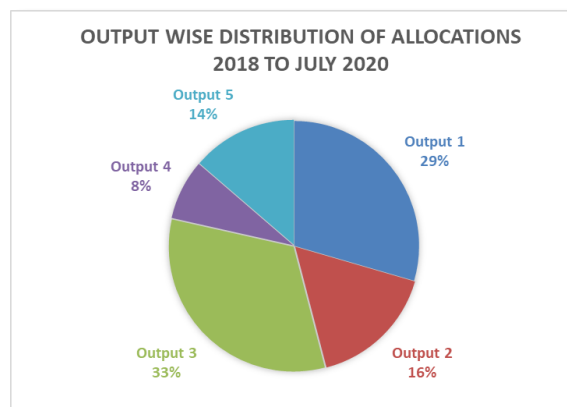
According to the financial statements provided by the project, from 2018 to July 2020 the project has utilized around \$ 2.85 Million, which is around 71% of the total project available budget. Please see the table 6.5.2 below for a summary of the project's output-wise allocations and utilizations:

Table 6.5.2: Total Output-wise Fund Receipts and Expenditures (2018 to July 2020)			
Output	Funds Allocated/ received, July 2020	Expenditure (2018-July 2020)	Delivery %
Output 1	1,186,939.02	763,953.83	64%
Output 2	662,047.91	376,665.23	57%
Output 3	1,309,748.76	1,024,237.08	78%
Output 4	313,644.12	248,355.13	79%
Project Support Cost	550,760.96	435,976.33	79%
<b>Total</b>	<b>4,023,140.78</b>	<b>2,849,187.60</b>	<b>71%</b>

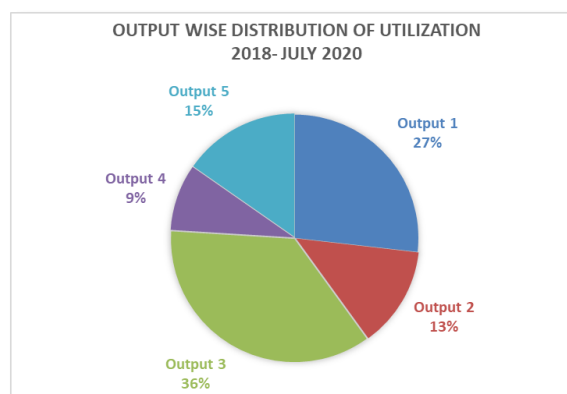
<sup>8</sup> Project document

<sup>9</sup> Estimates provided by project team

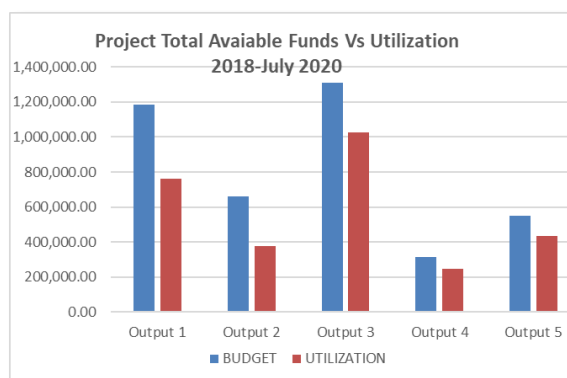
Analysis of the output-wise distribution of allocations suggests that most (33%) of the project resources are allocated for Output 3: Capacity for drafting and implementation of laws; followed by Output 1: Legal Aid System; Output 2: Capacity of Judicial Committees; Output 5: Project Support Cost and Output 4: Business and Human Rights. (Please see Chart). It is important to highlight that various outputs and components are being implemented by the main partners including MoLJPA, Office of the Attorney General, Nepal Bar Association and UNDP.



Analysis of the overall utilization of project funds suggest that in the past two and half years (2018-July 2020), around 71% of the total available project budget has been utilized. Similarly, output-wise utilization suggests that a major chunk (36%) of the total spent resources has been utilized under Output-3, followed by Outputs-1, 5, 2 and 4 respectively (please see chart).



At this stage, when the project is left with only few more months, analysis suggest that that outputs 1, 2 and 3 are slightly underspent. Analysis and discussions with project team suggest that overall the delivery rate of the project was very appropriate and according to the plan during 2018 and 2019, however project implementation have been considerably hampered during 2020, especially in the quarter-2, due to the country wide lockdown resulting from Covid-19 pandemic. The situation continued until third quarter and possibility to continue until the end of the project period. Which will have implication for full scale financial delivery.



Furthermore, according to the project cash transfer mechanism, UNDP transferred funds into the Project's account on a quarterly basis, based on the approved quarterly work plans and progress reports. Fund request and reporting has been done by implementing partners to UNDP as per Harmonized Approach of Cash Transfer (HACT). UNDP also makes direct payment for the activities to be implemented directly by UNDP. As required, MOUs have been signed with other implementing partners for implementation of specific activities under the Project.

Overall the flow of funds remained smooth and timely and, project funds were managed and spent using UNDP and Global standard financial management and procurement systems and procedures, keeping in view the best value for money. As mentioned earlier project delivery rate was optimal



during 2018 and 2019 and most of activities were implemented in a timely manner according to the approved work plans. However, in 2020 implementation of project activities was considerably slowed down due to the Covid-19 pandemic. Though the project has made efforts to implement some activities remotely, however the full-scale implementation has been considerably hampered. Keeping in view the uncertain situation in the coming months, it is expected the project may require a no-cost extension of 3-6 months to implement the remaining interventions.

## 6.6 PROJECT IMPACT

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Since the A2J Project is still going on, at this juncture it seems early, to assess or provide much indications on the medium term and long-term changes, as outlined in the A2J project Theory of Change, however, as outlined in the ToR, it seems appropriate and feasible to assess the impacts of the ROLHR as the predecessor project in conjunction with the activities continued under this project. The following paras are intended to address the main impact related evaluation questions provided in the ToR:

**Impact of ROLHR:** The activities initiated and carried out during the predecessor project and continued through the successor have positive impact to enhance the access to justice to the poor disadvantaged groups in Nepal. One of the notable impacts is the implementation of the new codes<sup>10</sup> replacing 170 years old Nepal's legal system. It has been acknowledged that these codes are milestones for the modernization of Nepali legal system. For the effective implementation of these codes, so far, A2J project has trained 530 (including 81 women) government attorneys, police officers and lawyers. It has been found that the trainings very effective for the relevant stakeholders to discharge their responsibilities in the changed legal landscape. Similarly, AG office has also been provided support to develop necessary policies, guidelines and procedures for the implementation of criminal codes.

The recent adoption of the Integrated Legal Policy—initially prepared under ROLHR— the government of Nepal represents a way for the paradigm shift in the modality of legal aid for enhancing access to justice to the indigent people in Nepal. The stakeholders acknowledge that the enactment a statute for giving effect to this policy will have long-term impact in this field. Enactment of the draft legislation and code of conduct of the legal providers prepared by the MoLPA in support of the A2J Project may contribute for the further institutionalize the legal aid system.

The concept of the “Access to Justice Commission” was initiated as an innovative approach to enhance the access to justice under ROLHR. The establishment of the commission under the leadership of Chief Justice of the Supreme Court in 2015 has fully engaged the judiciary for the promotion of the rule of law since then with a special wing within it. This has been institutionalized under the Supreme Court Rules {Rule 13(e)} with extensive mandate. A2J Project is also supporting many of its activities in spite of Supreme Court not being part of this project.

The scholarship program and internship programs targeted to women and marginalized groups to achieve inclusive legal education will have positive impacts in time to come. The internship program

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<sup>10</sup> Penal Code, Criminal Procedure Code, Civil Procedure Code, Criminal Procedure Code and Sentencing Act were enacted by the Parliament in 2017 and came into force in 2018.

has been regularly implemented for the seventh batch. In total (both from ROLHR and A2J) 216 young law graduates (including around 50% girls) have benefitted from the scholarship and internship schemes. These programmes are found very instrumental in inducing a cadre of lawyers among the women, vulnerable and marginalized groups of the society. It is a bit early to measure the overall impacts, however, their entry into legal profession will have greater contribution, in particular, to their communities like provision of legal aid etc. However, the scholarship scheme was one-off program benefiting 20 students. Those have graduated in 2019 and due to COVID-19 are not in position to get placement.

The *costed action plan* designed for the implementation of newly enacted codes in Nepal is being implemented although partly through the Office of the Attorney General of Nepal to enhance the capacity of the government attorney. It has been found that it has contributed to enhance the capacity of the government attorneys and police officers that will have a long term impact to enhance access to justice and promotion of rule of law. It is highlighted during the discussion that full-fledged implantation of that plan is still needed for the effective implementation of those codes.

**Justice Delivery at Local Levels:** The project has positively contributed for enhancing access to justice to the women at local levels. Women as the larger number of the end beneficiaries (66% of 25932) of the legal aid service provided with the support of the project is a strong indication that women are being increasingly prepared to resolve their right violations remedied through legal measures. It is a complex issue to explain about the ability of the Judicial Committees to resolve disputes responding the local needs. In addition to orientation programs to JCs members and production of knowledge products to enhance their capacity the A2J project has invested for making people aware about the roles and responsibilities of the committees. The cumulative impact of those interventions is reflected in the registration of 4116 cases of disputes in JCs representing larger number of women complainants. Forty-eight percent disposal rates of these cases is a very encouraging development in the ground. However, there is a vast difference among the JCs in registration and disposal of the cases. During the interview with JC chairpersons it was shared that one of the committees has registered 1400 cases and disposed of 200 cases whereas some have no registered case till date or some have not disposed any of the registered cases. Harmonization of practice among the JCs is required in the future for more positive impact.

**Building Capacity of Government Stakeholders:** The project aims building the capacity of the government officials mainly in the areas law drafting, implementation and justice delivery. Discussions with the stakeholders confirm that the project has positive impact in this area through trainings and knowledge products. A2J project helped to conduct orientation program to 682 members (including 325 Women) from 158 Judicial Committees to effectively discharge of their responsibilities. A total 282 officers benefitted from law drafting training programs conducted in the province. In addition to those programs the trainings on new codes to the public prosecutors, police prosecutors and layers have directly contributed for capacity building of the justice sector of all the three tries of government.

**Situation in the Absence of Project Interventions:** It is very difficult to answer in concrete terms what would have like the situation of access to justice without the project interventions. However, the qualitative and quantitative data indicate that there are some real differences brought through the project interventions. It can reasonably be inferred that legal aid services (litigation, referral, counseling and legal information) provided to 25932 beneficiaries of which 66 percent are women

has great positive impact in the access to justice situation. Likewise, it has been reported that the large number of people were made aware about new codes through radio and television pangrams. In more solid terms most of the interviewed scholarships grantees and internship grantees openly shared their experience that they would not have pursued legal education or legal profession without the provided support.

The project has initiated discussion about "UN Guiding Principles" on Business and Human Rights, 2011<sup>11</sup>". GoN is going to put some initiatives for the implementation of these guiding principles in its upcoming "5 years National Human Rights Action Plan." The Project has hold one international level, one national level consultation and 7 province level consultation on these principles involving representative government, parliamentarian, entrepreneur, trade unions and law scholars. Similarly, a curriculum on BHR has already been developed for the law colleges

**Mitigating Contextual Changes:** Overall some political contexts had made the implementation process difficult. The project planned to hold wider discussion on the laws that need to be enacted for the implementation of fundamental rights as mentioned in Constitution but this could not be conducted as planned because after the election, clear majority (almost 2/3) government came into power. This government took firm reluctance on accepting outside support in law making. This has ultimately resulted in enactment of faulty legislations and most of them are still not effectively implemented and now they need substantial revision or enacting detail regulation for its implementation.

The project had initially planned to develop standard training manual for Judicial Committees but then Ministry of Federal Affairs and General Administration (MoFAGA) had prepared a draft model procedure law for Judicial Committee and circulated it throughout the country. It was adopted by most of the local government even without due consideration and understanding. By the time, standard resource material was developed in support with the A2J Project, most of the local bodies had already started practicing one or another model. Further, they also got orientation by different agencies in different ways which has added to their confusion. The Ministry of Law and Justice also made efforts to produce a model procedure for the judicial committees. However, the uniformity of training an orientation to the JCs has not been fully achieved.

## 6.7 PROJECT SUSTAINABILITY

Sustainability and scalability of project interventions and benefits in the short and long run normally depends on the availability of desired policies, institutional frameworks, human and technical skills, social acceptance, environmental viability and most importantly availability of desired financial resources. Overall in view of the high level of acceptance and ownership of relevant governmental institutions for project outcomes and interventions, it can be deduced that the work related to reforms of the justice sector, in line with of new constitution and federalization process, will continue and benefits will gradually continue to flow, especially for the vulnerable and disadvantages segments. However, because of the resource and time intensive nature of access to justice related interventions, the wider scale replicability of good practices poses challenges in terms of availability of desired technical and financial resources.

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<sup>11</sup> Adopted by Human Rights Council on 16 June 2011.

As mentioned, the Government of Nepal has greater ownership for project outcomes interventions, in the context of justice sector reforms in the country. The adoption of the integrated legal aid policy supported by project is considered one of the most important integration of the project level outcome into the government policy. Business and human rights issue brought to lime light through the project, has been incorporated into the draft human rights action plan of the government of Nepal. Similarly, legal drafting training to the provincial level officers has been included into the Annual Action Plan of the MOLJA. The OAG is in the process of preparing third strategy plan that will incorporate various project outcomes related to capacity building etc. Similarly, the Nepal Law Campus is creating a fund for the continuation of scholarship program targeted to women and marginalized groups. Indeed, these institutional frameworks and mechanisms will help in sustaining project interventions and benefits in times to come.

Project has supported the process of development of laws for fundamental rights in line with the mandate of the constitutions, with special emphasis on ensuring the rights of disadvantaged and marginalized groups. Indeed, this will greatly help in benefiting all citizens and especially the marginalized to claim and exercise their fundamental rights in times to come. The adaptation of National Legal Aid Policy has been found instrumental paving the way for effective legal aid services in future, especially for vulnerable and disadvantaged groups of the society. However, there is still a need for development of further regulations and implementation mechanisms for legal aid, once in place it is expected that the benefits will continue to flow in terms of increased coverage and number of beneficiaries of legal aid.

Project has considerably helped in building the capacities of wide range of justice sector actors at the national, provincial and local level in development of laws and regulations, streamlining of legal aid policies and mechanisms, new legal codes and delivering justice at the local level through JCs etc. Similarly project also helped in improving coordination and linkages among stakeholders and has conducted mass awareness campaigns, especially for the marginalized communities. The benefits of the capacity and institutional building work will continue to flow and will help in improving the access to justice in the longer run. It is also expected that beneficiaries of the project scholarship and internship programmes will also continue to serve their respective vulnerable and marginalized groups in future.

Overall project interventions are also found mostly socially acceptable by the ultimate beneficiaries. However, there is some sort of mistrust, especially among the disadvantaged and indigenous communities on the formal legal system, due to its cumbersome, complex and time-consuming nature. Most of them prefer to use informal and indigenous justice mechanisms for speedy resolution of their disputes and conflicts. Therefore, there is a greater need to build their trust on the justice system through mass awareness and implementation of suitable and speedy justice mechanisms.

Furthermore, due to the resource intensive nature of justice sector reform agenda, the sustainability and replicability of good practices poses challenges in terms of availability of desired technical and financial resources. Though Government of Nepal is doing its best in providing desired financial and technical resources from its limited means to take forward the agenda of justice for all. However, in view the larger scale and complexities of the access to justice issues especially for the marginalized, it seems slightly beyond the scope of one such project to bring about the longer term changes. Realization of such longer term changes requires considerable time and especially financial resources, over a longer period of time. Therefore, there is a continued need for technical and

especially financial support from external (international) funding agencies, in times to come to scale up the interventions to achieve overall goals.

To ensure sustainability the project document envisaged development of an exit strategy, in close consultations with implementing partners. However, exit strategy as such has not been developed so far. Instead, a sustainability strategy has been shared with the evaluation team that talks about the ways to exit. It seems that it is still in draft phase and needs more consultation with the partners to take their responsibilities in the future. This document has clearly echoed the commitments of the implementing partners for the continuation of the activities even after the exit of the project. However, there is an urgent need to prepare a timely and pragmatic exit strategy, outlining issues, ways and means to smoothly phase out and handover interventions to partners, to ensure sustainability and continuity. The exit strategy should also highlight possible future options for replicability and scaling up of interventions in future.

## 6.8 GENDER EQUALITY AND SOCIAL INCLUSION (GESI)

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It is important to mention that overall, the GESI elements have been duly incorporated in the all above sections of the evaluation report. However, this section has been added to further emphasize and elaborate GESI mainstreaming in the project design, outputs and interventions. Overall Project has made strenuous efforts to incorporate GESI principles and approaches in its design and implementation. To mainstream GESI, the project has developed its own GESI strategy and has supported the implementing partners and CSOs to mainstream GESI in all activities. During the inception workshop of the project detailed deliberations were made on UNDP corporate values related to GESI and its importance and implications for the success of the project. Which greatly helped in developing a common understanding among the implementing partners.

Ensuring social justice and human rights for all particularly for women, disadvantaged and vulnerable groups was the central pillar of project design and theory of change. The monitoring and evaluation framework was also developed with emphasis on gender-disaggregated data. Project outcomes, outputs and activities are found highly relevant and consistent with GESI principles and approaches. The project intended to address the needs of women, vulnerable and marginalized groups like Dalits, Madhesi, Muslims, indigenous communities and persons with disabilities etc. In this regard the project has reached out to vulnerable and marginalized communities through its awareness campaigns to make them aware of their fundamental rights provided under the constitution. Similarly project also raised awareness about the role and functioning of JCs among the vulnerable communities for easy access to justice. Project also helped in streamlining of the legal aid systems and mechanisms for the vulnerable groups. Project interventions are also in line with the new constitution and national plan which calls for ensuring fundamental rights for all citizens and especially for women and disadvantaged segments of society. Similarly, the project interventions were also found aligned with the SDG Goal 5: To achieve gender equality, Goal 10: To reduce inequality and the core principle of global development agenda of "Leaving no one behind".

The GESI aspects was integrated into all four outputs and a number of activities have specifically focused on increasing access to justice for vulnerable and marginalized groups. GESI was duly mainstreamed into capacity building programs for all justice sector actors and around 40-50% of participants/beneficiaries of these capacity building interventions were women. GESI sensitive pro

bono legal aid M&E guidelines were prepared and around 25932 persons, mostly from the disadvantaged groups were benefited from legal aid services, out of which 15951 (66%) were women.

Project support in consultations with marginalized groups and providing feedback to parliamentarians was found instrumental in drafting 16 laws to implement fundamental rights. Similarly, female and marginalized students and young lawyers participated in the project scholarship and internships programmes. Awareness raising interventions also focused on women and marginalized groups and helped in increasing awareness on issues related to gender-based violence, domestic violence, and child rights and rights of the marginalized communities. The project has also worked on disability, with indigenous peoples.

Project also organized National Women Lawyers Conference, attended by around 600 persons to highlight, among other, the role of women lawyers in provision of the pro bono legal aid. In addition, 60 young women lawyers were benefited from international women lawyers training of trainers and several senior government officials were also trained in GESI related aspects. Similarly, sessions on gender-sensitive communication skills for DLAC officials were organized and a number of government officials were trained on GESI principles and approaches. Women and representatives from marginalized communities participated in the business and human rights dialogues and their concerns were duly highlighted during discussions, which will pave way for safe guarding their rights in the inclusive economic development. Overall, in all of the provincial and district level activities, the project ensured significant representation of the women and marginalized communities, where in total around 30% of participants comes from the aforementioned categories.

Project through its mass awareness campaigns has also raised awareness in target groups on gender equality, prevention of gender-based violence, caste-based discrimination, sexual and reproductive health rights, consumer rights, access to justice and many other issues which were needed to be addressed in changing context.

A numbers of knowledge product documents developed by the Access to Justice Commission of the Supreme Court in collaboration with project, which could be considered as instrumental in increasing access to justice for particular disadvantaged groups, these products include;

1. Rights of children
2. Legal rights of persons with disabilities
3. Rights of women on family and property
4. Rights of citizen who are economically poor and marginalized
5. Rights and justice against caste-based discrimination
6. Legal rights and justice of senior citizens
7. Rights of detainees and prisoners.
8. Brief information booklet on court activities to increase access to justice
9. Women's rights and treatment in criminal cases.

Overall, it can be concluded that the project has effectively incorporated GESI elements into its design and implementation. Women and people from vulnerable and marginalized groups like Dalits, Madhesi, Muslims, indigenous communities and persons with disabilities etc., were duly involved in project interventions, especially in capacity building and awareness raising activities. It is expected



that project interventions will greatly help in improving access to justice for the women and marginalized communities in future.

Having said this, keeping in view the large population of women, vulnerable and disadvantaged segments there is a long road ahead to fully mainstream GESI in the justice sector in Nepal. Continued efforts are required in times to come, to make all national and provincial laws and regulations GESI sensitive, to reach out and raise awareness among all disadvantaged groups across the country and to address their issues and build their trust on justice sector institutions and mechanisms.

Overall, in addition to the gender equality and human rights; anti-corruption and environment are also mandatory crosscutting issues in Norwegian development cooperation. In this regard it is important to highlight that gender equality and human rights are sufficiently covered in this and other sections of the report. Regarding the cross-cutting themes of anti-corruption and environment, it is important to highlight that project had not implemented any specific interventions related to anticorruption or environment related issues.

## 6.9 RISK ANALYSIS

The project document also outlined a number of key strategic risks, and the measures to be taken to mitigate them. The following table provide summary of the outlined risks, mitigation measures and their current status;

Issues/Risks	Assumptions	Mitigations Measures	Remarks/Current Status
<p>Risk 1: Delay in drafting of the laws in line with the Constitution</p> <p>Likelihood: Medium</p> <p>Potential Impact: Inability to timely implement activities related to legislative drafting.</p>	<p>The impact on the implementation is expected to be significant as the MOLPA will be more focused on drafting of laws and the Project activities will have to directly accelerate this process.</p>	<p>Focus will be on the research component and supporting to national and sub-national level in legislative drafting.</p>	<p>Project supported the law-making processes through research work and consultations with marginalized groups and providing feedback to parliamentarians in drafting 16 laws for fundamental rights. Accordingly, project also built the capacities of the provincial stakeholders to review and draft legislations in the target provinces.</p> <p>However, discussions with stakeholders suggest that in the wake of new constitution and federalization process, there is an ever-greater demand for drafting of new laws and especially regulations, at the federal and provincial levels. Since legislative process is complex and time consuming, therefore there is continued need for support in conducting research, improving collaboration and building capacities of stakeholders for formulation and</p>

Issues/Risks	Assumptions	Mitigations Measures	Remarks/Current Status
			implementation of relevant laws and regulations.
<p>Risk 2: Ongoing issues relating to transitional justice</p> <p>Likelihood: Medium</p> <p>Potential Impact: Inability to implement activities due to insecurity and weak law and order situation</p>	<p>The impact on the implementation is not expected to be significant as the community level legal aid activities and legislative drafting will be implemented by the MOLIPA.</p>	<p>The Project will work with government institutions to activate already established mechanism and will employ "safe spaces and intra group approaches".</p>	<p>No significant issues came across during discussions with stakeholders related to security or weak law and order risks, which could have hampered project implementation.</p> <p>However, since March 2020 implementation of project activities were considerably slowed down due to the Covid-19 pandemic. The project has adopted several measures and has made efforts to implement some capacity building activities online. However, the full scale project implementation has been considerably hampered.</p> <p>Furthermore, to mitigate the effects of pandemic on the local population, project has also provided legal aid support and has hired 72 68 additional lawyers and psycho-social counselors to provide legal aid and legal information through telecommunication etc.</p>
<p>Risk 3: Delay in the endorsement of integrated legal aid policy and difficulties in implementation due to possible detachment of judiciary from the Project</p> <p>Likelihood: Medium</p> <p>Potential Impact: Delay in the enforcement of integrated legal aid policy may</p>	<p>There will be direct impact on the activities related to policy such as drafting laws, policies and procedures. Since enhancing access to justice through provision of legal aid is the priority of the judiciary as well, MoLIPA should make efforts to bring the judiciary on board.</p>	<p>The continued dialogue will be arranged with the concerned stakeholders and Central Legal Aid Committee to finalize it and submit to the cabinet. The project will maintain regular communication and coordination with the judiciary to obtain their full cooperation.</p>	<p>The Integrated Legal Aid Policy was duly approved and adopted, which will considerably help in streamlining effective legal aid services especially for vulnerable and disadvantaged groups of the society. However, the formulation and approval of legal aid policy consumed considerable time.</p> <p>Furthermore, due to the absence of the enabling legislation and regulation to give effect to the policy it has not still been effective for paving the way for integrated legal aid services especially for vulnerable and disadvantaged groups of the society.</p>

Issues/Risks	Assumptions	Mitigations Measures	Remarks/Current Status
affect the activities related integrated legal aid policy.			
Risk 4: Lack of clarity about the roles and responsibilities of Judicial Committee. Likelihood: Medium Potential Impact: Training and orientation part for Judicial Committee would be directly affected	The ongoing non-clarity and confusions regarding approaches to proceedings of Judicial Committee will affect the training and orientation activities planned for Judicial Committee.	The Project will directly work with MOLIPA and concerned Line Ministry to have dialogues on the clarity of the mandate and developing necessary laws, policies and procedures. The project will also support capacity development activities for Judicial Committees.	<p>With project support the final draft of Code of Conduct for JCs has been developed and capacities of JCs members were built (682 JC members trained) in the target 12 districts, regarding JCs mandate, roles and responsibilities. Project also helped in improving coordination and linkages among JCs and justice sector stakeholders.</p> <p>However, JCs are in the initial stages of development and most of its members are new to this role, therefore the lack of clarity still exists about the roles, mandate and functional mechanisms of JCs. There is a greater need to continue and scale up the capacity building of JCs to all provinces and districts in times to come.</p>
Risk 5: Lack of adequate preparation of concerned stakeholders for the implementation of codes Likelihood: Low Potential impact: Training, orientation on the codes would be directly affected.	Timely implementation of the activities i.e. training, orientations related to the implementation of the codes will be affected	The Project will provide technical support to draft policies, procedures and SOP's and will support training/orientation activities for their better preparedness.	<p>Project has supported the implementation of costed action plan through preparation of guidelines and capacity building of relevant officials in new criminal and civil codes.</p> <p>However, due to the non-involvement of the judiciary in the project activities the main stakeholders of the justice sector—judges of the high courts and district courts—were not covered as envisioned in the costed action plan.</p>
Risk 6: Uneven media reporting on receiving international assistance Likelihood: Medium Potential impact: Create unfavorable	The implementing partners are well familiar about UN system and NIM Guideline and will share their understanding among them.	Regular coordination and communication with implementing partners on importance of international technical and other assistances.	No significant issues came across during discussions with stakeholders related to negative media reporting or other concerns on the receiving of international assistance during project implementation.

Issues/Risks	Assumptions	Mitigations Measures	Remarks/Current Status
environment in implementation of planned activities.			

## 7. CONCLUSIONS

Based upon the detailed analysis of the evaluation exercise, the following are the conclusions:

### a) Project Design and Management

- Overall project's theory of change is found plausible and credible keeping in view the overall access to justice situation in Nepal. It can be easily deduced that if there are strong legal framework and sufficient capacity of justice sector authorities out in place to implement it, then access to justice situation will considerably improve.
- However, keeping in view the larger scale and complexities of the access to justice issues especially for women and vulnerable groups in Nepal, it seems slightly beyond the scope of one such project to bring about the longer-term changes. Continued efforts are required to achieve the overall impacts.
- Project Results Framework is also well formulated and exhibits clear linkages among interventions, outputs and outcomes. The RF was found appropriate; therefore, no major changes have been made in the original RF, during project implementation. Output level indicators were also found SMART and are being effectively measured.
- The overall project steering and management arrangements and partnerships were found appropriate and effective to a greater extent. No significant challenges were faced during project management and implementation. However, the Covid-19 pandemic, has considerably disrupted and slowed down the implementation of project since March 2020.
- The judiciary was not formally involved, as a partner, in the implementation of the project. The suggested reasons for non-involvement of judiciary in A2J project was, on one hand, the decision of the Government of Nepal to route and administer all forging grants through the relevant ministries. On the other hand, the judiciary itself was somehow reluctant in receiving any grants and formally participating in such project interventions.
- The non-involvement of judiciary, as a main stakeholder, had considerable implications for project interventions related to active involvement and capacity building of judiciary, especially at the provincial and district level. Similarly, due to the non-involvement of the judiciary in the project activities, the judges of the high courts and district courts were not covered, under the project, as envisioned in the costed action plan.
- Collaboration with partner CSOs in the awareness raising campaigns went very well. However, in their experience the involvement and funding for CSOs has been found very limited given the greater scale of awareness issues especially in the disadvantaged and remote communities.

### b) Relevance

- Project objectives and interventions to support the justice sector reforms to strengthen legal aid systems, build capacities of relevant stakeholders to formulate, adopt and implement relevant laws and regulations at national, provincial and local levels to improve access to justice; is found

highly relevant and consistent with Government of Nepal policies, UNDP priorities, global development agenda (SDGs), and needs of the beneficiaries especially the disadvantaged and vulnerable groups.

### c) Coherence

- Project objectives and interventions have been designed coherently with policies and plans of the government of Nepal and UNDAF and UNDP CPD. Project interventions were also found coherent with similar UNDP project like the Parliamentary Support Project and activities of other UN agencies like UN Woman like identification of judicial committees are and development of knowledge products. In respect of external coherence there was not clear information available about project coherence with other institutions working in the area of access to justice.

### c) Effectiveness

#### ***Output 1: National Legal Aid System strengthened***

- Project has made commendable efforts to achieve specified results and targets under output-1, to strengthen national legal aid system in Nepal. The (Integrated) National Legal Aid Policy was duly approved and adopted, paving the way for effective legal aid services especially for vulnerable and disadvantaged groups of the society.
- However, the policy formulation and approval process consumed significant time. The enabling legislations to give effect to the implementation of the policy has also been delayed and is still awaited. Therefore, the full-scale implementation of socio legal aid, in line with new integrated policy, will start once the required legislations are put in place.
- The development and adoption of the Pro Bono Guidelines and GESI monitoring guideline of pro bono service for legal aid, once implemented, will considerably increase the coverage and quality of free legal aid services especially for the vulnerable and marginalized communities.
- The development and introduction of online coordination, monitoring and reporting system was also found very useful in improving the monitoring and reporting of legal aid services. However, it is still in its initial stages and needs to be further strengthened in times to come.
- Project has conducted trainings for 1650 lawyers on Pro bono, professional skills, mobile based reporting system and Socio-legal aid services etc., and since project inception to June 2020 in total 25,932 needy persons (including 15,951 Women) benefited from the existing legal aid services.
- The scholarship and internship programmes of the project were very successful and are found very instrumental in inducing a cadre of newly awarded license holder lawyers among the women, vulnerable and marginalized groups of the society. However, keeping in view the demand for more and more lawyers from the marginalized communities there is still a need to continue the programmes.

#### ***Output 2: Capacity of Judicial Committees at the local level to deliver justice developed***

- Project has made strenuous efforts to achieve specified results and targets under output-2 to build the capacities of Judicial Committees to deliver justice at the local level. The final draft of Code of Conduct for JCs has been developed and capacities of JCs members were built (682 JC members trained) in the target districts, regarding JCs mandate, roles and responsibilities in providing justice at the local level.
- However, JCs are in the initial stages of its functioning, therefore there is need to continue and scale up the capacity building of JCs to all provinces and districts, presently the A2J project interventions are mostly concentrated in 3 provinces and 12 districts

- Project also helped in improving coordination and linkages among stakeholders through organizing numerous events (around 2200 people participated in these events). As a result of these deliberations it was decided that members of the JCs will be regularly invited to meetings of the Justice Sector Coordination Committees (JSCC).
- Being not considered as part of the formal justice system, the coordination of JCs with formal justice sectors actors has been found very challenging, there is further need to build and implement specific mechanisms for effective coordination among JCs and especially district courts and local administration.
- Project organized mass awareness campaigns through radio and TV, which reached out to more than 100,000 people. Overall, it was found very instrumental in delivering the desired messages about fundamental rights, access to justice mechanisms and especially the roles and mandate of the JCs to the remote and disadvantaged communities.

### ***Output 3: National capacity for drafting and implementation of laws strengthened***

- Project has made strenuous efforts to achieve specified results and targets under output-3 to strengthen national capacity for drafting and implementation of laws and regulations. Project support through research studies and consultations with marginalized groups was found instrumental in providing feedback to parliamentarians in drafting 16 laws for fundamental rights.
- Project also provided support in the standardization of laws and developing a law repository system and more than 500 laws are digitized. Project also greatly helped in building the capacities of justice sector actors in law drafting at national and provincial levels. In this regard, project has helped in reviewing of 11 draft bills through expert consultations in Province 2 and Karnali Province in 2019.
- Project supported the implementation of costed action plan for newly adopted legal codes and procedures. A number of guidelines have been prepared and several training courses have been conducted for the justice sector actors on the newly adopted criminal and civil codes and procedures. However, due to the non-involvement of the judiciary in the project activities judges of the high courts and district courts were not covered as envisioned in the costed action plan.

### ***Output 4: Justice sector strengthened for inclusive economic development***

- Project organized 14 dialogues at the national and provincial level involving more than 1500 participants from diverse range of stakeholders, to introduce law and development with specific emphasis on addressing business and human rights issues. Overall these interactions were very instrumental in bringing forth the agenda of business and human rights and generating a stakeholder's discourse on the subject. Which is one of the key activities under the draft national human rights action plan of Government of Nepal. It is expected that it will help in formulating laws and regulations which induce inclusive economic growth and safe guard human rights.

### **d) Efficiency**

- Project total original budget is \$ 4.6 Million, out of which \$ 3.6 Million was from Norwegian Embassy in Nepal, \$ 0.65 Million was from UNDP regular funds and \$ 0.35 Million was from UNDP funding window. As of July 2020, project has already received \$ 4.02 Million (out of total 4.6 M). Due to the currency exchange loss only \$ 3.3 Million have been received from the Norwegian Embassy.
- From 2018 to July 2020 the project has utilized \$ 2.85 Million, which is around 71% of the total project available budget. Output-wise utilization suggests that a major chunk (36%) of the total spent resources has been utilized under Output 3: Capacity for drafting and implementation of



laws; followed by Output 1: Legal Aid System; Output 5: Project Support Cost, Output 2: Capacity of Judicial Committees and 4: Business and Human Rights.

- Overall flow of funds remained smooth and timely and, project funds were managed and spent using UNDP and GoN standard financial management and procurement systems and procedures, keeping in view the best value for money.
- Project delivery rate was optimal during 2018 and 2019 and most of activities were implemented in a timely manner according to the approved work plans and budgets. However, in 2020 implementation of project activities has been considerably slowed down due to the Covid-19 pandemic. Keeping in view the uncertain situation in the coming months, it is expected the project may require some extra time to achieve its stipulated targets.

#### **e) Impacts**

- Since the A2J Project is still going on, at this juncture it seems early, to assess or provide much indications on access the medium term and long-term changes, as outlined in the A2J project Theory of Change. However, it seems appropriate and feasible to assess the impacts of the ROLHR as the predecessor project in conjunction with the activities continued under this project.
- The recent adoption of the National Integrated Legal Policy—initially prepared under ROLHR—the government of Nepal represents a way for the paradigm shift in the modality of legal aid for enhancing access to justice to the indigent people in Nepal.
- The concept of the “Access to Justice Commission” was initiated to enhance the access to justice under ROLHR. The establishment of the commission under the leadership of Chief Justices of the Supreme Court has fully engaged the judiciary for the promotion of the rule of law and access to justice.
- The scholarship program and internship programs initiated by ROLHR and continued by A2J targeted to women and marginalized groups to achieve inclusive legal education have positive impacts. The programme was instrumental in inducing a cadre of young lawyers and representation in civil judicial services from women and disadvantaged communities, which will have very long-lasting impacts on empowering disadvantaged groups and women and enhancing their representation in justice sector.
- The ROLHR and A2J project has positively contributed for enhancing access to justice to the women at local levels. Women as the larger number of the end beneficiaries of the legal aid services. Which is a strong indication that women are being increasingly prepared to resolve their right violations through legal measures.
- The capacity building and awareness interventions contributed to promotion of access to justice for the marginalized communities. The overall impact of those interventions may be seen in the registration of more cases in JCs representing larger number of women complainants.
- A2J Project support in consultations with marginalized groups and providing feedback to parliamentarians was found instrumental in incorporation of concern of marginalized groups in the drafting and adoption of 16 laws for fundamental rights.

#### **e) Sustainability**

- Overall in view of the high level of acceptance and ownership of relevant governmental institutions for project outcomes and interventions, it can be deduced that the work related to reforms of the justice sector will continue and benefits will gradually continue to flow, especially for the vulnerable and disadvantages segments.
- Various implementing partners of the project has put in place various legal and institutional frameworks and mechanisms that will greatly help in sustaining project interventions and

benefits in times to come. However, in the wake of federalization process several laws and regulations at the federal and provincial level still need to be drafted in times to come.

- Overall project interventions are also found mostly socially acceptable. However, there is still some sort of mistrust, especially among the disadvantaged and indigenous communities on the formal legal system, due to its cumbersome, complex and time-consuming nature<sup>12</sup>. Therefore, there is a greater need to build their trust on the justice system through implementation of suitable and speedy justice mechanisms.
- Due to the resource intensive nature of justice sector reform agenda, the sustainability and replicability of good practices poses challenges in terms of availability of desired technical and financial resources. Therefore, there is a continued need for technical and especially financial support from external (international) funding agencies, in times to come to achieve overall goals.
- A sustainability strategy has been prepared by the project, however it is still in draft stage. The document outlines the commitments of the implementing partners for the continuation of the activities. However, there is an urgent need to prepare a timely and pragmatic exit strategy, outlining issues, ways and means to smoothly phase out and handover interventions to partners, to ensure sustainability and continuity.

#### **f) Gender Equality and Social Inclusion (GESI)**

- Overall Project has made strenuous efforts to incorporate GESI principles and approaches in its design and implementation. Ensuring social justice and human rights for all particularly for women, disadvantaged and vulnerable groups was the central pillar of project design and theory of change.
- Project outcomes, outputs and activities are found highly relevant and consistent with GESI principles and approaches. The project duly addresses the needs of women, vulnerable and marginalized groups like Dalits, Madhesi, Muslims, indigenous peoples and persons with disabilities etc.
- GESI was duly mainstreamed into capacity building programs for all justice sector actors and around 40-50% of participants/beneficiaries of these capacity building interventions were women. GESI sensitive pro bono legal aid M&E guidelines were prepared and around 25932 persons, mostly from the disadvantaged groups were benefited from legal aid services, out of which 15951 (66%) were women.
- Project scholarship and internship programmes were instrumental in increasing numbers of legal professionals from women and other marginalized communities.
- Awareness raising interventions also focused on women and marginalized groups and helped in increasing awareness on issues related to gender-based violence, domestic violence, non-discriminations based on caste and child rights and rights of the marginalized communities.
- A numbers of knowledge product documents were developed by the Access to Justice Commission of the Supreme Court in collaboration with project, which could be considered as instrumental in increasing access to justice for particular disadvantaged groups

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<sup>12</sup> Project Document (NJA report- Study on Access to Justice for Women, 2016)

## 8. RECOMMENDATIONS

Based on the detailed findings of the evaluation exercise, following are the main recommendations to improve performance of A2J and future projects;

No	Recommendations
<b>Recommendation for remaining period of the project</b>	
1	<p>Since March 2020, implementation of project activities has been considerably slowed down due to the Covid-19 pandemic. Keeping in view the uncertain situation in the coming months, it is expected project would not achieve its target during its period and the project may require some extra time to achieve its stipulated targets related to capacity building etc.</p> <p>Therefore, it is recommended to allow for a 3-6 months no-cost extension in the project timeline to duly complete the remaining interventions and fully utilize the project's resources to achieve its targets.</p>
2	<p>Work on establishment of Secretariat of the Legal Aid Council has been considerably delayed due to the time consumed by the adoption of the Integrated Legal Aid Policy and the absence of legislation and regulations to give effect to the policy.</p> <p>Therefore, it is strongly recommended to speed up the process of enactment of legislation and regulations as well as the establishment and operationalization of the secretariat at the earliest, before the end of project.</p>
3	<p>Project provided support in developing a law repository system and more than 500 laws are digitized and being placed in the repository system. However, the repository is still under finalization.</p> <p>Therefore, it is recommended to finalize and launch the law repository system as soon before the end of project, to benefit the justice sector actors and general public in easy access to these resources.</p>
4	<p>It is recommended that the project should prepare a timely and pragmatic exit strategy, outlining issues, ways and means to smoothly phase out and handover interventions to partners, to ensure sustainability and continuity. The exit strategy shall also highlight possible future options for replicability and scaling up of interventions in future.</p> <p>It is also recommended that the project, towards its end, should organize a stakeholder's workshop to share the successes and lessons learnt and to deliberate the future course of action for a wider scale replication.</p>
5	<p>Availability and access to adequate finances remains one of the main barriers to sustainability, replicability and scaling up of project interventions. Due to competing priority of developing countries, limited resources are being allocated for law and justice sector, hence requires enhanced financial and technical resources.</p>

No	Recommendations
	<p>Therefore, it is recommended that toward the end of project, UNDP along with partners should develop a robust resource mobilization strategy to generate further external financial resources to design and implement future projects to replicate and scale up good practices. Organizing a donor's conferences, involving specific donors, can be an effective tool to obtain required financial resources.</p>
	<b>Recommendations for future projects and programmes</b>
6	<p>In view the larger scale and complexities of the access to justice issues especially for women and vulnerable groups in Nepal, it seems slightly beyond the scope of one such project to bring about the longer-term changes. Realization of such longer term changes requires considerable time and collaborative efforts, over a longer period of time.</p> <p>Therefore, it is recommended to continue external technical and financial support to further improve and strengthen capacities of relevant institutions towards achieving overall aim of improving access to justice, especially for the disadvantaged and vulnerable. UNDP in consultations with stakeholders should design future such projects to scale up the good practices and lessons to the rest of the provinces.</p>
7	<p>There is still a greater need for support to put in place and institutionalize necessary rules, regulations and mechanisms and raise awareness among communities to fully streamline implementation of the newly adopted legal aid policy.</p> <p>Therefore, it is recommended that future projects should continue supporting relevant institutions, especially at the provincial level, to develop and adopt detailed regulations for the implementation of legal aid policy. District legal aid office in each district needs to be established with necessary physical infrastructure. Legal aid mechanisms also need to be institutionalized at local government and JC levels. Similarly work on public awareness about legal aid mechanisms, also need to continue to spread the message to all segments of society and especially the disadvantaged and vulnerable.</p>
8	<p>The scholarship and internship programmes of the project were very successful, which will bring considerable longer-term benefits. However, the numbers of beneficiary students are very limited.</p> <p>Therefore, it is recommended that future projects should continue the scholarships and internships programmes to help more and more deserving students and graduates to acquire desired legal knowledge and expertise to serve the needy peoples especially from vulnerable and disadvantaged communities.</p>
9	<p>Though project has achieved, over and above, its awareness related targets. However, the overall coverage of these awareness interventions was found limited as compared to the large and scattered population base of 9.5 Million in project focused 3 provinces.</p> <p>Therefore, it is recommended that future projects should further scale up the awareness campaigns to other provinces and districts and especially to remote regions to allow all</p>

No	Recommendations
	segments of society and especially the poor and vulnerable to know about and benefit from various justice sector mechanisms, especially the JCs.
10	<p>Project has built the capacities of selected JCs in target three provinces. However, JCs are new entities and are in the initial stages of development and most of its members are from political background, having little legal knowledge or experience.</p> <p>Therefore, it is recommended that future projects should gradually and continually extend the capacity building support to JCs in other provinces and districts, to equip them with knowledge and skills to dispense justice in their respective areas.</p>
11	<p>Being not considered as part of the regular justice system, the coordination of JCs with formal justice sectors actors has been found very challenging.</p> <p>Therefore, is recommended that future projects should further devise, strengthen and implement specific mechanisms for effective coordination among JCs and district courts and local administrations. Effective participation of the JCs in district level justice sector coordination committees should be ensured. Similarly, harmonization of practices among the local judicial committees is also required.</p>
12	<p>Project has helped in building capacities in formulation of relevant laws and regulations at national and provincial levels. However, in the wake of new constitution and federalization process, there is an ever-greater demand for drafting of new laws and regulations and its implementation, especially at the provincial and local levels.</p> <p>Therefore, it is recommended that future projects should continue support in conducting research, improving collaboration and building capacities of stakeholders for formulation, adoption and implementation of relevant laws and regulations, especially to benefit and safe guard the rights of vulnerable and disadvantaged segments of society. There is also a need to review all laws and policies of provincial governments keeping in view GESI perspective.</p>
13	<p>The project interventions were found helpful in introducing and generating a discourse on the subject of business and human rights. However, the subject is very new and in the initial stages of its conception in Nepal.</p> <p>Therefore, it is recommended that future projects should further build on the momentum generated by the A2J project to fully streamline the business and human rights principals and approaches in the prevailing legal and justice system through reviewing existing legislations, formulating new laws and establishing specific implementation mechanisms.</p>
14	<p>Though the project informally involved members of judiciary in some of the project interventions, however the absence of judiciary as a formal partner to the project has considerable implications for project implementation and success, especially in the capacity building of judges of the lower courts and their staff to effectively dispense justice.</p>

No	Recommendations
	<p>Therefore, there is a greater need for due involvement of the SC and various tiers of judiciary, in future projects to build capacities of judges and relevant judicial staff especially at the provincial and districts level to effectively deal with the access to justice issues. As an alternative to the formal involvement of the judiciary as such the desired aims may be achieved through the involvement of the National Judicial Academy as the catalyst for capacity building of judges and judicial staff.</p> <p>Furthermore, taking into consideration of the pivotal role of the judiciary for enhancement of access to justice and rule of law a standalone project with the leadership could be another option for future such interventions.</p>
15	<p>A large majority of the Nepali population (around 90%) use informal justice mechanisms that offer greater accessibility and speed<sup>13</sup>. The project has conducted a couple of trainings on arbitration and mediation. However, there is always a greater need to further strengthen and promote ADR and informal justice mechanisms.</p> <p>Therefore, it is recommended that future projects should include specific outputs and activities related to strengthening of Alternate Dispute Resolution and informal justice mechanisms through active involvement of local communities and indigenous institutions.</p>

## 9. LESSONS LEARNED

Based on the detailed findings of the evaluation exercise, following are the main lessons learnt:

- Project support was found very instrumental in bringing specific improvements in the overall access to justice situation in Nepal. Similarly, it is learnt that that project approach is duly replicable. However, in view the larger scale and complexities of the access to justice issues, it seems slightly beyond the scope of one such project to bring about the longer-term changes. Realization of the longer-term changes requires considerable time, resources and collaborative efforts, over a longer period of time.
- It is important to highlight that judiciary remains one of the major stakeholders in improving access to justice and especially delivering timely justice. Though the project informally involved the judiciary in some of the project interventions. However, the absence of judiciary as a formal partner constrained project interaction with judiciary. Keeping in view the ongoing developments in the justice sector in the wake of federalization process, there is a greater need for active involvement of judiciary in future such interventions.
- Overall Project has made strenuous efforts to incorporate GESI principles and approaches in its design and implementation. GESI aspects were duly integrated into all four outputs to increase access to justice for vulnerable and marginalized groups. However, in view the large population

<sup>13</sup> Nepal Justice Sector Assessment (2017 October)



of women, vulnerable and disadvantaged segments there is a long road ahead to fully mainstream GESI in the justice sector in Nepal.

- Project support in formulation and adoption of legal aid policy was found very instrumental. However, there is still a greater need for support to put in place and institutionalize necessary rules, regulations and mechanisms to fully streamline implementation of the newly adopted legal aid policy.
- Project has helped in building capacities in formulation of relevant laws and regulations. However, in the wake of new constitution and federalization process, there is an ever-greater demand for drafting of new laws and regulations and its implementation, especially at the provincial and local levels.
- Project has considerably helped in building the capacities and coordination, among the JCs and other justice sector actors, in target provinces. However, being not considered as part of the formal justice system, the coordination of JCs with formal justice sectors actors has been found very challenging. Similarly, the capacity building programme need to be gradually expanded to benefit all JCs members in other provinces.
- Project has made strenuous efforts to adjust itself to the situation arising from Covid pandemic. The project has hired additional lawyers and psycho-social counselors to provide legal aid and legal information through telecommunication etc. These interventions are found a good example of adoptive management in the wake of unforeseen events.
- Project awareness related interventions were very helpful in creating awareness among all segments and especially the marginalized and vulnerable. However, the overall coverage of these interventions was found limited as compared to the large and scattered population base of 9.5 Million people in project target three provinces.
- Project support was very instrumental in bringing forth the agenda of business and human rights and generating a stakeholder's discourse on the subject. However, since the subject is quite new and complex therefore work needs to continue to fully streamline the business and human rights principals in the justice system.
- The scholarship and internship programmes of the project were very successful and are found very instrumental in inducing a cadre of lawyers from the vulnerable and marginalized groups of the society. However, this support needs to continue in times to come to benefit more and more young lawyers from marginalized communities.
- A large majority of the Nepali population (around 90%) use informal justice mechanisms that offer greater accessibility and speed. The project has conducted a couple of trainings on arbitration and mediation. However, there is always a greater need to further strengthen and promote ADR and informal justice mechanisms.

## Annex-1: List of stakeholders consulted during the Evaluation Exercise

Institution	Name	Designation / Location
UNDP Nepal	Ms. Ayshanie Labe	Resident Representative
	Mr. Bernardo Cocco	Deputy Resident Representative
	Mr. Yam Nath Sharma	Policy Advisor
	Mr. Tek Tamata	Portfolio Manager
	Mr. Dinesh Bista	RBM Analyst
	Ms. Binda Magar	GESI Analyst
UNDP Nepal Province Offices	Mr. Rafeeqe Siddiqui	Karnali
	Ms. Baijanti Giri Singh	Sudurpashchim
UNDP RBAP	Mr. Livio Sanadrea	Regional Advisor on Business and Human Rights
UNDP A2J Project Office	Mr. Basant Adhikari	National Project Manager
	Mr. Ratna Shrestha	Output Leader
	Mr. Gopi Parajuli	Output Leader
	Mr. Prem Bishwakarma	Admin Finance Officer
	Mr. Prem Bahadur Thapa	GESI Officer
	Ms. Nirmala Sunuwar	M&E Specialist
	Ms. Saraswati Yonzon	Project Assistant
	Mr. Petrit Skenderi	Former A2J expert
	Mr. Sudeep Gautam	Former Project manager
Norwegian Embassy	Ms. Dagny Mjos	Minister Counsellor
	Mr. Raj Kumar Dhungana	Governance Advisor
Finland Embassy	Ms. Kati Bhole	Head of Cooperation, Counsellor
	Ms. Kamana Gurung	Programme Coordinator
MOLIPA	Mr. Phanindra Gautam	National Project Director, Joint Secretary
	Ms. Aruna Joshi	Under Secretary
	Mr. Kalanidi Paudel	Karnali Province, Law Secretary
	Mr. Kamal Bahadur Khatri	Province2, Law Secretary
	Mr. Kulananda Upadhaya	Sudurpashchim, Chief Attorney
	Mr. Krishna Acharya	Secretary, Karnali Province
	Mr. Om Thapaliya	Chief Attorney, Bagmati Province
	Mr. Shyam K Bhattarai	Joint Attorney
OAG	Mr. Shiva Wagle	Government Attorney
	Ms. Bijaya Bista	Khadachakra, Kalikot
Judicial Committee	Ms. Rita Kumari Mishra	Janakpurdham
	Ms. Tara Shahi	Chamunda Brindasaini , Dailekh
	Ms. Anshu Singh	Raajdevi, Rautahat
	Ms. Sushila Bhatta Mishra	Dhangadi
	Ms. Ratna Kathayat	Godawari
	Mr. Lila Mani Paudel	Secretary General
NBA	Ms. Rakshya Bashyal	Vice President
	Mr. Chandeshwor Shrestha	Chairperson

Institution	Name	Designation / Location
Law Scholarship recipients	Mr. Mohana Rajak	
	Ms. Pranita Upadhayaya	
	Mr. Bibek Adhikari	
	Mr. Ghanshyam Kumar Mahato	
	Ms. Merina Dudhraj	
	MS. Asmita Shrestha	
	Ms. Anuja Dutta	
	Ms. Prerana Bista	
	Ms. Shova Bhujel	
NBA interns	Ms. Chanda Shahi	
	Mr. Gita Timilsina	
	Ms. Mek Maya Tamang	
	Ms. Shrisha Potea	
	Ms. Pharsa Maya Devi Magar	
	Ms. Roshana Dolmo Lama	
	Mr. Bishwo Ram Suwal	
	Ms. Amita Sharma	
	Ms. Drishti Dahal	
	Ms. Sajani Shrestha	
Supreme Court Bar	Mr. Khagendra Adhikari	President
DLAC	Mr. Devi Lal Chaudhary	Kailali
	Mr. Ram Prasad Gautam	Saptari
	Mr. Sharada Santoshi Rai	Dhankuta
	Ms. Maya Devi Ghimire	Kathmandu
Nepal Law Campus	Mr. DN Parajuli	Campus Chief
	Ms. Laxmi Sharma	B.A.L.L.B Coordinator
UN Women	Ms. Gitanjali Singh	Deputy Representative
	Ms. Subha Ghale	Programme Officer
CSOs	Mr. Umesh Shah	
	Mr. Prem Bahadur Mahar	Executive Director
	Ms. Punyashila Dawadi	
	Mr. Suresh Bishwakarma	
	Dr. Buddhi Sapkota	
	Mr. Bhupendra Prasad Kandel,	Executive Director
	Mr. Ajay Shankar Jha,	Executive Director
	Mr. Md. Naim Ansari,	Executive Director
	Ms. Rakshya	
Media Outreach	Mr. Suresh Simkhada	
	Mr. Buddhi Bahadur KC	
	Mr. Upendra Aryal	
Legal Aid Lawyers	Mr. Pushkar Thapa	
	Mr. Keshav Prasad Das	Siraha

Institution	Name	Designation / Location
	MS. Kishna Kumari Gurung	Pokhara
	Mr. Saroj Giri	Patan
	Ms. Pramila K.C	Hetauda
FNCCI	Mr. Kishor Pradhanang	Vice President
Experts	Mr. Mohan Acharya	Right to Employment
	Mr. Raju Chapagain	Fundamental Rights
	Mr. Raju Man Singh Malla	Law drafting
	Mr. SarajThapa	Legal Aid
	Ms. Indu Tuladhar	Judicial Committee and Crime Victim
	Mr. Shyam BK	Legal Aid
Parliamentary Support Project	Mr. Raj Shrestha	National Project Manager
OAG training beneficiary	Mr. Hari Parasad Joshi	
	Mr. Ghanashyam Ojha	
	Mr. Roshi Bhandaree	
	Mr. Radhika Suwal	Kathmandu
	Mr. Thakur Prasad Bastakoti	Kathmandu
Parliamentary Committee	Mr. Sudarshan Khadka	Secretary
National Judicial Academy	Mr. Top Bd Thapa Magar	Director
	Mr. Shreekrishna Mulmi	
	Mr. Rajan KC	
Legal Aid Beneficiaries	Ms. D. D. B	Victim (Jumla)
	Ms. T. K. B	Victim ( Palpa)

## Annex-2: Evaluation Matrix

Evaluation criteria	Key questions	Data Sources/Methods	Indicators	Methods for Data Analysis
<b>Relevance</b>	<ul style="list-style-type: none"> <li>To what extent were the objectives and design appropriate at the time project was initiated, considering the political developments in the country as well as national priorities, priorities of UNDP and need of intended beneficiaries?</li> <li>To what extent are the objectives of the Project relevant and are they still valid? Was the Project flexible to adapt to political/environmental changes?</li> <li>How relevant was the geographical coverage?</li> <li>To what extent has the project been able to adapt the needs of the different target groups including vulnerable population in terms of access to justice system and their participation?</li> <li>To what extent does the project contribute to gender equality, the empowerment of women and the human right-based approach?</li> <li>To what extent does the project contribute to advancing anti-corruption and environment in the implementation of the project?</li> </ul>	<ul style="list-style-type: none"> <li>Review of project documents including secondary sources</li> <li>Online Key informant interviews/discussions</li> <li>Online Questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>- Alignment with National policies and priorities</li> <li>- Alignment with needs of the target groups and beneficiaries</li> <li>-Alignment with gender-sensitive, human rights-based approaches.</li> <li>-Alignment with SDGs, UNDP priorities</li> </ul>	Qualitative methods <ul style="list-style-type: none"> <li>- Triangulation</li> <li>- Validations</li> <li>- Interpretations</li> <li>- Abstractions</li> </ul>
<b>Coherence</b>	<ul style="list-style-type: none"> <li>How well the intervention fit in changed context?</li> <li>To what extent the intervention is coherence with Government's policies and UNDP's planned output/outcome</li> <li>To what extent the intervention addressed the synergies and interlinkages with other interventions carried out by UNDP or Government of Nepal? (internal coherence)</li> <li>To what extent the intervention was consistence with other actor's interventions in the same context or adding value to avoid duplication of the efforts? (External coherence)</li> </ul>	<ul style="list-style-type: none"> <li>Review of project documents including secondary sources</li> <li>Online Key informant interviews/discussions</li> <li>Online Questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>- Synergies and interlinkages with other interventions by UNDP or Govt. of Nepal</li> <li>- Consistency with other actor's interventions</li> </ul>	Qualitative methods <ul style="list-style-type: none"> <li>- Triangulation</li> <li>- Validations</li> <li>- Interpretations</li> <li>- Abstractions</li> </ul>
<b>Effectiveness</b>	<ul style="list-style-type: none"> <li>To what extent did the project contribute to the CPD outcome and outputs, the</li> </ul>	<ul style="list-style-type: none"> <li>Review of documents including</li> </ul>	<ul style="list-style-type: none"> <li>- Progress towards outcome and output indicators</li> </ul>	Qualitative methods <ul style="list-style-type: none"> <li>- Triangulation</li> </ul>

	<p>SDGs, the UNDP Strategic Plan and national development priorities?</p> <ul style="list-style-type: none"> <li>• How effective has the Project been in enhancing access to justice and legislative reform and implementation in Nepal?</li> <li>• To what extent has the Project achieved its outputs? What were the major factors influencing the achievement or non-achievement of the outputs?</li> <li>• To what extent has the project been able to address the needs of the beneficiaries in the changed context? Have events or services been delivered or offered at the right time according to the main target groups?</li> <li>• To what extent have stakeholders been involved in project implementation? Did women, men, and marginalized groups i.e Dalit, Indigenous Peoples, Madhesi and other vulnerable communities, benefit from the Project 's activities? Evidences of how the project managed or failed to promote inclusiveness, gender and social inclusion mainstreaming?</li> </ul>	<p>secondary sources like documents of various governmental and other institutions including online resources</p> <ul style="list-style-type: none"> <li>• Online Key informant interviews</li> <li>• Online Questionnaires</li> </ul>	<p>and targets of project results framework</p> <ul style="list-style-type: none"> <li>-level of contribution to national goals, SDGs and CPD outcomes</li> <li>- Number and kind of beneficiaries involved or benefited</li> <li>- Level of contribution to gender equality and needs of the disadvantaged groups.</li> </ul>	<ul style="list-style-type: none"> <li>- Validations</li> <li>- Interpretations</li> <li>- Abstractions</li> </ul> <p>Quantitative methods</p> <ul style="list-style-type: none"> <li>- Progress and trend analysis</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>• To what extent have resources (financial, human, institutional and technical) been allocated strategically?</li> <li>• Could the activities and outputs have been delivered in fewer resources without reducing their quality and quantity?</li> <li>• Were the Project inputs and benefits fairly distributed amongst different genders and communities while increasing access for the most vulnerable? What factors influenced decisions to fund certain proposed activities, and not others?</li> <li>• To what extent did the coordination with other like minders organizations and UNDP projects reduce transaction costs, optimize results and avoid duplication?</li> </ul>	<ul style="list-style-type: none"> <li>• Review of documents including secondary sources like documents of various governmental and other institutions including online resources</li> <li>• Financial and Audit Reports</li> <li>• Online Key informant interviews</li> <li>• Online Questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>- Project output and activity level allocations per budgetary framework</li> <li>- Project output and activity level spending, so far</li> <li>- Project planned and actual implementation timelines for interventions</li> <li>-Cost effectiveness and value for money of project interventions</li> <li>-Availability and use of effective M&amp;E mechanisms</li> </ul>	<p>Qualitative methods</p> <ul style="list-style-type: none"> <li>- Triangulation</li> <li>- Validations</li> </ul> <p>Quantitative methods</p> <ul style="list-style-type: none"> <li>- Progress and trend analysis</li> </ul>
<b>Impact</b>	<ul style="list-style-type: none"> <li>• What impact did ROLHR made at the rule of law and access to justice situation in Nepal?</li> <li>• What outcome did A2J interventions had on the improvement of Access to Justice situation of Nepal?</li> </ul>	<ul style="list-style-type: none"> <li>• Review of documents including secondary sources like documents of</li> </ul>	<ul style="list-style-type: none"> <li>- Achievement status of outcomes of ROLHR and A2J projects</li> <li>- Achievement status of UNDAF and CPD outcomes</li> </ul>	<p>Qualitative methods</p> <ul style="list-style-type: none"> <li>- Triangulation</li> <li>- Validations</li> </ul> <p>Quantitative methods</p>



	<ul style="list-style-type: none"> <li>Is there evidence of improvements for under-represented and/or disadvantaged segments of Nepali society?</li> <li>What impact did the A2J project have on women's access to justice in targeted provinces?</li> <li>What extent the justice delivery system has been able to respond the local needs?</li> <li>How far the Judicial Committees are able to resolve the disputes at the community level?</li> <li>What would the situation of Access to Justice have been like without the Project intervention? What real difference has the Project made to the beneficiaries/ target group?</li> <li>What contextual changes have happened in Political, Economic, Social, Technical, Legal and Environmental areas that project has been/ has not been able to address?</li> <li>To what extent does the project build capacities among government stakeholders?</li> </ul>	<ul style="list-style-type: none"> <li>various governmental and other institutions including online resources</li> <li>Online Key informant interviews</li> <li>Online Questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>- No and kind of beneficiaries involved and benefited</li> <li>- Level of contribution to gender equality and needs of the disadvantaged groups.</li> </ul>	<ul style="list-style-type: none"> <li>- Progress and trend analysis</li> </ul>
<b>Sustainability</b>	<ul style="list-style-type: none"> <li>To what extent is/are the target group(s) capable and prepared to receive the positive effects of the project intervention without support in the long term?</li> <li>Are there any Project level outcomes integrated/inserted into the government plans, programme and policies?</li> <li>What is the exit strategy for the transfer of responsibility and activities to government departments and/or partner organizations?</li> </ul>	<ul style="list-style-type: none"> <li>Review of documents including secondary sources like documents of various governmental and other institutions including online resources</li> <li>Online Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>- Financial, Social, Institutional and Environmental risks to sustainability of benefits</li> <li>- level of ownership of project interventions and availability of mechanisms to carry forward the results attained</li> <li>- Availability or plans of an exit strategy to ensure sustainability</li> </ul>	<ul style="list-style-type: none"> <li>Qualitative methods</li> <li>- Triangulation</li> <li>- Validations</li> <li>- Interpretations</li> <li>- Abstractions</li> </ul>
<b>Gender equality and Human Rights</b>	<ul style="list-style-type: none"> <li>To what extent gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project?</li> <li>Is the gender marker data assigned to this project representative of reality?</li> <li>To what extent has the project promoted positive changes in gender equality and empowerment of women? Were there any unintended effects?</li> </ul>	<ul style="list-style-type: none"> <li>Review of documents including secondary sources</li> <li>Online Key informant interviews</li> <li>Online Questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>- No and ratio of women involved and benefited from project</li> <li>- Availability of gender sensitive indicators in the RF Interventions</li> <li>-No of people from disadvantaged and marginalized</li> </ul>	<ul style="list-style-type: none"> <li>Qualitative methods</li> <li>- Triangulation</li> <li>- Validations</li> <li>- Interpretations</li> <li>- Abstractions</li> <li>Quantitative methods</li> <li>- Progress and trend analysis</li> </ul>

- To what extent have Dalit, ethnic, physically challenged, women and other disadvantaged and marginalized groups enjoy improved access to Justice?

groups involved and benefited

## **Annex-3: Long list of questions for Key Informants Interviews and**

### **Focus Group Discussions**

#### **For UNDP and Project team**

1. How was the project conceptualized and who was involved in the design process? Is the project theory of change still applicable and the design adequate and technically feasible to address the problems?
2. To what extent were the objectives and design of the project appropriate and relevant to national priorities and priorities of UNDP and SDGs? Are these objectives still relevant in the current context?
3. To what extent the programme interventions are aligned with the needs of common citizens especially women, poor and vulnerable segments of the society?
4. What has changed in the context, since project inception, and how have changes been managed?
5. How were the UN programming principles of gender equality, human rights and capacity building mainstreamed/incorporated in the design and implementation of the project.
6. Is the project results chain from outputs, outcomes to impact clear, logical and achievable, and whether the respective indicators and targets are SMART and gender disaggregated? Are there specific gender and disadvantaged groups related indicators provided in the Results Frameworks?
7. Are there any changes/revisions made to the indicators or targets during implementation, if yes why?
8. How is the project being monitored and evaluated? What kind of mechanisms are in place for regular collection, analysis and reporting of data related to results framework indicators?
9. How the information provided by the M&E system used to improve performance and to adapt to changing needs?
10. How is the project being implemented including geographical coverage and what is the organizational and governing/steering structures of the project?
11. Who are the main implementing partners and are roles and responsibilities clear and mutually agreed? Did each partner fulfil its role and responsibilities?
12. To what extent the intervention addressed the synergies and interlinkages with other interventions carried out by UNDP or Government of Nepal?
13. To what extent the intervention was consistent with other actor's interventions in the same context or adding value to avoid duplication of the efforts?
14. To what extent has the Project achieved its outputs? What were the major factors influencing the achievement or non-achievement of the outputs?
15. What are the main achievement of the project towards enhancing access to justice and legislative reform and implementation in Nepal?
16. To what extent have stakeholders been involved in project implementation? Did women, men, and marginalized groups i.e Dalit, Indigenous Peoples, Madhesi and other vulnerable communities, benefit from the Project 's activities?

17. What are the financial resources and sponsors of the project? To what extent have resources (financial, human, institutional and technical) been allocated and utilized strategically, keeping the best value for money?
18. What were the main impacts of ROLHR in the context of access to justice situation in Nepal and how is the A2J project contributing to further enhance the impacts?
19. What impact did the A2J project have on women's and marginalized group's access to justice in targeted provinces?
20. Are required resources financial, technical and human available to scale up and sustain project interventions, in the post project scenario?
21. What is the comparative advantages of UNDP in the context of A2J project?
22. What are the main challenges you have been facing during project implementation?
23. What will you suggest to overcome the challenges and to improve performance of future interventions.

**For main implementing partners (MOLJA, OAG, Nepal BAR, Provincial authorities etc.)**

1. How was the project idea conceptualized and by whom? Was your organization involved in the design process?
2. Are the project objectives consistent with the overall Government of Nepal priorities and especially the mandate of your institution?
3. What was the role of your institution in overall project management and implementation?
4. What are the main contributions of your institution in the project implementation?
5. Is the project design and approach sound and appropriate?
6. Were there any changes to targets and budgets during implementation?
7. What was the level of cooperation and coordination between your institution and other project partners?
8. Have you participated in the Project steering committee meeting, if yes how often and what was discussed there?
9. Was the support and inputs from UNDP and project team up to your expectations? What is the comparative advantage of UNDP?
10. What are the main benefits of the project so far? Do these meet your expectations and are you satisfied with the overall project performance?
11. What are the main achievement of the project towards enhancing access to justice and legislative reform and implementation in Nepal?
12. Do you know about the predecessor project ROLHR, if yes, what in your view are its main achievements and impacts?
13. Have you or someone from your organization benefited from project capacity building interventions, if yes, kindly elaborate.
14. Who are the main beneficiaries of the project interventions? To what extent have women, men, and marginalized groups and other vulnerable communities, benefit from the Project 's activities?
15. What are the effects of Covid-19 pandemic, on project implementation and schedule in particular and access to justice situation in the country in general?
16. Was the available fund sufficient and was the flow of funds smooth and consistent?
17. How will the project interventions will be sustained and scaled up after the project ends?
18. What is the level of ownership of the project interventions at your institution?
19. What kind of other initiatives your organization is working to promote access to justice?

20. What are the main challenges you are facing in promoting rule of law and access to justice, especially for the women and marginalized groups in Nepal?
21. What will you recommend overcoming challenges and improve performance of future such initiatives?

#### **For Focus Group Discussions with CSOs**

1. When was your organization founded and what are the main areas of work your organization is focussing on?
2. Have you already worked on access to justice related issues in the past, if yes, what were these?
3. Have you collaborated in the past or currently collaborating with A2J project, if yes, what kind of collaboration was/is it? Have you received financial support from the A2J project, if yes what was the total amount you received?
4. What kind of interventions you have worked with A2J project, please provide some details?
5. What was the level of cooperation and coordination between your institution and other project partners?
6. What are the main benefits of the project so far? Do these meet your expectations and are you satisfied with the overall project performance?
7. Have you or someone from your organization benefited from project capacity building interventions, if yes, kindly elaborate.
8. Who are the main beneficiaries of the project interventions? To what extent have women, men, and marginalized groups and other vulnerable communities, benefit from the Project 's activities?
9. How will the project interventions will be sustained and scaled up after the project ends?
10. What is the level of ownership of the project interventions at your institution?
11. What kind of other initiatives your organization is working to promote access to justice?
12. What are the main challenges you are facing in promoting rule of law and access to justice, especially for the women and marginalized groups in Nepal?
13. What will you recommend overcoming challenges and improve performance of future such initiatives?

#### **For Focus group discussions with Judicial Committees**

1. What are the basic roles and functions of the JCs, who are the JC members and how many? How many of them are women?
2. Do you have a code of conduct or formal guidelines to expedite the JC business?
3. What types of complaints are filed in your judicial committees?
4. What is the nature and kind of cases you are dealing with?
5. How many cases you have reviewed in the last 12 months and how many are disposed so far? If disposal rate is low, what are the main reasons?
6. What is the ratio of complaints from male and female members of the society?
7. Have you received some help or support from A2J project, if yes, what are those?
8. Have you an opportunity to participate in a training program organized by A2J project, if yes, was it to your expectations?
9. How these trainings helped in improving your capacities to discharge your responsibilities in an effective way?
10. Have you some written or visual materials received from A2J project or any other organization. If yes, what was it and how did help to discharge your functions?

11. Are you invited in District Judicial Coordination Committee meetings, if yes was your participation in DJCC helpful for you to discharge your functions?
12. Have any party who was not satisfied with decision of the Judicial committee filed an appeal in the District Court?
13. Is there any forum that the chairs of the judicial committee meet? If yes, what is that?
14. What are the main challenges you are faced with during discharging your functions at the JCs?
15. What will you recommend and suggest to further improve the functioning and effectiveness of JCs in future?

#### **For Focus Group Discussion with Legal Aid Lawyers**

1. What is your qualification in law and how long you are practicing law?
2. How long have been you associated with this legal aid program?
3. How many requests you have received for legal aid in the past 12 months?
4. In how many cases you have provided legal aid services and what kind of service is provided?
5. Could you please share the background of the beneficiaries of your service? How many requests were received from women and marginalized and vulnerable groups?
6. What was the nature of the cases that you provided legal aid, how many disposed successfully?
7. Have you participated in a A2J project training or any another other activity, if yes, how it helped in improving your capacities?
8. Do you believe your service is at par the service provided by the fully client-paid lawyers of your locality?
9. Have you received any support from other government and donor funded programmes, if yes, please give some details?
10. What were the main challenges you experience in providing legal aid to the clients?
11. In your opinion what would be the possible areas of intervention to overcome those problems and to improve your performance and effectiveness.

#### **For Focus Group Discussion with Law Scholarship Grantees**

1. When have you received or receiving scholarship from the A2J project? What was/is the total amount of the scholarships per person? What was the male to female ratio among the grantees?
2. Is the stipend sufficient to meet your living and study?
3. How were you selected for scholarship?
4. Do you receive your stipend regularly?
5. Whether you would have been able to continue you study in the absence of this scholarship?
6. What is your plan after completion of your studies? If already completed, what are you doing now?
7. If you are already in practice, what kind of cases you are dealing with? Do your clients include women and people from the disadvantaged and marginalized groups?
8. Do you think such scholarship need to be continued?
9. Would you like to share some of your exiting experience about your education and scholarship?
10. What kind of further capacity building needs you have after completing your studies?

#### **For Focus Group Discussion with Law Interns**

1. When did your complete law degree and when did your pass Bar exam?
2. Where did you do or are doing legal internship?
3. Is this internship supported through the A2J project?

4. How were you selected for this programme?
5. What is/was the male to female ratio among the A2J project interneers?
6. How much stipend do you receive during internship and is it sufficient to cover your costs?
7. Do the law firm provide something on the top of internship stipend?
8. What other options you would have used if this internship programme was not there?
9. What are the main learning and practical skills you have learnt during your internship?
10. Are you continuing working with the law firm you are doing internship/ are you continued in the same law firm as employee?
11. What are your future plans? If you are already in practice, what kind of cases you are dealing with? Do your clients include women and people from the disadvantaged and marginalized groups?
12. What are the main challenges you have been facing during the internship and how you cope with it.
13. What will you suggest to further improve the effectiveness of such internships programme in future?

#### **For Focus Group Discussion with Legal Aid beneficiaries**

1. Have you received any legal aid during your case, if yes, what kind of support was extended to you?
2. What was the nature of your case?
3. Who provided the support, was it free or you paid for it?
4. Why you needed such support and how you were able to access the legal aid forums?
5. Do you belong to marginalized or disadvantaged groups?
6. What was the outcome of your case, if decided? Are you satisfied with the provided support? If not, why?
7. What would be your options in the absence of the available legal aid?
8. What are the main challenges you have been facing during availing of legal aid?
9. What will you suggest to further improve the effectiveness of legal aid programmes?

#### **Annex-4 List of GESI Specific Key Questions:**

##### **Relevance**

1. Were the objectives and designed of the project are appropriate with the principle and approach of GESI?
2. How this project outputs and results are relevance with the achievement of gender equality and social inclusion?
3. Does the project have inclusive staffs? Number of GESI disaggregated beneficiaries (participations of trainings, workshop, seminar, legal aid beneficiaries, hired experts, project staffs, law scholarship grantee, legal aid lawyers and law interns) from the entire project and its activities?
4. How the GESI issues/contents are taken into account while implementing the capacity building programs for different stakeholders.

##### **Efficiency**

1. Have the implementation of activities and modalities been appropriate with the time and cost-effective?



2. Is there good coordination and communication between partners in the program and how the partner organization working on GESI issues?
3. Is the project's activities sufficiently addressed with the GESI issues?
4. Are program designed, implementation strategies, methodologies and process are GESI responsive
5. Are M&E, reporting and documentation system GESI sensitive?
6. Does project have GESI disaggregated information management system?

### **Effectiveness**

1. How effective has the project been in enhancing gender equality and rights of marginalized people.
2. How gender equality and rights of person with disability and other marginalized group ensured conduction of activities.
3. To what extend women, dalits, person with disabilities, sexual minority and other vulnerable group were benefited in implementation of project (training, interaction, internship/fellowship, seminal and meeting) and addressed the needs of those groups.

### **Impact**

1. Whether the program has contributed to building capacity of the stakeholders on GESI issues?
2. Numbers of laws and legal provisions which has promulgated for implementation of fundamental law success to address access to justice and GESI.
3. How the targeted people could benefit from access to justice system and legal aid system.
4. Is the program contributing towards the realization of rights of access to justice of targeted groups in particular women and other marginalized groups?
5. How provincial governments have successful to address GESI issues on the policies and program?
6. How the Legal Aid Policy support to increase access to justice for women and other marginalized people including dalits, disability and women etc.

### **Sustainability:**

1. How the project has contributed to strengthening government structures for legal aid system and developed GESI policy and strategy with the objective of increasing access to justice.
2. Ensuring that gender and social inclusion concerns are integrated in all aspects of service delivery.
3. How strengthen access to justice to women and other vulnerable groups of people through legal aid.
4. What is the level of government's ownership of the program, and what are the measures that the program needs to undertake to ensure continuation of GESI related activities and documents?
5. Is the program-based principles of equality, non-discrimination, inclusion, participation, accountability and transparency?

## Annex 5: List of Reviewed Documents

- Project Document of A2J project
- United Nations Development Assistance Framework (2018-2022)
- UNDP Country Programme Document (2018-22)
- Project work plans
- Project Annual Progress Reports, 2018, 2019
- Project Quarterly Progress Reports, 2018-2020
- Monitoring and Evaluation Plans and Reports
- Project strategies; Sustainability strategy; GESI strategy; Contingence plan etc
- Strategic Plan of the Government and knowledge products developed by the implementing agencies
- Technical Studies and Publications
- Workshop, training, events and field visit reports
- National Policy and Programme Documents, as applicable
- Financial Statements and Audit Reports
- Minutes of Project Steering Committee and other stakeholder's consultations meetings
- Project Annual and Quarterly Work Plans
- HR and Procurement Plans
- Secondary sources and national statistics etc.

## Annex 6: Terms of Reference



### UNITED NATIONS DEVELOPMENT PROGRAMME TERMS OF REFERENCE OF THE EVALUATION OF ACCESS TO JUSTICE PROJECT

#### I. Background

The 'Enhancing Access to Justice through Institutional Reform Project (the Project) was built on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme. Project's implementation began in July 2018. The Project's main focus is on: (the reform of the legal aid system, supporting national efforts of reform and coordination in the justice sector; implementation of constitutional provisions on fundamental rights through legislative reform; implementation of the newly adopted criminal and civil legislations, and in particular on enhancing the access to justice at the local level. This focus translates into four key project outputs:

- i) National Legal Aid System strengthened;
- ii) Capacity of Judicial Committees at the Local Level to deliver justice developed;
- iii) National capacity for drafting and implementation of laws strengthened;
- iv) Justice sector strengthened for inclusive economic development

The Government of Norway has been the key donor behind the A2J Project, supporting it financially since its inception. Norway contributes to three out of the four project outputs apart from the output related to the capacity building of the judicial committee. Over one and half years of implementation, the Project has achieved several results, such as:

- with technical inputs of Project, the long awaited National (Integrated) Legal Aid Policy has been adopted by the cabinet;
- 17 laws have been drafted on fundamental rights enshrined in the Constitution of Nepal and support provided to the province government to draft over 15 bills;
- Law software has been developed to support a database of 300 digitized laws for easy access by the public;
- reporting system developed on the legal aid services; pro bono legal aid system developed; awareness among 16,000 people;
- capacity building of the judicial committees through the introduction of necessary frameworks, standards and procedures, initiatives i.e. advocacy/awareness promoting the role and function of businesses in human rights, dissemination of the newly adopted laws called civil and criminal codes and procedures.

Further, the Project worked with Ministry of Law, Justice and Parliamentary Affairs (MOLJAPA) to bring together District Legal Aid Committee officials from 42 districts and established a regular reporting and monitoring system. The data collected in 2019 will be instrumental for establishment of Secretariat for Legal Aid Council to ensure that vulnerable communities have access to free legal aid services.

The Project also rolled out several initiatives to disseminate new legal codes namely civil code, criminal code, civil and criminal procedures and sentencing act in the justice community. Similarly, project has firmly placed Nepal on the map of Business and Human Rights in South Asia

by bringing together business people, trade unions and law society in province and national level dialogues.

As the Project comes to an end in 31 December 2020, UNDP is planning to commission a final evaluation to identify and document achievements, challenges, lessons learned and best practices. The findings of this evaluation will provide guidance for the way forward in the areas of access to justice and rule of law in Nepal. Thus, the evaluation report is expected to include specific recommendations for future interventions.

The project has six major focus areas towards increasing access to justice:

- Enabling women and vulnerable groups to access justice. The Project supports the Ministry of Law, Justice and Parliamentary Affairs (MOLJPA) to lead reforms in the legal aid system in Nepal towards the implementation of the Integrated Legal Aid System which aims to coordinate and regulate accessible socio-legal aid service provision throughout Nepal. By further enabling women and vulnerable groups to enjoy their right to legal aid services, the Project will empower them to exercise their rights to poverty-reducing services such as inheritance, education allowances, health and legal services, thereby addressing inequality which is one of the barriers towards their overall well-being.
- Enhancing capacity of local level Judicial Committees as an effective mechanism of justice delivery for local community, with the aim to promote the access to justice of women, poor and vulnerable and to facilitate their easier access to justice and approach to legal remedies.
- Engaging in the reform of the criminal and civil justice systems by providing necessary support for the execution of the Costed Action Plan for the implementation of the newly adopted codes.
- Working with justice sector actors including the Judiciary with a view to enhance their capacity to address issues that may arise in the course of federalization which itself is a new area requiring specialized knowledge and skills at different levels.
- Providing professional opportunities to women and vulnerable categories of people through its scholarship and internship programs. Linkage of these programmes and support to Judicial Committees and Legal Aid system will be established to institutionalize the pro-bono culture in delivery of legal services in Nepal.
- Exploring opportunities to support effective delivery of justice for inclusive economic development through tailored trainings to the concerned stakeholders on conciliation/ arbitration / mediation on complex commercial and foreign investment-related disputes.

The intended duration of the Project is from 2018 to till 2020 and the total budget is USD US\$ 4.6 million. The Project is implemented by UNDP under the National Implementation Modality in leadership of Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) and in partnership with the responsible parties namely Office of Attorney General (OAG), Nepal Law Campus and Nepal Bar Association (NBA) and CSOs as well private sectors.

## **II. Objectives of the evaluation**

The overall objective of the evaluation is to assess the Relevance, Effectiveness, Efficiency, Impact and Sustainability of UNDP's Access to Justice (A2J) project.

The final evaluation will identify and document achievements, challenges, lessons learned and best practices. The findings of this evaluation will provide guidance for the way forward in the

areas of access to justice and rule of law in Nepal. Thus, the evaluation report is expected to include specific recommendations for future interventions.

Following are the specific objectives of the evaluation:

- To assess the approaches and interventions adopted by the project towards achieving the outputs in line with the Theory of Change;
- To assess and analyse the results achieved against the project outputs and indicators as specified in the project monitoring and evaluation framework, UNDAF and CPD;
- To ascertain the relevance, effectiveness, efficiency and sustainability of the project interventions; and
- To identify and document lessons learned and provide recommendation for remaining period of the project 2020 and the potential areas and approaches of interventions for future intervention;
- to recommend potential new areas of intervention and approaches in the current federal context of Nepal, and in light of the COVID-19 crisis and socio-economic response efforts.

### **III: Scope of the evaluation:**

The review should look into the Relevance, Effectiveness, Efficiency, Impact and Sustainability of the assistance provided by the Project during the project cycle and ensure the Gender Equality and Social Inclusion (GESI) lens is applied.

In relation to the scope of evaluation, the mission will review the progress of the project target and analyze the current situation including overall analysis of theory of change. Furthermore the

scope of the evaluation is expected to cover the following:

- To determine the extent to which the Project objectives have been achieved in terms of the four outputs: i) National Legal Aid System strengthened; ii) Capacity of Judicial Committees at the Local Level to deliver justice developed; iii) National capacity for drafting and implementation of laws strengthened; iv) Justice sector strengthened for inclusive economic development
- To determine how far the project has managed to collaborate, build synergy and avoid duplication with other like minded projects in UNDP.
- To examine and analyze challenges and limitations faced by the project and mitigation strategies adopted; with specific focus on accountability, inclusiveness and effectiveness
- To study the prospect for long-term sustainability of the processes and results achieved; and
- To capture lessons learned and best practices and provide concrete recommendations for remaining period of the project 2020 and the future interventions in enhancing access to justice and strengthening the rule of law system in Nepal.

### **IV. Methodology**

The evaluation team is expected to propose and finalize the evaluation method, which will tentatively feature a combination of quantitative and qualitative methods and instruments, as appropriate. The team should provide the specific design and methods as well as data collection

tools for the evaluation which are appropriate and feasible to meet the evaluation purpose and objectives as part of the inception report. The evaluation team is expected to frame the final evaluation using the criteria of relevance, effectiveness, efficiency, impact and sustainability.

The evaluators must provide evidence-based information that is credible, reliable and useful. The evaluator is expected to follow a participatory and consultative approach ensuring close engagement with government counterparts, project team, UNDP Country Office and key stakeholders. Therefore, the evaluator will work closely with UNDP Country team to undertake the evaluation adopting following approaches for data collection and analysis:

- Desk review of relevant documents (project document, Theory of Change, Result and Resource Framework, Annual Work Plan, Annual Progress Reports, knowledge products, resource materials, policy documents, monitoring reports, event reports etc);
- Briefing and debriefing sessions with UNDP as well as with other partners;
- Interviews with government partners and stakeholders (including gathering the information on what the partners have achieved with regard to the outcome and what strategies they have used); etc.
- Consultations with development partners;
- Consultations with the partners at Province and Local Government level; and
- Field visits to selected project sites and discussions with project teams, project beneficiaries and major stakeholders (as deemed necessary);

### **Evaluation Questions**

#### Relevance:

- To what extent were the objectives and design appropriate at the time project was initiated, considering the political developments in the country as well as national priorities, priorities of UNDP and need of intended beneficiaries?
- To what extent are the objectives of the Project relevant and are they still valid? Was the Project flexible to adapt to political/environmental changes?
- How relevant was the geographical coverage?
- To what extent has the project been able to adapt the needs of the different target groups including vulnerable population in terms of access to justice system and their participation?
- To what extent does the project contribute to gender equality, the empowerment of women and the human right-based approach?
- To what extent does the project contribute to advancing anti-corruption and environment in the implementation of the project?

#### Coherence

- How well the intervention fit in changed context?
- To what extent the intervention is coherence with Government's policies and UNDP's planned output/outcome
- To what extent the intervention addressed the synergies and interlinkages with other interventions carried out by UNDP or Government of Nepal? (internal coherence)

- To what extent the intervention was consistent with other actor's interventions in the same context or adding value to avoid duplication of the efforts? (External coherence)

#### Effectiveness:

- To what extent did the project contribute to the CPD outcome and outputs, the SDGs, the UNDP Strategic Plan and national development priorities?
- How effective has the Project been in enhancing access to justice and legislative reform and implementation in Nepal?
- To what extent has the Project achieved its outputs? What were the major factors influencing the achievement or non-achievement of the outputs?
- To what extent has the project been able to address the needs of the beneficiaries in the changed context? Have events or services been delivered or offered at the right time according to the main target groups?
- To what extent have stakeholders been involved in project implementation? Did women, men, and marginalized groups i.e Dalit, Indigenous Peoples, Madhesi and other vulnerable communities, benefit from the Project's activities? Evidences of how the project managed or failed to promote inclusiveness, gender and social inclusion mainstreaming?

#### Efficiency:

- To what extent have resources (financial, human, institutional and technical) been allocated strategically?
- Could the activities and outputs have been delivered in fewer resources without reducing their quality and quantity?
- Were the Project inputs and benefits fairly distributed amongst different genders and communities while increasing access for the most vulnerable? What factors influenced decisions to fund certain proposed activities, and not others?
- To what extent did the coordination with other like-minded organizations and UNDP projects reduce transaction costs, optimize results and avoid duplication?

#### Impact/Outcome:

- What impact did ROLHR make at the rule of law and access to justice situation in Nepal?
- What outcome did A2J interventions have on the improvement of Access to Justice situation of Nepal?
- Is there evidence of improvements for under-represented and/or disadvantaged segments of Nepali society?
- What impact did the A2J project have on women's access to justice in targeted provinces?
- To what extent the justice delivery system has been able to respond to the local needs?
- How far the Judicial Committees are able to resolve the disputes at the community level?



- What would the situation of Access to Justice have been like without the Project intervention? What real difference has the Project made to the beneficiaries/ target group?
- What contextual changes have happened in Political, Economic, Social, Technical, Legal and Environmental areas that project has been/ has not been able to address?
- To what extent does the project build capacities among government stakeholders?

#### Sustainability:

- To what extent is/are the target group(s) capable and prepared to receive the positive effects of the project intervention without support in the long term?
- Are there any Project level outcomes integrated/inserted into the government plans, programme and policies?
- What is the exit strategy for the transfer of responsibility and activities to government departments and/or partner organizations?
- Gender equality:
  - To what extent gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project?
  - Is the gender marker data assigned to this project representative of reality?
  - To what extent has the project promoted positive changes in gender equality and empowerment of women? Were there any unintended effects?

#### Human rights:

- To what extent have Dalit, ethnic, physically challenged, women and other disadvantaged and marginalized groups enjoy improved access to Justice?

### **V. Evaluation Team Composition: Roles and Responsibilities**

The team will be consisted as given follows:

- International Expert (**Team Leader**)
- National Expert on Access to Justice (**Team Member**)
- National Gender and Social Inclusion Expert (**Team Member**)

#### **Roles and Responsibilities of the Team:**

Specifically, the **International Expert (Team Leader)** will have following roles and responsibilities;

- Lead and manage the evaluation mission;
- Design the detailed scope and methodology (including the methods for data collection and analysis) for the report;
- Decide the division of labor within the team;
- Conduct an analysis of the outcome, outputs and partnership strategy (as per the scope of the review described above) for the report;

- Contribute to and ensure overall quality of the outputs and final report ensuring the triangulation of the findings, obtain strong evidence for the analysis of information from multiple sources.

Specific roles and responsibilities of the team leader and members are given as follows:

- **International Expert (Team Leader);** She/she will be responsible to take charge of whole evaluation of the project and take care of overall quality and timely submission of the evaluation report
  - Competencies: Advanced university degree in law, human rights, social sciences, and/or other relevant subject; strong understanding on access to justice and legal aid, at least seven years of experience in rule of law and access to justice in conflict and/or post-conflict contexts,
  - Evaluation experience: proven experience leading the evaluation(s) of multi-partner project, excellent analytical and English report writing skills, knowledge of the political context, GESI issues access to justice and rule of law in Nepal will be preferred.
- **National Expert on Access to Justice (Team Member):** The National Access to Justice Expert will be responsible for reviewing documents, analyzing the progress, issues and challenges, draft selected chapters of the evaluation report as assigned by the Team Leader, and assist the International Team Leader to ensure the overall quality and timely submission of the evaluation report to the UNDP.
  - Competencies: advanced university degree in law, human rights or other relevant field; at least seven years of experience in legal aid and rule of law, excellent analytical and English report writing skills, ability to meet tight deadlines; experience in conducting evaluations and thorough understanding of gender and social inclusion issues in Nepal assets.
- **National Expert on Gender and Social Inclusion (Team Member):** The National GESI Expert will be responsible for analyzing the degree to which program design and composite interventions have addressed the needs of women and traditionally excluded groups; ensure that gender and social inclusion dimensions are incorporated into all steps of the inquiry, analysis and evaluation reporting.
  - Competencies: advanced university degree in law, sociology, gender studies, development studies or other relevant field, at least five years of experience in gender and inclusion-sensitive programming, rule of law, and/or access to justice, thorough understanding of gender and social inclusion issues in Nepal, excellent analytical and English report writing skills; experience in conducting evaluations an asset.

- The evaluation team will be inclusive, and team members involved in any way in the design, management or implementation or advising any aspect of the intervention that is the subject of the evaluation will not be qualified. The evaluation team will be selected by UNDP CO.

## VI. Expected Results/Deliverables

The evaluation team is expected to produce the following deliverables:

- An evaluation inception report including work plan with time frame containing evaluation design, sampling strategy including proposed list of stakeholders to be interviewed, methodology, draft questionnaire for stakeholders, and an outline of the evaluation report.
- An evaluation matrix with key evaluation criteria, indicators and questions/means of verification
- Evaluation matrix that includes key criteria, indicators and questions to capture assess them
- Draft Evaluation Report to be shared with UNDP, MOLIPA and donors for feedback and quality assurance
- Evaluation debriefing meeting with UNDP, MOLJAPA, development partners and key stakeholders where the main findings will be shared
- Review report audit trial- Comments and changes by the reviewer in response to the draft report should be retained by the evaluator to show how they have addressed comments.
- Final evaluation report (not exceeding 30 pages excluding annexes) with an executive summary, detailed findings with respect to the key evaluation questions above, and recommendations. The recommendations should be structured, specific and forward looking.

The findings of this evaluation will be used to analyze the lessons learned and to develop new project. Thus, the evaluation report should therefore, include specific recommendations for future interventions. The evaluation report should contain relevant evaluation criteria, key questions, specific-sub-questions, data sources, data collection methods/tools, indicators/success standard, and methods for data analysis.

## **VII. Evaluation ethics**

“This evaluation will be conducted in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’. The consultant must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorization of UNDP and partners.”

Consultants will be held to the highest ethical standards and are required to sign a Code of Conduct upon acceptance of the assignment.

## **VIII. Implementation arrangements**

The principal responsibility for managing this evaluation resides with the UNDP CO in Nepal. The UNDP CO will contract the evaluators and ensure the timely provision of per diems and travel arrangements within the country for the evaluation team. The Portfolio Manager of the

Governance Portfolio and RBM Analyst will assure smooth, quality and independent implementation of the evaluation with needful guidance from UNDP's Senior Management.

The Project team will be responsible for providing required information, furnish documents for review to the evaluation team. They will be responsible for logistic arrangement of evaluators for setting up stakeholder interviews, arrange field visits, coordinate with the Government etc.

UNDP will provide operational support in organizing meetings, interviews and field visits if necessary. Key project documents will be sent to evaluation team after their signing the contract. The evaluation team should review the relevant documents and share the draft inception report before the commencement of the field mission. The team should revise evaluation methodology, data collection tools and evaluation questions and the final methodology and instruments should be proposed in inception report including the final evaluation schedule and evaluation matrix.

The evaluation team will be briefed by UNDP upon arrival on the objectives, purpose and output of the project evaluation. An oral debriefing in-country by the evaluation team on the proposed work plan and methodology will be done and approved prior to the commencement of the evaluation process.

The evaluation team directly report to the Portfolio Manager of the Governance Portfolio and RBM Analyst during the implementation of the evaluation. The final report will be signed off by Deputy Resident Representative of UNDP CO.

The evaluation will remain fully independent. A mission wrap-up meeting during which comments from participants will be noted for incorporation in the final report.

## IX. Time frame

The duration of the evaluation will be 30 days:

Planned Activities	Tentative Days
Desk review and preparation of design (home based)	2 days
Briefing by Development Partner/UNDP	1 day
Finalizing design, methods & inception report and sharing with reference group for feedback	3 days
Stakeholders meetings and interviews (Virtual)	8 days
Analysis, preparation of draft report, presentation of draft findings	6 days
Stakeholder meeting to present draft findings (Virtual)	3 days
Finalize and submit report (Home Based) and presentation of the findings (Virtual)	7 days
Total	<b>30 days</b>


30 days will be the evaluation team leader and also member for both of the members.

## X. Use of Evaluation Results

The findings of this evaluation will be used to analyze the lessons learned and way forward beyond 2020 of the Project. Thus, the evaluation report should therefore, include specific recommendations for future interventions.

The evaluation report should contain relevant evaluation criteria, key questions, specific-sub-questions, data sources, data collection methods/tools, indicators/success standard, and methods for data analysis.

## Annex-7: UNEG Code of Conduct for Evaluators

Agreement to abide by the Code of Conduct for Evaluation in the UN System:	
Name of Consultant:	Nisar Ahmad Khan
Name of Consultancy Organization (where relevant):	
I confirm that I have received and understood and will abide by the United Nations Code of Conduct for Evaluation.	
Signed at (Date)	Islamabad (Place) on 13 July 2020
Signature:	

### UNEG Code of Conduct

#### Annex 2: United Nations Evaluation Group Code of Conduct for Evaluation in the UN System

##### Evaluation Consultants Agreement Form

To be signed by all consultants as individuals (not by or on behalf of a consultancy company) before a contract can be issued.

##### Agreement to abide by the Code of Conduct for Evaluation in the UN System

Name of Consultant: Rishikesh Wagle

Name of Consultancy Organisation (where relevant):

I confirm that I have received and understood and will abide by the United Nations Code of Conduct for Evaluation.

Signed at (place) on (date) 1<sup>st</sup> July 2020, Kathmandu

Signature:



(Each UNEG member to create its own forms for signature)

## Annex 2: United Nations Evaluation Group Code of Conduct for Evaluation in the UN System

### Evaluation Consultants Agreement Form

To be signed by all consultants as individuals (not by or on behalf of a consultancy company) before a contract can be issued.


### Agreement to abide by the Code of Conduct for Evaluation in the UN System

Name of Consultant: Sarmila Shrestha

Name of Consultancy Organisation (where relevant): \_\_\_\_\_

I confirm that I have received and understood and will abide by the United Nations Code of Conduct for Evaluation.

Signed at (place) on (date)

Signature:  14<sup>th</sup> July 2020