

UNDP BANGLADESH

PROMOTING ACCESS TO JUSTICE AND HUMAN RIGHTS IN BANGLADESH

PROJECT EVALUATION

**July 2014**

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**Access to Justice Project Evaluation 2010 – 2014**

**Draft Report**

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**Acronyms**

A2J Access to Justice

ADR Alternative Dispute Resolution

AG Attorney-General

BD Code Bangladesh Code

CPC Code of Civil Procedure

CrPC Code of Criminal Procedure

CSO Civil Society Organisation

CTA Chief Technical Advisor

HR Human Rights

HRBA Human Rights Based Approach

ICT Information and Communication Technology

JSF Justice Sector Facility

LETI Legal Education Training Institute

LPAD Legislative and Parliamentary Affairs Division

M&E Monitoring and Evaluation

MoLJPA Ministry of Law, Justice and Parliamentary Affairs

NHRC National Human Rights Commission

NLASO National Legal Aid Service Organisation

NIM National Implementation Modality

NPD National Project Director

PoA Power of Attorney Act

ToR Terms of Reference

UNDAF United Nations Development Assistance Framework

UNDP United Nations Development Programme

UNEG United Nations Evaluation Group

**1. Executive Summary**

Justice in Bangladesh is mired with constraints, which restrict the people of Bangladesh’s awareness of human rights and their access to justice. Since 2007, UNDP has been implementing an Access to Justice and Human Rights Project, aimed at remedying some of the factors that impinge peoples’ access to justice. Framed around the UNDAF, it can be said, without hesitation that the achievements of the project have contributed greatly to the UNDAF Outcome and Output. In respect of Outcome 2 “*justice and human rights institutions are strengthened to better serve and protect the human rights of all citizens including women and vulnerable groups*”, the effective establishment and operationalization of the National Human Rights Commission alone has ensured the projects contribution towards the realisation of the outcome. In addition, a number of legislative reforms have been enacted through the project, including the Civil Procedural Code and the Power of Attorney Act, which provide far-reaching protection of human rights in Bangladesh and increase peoples’ access to justice. By the completion of the project it is likely that the Evidence Act, Code of Criminal Procedure and Arbitration Act will also have been amended. In addition, the introduction of mediation in all civil cases through the amendments in 2013 to the Legal Aid Act has also ensured enhanced protection of human rights and access to justice in Bangladesh. Further, a number of justice sector institutions have been strengthened through the project. The capacity of LPAD in the law-making and law-reform process has been immeasurably strengthened through the provision of training and the strengthening of ICT provision within the institution. The Attorney-General’s Office has been strengthened in respect of ICT skills and its capacity to find relevant case precedence from different countries through online research.

It is clear from the analysis contained in this Evaluation that UNDP’s A2J Project has delivered substantively and qualitatively since 2007 – contributing to achievements over and above the individual UNDP project objectives and towards the overall UNDAF Outcome and Output. Among the evidence of substantive achievements, the Evaluation lists several activities carried out with the support of the UNDP A2J/HR project, namely support to the strengthening of legal aid and introduction of mediation, legislative reform, strategic planning, translation of laws and publication of the BD Code and capacity development of a number of justice sector institutions; LPAD, the Law Commission and the AG’s Office.

It is recommended by the Evaluation Team, that UNDP continue to develop its unique relationship with, and access to both LPAD and the MoLJPA, and in particular support to the implementation of the LPAD strategic plan should be considered as well as continued support to the standardisation of the law-making process in Bangladesh. However, any future activities should also consider strengthening the demand side of programming as well as the supply side. Through working at both the central and local levels and strengthening both the supply and demand sides of programming, UNDP will be able to adopt a holistic and comprehensive approach to its future justice sector programming.

**2. Introduction**

**2.1 Background and Context**

Over the past 40 years since independence, Bangladesh has increased its real per capita income by more than 130 percent, cut its poverty rate by sixty percent, and is well set to achieve most of the millennium development goals. Notwithstanding this past progress, the Government recognizes that Bangladesh is still a low-income country with substantial poverty, inequality and deprivation. An estimated 47 million people are living below the poverty line with a significant proportion living in households which are female headed, in remote areas, and consisting of socially excluded and other vulnerable people. Most of the labour force is engaged in informal, low productivity and low-income jobs. The access to secondary and tertiary education is limited and the quality of education at all levels is deficient.[[1]](#footnote-1)

Bangladesh is identified as a [Next Eleven economy](http://en.wikipedia.org/wiki/Next_Eleven). It has achieved significant strides in human and social development since independence, including progress in gender equity, universal primary education, food production, health and population control. However, Bangladesh continues to face numerous political, economic, social and environmental challenges, including [political instability](http://en.wikipedia.org/wiki/Political_instability), [corruption](http://en.wikipedia.org/wiki/Corruption), [poverty](http://en.wikipedia.org/wiki/Poverty_in_Bangladesh), overpopulation and [climate change](http://en.wikipedia.org/wiki/Climate_change). Bangladesh’s HDI value for 2012 is 0.515—in the low human development category—positioning the country at 146 out of 187 countries and territories. The rank is shared with Pakistan. Between 1980 and 2012, Bangladesh’s HDI value increased from 0.312 to 0.515, an increase of 65 percent or average annual increase of about 1.6 percent.

Bangladesh has a GII value of 0.518, ranking it 111 out of 148 countries in the 2012 index. In Bangladesh, 19.7 percent of parliamentary seats are held by women, and 30.8 percent of adult women have reached a secondary or higher level of education compared to 39.3 percent of their male counterparts. For every 100,000 live births, 240 women die from pregnancy related causes; and the adolescent fertility rate is 68.2 births per 1000 live births. Female participation in the labour market is 57.2 percent compared to 84.3 for men.[[2]](#footnote-2)

The present legal and judicial system of Bangladesh owes its origin mainly to two hundred years of British rule in the Indian Sub-Continent although some elements of it are remnants of Pre-British period tracing back to Hindu and Muslim administration. It passed through various stages and has been gradually developed as a continuous historical process. The process of evolution has been partly indigenous and partly foreign and the legal system of the present day emanates from a mixed system, which has structure, legal principles and concepts modeled on both Indo-Mughal and English law.[[3]](#footnote-3)

The current government is committed to improving the situation with regards to human rights and access to justice. In its Vision 2021, declared in 2008, it states:

*3. Good governance through establishing rule of law and avoiding political partisanship[[4]](#footnote-4)*

*Human rights will be established on a strong footing with a view to ensuring the rule of law. Independence of the judiciary will be ensured and the institutions of the state and administration will be freed from partisan influence. The basis of appointments and promotions will be merit, efficiency, seniority, honesty and loyalty to the Republic; political connections will have no relevance.*

The corresponding Perspective Plan states that effective governance is the strongest means to achieving the goals of the Perspective Plan. The administration of justice, good governance, effective institutional structures for development, law administration and legal affairs, national security, and public safety are essential for fair contracts, dispute resolution, promotion of entrepreneurship, and to encourage businesses and individuals to take risks. Without upholding rights and adhering to basic tenets of justice, the poor and disadvantaged groups will remain unable to seize economic and social opportunities for economic growth. Effective governance will employ public resources efficiently in activities with high social returns, will strengthen public institutions, take steps to eliminate corruption, terrorism, and extortion, and encourage citizen compliance and respect for the rule of law. [[5]](#footnote-5)

It is within this context that UNDP has been implementing the “*Promoting Access to Justice and Human Rights Project in Bangladesh*” since 2007, in partnership with the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA). In December 2009, the Ministry split into 2 divisions; the Legislative and Parliamentary Affairs Division (LPAD) and the Law and Justice Division. Due to the Division’s respective mandates, the project continued to be implemented by LPAD, with some project activities (notably legal aid and partially human rights) being transferred under the responsibility of the Law and Justice Division, within the framework of the Justice Sector Facility (JSF) Project.

The Access to Justice Project has been implemented in three phases, the first from July 2007 – June 2010, focusing on access to justice and human rights; the second from July 2010 – June 2012, focusing on building the strategic management capacity of the Ministry to improve service delivery, improved access to legal aid and improved administration of justice through legal and policy reforms including strengthened alternative dispute resolution; and the third phase from July 2012 – June 2014 (with a non-cost budget extension to December 2014), focusing on strengthening the institutional capacity to undertake, prioritised, inclusive and higher quality legal reform and to provide advice on international treaties, conventions and international legal affairs.

The project is linked to UNDAF Outcome 2 “*justice and human rights institutions are strengthened to better serve and protect the human rights of all citizens including women and vulnerable groups*”, and to UNDAF Output 2.1 “*members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid*”.

With the project due to end in December 2014, it is necessary to undertake an evaluation of the project to assess the outputs and results achieved as well as to explore the scope and opportunity for future interventions. This evaluation will focus on the period 2010-2014 due to the fact that a mid-term evaluation was already conducted, which covered the period 2007-2009.

**2.2 Objectives**

The objectives of the evaluation, as detailed in the Terms of Reference, are as follows:

1. Evaluate the performance (targets, achievements, effectiveness) of the project from 2010-2014;
2. Based on the findings, prepare a rationale and recommendations for possible future support.

The Evaluation team will also design strategies to implement any unimplemented activities (if any) and draft a basic Results Framework including outcomes, outputs, activities and indicators. The Evaluation Team will also consider the sustainability of the project interventions and UNDP’s partnership strategy.

**2.3 Approach and Methodology**

The methodology adopted for the evaluation was grounded in a detailed analysis of the Bangladeshi context in respect of access to justice and human rights, through gathering both primary and secondary data. As a starting point, a detailed document review was undertaken of the previous and current Access to Justice and Human Rights Project Documents, progress reports, annual reports and other relevant documents provided by UNDP. Concurrently, extensive desk research was undertaken to inform the background and context of the Consultancy. This included gathering as much quantitative data as possible from different sources on the status and development of the access to justice and human rights context in Bangladesh and also a preliminary review of all other on-going access to justice and human right projects and programmes. In particular, the research focused on human rights and access to justice for women and other vulnerable groups in Bangladesh, the normative framework surrounding these rights and the reality of the situation on the ground.

A fact-finding mission was conducted in Bangladesh to meet with all relevant stakeholders. The greatest focus of the Evaluation was on conducting a number of key informant interviews with stakeholders, partners, beneficiaries and UNDP staff members, including senior officials from the Legislative and Parliamentary Affairs Division of the Ministry of Law, Justice and Parliamentary Affairs, the UNDP officials from Governance Cluster, the Chief Technical Advisor of the project, A2J project staff, the National Human Rights Commission, the National Legal Aid Services Organisation, the Law Commission and a number of other relevant CSOs and stakeholders. Please see Annex A for a full list of key informant interviews undertaken. In this context, the mission focused on fact-finding, meeting with all key stakeholders and holding informative meetings and a focus group discussion with officials from LPAD. The purpose of the mission was to obtain all necessary data and information required to inform the drafting of the evaluation as required by the ToR. The Evaluation team adopted a multi-faceted approach, based upon the *UNDP Handbook for Planning, Monitoring and Evaluation***.** The Evaluation was conducted in accordance with the principles outlined in the UNEG ‘[Ethical Guidelines for Evaluation](http://www.unevaluation.org/ethicalguidelines).’

The interviews and focus groups gathered qualitative data to inform the Evaluation. The interviews were semi-structured around a number of standardized questions, together with some specific questions tailored to each individual interviewee, in order to obtain the interviewees’ perceptions, opinions and experiences of and with UNDP’s Access to Justice and Human Rights project. The questions were focused around evaluating the performance (outputs/results achieved) of the Project and also probed where the interviewees’ believe UNDP’s assistance would be best placed in the future.

The Evaluation Team conducted a Focus Group Discussion with officials from the LPAD who are involved in the law making process including senior officials who have performed the function of Project Directors of other projects. The Evaluation Team also explored the areas where law reform or amendment is further necessary. In addition to this, the Evaluation Team focused on capacity building of the LPAD and other stakeholders to ensure access to justice for all and the administration of timely, affordable and accessible justice for poor and vulnerable community groups.

The evaluation adopted a political economy approach that recognizes the local context and the incentives faced by the actors engaged in it, i.e. the internal and external factors that determine success. Thus, the methodology utilized the recently developed *UNDP Guidance Note on Assessing the Rule of Law using Institutional and Context Analysis.*

**2.4 Cross Verification of Data**

The Evaluation Team conducted as many interviews, meetings and focus group discussions as possible in order to ensure the integrity and the comprehensiveness of the evaluation. Wherever possible, data gathered, both qualitative and quantitative was triangulated, through cross verification from more than two sources. For interviews, this was done through posing a similar set of questions to the multiple interviewees.

The Evaluation Team presented the key findings and recommendations in a debriefing session. Officials from LPAD, UNDP, project and selected persons from other stakeholders attended this session. The purpose of the presentation was two-fold. First, to inform key stakeholders of the initial findings and recommendations to provide options for how UNDP might continue to support the LPAD in the future, and second to validate those findings and recommendations.

**3. Evaluation**

**3.1 Progress against targets**

For full details of the achievements against targets from 2010 – 2014, please see the Evaluation Matrix at Annex B, which provides detailed information on the targets and progress made per year, the status of each target and recommendations for future possible support, relating to each target. As can be seen from the table, all targets have been reached and in many cases exceeded. The exception to this is the establishment and operationalization of the Treaty Desk, which will not have been achieved during this current project period. In this respect, the target has only been partially met.

The following section will present first a summary of some of the key achievements of the project, then achievement per target and later, an assessment of their impact and level of sustainability together with an assessment of each achievements contribution towards the UNDAF Outcome and Output.

**a) Summary of achievements**

**►Support to the National Human Rights Commission**

One of the key achievements of the project is the establishment and operationalization of the National Human Rights Commission (NHRC). The project has provided support to the development of a legal framework for the establishment of the NHRC and has provided institution building and capacity development support to the NHRC. This support has enabled the NHRC to work in the field of promoting and safeguarding human rights for the people of Bangladesh from all levels of society but particularly from the most vulnerable and disadvantaged groups. The NHRC has been fully capacitated to fulfil its mandate, although further support is required for example with regards to the regionalisation of the institution. Recently, the NHRC has received an endorsement by LPAD to increase its staff size by ten.

**►Capacity Development of various Justice Sector Institutions**

Capacity building support has been provided to a number of justice sector institutions, mainly through the provision of training. Training has been provided in the areas of human rights, the law-making process, the process of signing and ratifying International Treaties and Conventions and on core ICT tools and skills. 175 legislative focal points from 17 different missions and divisions were provided training on law making processes and 34 officials of LPAD were provided comprehensive training regarding the process of signing and ratifying International Treaties and Conventions. 122 officials from the MoLJPA were provided training on the application of core ICT tools. ICT support was also provided to the Attorney General’s Office (AG Office) to establish a computer lab to improve their opportunity to find relevant case precedence from different countries through online research and training was provided to officials. An ICT cell was also established and capacity development provided to the MoLJPA. Before and after each training an evaluation was conducted of each participant’s knowledge. The results show that as a result of the training knowledge and skills were increased across the board. Detailed information and graphical evidence is provided in the annual reports for the project. On speaking with participants of the training, the evaluation team learnt that the training had been useful and had assisted in increasing the efficiency of their work.

**►Translation and publication of 81 laws**

With the support of the project a total of 81 Laws have been translated either from English to Bangla or vice versa. Prior to 1987, Laws were only drafted in English and after this date only in Bangla. Through the project a number of laws relating to increasing access to justice have been translated and reviewed accordingly with the objective to pave the way to improve the understanding of foreign investors and people in general about the laws of Bangladesh. The translated laws have been authenticated and certified by a Panel of Experts of LPAD through consultative process.

**►Promotion of Legal Aid and Mediation**

Strengthening of legal aid mechanisms, provision of legal aid, awareness raising of legal aid and the normative framework surrounding legal aid, have been one of the key areas of support and key areas of success of the project. The project provided logistic and technical support to the NLASO to undertake district level dialogue on legal aid with the local government representatives; dialogue with the judicial officers and lawyers for introducing ADR in legal aid; printing and dissemination of legal aid campaign materials; and support to maintain a hotline at the NLASO office for making legal aid information available for the people. The project provided support to five District Legal Aid Committee Offices to improve legal aid services. The project undertook a study tour for senior officials of the MoLJPA and NLASO to introduce new areas into the government legal aid programme in Bangladesh through learning from South Africa. Legal aid campaigns gained momentum with the support of the Project. The Project opened a number of channels for accelerating legal aid campaigns. In this light, a 30 second advertisement on legal aid services was developed and broadcasted on prime time (before 8 pm news) for two months during 2012. A total of 23 public and private television channels, 6 radio channels and 14 community radio channels aired the advertisement supported by the Government thereby raising public awareness of the scheme. Further the project developed and disseminated 50,000 flyers and 700 festoons on legal aid for NLASO. This all contributed to improve legal aid awareness across the country. The Project provided support to NLASO to promote a hotline service for making legal aid information available for the poor and indigent people. The Project’s M&E shows, with the support of the A2J Project, the numbers of government legal aid service recipients have increased by 154 per cent in five pilot districts since 2010. In 2012 on average 201 poor people have received government legal aid services from five pilot districts per month, this is compared to only 79 in 2010. Another analysis shows that the A2J intervention has impacted the improvement of government legal aid services at national level as well. NLASO statistics shows that in 2010, on average a number of 939 poor people have accessed government legal aid services from all 64 districts per month, which have increased to 1,355 in 2012. This means a 44 per cent increase in legal aid service recipients since 2010 across the country. Government legal aid fund disbursement rate by NLASO and fund utilization by pilot district legal aid committees have also increased.

Furthermore, one of the most far-reaching achievements of the project is the introduction of mandatory ADR in all civil cases, through the amendments to the Legal Aid Act in 2013. This was achieved with the direct support of the project, which facilitated the consultation process, leading to the amendments.

**►Legislative Reform**

In addition to the amendments to the Legal Aid Act detailed above, the project has provided support in the adoption and/or amendments of a number of access to justice related laws. These include the Civil Procedure Code, also adopted in 2013 and the Power of Attorney (PoA) Act adopted in 2012. With the support of the project, the Rules under the PoA Act have recently been drafted and at present, are under review by LPAD. The Arbitration Act and Evidence Act have also been revised and it is hoped that they will be sent to Parliament during the session scheduled for September 2014. A consultation process regarding amendments to the Criminal Procedural Code has also commenced, although further consultation is necessary due to the controversial nature of the proposed amendments; introduction of plea bargaining, categories of compoundable offences and the possible introduction of mediation in criminal proceedings.

**►Strategic planning**

The project has initiated a process to develop a strategic plan for LPAD. It will also include developing a legislative calendar, bilingual drafting calendar, etc. to initiate planning and resource management. Two workshops have been held and a consultation process undertaken and the drafting of the Strategic Plan is in process. It is anticipated that the Strategic Plan will be finalized during the project non-cost extension period. Simultaneously, strategic plans are being developed for a number of other justice sector institutions, detailed later in the report, which will result in a comprehensive and complementary process of strategic planning across the justice sector.

**b) Achievements per Target 2010 – 2014**

**2010**

**Output 1** Justice, Human Rights and Security promoted through capacity enhancement and ensuring better access to justice.

**Achievements**: Establishment of the National Human Rights Commission, providing the institutional framework for protection of HR status particularly of the disadvantaged.

**Status: Fully Achieved**

**Output 2** Importance of the provision of Pro Bono legal services to the disadvantaged groups of the society along with increasing their knowledge on domestic and international human rights norms and legal framework as well as their implementation for promotion and protection of human rights in the country.

**Achievements:** The project has established three Pro Bono Legal Services Forum in Barishal, Khulna and Barguna. Further capacity strengthening and networking support was provided.

**Status: Fully Achieved**

**Output 3** Improved professional integrity and competence of Public Law Officers to ensure proper advice to government agencies on rights and entitlements of the people.

**Achievements**: A six-month pilot project on human rights training for law officers and practitioners was developed and implemented by the Legal Education and Training Institution (LETI). Increased human rights knowledge and capacity of the law officers and legal practitioners of 36 districts by completing an intensive Human Rights Training Course conducted by LETI.

**Status: Fully Achieved**

**Output 4** Building the strategic management capacity of MoLJPA for improved service delivery

**Achievements**: Completed translation and publication of two volumes of Bangladesh codes (XXVI & XXVII), which will significantly contribute to improving access to legal information to the general people and international stakeholders.

**Status: Fully Achieved**

**Output 5** Improved ICT capacity development of the Attorney General’s staff and officers resulted to better access to legal and human rights information

The project been able to improve the ICT capacity development of the Attorney General’s staff and officers resulting in better access to legal and human rights information; the project has supported ICT training for law officers. Following a joint needs assessment the A2J project provided ICT equipment and other research facilities to support the AG’s Office.

**Status: Fully Achieved**

**2011**

**Output 1** – Building the strategic management capacity of the MoLJPA to improve service delivery

**Achievements**: - Access to computer, Internet and LAN has been increased by 25%, 15% and 34% respectively since 2010. 85 staff of MoLJPA were trained on the application of core ICT tools. The Ministry has established a Bangladesh Laws website. The users of BD laws online have increased by 59% since 2010. The project provided specialized skills in legislative and legal reforms to 18 senior officials of two divisions of the MoLJPA on Alternative Dispute Resolution (ADR) mechanisms, strategic planning, court administration, legislative and bi-lingual drafting and best practices in anti-corruption legislations and commission. The Project provided support to the Ministry in organizing a discussion meeting on Modern Techniques in Legislative Drafting where 35 MoLJPA personnel attended. The project provided support to the Attorney General’s office for strengthening the research capacity to improve the administration of justice by providing 32 books on case laws and one CD ROM for online legal research. 40 officials from the AG’s office have undergone training on these tools. Further a DVD and web based database of case precedents of Indian and British courts for the law practitioners and academicians to use as referrals for case precedents were developed. The Project has provided support to the Law Commission for developing a paper through an evidence-based approach, to develop research amendments for the Family Laws of Bangladesh. To support the development of a strategic plan, the Project has organized two learning tours to Canada and UK for senior leaders for developing background information on strategic planning. With the support of the Project, the Law Commission has undertaken strategic planning for 2-3 years and a draft plan has been developed to streamline work from 2012-2014.

**Status**: **Fully Achieved**

**Output 2** – Improved access to legal aid

**Achievements**: - The Project jointly with NLASO organized three exchanges of views meetings on government legal aid with the participation of key stakeholders of 64 District Legal Aid Committee viz. District Judges, Assistant Judges and Bar Association Secretaries. 573 billboards were installed with information on the availability of legal aid services across the five pilot districts. Promotion of five hotline numbers across five pilot districts to provide legal aid information. Support to NLASO to publish and distribute 6000 Upazila and Union Legal aid Committee formation and activation guidelines. Organization of five meetings with DLAC members and Panel lawyers under the leadership of district judges of Barisal, Chittagong, Mymensingh, Pabna and Naogaon districts. Through these initiatives a total of 355 Panel lawyers, DLAC members and judicial officers were sensitized for improved legal aid services. 4 coordination meetings among District, Upazila and Union Legal Aid Committee (Upazila Chairman, Upazila Nirbahi Officer, Union Parishad Chairman) at three pilot districts namely Barisal and Chittagong and Naogaon have been organized under the leadership of district Judges to educate Upazila and Union committee’s leadership about their roles and responsibilities for activating Upazila and Union committee. A total of 26 Upazila (out of 35) and 283 Union (out of 378) Committees have been formed as representatives attended the meetings of these districts. Further, those who were unable to attend were coordinated through a letter signed by District Judges and over the telephone, as a result 33 upazila and 232 Union Legal Aid Committee were formed. Three national level dialogues, three DLAC and Upazila-Union legal aid committee coordination meetings and five DLAC and Panel lawyers meetings were organized to revamp the government administrated legal aid programme.

**Status: Fully Achieved**

**Output 3** – Improved administration of justice through legal policy reforms

**Achievements**: - The Ministry initiated the process for the amendment of the Powers of Attorney Act 1882, the Code of Civil Procedure 1908, Code of Criminal Procedure 1898, Arbitration Act 2011 and Scientific Admissibility in Evidence Act 1872. As an attempt to build the knowledge and skills of the Ministry personnel on legal reforms, the Project has undertaken several international learning tours for 18 officials of the Ministry in UK, Canada, Australia, Indonesia, South Korea and Hong Kong.

**Status: Fully Achieved**

**2012 – 2014**

**Output 1** – Strengthened institutional capacity to undertake prioritised, inclusive and higher quality legislative reform

**Achievements**: - Advocacy Tools on the Powers of Attorney Law have been developed. It is expected to be published soon and will be disseminated. 54 MoLJPA and 6 NLASO personnel were trained in the application of basic ICT tools. The project has provided logistic and technical support to the NLASO to undertake district level dialogue on legal aid with local government representatives; dialogue with judicial officers and lawyers for introducing ADR in legal aid; printing and dissemination of legal aid campaign materials; and support to maintain a hotline at NLASO office for making legal aid information available for the people. Support was provided to five District Legal Aid Committee Offices to improve legal aid services provided by them. A study tour for senior officials of the MoLJPA and NLASO to introduce them to new areas in the government legal aid programme in Bangladesh through learning from South Africa was conducted. Support was provided to LPAD to draft and finalize a bill for the amendment of the Powers of Attorney Act, the Civil Procedure Code, the Criminal Procedure Code, the Evidence Act and the Arbitration Act and support to the Law Commission to prepare a recommendations paper for the amendment of Family laws of Bangladesh. Support was provided to LPAD to undertake the translation and publication of Bangladesh laws from Bangla to English and English to Bangla and training on the law making process of Bangladesh for the law making focal point from different ministries and government agencies. The Project has provided support to the Attorney General’s Office to establish a computer lab to enhance their online research opportunities. Support has been provided to LPAD to prepare a draft bill for amendment to the Code of Criminal Procedure (CrPC), 1898.

**Status: Partially Achieved/On-going**

**Output 2** – Strengthened institutional capacity to provide advice on international treaties, conventions and legal affairs

**Achievements**: The project has initiated a process to establish a Treaty Desk to monitor compliance with Bangladesh’s international obligations. A National and International Consultant have been hired to undertake a needs assessment and propose the treaty desk framework. Support was provided to LPAD to undertake a study tour to the Netherlands and Belgium to explore enhanced knowledge on international treaties and establishment of treaty desk as these countries represent best practice model in this regard. Also an index of international conventions, treaties, protocols and agreements signed and ratified by Bangladesh has been developed with support from the Project and is awaiting publication.

**Status: Partially Achieved/On-going**

**3.2 Effectiveness**

**(i) National Context**

A number of factors have affected the effectiveness or efficiency of the project. In terms of the national context, this has impacted the project performance, in particular during 2013 with the political instability in the run up to the elections. The number of *hartals* made project implementation difficult, as did the absence of a Minister for a number of months and then the adjustment period when the new Minister was appointed in 2014. This delayed implementation of the project.

**(ii) Human Resources**

The human resources situation has also impacted the project’s effectiveness. There has been almost constant understaffing of the project, so for example in 2012 the project operated with only 8 staff rather than the anticipated 13, and in 2013 with 6 staff rather than the expected 11. In addition, staff turnover has been high, from the change in CTA to many changes in national level staff. This, in part has been due to the number of short-term extensions of the project, with project staff unclear about their future and wanting to find more secure employment. The high-level of staff turnover has affected the institutional knowledge relating to the project within UNDP and has resulted in additional time being spent on creating new relationships between UNDP and the project partners.

Additionally UNDP’s recruitment procedures have meant that delay has occurred in recruiting consultants. In part this has been due to the difficulties in finding suitable candidates. In part this has also been due to UNDP’s cumbersome recruitment procedures and the length of time it takes to recruit suitable consultants.

There have also been some difficulties in receiving services from consultants once they have been recruited, which may have been avoided with tighter management of each consultancy and greater communication between the consultant and the UNDP project staff.

It should also be noted that it is extremely difficult to find suitable candidates with the appropriate qualifications and experience, which are necessary for working on this project, in particular on legislative reform, due to its complexities and highly technical nature. This applies across all levels of experience for both national and international consultants and staff. These difficulties are compounded when the vacant positions are only for short-term periods, due to project extensions or such like.

**(iii) Project Communication**

At times it can be difficult to maintain effective communication channels between the project staff and the project partners, in particular LPAD official and the NPD, due to their high work load and hectic schedules. This has not been helped by the logistical difficulties in travelling between the project office and the Ministry, meaning that sometimes a whole day can be spent on having a very brief meeting with the NPD.

It has also been difficult to obtain feedback from LPAD on some of the proposed legislative amendments, which has created a delay in their development. For example, with regards to the Evidence Act a delay of over a year occurred due to waiting for LPAD’s comments (although this was in 2013 with the limitations detailed above) but the amendments have not as yet been finalized. Although it could be expected that amendments to this Law would take considerable time due to the highly technical nature of the amendments, with regards to the admissibility of scientific and electronic evidence, the process could have been speeded up through stronger communication channels.

**(iv) Government implementation capacities -** As with most other sectoral and project/programme areas, the concern has been expressed that it is one thing to develop laws and regulations, but a larger challenge to implement the laws, which takes considerable time, resources and capacities. Capacity constraints are the major impediment to full implementation. This calls for practical and phased implementation strategies linked to resource availability and the recognition that reform is a long-term process of change.

**(v) Lack of justice sector coordination and communication** – There is a general lack of coordination and communication among the respective justice sector institutions. This has at times caused difficulties in the project implementation but more broadly causes problems in moving the reform agenda forward. Operational links between the justice sector institutions do not exist and there is a general lack of understanding as to why this is necessary. Without enhanced coordination and communication, it is difficult to see how the justice sector can function holistically and reform truly to be advanced.

Without these constraints, it is likely that the project would have achieved a greater degree of efficiency, which may have resulted in the current extension of the project not being necessary. That said, given these constraints, the project has generally achieved its objectives and contributed to the expected outcome and outputs.

**3.3 Outstanding activities**

Due to a number of outstanding activities that were not achieved during the original project period from July 2012 – June 2014, an additional 6-month no-cost extension of the project was agreed. This was necessary largely due to the difficulties in implementing the project during 2013, which have been discussed earlier in the report. During the no-cost extension period, the project will mainly focus on 3 distinct areas as well as on closing down the project.

**(i) The establishment and operationalization of a Treaty Desk**

Some progress has already been made in relation to this activity. A concept note on the treaty desk has been drafted as a result of a consultative process and a Gap Analysis on compliance with International Treaties and Conventions in Bangladesh has been undertaken. A consultant has been hired (after considerable delay) to draft a recommendations paper on how the treaty desk should be established, and an operations manual on how it should function. These tasks should be completed by the end of the project period. The treaty desk will not be established or operationalized during this project.

**(ii) BD Code**

A consultant has been hired, who is working on compiling the BD Code, which was last undertaken in 2007 and requires substantial updating. It is anticipated that by the end of the project period all 40 volumes of the BD Code will have been completed and published.

**(iii) Legislative Reforms**

A number of legislative reforms should be completed within the outstanding project period. The Evidence Act and Arbitration Act are in the final stages of preparation and will possibly be submitted to Parliament during the next session, scheduled for September 2014.

The Criminal Procedural Code will require a wider consultation, due to three controversial areas under consideration. The first is in relation to the introduction of mediation into criminal proceedings, the second concerning the categories of compoundable cases and the third in relation to the introduction of plea-bargaining. Due to the nature of these issues and the level of corruption and political influence in Bangladesh, it is crucial that these issues are properly researched and discussed to ensure that if they are introduced there are sufficient safeguards in place to prevent abuse.

**3.4 Impact and Sustainability**

**3.4.1 Impact**

The impact of one law can be vast, yet through this project a number of laws, amendments and procedural codes have been introduced. It is not possible to quantifiably measure the impact of this but the implementation of the legislative developments achieved during the project life-span will have far-reaching and long-term impact on improving access to justice for the people of Bangladesh and in particular for vulnerable and marginalised groups. For example, the introduction of mediation into all civil law cases will decrease the time and costs necessary in obtaining a remedy in a significant number of cases, thereby leading to a more efficient, timely and cost-effective remedy. Although there is as yet no data regarding this, examples from other countries show that this is the case. The introduction of the Civil Procedural Code and the Powers of Attorney Act will also have a positive impact in improving the efficiency of the justice system and the possibility of finding a remedy. The introduction of the Evidence Act will move trials away from being confession based towards a more evidence based approach, and thus a fairer method of dispensing justice. The consultations regarding the amendments to the Criminal Procedural Code could also have far reaching consequences and improvements in justice, although this will not occur during the project period.

Strengthening the provision of and awareness about legal aid, which has been achieved during the project period has a major impact on improving access to justice. The capacity development of the justice sector institutions that the project has worked with, namely LPAD, NLASO, the NHRC, the Law Commission and the AG’s Office will all lead to improvements in the accessibility of justice and therefore the ability of the people of Bangladesh to find a remedy.

The establishment of the NHRC has also had far-reaching impact on improving access to justice for the people of Bangladesh and raising their awareness about their rights and protection mechanisms.

**3.4.2 Sustainability**

The sustainability of UNDP’s Access to Justice Project results, as measured through ownership on the part of the partners is encouraging. The project has been implemented through the NIM modality and LPAD has been capacitated to more effectively deliver the project results. Laws and amendments have been introduced and are being implemented, thus making them fully self-sustainable. The Laws, which have been translated and published, and the compilation of the BD Code are similarly self-sustaining. The knowledge and skills learned by government officials through capacity development initiatives implemented through the project are sustainable, especially in view of the fact that LPAD officials, unlike other Divisions, do not get transferred and hence the knowledge is retained.

In general, it can be said that the project was designed in such a way that the majority of the project interventions would be fully sustainable at the end of the project period, thus negating the necessity for an elaborate exit strategy on the part of UNDP.

**3.4 Contribution towards UNDAF outcome and output**

It can be said, without hesitation that the achievements of the project have contributed greatly to the UNDAF Outcome and Output. In respect of Outcome 2 “*justice and human rights institutions are strengthened to better serve and protect the human rights of all citizens including women and vulnerable groups*”, just the effective establishment and operationalization of the National Human Rights Commission alone has ensured the projects contribution towards the realisation of the outcome. In addition, a number of legislative reforms have been enacted through the project, including the Civil Procedural Code and the Powers of Attorney Act, which provide far-reaching protection of human rights in Bangladesh. By the completion of the project it is likely that the Evidence Act and Arbitration Act will also have been enacted. In addition, the introduction of mediation in all civil cases through the amendments in 2013 to the Legal Aid Act, have also ensured enhanced protection of human rights and access to justice in Bangladesh. A number of justice sector institutions have been strengthened through the project. The capacity of LPAD in the law-making and law-reform process has been immeasurably strengthened through the provision of training and the strengthening of ICT provision within the institution. The Attorney-General’s Office has been strengthened in respect of ICT skills and its capacity to find relevant case precedence from different countries through online research.

In relation to UNDAF Output 2.1 “*members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid*”, the project has (in coordination with the JSF project) initiated the drafting of Strategic Plans for a number of institutions across the justice sector, including LPAD, the Law Commission, the Bar Council, the Prosecutor’s Office, the Judicial Service Commission, the AG’s office, and JATI and the Supreme Court’s strategic plan is being prepared with the support of the JUST project. The Strategic Plans for these institutions should have been completed by the end of the project period, with the exception of the Supreme Court, due to the arrival in early 2015 of a new Chief Justice.

In terms of legal aid, the achievements have considerably contributed towards the Output. As detailed elsewhere in this report, the increase in awareness of legal aid, in particular among women and other marginalised and vulnerable groups has had far-reaching success in improving access to justice. Further the capacity development of the NLASO, the improved coordination regarding legal aid and the strengthening of the provision of legal aid at the national and local level have all contributed towards the Outcome and Output.

**4. Partners and Potential Partners Analysis**

The Project is being implemented through a partnership approach. Partnerships are explored and undertaken to strengthen mechanisms to improve access to justice for the promotion and protection of human rights for poor and disadvantaged groups. The main partners of the project are detailed below:

**LPAD and Law and Justice Division:** The Legislative and Parliamentary Affairs Division (LPAD) of MoLJPA is the implementing partner of the project. LPAD has undertaken the project to build strategic management capacity of the Ministry including Law and Justice Division to improve efficient service delivery for the benefit of poor and vulnerable people.

**National Legal Aid Services Organization (NLASO):** NLASO is working to provide legal aid to grass-root level poor people utilizing government legal aid fund. A2J project has undertaken partnership with NLASO to strengthen their institutional capacity and mechanism to improve legal aid services and pilot intervention at 5 districts across the country.

**Law Commission:** Promoting legal and policy reform the project has established partnership with Law Commission. Research and advocacy support will be provided to them for specific legal reform issues such as amendments in Family Laws of Bangladesh.

**Attorney General’s Office:** The project is also in process to enhance partnership with AG Office to improve their professional knowledge and capacity regarding case handling.

The nature of partnership was subject to an institutional mix, which prevailed during the project period. The splitting of MoLJPA into two Divisions (Legislative and Parliamentary Affairs and Law Justice Division) has shaped the scope of the programme and thus also the partnership mix. As far as legal aid delivery and the demand-side programming is concerned, these activities were transferred to the Justice Sector Facility programme of UNDP, which works in partnership with the Law and Justice Division. The National Human Rights Commission, being a Statutory Body, thrives to loosen the administrative and financial control of LPAD in line with the Act. The National Legal Aid Services Organisation (NLASO), led by a Joint Secretary of the Law and Justice Division is less likely to be an organ for implementation of a project of to be undertaken by LPAD. The same is the case with the Office of the Attorney General, which performs more on the justice delivery side.

Unlike the NHRC, the Law Commission does not enjoy the status of a Statutory Body or independent status. The MoLJPA, through LPAD, has some administrative and budgetary control over the Law Commission. Even though there has not been enough evidence of collaborations between these two agencies so far, the new leadership of the Commission is likely to attract more attention from LPAD, researchers/academic, and civil society for its reform proposals.

Provided UNDP remains committed to legislative reform in general and legal reform in particular, LPAD and the Law Commission remain its natural and relevant partners. Since the Bar and NGOs have been vocal in the reform discussion, they could be relevant partners as well.

However, the successful implementation of any future justice sector programme resides on a strong partnership strategy with Bangladeshi institutions, civil society and private sector partners, UN agencies and other international organizations. The area of justice sector support is characterized by the multiplicity of actors. It is well known that representation of the full range of stakeholders, across government, business, and civil society as well as regions and disciplines, can considerably enhance the legitimacy of a multi-stakeholder process, if the support given is built on partnerships and through coordinated projects.[[6]](#footnote-6)

UNDP should develop diverse partnerships, and use them as a fundamental driver of its strategy and its ability to deliver development results. UNDP will need to actively promote a range of development partnerships with all of its stakeholders, both national and international, working together in all phases of the development cycle from programme design to implementation, review, and revision in order to impact the assessment and formulation of new interventions, in an effort to implement an integrated approach to assistance and reduce redundancies and overlap. Through its responsibilities to coordinate efforts to reach the Millennium Development Goals and any subsequent sustainable development goals, UNDP supports institutions and their effort to improve the lives of citizens through a participatory process of awareness raising, analysis, and implementation of initiatives that support national priorities.

UNDP should continue to take a proactive role in encouraging its partners to openly discuss their respective motivations, purpose and expected results of the partnership, and to collectively explore how the partnership can be designed to simultaneously and holistically achieve its collective purpose and the aims of individual partners. Successful partnerships are those that first and foremost deliver against the individual aims of each partner. In addition to clearly defining the purpose and expected results of the partnership, it is highly recommended that specific roles and responsibilities of each partner be explicitly agreed. This involves making sure that the right parties are “in the driver’s seat” and that the designated responsibilities of each partner are commensurate with their legitimate rights and appropriate societal roles as well as their specific competencies and interests. Potential partnerships could be explored with the Prosecution service, the Bar Council and Bar Associations and civil society organisations.

**5. Lessons learnt and Findings**

It is clear from the analysis contained in this Evaluation that UNDP’s A2J Project has delivered substantively and qualitatively since 2007 – contributing to achievements over and above the individual UNDP project objectives and towards the overall UNDAF Outcome and Output. Among the evidence of substantive achievements, the Evaluation lists several activities carried out with the support of the UNDP A2J project, namely support to the strengthening of legal aid and introduction of mediation, legislative reform, strategic planning, translation of laws and publication of the BD Code and capacity development of a number of justice sector institutions; LPAD, the Law Commission and the AG’s Office.

Attestations to performance have also been provided through interviews and consultations with the key project stakeholders. In all cases, senior government officials and other stakeholders expressed their high degree of satisfaction with the project, the outputs and support provided, and the implementation role played by UNDP. However, criticism regarding UNDP’s cumbersome recruitment procedures were repeatedly voiced by both government officials and consultants.

Key features of the relationship between UNDP and the project stakeholders were found to include: (1) the high quality of UNDP personnel assigned and recruited to the projects, (2) flexibility and responsiveness to ministry and government priorities and needs (hence, demand-driven), and (3) the approach of process facilitation.

In terms of the most significant lessons learnt, which were felt to have the greatest beneficial and sustainable impact, the main features of this positive performance were found to include the following factors that lead to the success of the individual phases and overall A2J Project:

**5.1 Lessons Learned**

* **Use of ICT** - ICT and automation are highly regarded activity components within the project. Not only those who were involved in the training took the ICT training very seriously but also senior functionaries have taken an interest in these developments: including areas such as data collection systems to monitor service delivery.
* **Promotion of Dialogue** - Dialogue platforms have been extremely valuable platforms for increasing dialogue, knowledge and awareness of present reforms. Discussions with the Upazila and Union Parishad level have opened channels through which people at the grass roots level are becoming aware of legal aid services. At field level natural overlaps with the village court project create an opportunity to undertake integrated efforts for the benefit of the poor and vulnerable people.
* **Consultative Processes** - The public consultation in legislative reforms has also resulted in positive engagement.
* **Long-term Approach** - The reforms process is complex and can be extremely slow, which makes it challenging to maintain momentum.
* **Coordination** - The Technical Coordination Committee meetings facilitate greater coordination with key project stakeholders to ensure speedy implementation and the achievement of project results through the provision of necessary and critical support.
* **Design** – The initial design of the project based on a sound technical assessment and analysis proved beneficial. The inclusion of all relevant stakeholders at the design stage was an additional success factor.
* **Partnership and project team** - The design of the partnership (UNDP and supported institutions) worked out to be an excellent model in practice according to all partners consulted. The partnership was supported by a strong integrated team at the implementation and technical levels, reflective of a high degree of institutional trust and cooperation, individual personal professionalism, constructive attitudes, and commitment – with a good mix of national and international experts. UNDP proved to be highly responsive, flexible and pro-active.
* **Flexibility** – Among partners and beneficiaries, UNDP is appreciated for its flexibility and adaptability to their evolving needs.
* **Transparency** - Transparency with the public and donors was both a key determinant and a condition of success. Transparency and credibility of the process were enhanced by the role played by UNDP.
* **National Ownership** – The project was nationally executed and fostered a strong sense of national leadership, ownership and control by the Ministry and latterly LPAD. This was complemented by the implementation role of UNDP and the value that it brought to the project.
* **Sustainability** – The adoption of new laws and amendments to existing laws ensures the sustainability of the achievements of the project after it has ended. Further the support provided to the strategic planning process will help shape the future direction and continued development not just of the institutions but also of the law-making process and justice sector reform in Bangladesh. The increase in the awareness and provision of legal aid and the establishment and operationalization of the NHRC are also sustainable.

**5.2 Findings**

* **Government Commitment** - There is a cabinet decision to strengthen LPAD thereby indicating the government’s commitment to this issue. This should be built upon by UNDP, especially given UNDP’s unique access to the Ministry and its reputation with justice sector reform in Bangladesh.
* **Strategic Planning** - Strategic Planning has been a slow process as this is a new concept for institutions in Bangladesh. Detailed analysis shows that training and sensitization on developing business plans, annual work plans including budget training may be undertaken to build institutional capacity.
* **Legal Reform Processes** - Legal reform processes have been improved with comparative research; experts’ opinion and public consultation followed by draft amendment and bill to CrPC, Evidence Act and Arbitration Act. These, however, require a huge investment in time and effort.
* **Capacity development** - Feedback on the training on ‘international treaties’ and ‘law making processes’ was very positive from the officials of the Legislative and Parliamentary Affairs Division and focal points from different ministries and government agencies as these events have contributed to a significantly improved level of knowledge.
* **Deputy National Programme Directors** - Appointments of deputy national programme directors have enhanced coordination between project management and project implementation team and improved supervision to implement project activities effectively and efficiently.
* **ICT Training** - ICT training has had a positive impact in enhancing knowledge and skills of the ministries’ personnel; however, the opportunity to apply their skills in the workplace remains very limited.
* **Legal Aid Hotline** - The Hotline service has proven to be a highly regarded tool for making government legal aid information available for the grass-root people. This is illustrated by the high number of people responding to the hotline service provided by the NLASO.
* **Translation of Laws** - Translation, publication and dissemination of Bangladesh laws is highly regarded by the Ministry personnel, as this work would improve the opportunity of studying Bangladesh legal resources for the domestic and foreign users.
* **Project Communication Mechanisms** – Communication channels between UNDP and LPAD were at times difficult to maintain due to heavy workloads on the part of the LPAD official and in particular the NPD. This resulted in some delays in project implementation. One possible way to overcome this in the future would be to have the project staff located in the Ministry or to have fixed, regular coordination mechanisms on a weekly basis.
* **Relationship between LPAD and the Law Commission** – There is poor understanding between the Law Commission and LPAD, partly due to competition between the institutions and partly due to “the rules of the game”, i.e. that is the way things have always been. The Law Commission has never really been taken into account by LPAD in the law-making process, despite its mandate and there is a missing link between the Law Commission and reform proposals from individual ministries.
* **Operational Links between Justice Sector Institutions** – Although the conceptual links between justice sector institutions may be obvious, there are no operational links between institutions and politicians and government officials do not generally understand why this is necessary or important.
* **Legislative Reform** - There is still a need for UNDP to be involved in legislative reform. UNDP is the only donor working on legislative reform and it has a great entry to the Ministry through this.

**6. Recommendations for future activities**

The following recommendations have been drawn out on the basis of the interviews conducted and requests for support received and also from the research and analysis conducted throughout the Evaluation. They are organised thematically and are presented in no particular order of importance but represent key activities, which UNDP should consider supporting in future.

The evaluation notes that project/programme design and implementation are most successful when there is government capacity in place and commitment to apply a programme approach, supported by an institutional framework at central or local levels, with efficient mechanisms for aid coordination and oversight and it is in this context that the recommendations for future support have been developed.

It should also be noted that any future support will almost certainly be provided through a wider justice sector programmatic approach, which is currently being developed internally by UNDP. However for the purposes of this evaluation the Results Framework that has been developed and the recommendations provided related to the last phase of project implementation from 2012-2014 and to continued support in these areas.

The following results framework presents areas for future programmatic or project based support. These are focused solely on activities that fall within the scope of the final phase of the A2J Project. A list of other recommended areas follows, which UNDP Bangladesh may consider as part of its wider justice sector programming.

**6.1 Results Framework**

|  |  |  |
| --- | --- | --- |
| **Intended Outputs** | **Output Targets** | **Indicative Activities** |
| 1. **Legislative drafting capacity of LPAD further strengthened**

Indicators (Baseline/target)1. The staff size corresponds to revised organogram. Base: xx. Target: xx
2. LPAD staff receive training or participate in the technical areas prior to drafting. Base: Not practiced. Target: In each case
3. Relevant officers of Ministries pursuing legislative proposals received training on the basics of legislative drafting. Base: Limited duration (2 hours). Target: 1 day with advanced communication techniques.
4. Drafting officers apply IT-driven techniques while interacting with ministries or entertaining queries. Baseline: None. Target: Tailor-made
 | 1. No. of drafting officers who received advanced training in relation to specific contemporary areas.
2. A team of at least two persons has received TOT on how to train/counsel/mentor relevant officers of other ministries pursuing legislations.
3. Drafting officers attached to ministries received training on advanced communication skills.
 | **Activities**1. Provide needs-based advanced training on legislative drafting (DNA, IP, environment, labour rights, money laundering, terrorism, property rights, workers’ rights, family laws et.)
2. Establish a resource pool to offer training/workshops (general/specific) to ministerial officers on legislative drafting
3. Provide advanced communication skills (counselling, presentation, negotiation)
 |
| 1. **LPAD emerges as a platform for participatory discussion on emerging and contemporary legislative reforms**

**Indicators (Baseline/target)**1. At least one workshop/seminar organized by LPAD on drafted legislations. Base: Not a rule. Target: As a matter of practice.
2. One regulatory impact assessment is available together is with drafted laws. Baseline: Rare. Target: Always.
3. Seminar/workshops held on the reform proposals of law commissions. Baseline: None. Target: Selected cases.
 | 1. Workshop/seminar held and the core stakeholders participate and commented on the draft.
2. One workshop on legislative impact assessment for ministerial officers.
3. LPAD/Law Commission jointly held workshops on selected reform proposals.
 | **Activities**1. Organize research-supported and policy driven workshops/seminars on contemporary, emerging and cross-country issues requiring legislative responses in collaboration with academics, researchers, policy makers, judges/lawyers and civil society representatives.
2. Offer workshops/seminars on legislative impacts assessment
3. Support the efforts of Law Commission in order to organize various deliberations on law reform initiatives/proposals
 |
| 1. **LPAD becomes a virtual repository of substantive and procedural legislations, international/regional/bilateral treaties, conventions, and agreement**

**Indicators (Baseline/target)**LPAD officers and relevant designated ministerial officers can use the repository leading to the standardisation of the law-making process. Base: None Target: One with on-line access  | 1. Approved framework of database.
2. All BD Codes are downloadable
3. All procedural laws/templates are downloadable
4. All treaties/conventions/agreement downloadable.
 | **Activities**1. Develop a framework for secured database for all public documents over which LPAD has copyrights in collaboration with Bangladesh Computer Council and a university with track records of establishing similar database (e.g. BRAC University)
2. BD Code – Upload and continuously update
3. Digitalization of indexed procedural/secondary/delegated legislations, templates used in the drafting process, upload and continuously update them and make accessible online
4. Indexing, upload and continuously update the database on international/regional/bilateral treaties, agreement and convention
 |
| 1. **LPAD has access to web-based library**

**Indicators (Baseline/target)**LPAD officers and designated ministerial officers can use subscription-based web-based library for literature search. Baseline: None. Target: Yearly subscription | 1. Resources in selected areas are downloadable.
 | **Activities**1. Define the area of web-resources (e.g. law, etc.)
2. Negotiate for affordable yearly subscription from international/regional web-based libraries
3. To be added (under discussion with BRAC university)
 |
| 1. **LPAD is capable of simultaneous bilingual drafting of legislations**

**Indicators (Baseline/target)**1. For all laws passed, approved English translations are downloadable. Baseline: Not a regular practice. Target: As a matter of practice
2. LPAD is implementing an action plan to translate valid laws passed before 1972. Baseline: No action plan. Target: xx of laws per year.
 | 1. Recruitments made as per organogram and criteria.
2. All translation officers and interested drafting officers received training on legal translation and editing from reputed translators/authors of bilingual legal literature
3. Editing is included in the job description of translators
4. Relevant language institute runs courses/hold workshop on legal translation.
 | **Activities**1. Increase quantitative capacities for translation wing in order to undertake outstanding and current translations.
2. Impart advanced translation/editing skills (Bangla-English) from reputed experts/institutions.
3. Extend the functions of Translators by editing.
4. Advocate for Bangla-English translation courses with Dhaka Institute of Modern Languages to create professionals.
 |
| 1. **Treaty Desk emerges as a compliance monitoring and reference agency of the Government for international negotiation and agreement**

**Indicators (Baseline/target)**1. A status report for all convention/treaties/agreement is downloadable. Baseline: None. Target: All
2. Other public agencies, researchers/academic and civil society receive responses on the existence and state of compliance. Baseline: Service not available. Target: LPAD is responsive.
 | 1. Treaty Desk officers received training on how to manage the dedicated website and respond using technological solutions.
2. Treaty Desk officers received advanced training on international negotiation.
3. A spokesperson for counselling is assigned and can be contacted.
4. Relevant ministries receive status report and recommendations for actions.
 | **Activities**1. Provide training on advanced communication techniques (interpersonal, web-based technology, legal English)
2. Provide training on effective participation in international convention (preparation, presentation, negotiation, partnership, alliance)
3. Establish a window for counselling for ministries
4. Update compliance by ministries and prepare yearly reports on the development (state of compliance, future needs)
 |

**6.2 Other recommended areas for future support**

In addition to the areas detailed in the Results Framework for continued support with LPAD, the following areas are also recommended by the Evaluation Team as areas that UNDP may wish to consider providing support:

**(i) Institutional Capacity Building**

In the area of institutional capacity building, focus should be on strengthening the institutional capacity of training institutes rather than ad hoc workshops. For this purpose, new partnerships should be developed with: training academies with the objective of strengthening existing and/or develop human rights course and ADR modules as part of training curriculum (Bangladesh Bar Council, Judicial Administration Training Institute, Police Training Institutes, Bangladesh Civil Service Training Academy, National Social Services Academy, Bangladesh Peacekeeping missions). Support may be provided to the NHRC for developing human rights course and to the Law & Justice Division for ADR modules. LPAD can create partnerships with the training academies with the objective of raising awareness of the laws that are being reformed and/or on the need for such reform.

**(ii) Universities** may be approached, in coordination with the NHRC, for collaboration with regard to contributing the following resources:

1. Strengthen/develop new courses on human rights;

2. Set up human rights/legal clinics

3. Promote human rights related research

4. Development of comprehensive community human rights education programme

5. Creation and dissemination of human rights IEC tools

**(iii) Media training institutes** may be approached, in coordination with the NHRC, to provide the following resources:

1. Strengthen existing and/or develop human rights course modules as part of training curriculum;

2. Facilitate discussion, and ensure awareness raising among general public and

3. Promote human rights reporting (i.e. reporting on violations as well as advocacy for specific issues)

 **(v) Research and Learning:**

Mapping of access to justice issues/impediments for vulnerable and marginalized groups. Undertake a baseline survey/assessment of systemic weaknesses, gaps and avenues for corrective change, systemic and legal reform for improving access to justice for the most deprived sectors of society through improved access to legal aid, pro bono services and ADR.

 **(vi) Potential support to MoLJPA in the following matters:**

1. Change-Management process for Institutional Change / Focus on:

Developing a vision, mission and values or the MoLJPA that guide the institutional change process and organizational management of the Ministry Strengthening the capacity of the MoLJPA to set out its own institutional change agenda by identifying existing change initiatives within the Ministry and ways of supporting these; identify new areas of change; to develop a comprehensive strategy and plan for reform; to implement and monitor change activities

Promoting strategic leadership and organizational management of the MoLJPA to formulate a comprehensive strategy for justice sector reform and strengthen the capacity to coordinate existing reform initiatives of development partners.

**(vii) Recommended Approaches**

* **Legal research and public consultations** - Legal research and public consultations as well as expert opinions could be promoted for legal and policy reforms. Simultaneously, strategies would be explored for reducing time to finalise draft amendments.
* **Capacity development** - Knowledge and skill building initiatives particularly advanced training on bi-lingual drafting and international laws and multilateral treaties, conventions and agreements may be undertaken for those who are engaged in legal drafting and vetting process through a national pool of legal experts from civil society organisations (CSOs) and academia to undertake long term training.
* **Coordination of legal aid** - Public-private partnership to develop greater coordination for legal aid services may be undertaken which will coordinate the government legal aid services with the legal aid provided by lawyers and CSOs to expand the base of the services provided together.
* **Support to NHRC** – Continued support to the capacity development of the NHRC should be considered. Interest has been expressed in the establishment of a research wing, a communications office, support to provide training e.g. for Human Rights Defenders, technical expertise, support to the regionalisation of the NHRC though the establishment of offices at 7 divisional levels as provided for in the Law, undertaking a needs assessment, and support for an assessment of how a NHRC should function based on the Paris Principles[[7]](#footnote-7) and other international best practice and experience.
* **Legal Aid and Mediation** - Support will be required for the roll-out of the mediation mechanism at the local and national level. Quality criteria and mechanisms need to be introduced to improve the provision of legal aid. Support is necessary to introduce duty officers to provide emergency legal aid and to support to the introduction and roll-out of an online application system for legal aid.
* **Anti-Discrimination** - The Law Commission has recently prepared a draft of an Anti-Discrimination Law. Given its mandate, UNDP should strongly consider supporting this process, in particular supporting a wider consultation process and support to the adoption and then implementation of the law. Support should be provided throughout the legislative process, with regards to awareness raising, training of offices and subsequently with regards to monitoring and evaluation and data collections methods.
* **Backlog Reduction** – the Law Commission has recently been commissioned to conduct an analysis of the situation regarding the backlog of cases. UNDP should help facilitate this process and once finalised should provide support to implement the recommendations of the research as to how to reduce the huge case backlog that Bangladesh in suffering from. This research is being supported through the JSF seed fund.
* **Wider justice sector support** – in its next phase of support to the justice sector in Bangladesh, UNDP should consider further improving the justice sector involvement in achieving accountable justice. Initial work should begin on strengthening the prosecution service, research regarding enforcement should be undertaken with a view to improving enforcement, without which justice can never be achieved and support should be provided to strengthen the Bar Council/Bar Associations and other justice sector professional bodies. The preparatory phase of some of these activities are being supported through the JSF seed fund.
* **Twinning** - Although it has been noted that study tours have been an effective way for government officials to gain new knowledge, in the next phase of justice programming UNDP should also consider using the twinning approach to enhance these experiences. Twinning will provide an opportunity for the exchange of staff, the exchange of knowledge and experiences and the creation of effective partnerships.
* **Government Cost-Sharing**–Although the MoLJPA provided in-kind cost-sharing through the A2J Project period, during the next phase of programming, UNDP should explore new funding modalities including the opportunity of entering into cost-sharing arrangements or framework arrangements for co-funding with the Ministry and any other relevant Ministry with which it is cooperating regarding justice sector reform. Establishing mutually supportive partnerships, in which UNDP provides advisory support and assistance in the implementation of various projects, will allow the Ministry to more effectively implement the priorities of its development strategies. The combination of knowledge, experience and resources provides a good basis for cooperation that leads to good governance and efficient services at both the national and the local level.

**6.3 UNDP’s niche and comparative advantage**

Bangladesh is increasingly less donor dependent and UNDP is only partially able to influence the reform agenda. UNDP should thus build on its niche and comparative advantages in order to further strengthen its support to the justice sector in Bangladesh.

* **UNDP’s unique relation with the MoLJPA,** and relationship and access to both divisions within the Ministry provides a great advantage to UNDP, which should be capitalised on. UNDP is the only donor or partner in Bangladesh with such access and this provides many opportunities to secure its position within justice sector programming in the country. Having taken a risk by continuing its presence in the sector when other donors and partners pulled out after the negatively evaluated World Bank project, UNDP managed to secure the trust of the government and other institutions and partners, it would be short-sighted of UNDP not to continue this relationship.
* More broadly, UNDP offers comparative advantages in A2J programming, drawing on its **global knowledge base**, best practices, lessons learnt, and past cooperation within both UNDP and the United Nations system. UNDP has gained vast and proven experience in a variety of different areas of justice sector programming, which UNDP Bangladesh should maximise.
* Through adopting a **Human-Rights Based Approach** (HRBA) to programming, UNDP Bangladesh is able to bridge the divide between the supply and demand sides of justice sector programming. The HRBA seeks to analyse inequalities, which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. Adopting a human rights-based approach to justice programming in Bangladesh, will lead to better and more sustainable human development outcomes. In particular UNDP, should focus on increasing its support to demand-side programming in the next programmatic framework for its justice sector work.

UNDP’s **policy framework and methodology** for justice and its expertise in justice programming is a major asset. The UNDP Capacity Development approach understands capacity development as a process through which individuals, organisations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time. It considers capacity development as an endogenous process, hence capacity development support needs to start from the existing capacities and work with the assets of the respective institution.

The UNDP **capacity development paradigm** presents a holistic approach to justice and is likely to yield better long-term results than the traditional short-term technical assistance approach used by other donors.

* UNDP’s way of working is predominantly **facilitative** and **client oriented**. UNDP pays attention to consultative processes with stakeholders and consensus building is of central importance and the starting point for any new intervention. UNDP’s focus is on providing assistance to local beneficiary institutions to define their specific needs and design a response strategy. A facilitative approach is maintained throughout implementation and determines the working relationship between UNDP and the beneficiary institution. This viewpoint was reiterated throughout the course of the informant interview by partners and beneficiaries alike.
* UNDP is an **impartial** player hence considered a trusted partner by national institutions, a point emphasized by the LPAD National Project Director. Its impartiality is considered an asset enabling UNDP to play a facilitative role in justice development processes. UNDP is able to tap into a pool of expertise and quickly mobilise technical experts from different countries and the Asia-Pacific Regional Centre or headquarters.
* UNDP’s **reliance on national staff** with the relevant know-how, in-depth-knowledge about the realities of the country and knowledge of language is another added advantage. UNDP Bangladesh has proven expertise in working with both national and sub-national institutions, hence a good understanding of the policy and working environment of such institutions. Having access to and being able to use both international good practice as well as local expertise makes UNDP a powerful player in the donor community.
* Recognising that strengthening the justice sector at the national level is a difficult, complex and long-term task, the success of which depends on the commitment of the national communities with whom UNDP works, UNDP Bangladesh is **committed to long-term programming** in the justice sector and is not restricted in its focus with having to fulfil contractual requirements or securing its next project.
* UNDP Bangladesh has stronger **institutional knowledge** that often other donors and international organisations, and in particular contractors, do not have, although the staff turnover of the A2J project weakened this. UNDP Bangladesh is also **focused on the impact** of their justice sector activities. This gives it a strong advantage in particular in analysing the context and situation on the ground and identifying the real needs of the beneficiaries. This provides UNDP with the credibility to facilitate partnerships with and among different justice sector actors.

**6.4 Possible programme/project structure**

It is impossible to look at the future of the activities encompassed within the Access to Justice project, without considering UNDP’s justice sector programming as a whole. The current series of justice sector projects, A2J, JSF, JUST and PRP are all due to end during 2015. With the exception of the Village Courts Project, funding has not been secured for any future projects. At the same time, UNDP is developing its next 5-year justice sector programme, so the future of access to justice has to be viewed in this context.

Having said that, there is great potential for coordination between the activities currently undertaken by the A2J project and those undertaken by the JSF project. JSF is a strategic and process orientated project that is testing pilots and new ideas that may translate into policy decisions and legislative reforms. This there is potential for the strong synergies between the activities of these two projects, which can be further built on.

There are many on-going initiatives that will feed into the process of developing the justice sector programme, and the purpose of this evaluation is not to provide recommendations for the future programme, however, UNDP may wish to consider introducing a new programmatic structure. A programme manager, skilled in project and programme management would sit at the top of the structure. Under him/her would be a number of CTA’s skilled in specific thematic areas who would work on substantive issues, rather than the day-to-day management of individual projects. The next layer would be a core of nationally recruited staff, who would be recruited for the length of the programme i.e. a 5-year period, who would provide substantive and thematic support to the programme. Procurement, operations and an administrative unit would operate for the benefit of the programme as a whole, thereby avoiding duplication of tasks. Such a structure would help in rationalising UNDP’s activities and in improving co-ordination and communication within the programme. There would be a number of thematic areas within the structure, such as access to justice, in particular for women and other vulnerable groups, justice sector reform and coordination including, police reform and possibly village courts. The components could be thematic rather than institutional, but would all fit under a coordination mechanism that would bring ownership and help consolidate the justice sector reform processes. More responsibility should be given to the government with greater coordination at both central and regional levels as a foundation for all reforms. This would assist in rationalising UNDP’s approach but at the same time, would not undermine the government. An incremental approach should be taken, based on the strategic plans for all justice sector institutions and of course based on demand.

This could be shaped around the following areas:

a): Coordination, communication, co-operation and systems between justice, and the police enhanced in a number of pilot districts for an effective, efficient and equitable legal system and administration of justice

b): Improved access to justice for vulnerable and marginalized populations through systematized legal aid service provision and dispute resolution mechanisms accessible to all

c): Capacities of state and non-state actors strengthened for a comprehensive and coordinated response to address sexual and gender based violence (SGBV)

d): Institutional capacities strengthened for improved administration of justice, strategic planning and policy development for a longer-term sector wide approach to justice and the police

e): National institutions and actors (state and civic) have stronger capacities for policy- making and policy actions aimed at promoting dialogue and social integration

f): A better aware public, especially youth and women, of available remedies and mechanisms of ensuring access to justice

g): Enhanced Data Collection and Management among justice sector institutions and improved access to information for the people of Bangladesh

**7. Conclusion**

It is clear from the analysis contained in this Evaluation that UNDP’s A2J Project has delivered substantively and qualitatively since 2007 – contributing to achievements over and above the individual UNDP project objectives and towards the overall UNDAF Outcome and Output. Among the evidence of substantive achievements, the Evaluation lists several activities carried out with the support of the UNDP A2J/HR project, namely support to the strengthening of legal aid and introduction of mediation, legislative reform, strategic planning, translation of laws and publication of the BD Code and capacity development of a number of justice sector institutions; LPAD, the Law Commission and the AG’s Office.

Attestations to performance have also been provided through interviews and consultations with the key project stakeholders. In all cases, senior government officials and other stakeholders expressed their high degree of satisfaction with the project, the outputs and support provided, and the implementation role played by UNDP. However, criticism regarding UNDP’s cumbersome recruitment procedures were repeatedly voiced by both government officials and consultants.

With regards to future activities, it should be noted that Bangladesh is increasingly less donor dependent and UNDP is only in a position to partially influence the reform agenda. UNDP should thus build on its niche and comparative advantages in order to further strengthen its support to the justice sector in Bangladesh. That said, there is still a need for UNDP to be involved in legislative reform. UNDP is the only donor working on legislative reform and it has a great entry point to the Ministry and LPAD through this. UNDP needs to be careful about raising national stakeholders’ expectations and then not delivering or not following through. In that context it would make sense for UNDP to continue support of LPAD to implement the Strategic Plan, having provided support to the planning and drafting process, as well as to provide continued support to the standardisation of the law-making process in Bangladesh. Linkages between strategic plans are also proving difficult. Although the conceptual links between justice sector institutions may be obvious, there are no operational links between institutions, and politicians and government officials do not generally understand why this is necessary or important. Identifying the operational links between justice sector institutions, identifying any gaps or overlaps and enhancing coordination and communication should also be a focus of UNDP’s continued support to this sector. UNDP should continue to develop its relationship with LPAD and continue building upon the achievements reached during the project implementation period.

**Annex A – List of Stakeholders**

**List of Interviewees/Respondents**

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| --- | --- |
| 1 |  A2J Project Personnel including CTA (Christian Eldon) |
| 2 | Justice A B M Khairul Haque, Chairman Law Commission |
| 3 | Professor Mizanur Rahman, Chairman, NHRC |
| 4 | Governance Cluster, CO and donor representatives (SDC, Danida, SIDA) |
| 5 | Trainees of legislative training (Md. Mostafa Kamal, Joint Secretary, Ministry of Commerce, and Dr. Khaleda Parvin, Senior Assistant Secretary, LPAD) |
| 6 | Mr. Shahidul Haque, National Project Director, A2J |
| 7 | Meeting with 15 LPAD Officials (Focus Group Discussions) |
| 8 | Consultants (Dr. Abdullah Faruk, consultant for Treaty Desk; Mr. Narayan Das, consultant for PoA Rules, Mahbubur Rahman; Barrister Manzoor Hasan, consultant for Strategic plan; Barrister Sara Hossain, Consultant for Evidence Act |
| 9 | Syed Aminul Islam, Director, NLASO |

**Annex B – Evaluation Matrix**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Outcome/output** | **Planned Activities/Targets** | **Results** | **Status**  | **Future Action** |
| **UNDAF outcome 2 –** justice and human rights institutions are strengthened to better serve and protect the human rights of all citizens including women and vulnerable groups |
| **UNDAF Output 2.1 –** Members of key justice sector institutions have increased capacity for sectoral planning, coordination and legal aid |
| **2010** |
| **Output 1** Justice, Human Rights and Security promoted through capacity enhancement and ensuring better access to justice. | Formal Institution for human rights established and supported. | Establishment of the National Human Rights Commission, providing the institutional framework for protection of HR status particularly of the disadvantaged.  | **Fully achieved**  |  - Continued capacity development support to NHRC - Establishment of a research wing, - Establishment of a communications office,  - Support to provide enhanced training e.g. for Human Rights Defenders, technical expertise,  - Regionalisation of the NHRC through the establishment of offices at 7 divisional levels - which is provided for by law,  - Needs assessment,  - Assessment of how NHRC should function based on best international practices, Paris Principles etc.  |
| **Output 2** Importance of the provision of Pro Bono legal services to the disadvantaged groups of the society along with increasing their knowledge on domestic and international human rights norms and legal framework as well as their implementation for promotion and protection of human rights in the country. | Promote and provide Pro Bono Legal Services to the poor and vulnerable groups through three Pro Bono networks.  | The project has established three Pro Bono Legal Services Forum i.e., in Barishal, Khulna and Barguna. Further capacity strengthening and networking support are being continued. | **Fully achieved** |  - Provision of support to roll-out mediation mechanism,  - Improve quality of legal aid through introduction of quality control mechanisms and criteria - Introduce duty officers to provide emergency legal aid - Support to introduce online application system,  |
| **Output 3** Improved Professional integrity and competence of Public Law Officers to ensure proper advice to government agencies on rights and entitlements of the people. | Law Officers incorporate human rights considerations into advice given, decision making and practices relating to prosecutions and fundamental rights litigation | A six-month pilot project on human rights training for law officers and practitioners has been developed and implemented by the Legal Education and training Institution (LETI). Increased human rights knowledge and capacity of the law officers and legal practitioners of 36 districts by completing an intensive Human Rights Training Course conducted by LETI. | **Fully achieved** |  - Institutionalise human rights training in all training institutions in Bangladesh as well as university level.  |
| **Output 4** Building the strategic management capacity of MoLJPA for improved service delivery  | Translation of two volumes of Bangladesh codes (XXVI & XXVII) | Completed translation of two volumes of Bangladesh codes (XXVI & XXVII) and initiated the process of publication recently that would significantly contribute for improving access to legal information to the general people and the international stakeholders;  | **Fully achieved** |  **-** Continued provision of support in publishing remaining volumes of BD Code. By the end of the project period it is anticipated that all 40 volumes will have been completed and published. |
| **Output 5** Improved ICT capacity development of the Attorney General’s staff and officers resulted to better access to legal and human rights information | ICT Training for Attorney General’s office: By implementing a pilot scheme project provided intensive basic ICT training to 60 staff and law officers of the Attorney General (A-G) office by 2010 | The project has been able to improve the ICT capacity development of the Attorney General’s staff and officers resulted in better access to legal and human rights information; The project is supporting ICT training for law officers. Following joint needs assessment exercises, A2J has provided ICT equipment and other research facilities support to the A-G Office | **Fully achieved** | - Undertake needs assessment to identify areas for further support. - Support to implementation of the Strategic Plan |
| **2011** |
| **Output 1** – building the strategic management capacity of the MoLJPA to improve service delivery  | i) Automation and strategic planning for MoLJPA; ii) Building knowledge and skill based training for the officials of MoLJPA, NLASO and Attorney General’s Office;(iii) Strategic Planning  | i) - Access to computer, internet and LAN has been increased by 25%, 15% and 34% respectively since 2010 - 85 staff of MoLJPA were trained on the application of core ICT tools.  - The Ministry has established Bangladesh Laws website. The users of BD laws online have increased by 59% since 2010(ii) The project provided specialized skills in legislative and legal reforms to 18 senior officials of two divisions of the MoLJPA on AlternativeDispute Resolution (ADR) mechanisms, strategic planning, court administration, legislative and bi lingual drafting and best practices in anti-corruption legislations and commission.  - The Project provided support to the Ministry in organizing a discussion meeting on Modern Techniques in Legislative Drafting. 35 MoLJPA personnel attended. - The project provided support to the Attorney General’s office for strengthening research capacity to improve administration of justice by providing 32 books on case laws and one CD ROM for online legal research.  - 40 officials from AG office have undergone training on these tools. Further DVD and web based database of case precedents of Indian and British courts for the law practitioners and academicians to use as referrals for case precedents. - The Project has provided support to the Law Commission for developing a paper through evidence based to develop research amendments for Family Laws of Bangladesh.(iii) To support the development of strategic plan, the Project has organized two learning tours to Canada and UK for senior leaderships for developing background information on strategic planning. - With the support of the Project, Law Commission has undertaken strategic planning for 2-3 years and a draft plan has been developed to streamline work from 2012-2014 | **Fully achieved** |  |
| **Output 2** – Improved access to legal aid | i) Undertaking pilot interventions on legal aid at five districts ii) Establishing hotline and publishing booklet for NLASO; iii) Television advertisement and billboard as outreach mechanisms for legal aid; |  - The Project jointly with NLASO organized three exchanges of views meetings on government legal aid with the participation of key stakeholders of 64 District Legal Aid Committee viz. District Judges,  Assisting Judges and Bar Association Secretaries. - 573 billboards were installed with information on availability of legal aid services across the five pilot districts - Promotion of five hotline numbers across five pilot districts to provide legal aid information  - Support to NLASO to publish and distribute 6000 Upazila and Union Legal aid Committee formation and activation guidelines.  - Organization of five meetings with DLAC members and Panel lawyers under the leadership of district judges of Barisal, Chittagong, Mymensingh, Pabna and Naogaon districts. Through these initiatives a total of 355 Panel lawyers, DLAC members and judicial officers were sensitized for improved legal aid services. - 4 coordination meetings among District, Upazila and Union Legal Aid Committee (Upazila Chairman, Upazila Nirbahi Officer,Union Parishad Chairman) at three pilot districts namely Barisal and Chittagong and Naogaon have been organized under the leadership of district Judges to educate Upazila and Union committee’s leadership about their roles and responsibilities for activating Upazila and Union committee.  - A total of 26 Upazila (out of 35) and 283 Union (out of 378) Committees have been formed as representatives attended the meetings of these districts. Further, those who were unable to attend they were coordinated through letter signed by District Judges and over phone, as a result 33 upazila and 232 Union Legal Aid Committee have been formed. - Three national level dialogues, three DLAC and Upazila-Union legal aid committee coordination meetings and five DLAC and Panel lawyers meetings were organized to revamp government administrated legal aid programme | **Fully achieved** | - Provision of support to roll-out mediation mechanism,  - Improve quality of legal aid through introduction of quality control mechanisms and criteria - Introduce duty officers to provide emergency legal aid - Support to introduce online application system,  |
| **Output 3** – Improved administration of justice through legal policy reforms | i) Organizing research and discussion on legal reforms and translating and publishing selected BD laws. |  - The Ministry initiated process for amendment of Powers of Attorney Act 1882, Code of Civil Procedure 1908, Code of Criminal Procedure 1898, Arbitration Act 2011 and Scientific Admissibility in Evidence Act 1872. - As an attempt to build knowledge-skill of the Ministry personnel on legal reforms, the Project has undertaken several international learning tours for 18 officials of the Ministry in UK, Canada, Australia, Indonesia, South Korea and Hong Kong. | **Fully achieved** |  - Continued support to the legislative reform process as required |
| **2012 – 2014** |
| **Output 1** – strengthened institutional capacity to undertake prioritised, inclusive and higher quality legislative reform | (i) Mapping and analysis of roles and functions of relevant stakeholders in the legislative process completed(ii) A legislative calendar allowing for scheduling the legislative process for priority laws adopted and made operational(iii) A document including an indexing and consolidation of laws published(iv) High quality laws enacted/amended in a timely manner(v) Priority laws translated.(vi) Strategic plan developed for and agreed by LPAD(vii) Support the LPAD to undertake a global integrated business practices and ICT capacity development(viii) Prepare advocacy tools on new laws related to A2J(viii) Cont. to support translation, vetting and authentication(ix)Training for newly recruited officers of LPAD(x) Provide LPAD with technical and logistical support to review and consult on 6 pieces of legislation(xi) Proposed amendment of Arbitration Act(xii) Develop and publish a document for the indexing with allocation of business and consolidation of laws(xii) BD Codes revised and updated(xiii) Proposed amendment of Evidence Act  |  - Advocacy Tools on Power of Attorney Law been published and disseminated - 54 MoLJPA and 6 NLASO personnel were trained in application of basic ICT tools.  - The project has provided logistic and technical support to the NLASO to undertake district level dialogue on legal aid with the local government representatives; dialogue with the judicial officers and lawyers for introducing ADR in legal aid; printing and dissemination of legal aid campaign materials; and support to maintain a hotline at NLASO office for making legal aid information available for the people.  - Support to five District Legal Aid Committee Offices to improve legal aid services provided by them.  - Study tour for the senior officials of the MoLJPA and NLASO to introduce new areas in government legal aid programme in Bangladesh through learning from South Africa.  - Support to LPAD to draft and finalize a bill for the amendment of Powers of Attorney Act, Civil Procedure Code, Criminal Procedure Code, Evidence Act and Arbitration Act and support to Law Commission to prepare a recommendation paper for the amendment of Family laws of Bangladesh.  - Support to LPAD to undertake translation and publication of Bangladesh laws from Bangla to English and English to Bangla and training on the law making process of Bangladesh for the law making focal point from different ministries and government agencies. The Project has provided support to the Attorney General’s Office to establish a computer lab to enhance their online research opportunities. A number of laws selected by LPAD relating to access to justice have been translated from Bengali to English;  - Support has been provided to LPAD to prepare a draft bill for amendment to the Code of Criminal Procedure (CrPC), 1898. | **(i) & (ii) on-going as part of the strategic planning process.** **(iv) CPC and PoA Act adopted, Evidence Act,** **In some cases exceeded – e.g. target was just to draft strategic plan for LPAD but have drafted for 4 institutions.**  |  - Strengthening the institutionalisation of the law making process in Bangladesh, including through the identification of operational links between relevant justice sector institutions - Focus on laws relating to A2J for marginalised and on rights protection e.g. land, property, inheritance, family laws. - Continued support to legislative reform in light of the constitution – e.g. discriminatory provisions, gender-biased provisions.  - Provision of technical assistance for implementation of the strategic plan - Training needs assessment for LPAD. And then training e.g. on statutory interpretation, constitution, legislative process, international treaties and conventions – to include everyone not just junior officials.  - More in-depth training on legislative drafting and internal law-making process – subject specific and continuous training - Continue with translation of all laws.  - Compilation of delegated legislation - rules, regulations, by-laws, opinions, notifications etc. - Standardisation of law-making process through creation of templates for law making, treaties, regulations. Templates should be available online or electronically. The whole process should be computerised.   |
| **Output 2** – strengthened institutional capacity to provide advice on international treaties, conventions and legal affairs | (i) A document including an index and status of all major conventions signed/ratified published(ii) A treaty desk established in the LPAD and made operational(iii) LPAD service function of vetting and legal opinion improved.(iv) Undertake a needs assessment to equip and staff a treaty desk(v) Develop a document that includes a treaty index and status of major conventions signed/ratified with a gap analysis and organise a workshop for stakeholders(vi) Publish a document that includes an index and status of major conventions signed/ratified(vii) Train staff in key principles of international law(viii) Coordinate treaty desk activities and needs assessment | The project has initiated a process to establish a Treaty Desk to monitor compliance with Bangladesh’s international obligations. A National Consultant has been hired and ToR for an international Consultant has been finalized to undertake a need assessment and propose the treaty desk framework.Support was provided to LPAD to undertake study tours to the Netherlands and Belgium and Singapore and Malaysia to   explore   enhanced knowledge on international treaties and establishment of treaty desk as these countries represent best practice model in this regard. | **Partially achieved/on-going** |  **-** Operationalise treaty desk based on recommendations and operations manual being prepared under the current project phase. |
| **Output 3 –** Support staff salaries/Project Office maintenance | (i) One PSC meeting(ii) One PIC meeting(iii) Two quarterly reports(iv) One annual report(v) One result reporting(vi) One mid-year and one year end review held |  | **Fully achieved**  |  |

1. Poverty Reduction Strategy Paper 2011-2015 http://www.imf.org/external/pubs/ft/scr/2013/cr1363.pdf [↑](#footnote-ref-1)
2. UNDP Human Development Report 2013 [↑](#footnote-ref-2)
3. http://www.bangladesh.gov.bd/index.php?Itemid=137&id=58&option=com\_content&task=view [↑](#footnote-ref-3)
4. Bangladesh vision 2021 declared by the Awami league in 2008 [↑](#footnote-ref-4)
5. Perspective Plan 2010 – 2021 GoB http://www.plancomm.gov.bd/wp-content/uploads/2013/09/Perspective-Plan-of-Bangladesh.pdf [↑](#footnote-ref-5)
6. Bangladesh is an example, in many occasions, by largely uncoordinated projects, especially in the area of justice. [↑](#footnote-ref-6)
7. In 1992, the UN Human Rights Commission issued the *Paris Principles*, in which it gives guidelines on the status, powers and modes of operation of such national human rights institutions. These principles were adopted by the UN General Assembly in December 1993. These internationally agreed recommendations underline the importance that international organisations attach to the existence of independent and effective equality bodies. [↑](#footnote-ref-7)