



STRENGTHENED RULE OF LAW
AND RESPECT FOR HUMAN
RIGHTS IN NEPAL

**FIRST ANNUAL
WORKPLAN**

October 1, 2004 to September 30, 2005

Submitted to:

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1. INTRODUCTION

This project has been structured by USAID to support Nepali initiatives for strengthening the rule of law, developing respect for human rights, improving access to justice for the poor and disenfranchised and contributing to a more transparent, accountable and effective government.

Projects enhancing the rule of law, improving human rights, improving access to justice and reducing corruption in Nepal cannot provide either a quick or a simple fix to the many issues confronting Nepal. In many instances the problems arise from a transformation of social, cultural, and political systems. Many of the Nepal problems—gender, caste and ethnic discrimination, authoritarianism, elitism, nepotism, paternalism, perpetuated poverty and corruption—find their antecedents in traditional Nepali cultural patterns. These tradition patterns are in transition to patterns which have developed or are developing in other countries. The problems arising from the transition from traditional culture to modern practices are deep-seated and can only be addressed by Nepali leaders willing to take the considerable risks and challenges involved. The progress made to date in attempting to solve these problems accentuates the challenges and the urgency of moving forward on access to justice for all Nepal's citizens and strengthening the rule of law in Nepal.

Rule of Law

Enhancing the administration of justice is one of the key elements of this project. Three types of organizations that contribute to improving the administration of justice and building vibrant legal system satisfying international norms for judicial independence are

- an organization of judges addressing the weaknesses in the judicial system and speaking on behalf of judges,
- a judicial training system that trains judges, court personnel and prosecutors in skills and functions, and
- a judicial council that appoints judges and disciplines judges in accordance with international norms.

Major project activities will include working with these three types of organizations to improve the efficiency of the courts and reduce the substantial case backlogs in all of the courts thereby increasing public confidence in Nepali courts. Improving court efficiency and reducing case backlogs will be accomplished through working with the courts and court personnel to implement a more efficient program of case management and court administration. In addition to the project's case management and court administration activities, project staff and consultants will work with judges, court personnel and civil society to establish a culture of customer service so that citizens using the courts will be promptly and courteously served by court personnel.

As in many developing countries, women, minorities, low income and marginalized members of Nepali society receive little or no recognition of their legal problems. They generally do not have access to legal services and representation, and therefore do not use the courts to resolve disputes. The justice system in Nepal has been historically unresponsive to the rights of disenfranchised groups, particularly women, and lower-caste individuals. Even though Nepali women constitute over one-half of the country's population, they are discriminated against and are routinely treated as second-class citizens.

Although Nepal has a program to provide legal aid to the poorest Nepali citizens, it lacks sufficient funding and is therefore mainly ineffective. To enhance access to justice for the poor, a strong public defender system needs to be developed. Supporting and strengthening the existing public interest litigation programs of Nepali NGOs will focus public attention on the weaknesses in the current

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system and demonstrate the benefits to be gained from a strong public defender system with trained, competent public defenders.

Legal frameworks such as the criminal investigation system, civil service laws and regulations, criminal procedures code are weak and suffer most from not being enforced or obeyed. Needed additions to the legal structure and redrafting of existing laws will have the most impact if they are accompanied by increased enforcement capacity. In addition to strengthening the government's ability to competently and promptly investigate and prosecute wrongdoing, the ability and resources of the legal community need to be strengthened, particularly in reference to the right to a sound legal defense for those accused of crimes.

Although Nepal has signed and ratified the United Nations Convention on Human Rights and other international conventions, international donors and local NGOs acknowledge that human rights are not generally respected and violations of basic human rights continue. Judges, prosecutors, and lawyers need sensitivity training on gender issues and the correct procedures for responses to complaints of women and marginalized members of Nepal society. They also need training on procedures for enforcement and investigating and prosecuting violations of civil and human rights. Nepali laws need to be harmonized with the human rights conventions ratified by Nepal and judges, prosecutors and lawyers need to be trained on the application of the ratified conventions and Nepali laws in human rights cases.

Corruption

Corruption has substantially increased in Nepal since 1990. Part of the reason for the increase lies in traditional beliefs and practices that had a more benign impact in a slow-paced, paternalistic, hierarchical society. The loosening of monarchical control and discipline, coupled with ambivalent traditional values on corruption, weakly enforced sanctions, and greatly increased opportunities led to a virtual explosion of corruption under Nepal's newfound democracy.

Legal provisions against various forms of corruption are weak. Despite honest reporting on corruption and mishandling of public funds by some public institutions (i.e., the Public Accounts Committee of Parliament and the Office of the Auditor General [OAG]), only recently has there been a change in attitudes resulting in successful efforts to bring wrongdoers to account. However, corrupt practices continue to flourish and practitioners enjoyed almost total impunity. A combination of public indifference, weak legal prohibitions, court inefficiency and inadequate prosecutorial skills delay and in some cases prevent successful prosecution of some of the more obvious corruption.

Under new leadership, the Commission for the Investigation of the Abuse of Authority (CIAA) has taken an aggressive role in recent years and is now more effectively carrying out its constitutional mandate to investigate improper conduct by public office holders. In recent years the CIAA has developed its investigative and prosecutorial capabilities, brought pressure to have a special court established, and stood firm against considerable outside pressure and numerous political attacks. The CIAA has vigorously pursued cases of corruption and has won cases against a number of mid- and lower-level offenders. Several senior public officials have recently been convicted in the Special Court and their appeals are now before the Supreme Court.

The work of the CIAA has been supported directly and indirectly by several other government organizations including the Office of the Auditor General, the Ministry of Finance (MOF), and more recently the National Vigilance Center (NVC). Efforts to reform and clean up public finance and accounting are underway with the MOF in the lead supported by an active group of reform-minded NGOs and donors. Parliament's Public Accounts Committee had been one of the most active bodies investigating government actions, but has largely fallen silent with the suspension of Parliament. These structural and legal nodes of reform activity need to be complimented by more active enforcement measures if they are to have serious impact.

Complimenting reformers within the bureaucracy is a small but active group of civil society organizations assessing, advocating, funding technical assistance and monitoring government anti-corruption efforts. There are indications that elements of the private sector desire to take action against corrupt practices and bribery which adversely effects commercial exchange. These more informal elements need to be strengthened and encouraged. Pursuant to the first-year workplan that follows, the project team has embarked on an ambitious and decidedly important project to help Nepal reform its judiciary, protect human rights and foster transparent and good governance in the country.

Strengthened Rule of Law and Respect for Human Rights in Nepal, USAID/Nepal

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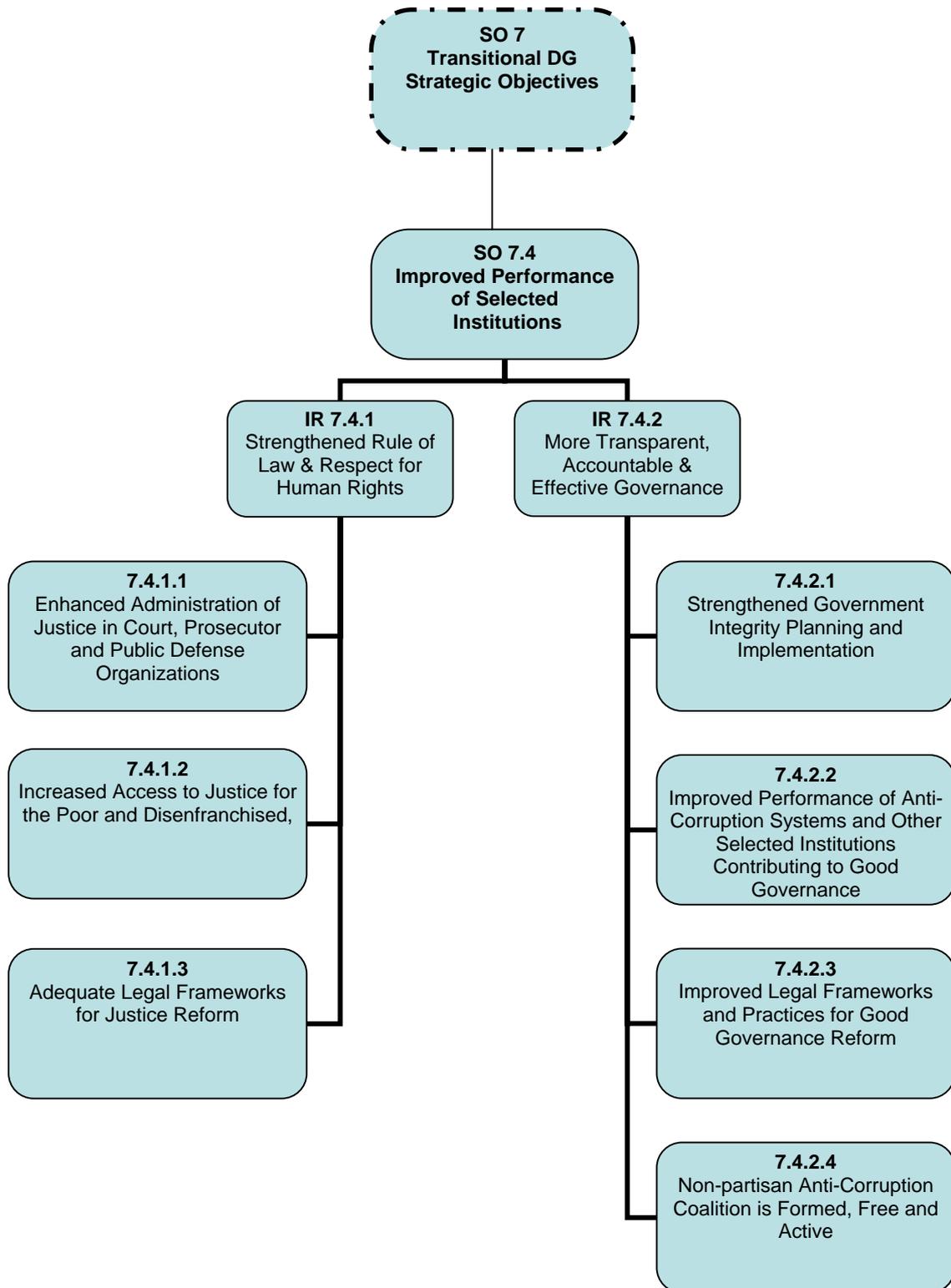
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2. RESULTS FRAMEWORK AND PERFORMANCE INDICATORS

STRENGTHENED RULE OF LAW AND RESPECT FOR HUMAN RIGHTS IN NEPAL RESULTS FRAMEWORK



PERFORMANCE INDICATORS

The USAID Mission in Nepal has set out the following indicators for its Democracy and Good Governance Strengthened program.

SO7 IR 7.4.1 Strengthened Rule of Law and Respect for Human Rights

Indicator: Expert panel assessment of whether rule of law is strengthened.

7.4.1.1 Enhanced Administration of Justice:

Indicator: Average number of months from incarceration to judgment.

7.4.1.2 Increased Access to Justice for the Poor and Disenfranchised

Indicators: (1) Number of indigents and lower caste/ethnic minorities, and women receiving free, professional, public defense/ADR/legal services

(2) Percentage of polled citizens demonstrating knowledge of basic legal rights.

7.4.1.3 Reduction in Crimes of Crimes of Human Trafficking, Torture and other Violations of Human Rights

Indicators: (1) Percentage population aware of abuse modalities, enforcement standards

(2) Increased number of prosecutions and percentage of convictions in human rights areas

7.4.1.4 Improved Legal and Budget Apportionment Frameworks for Justice Sector Reform

Indicators: Milestone scale of key policy/regulatory reform process, including:

- *Increased budget for judiciary (as percentage of Nat'l Budget)*
- *Criminal Procedures Code Reform*
- *National Pub. Defense Sys Law; revised LSGA (ADR provisions)*

Approved SO7 IR 7.4.2 More Transparent, Accountable and Effective Governance)

Indicator: Expert panel assessment of whether Nat'l govt Integrity Planning Processes & accountability/controller/anti-corruption systems are enhanced

7.4.2.1 Strengthened Nat'l Government Integrity Planning and Implementation

Indicator: Favorable evaluation of govt accountability standards & practices in conformity to new UN and regional anti corruption convention standards

7.4.2.2 Improved Performance of "Anti-Corruption Systems" and other Selected Institutions Contributing to "Good Governance"

Indicators: Number of cases from CIAA sent to trial and documented in Attorney General reports

Number of cases adjudicated by special anti-corruption tribunal resulting in improved performance

Assessment State controller systems

7.4.2.3 Improved Legal Frameworks and Practices for Good Governance Reform

Indicators: Milestone scale for reforms/HMGN practices in "good governance & anti-corruption" areas, resulting in:

Increased Citizen Access to Public Information;

"Sunshine laws",

Ratification & adherence to Int'l Anti-corruption Conventions

7.4.2.4 Non-partisan Anti-Corruption Civil Society Coalition is Formed, Free and Lively

Indicator: Number of initiatives carried out by the coalition

ARD recognizes that the USAID-Nepal mission will be reporting to Washington on the above indicators and will attempt to provide the necessary information for reporting to Washington.

ARD proposes to use the following indicators for local analysis in the performance and management of the activities said out in this workplan.

ARD PERFORMANCE INDICATORS

SO 7: IMPROVED PERFORMANCE OF SELECTED INSTITUTIONS	
IR 7.4.1: Strengthened Rule of Law & Respect for Human Rights	IR 7.4.2: More Transparent, Accountable & Effective Government
SO Level Indicators	SO Level Indicators
1. Expert panel assessment of whether rule of law is strengthened	1. State of Nepal and Ministry ranking on Transparency International Indices
Lower Level Indicators	Lower Level Indicators
. Decrease in average amount of time (no. of months) from detention to judgment	1. Expert panel assessment of whether national government integrity, accountability and anti-corruption systems are enhanced
2 Number of indigents, lower caste/ethnic minorities and women receiving free professional public defense	2. Favorable evaluation of government accountability standards and practices in conformity with new UN and regional anti-corruption convention standards
3. Percentage of polled citizens demonstrating knowledge of basic legal rights	3. Number of cases from CIAA sent to trial and documented in the annual report of CIAA
4. Number of prosecutions and percentage of convictions in human rights, corruption and environmental crime cases	4. Number of cases adjudicated by the special anti-corruption tribunal
5. Milestone scale of key policy/regulatory reform processes	5. Number of mid-level and senior officials a) prosecuted for and b) convicted of corruption
	6. Availability of information on government budgets and programs at the national, district and local levels
	7. Number of transparency and anti-corruption initiatives carried out by the civil society coalition

Annex A provides a correlation between USAID’s Intermediate Results and the activities that are planned to be undertaken by this project. Upon completion of baseline data acquisition, these performance indicators will be adjusted accordingly to reflect new findings and priorities. ARD’s performance monitoring plan, as presented in the activity timeline found in this workplan, contemplates on-going data collection across all program activities, with special data verification activities taking place on a quarterly basis. Data will be presented on an annual basis to USAID, disaggregated according to women, children, social caste, ethnic groups, regions and other considerations.

3. NARRATIVE PRESENTATION OF MAJOR ACTIVITIES

I. ACTIVITIES TO STRENGTHEN RULE OF LAW AND RESPECT FOR HUMAN RIGHTS

A. ACTIVITIES WITH NEPAL COURTS:

ACTIVITY: Streamline and strengthen the management capacity of the judiciary

Strengthening the management capacity of the judiciary is a key priority, the importance of which has been reinforced in our discussions with members of the Nepal Supreme Court, other judicial officers and registrars at every level of the judiciary, the Special Court, members of civil society groups and the donor community. Like any large organization, the Nepal judiciary faces significant management challenges. These challenges can be addressed, in part, through better training of officials and staff and the judicious application of technology and automation. The development and use of objective, data-based performance standards can also make a sizable contribution to better court administration. Such performance standards depend on the availability of statistical data that are accurate, timely, consistent over time and across courts, and sufficiently detailed to be useful for efficient court administration. These statistical data include the date of the case filing, date of the case closing, nature of the crime, gender and caste of the victim (and other individuals involved in the case), and the name of the judge assigned the case. Such a framework could work well in Nepal, but this type of data is not currently collected. Moreover, the court administration system is ad hoc, and institutional memory is weak.

Tasks, benchmarks, and activities for the first year include the following:

- Review cases to gather sample data and identify the types of information that can be easily collected from the current case files.
- Establish a data-based system to measure performance. Project staff will work with chief judges, registrars, public interest groups and other stakeholders to develop a data-based system to measure performance. In particular, the project will (1) determine the objective criteria for gauging efficient court operations, (2) identify data to be used to judge whether those criteria are satisfied and (3) whether those data currently exist or are feasible to collect.
- The project will assist the court to develop a workplan for:
 - producing and collecting the data;
 - assuring data accuracy;
 - analyzing the data; and
 - implementing a system of performance measurement in the Nepal courts.
- Relying as much as possible on data that are already being collected, design management report(s) using the data collected. The project will coordinate with the judiciary to make sure that the report(s) is useable and provides the highest-priority information. The project will also consult with civil society groups to ensure that the needs of women and disenfranchised individuals are met by collecting information on gender and caste of victims and that societal norms and values are respected.
- Pretest draft report(s) and train court personnel collecting the data and preparing the report(s).
- Share findings with relevant parties and modify the report(s) as necessary.

- Define procedures for distributing the performance measuring report(s) to judges and other report recipients
- Conduct post-implementation review to make sure that the new data collection system is functioning well.

Milestones:

The pretest of the data collection instrument will be completed and the new data-collection system will be in place at the end of year one, i.e., September 30, 2005. Significant milestone includes development of a strategy by the end of the first quarter December 2004; completion of the review of case files by the end of the second quarter March 2005; and completion of a draft design of the report(s) by the end of the third quarter June 2005.

A key element of the project through out the term of the project is the improvement of the management capacity of the Nepal judiciary. ARD will provide USAID with estimates of necessary effort during the out-years as information becomes available about how the data will be collected, analyzed, and used. The project will coordinate with members of civil society groups at all stages of the project.

ACTIVITY: Logistical support

- Document by photographs the physical condition of court buildings including the existing archives. Project staff will consult with the judges and registrars and identify approximately twenty-five courts in which to document the conditions. The courts selected will include high volume courts, courts in urban centers and courts in rural districts. The photographic documentation of buildings including archives will
 - document the conditions prior to the project
 - identify high-priority improvements for the planning process, and
 - provide basic information to be used for public information and advocacy campaigns to improve court conditions and to increase the financial resources provided to the judicial system.
- Design a public relations campaign to publicize the conditions of the courts for the purpose of increasing the judicial systems allocation of money
- Physical plant assessments of Supreme Court, Appeals Courts, and District Courts
- Provide photocopy machines and supplies for court use
- Supply computers and a laser printer
- Install a computer networking program for the judge's computers

Milestones

Significant milestone include the photographic documentation of buildings and archives, a public relations plan for making the court conditions known and for advocating for increased budget allocations for improving and modernizing court conditions..

Resource Requirements

The project's international consultant for court administration will provide the necessary guidance and oversight on an as needed basis.

ACTIVITY: Develop and implement effective case management system to reduce delay and case congestion

This activity supports IR-7.4.1.1 and addresses Strategic Intervention, SI-15, Strategic Plan of the Nepali Judiciary, “To develop and implement effective case management system to reduce delay and case congestion.”

The Nepal courts are faced with an increasing workload due to new laws and citizens’ demands for judicial resolution of their disputes. Consequently, case backlogs are increasing each year. We see little indication that this trend of increasing case backlogs will be reversed. Effective and timely administration of cases through improved case management can substantially reduce current case backlogs and prevent future case backlogs.

A fully automated case management system requires significant financial and human resources. A court infrastructure must be sufficient to support a fully automated case management system. There must be sufficient judicial resources to design a system and to acquire and install the equipment necessary for full automation. There must be sufficient, trained personnel or financial resources to maintain the equipment and provide the on-going staff training required by a fully automated case management system.

Although this project pertains primarily to access to justice in the criminal courts, any case management efforts should also be considered for the civil courts, which account for more than 70 percent of caseloads in Nepal. Another reason for considering the civil courts when working on case management is that for efficient case management the system must be uniform and applicable throughout the Nepali judicial system and the criminal and civil courts or departments must have a compatible system that can share information.

- Recruit and train permanent staff, interns and trainees to perform the case flow analysis, time series analysis, and work flow studies.
- Establish a “baseline” by analyzing current case flow and measuring the time needed to complete each step in the process as a case flows through the court.
- Use the flow chart and time data to identify bottlenecks and duplicate steps in the current case management system.
- Draft procedural guidelines that describe the proper case flow and acceptable time limits for each step.
- Develop and implement a training plan for court staff. Each employee must be trained in the functional skills required to satisfactorily perform the functions assigned to that job and the relationship of each function to the activities of the court. Any training plan should include a plan for retaining trained employees for a period of time that would give the courts the benefit of training employees.

The work will start in a pilot court and is expected to be completed by April, 2005. The process will then start in the District Courts, Appeals Courts, and Supreme Court and is expected to be completed by tenth quarter March 2007. Training is expected to start in the third quarter 2005. The case flow analysis in the pilot court will be completed by the end of March 2005. Analysis of the data and identification of problems in the pilot court will be completed by July 2005. Training of the court staff in all courts will be completed in the tenth quarter March 2007.

Resource Requirements

The project staff and the project’s international consultant will either perform the required tasks or train local people such as law students to do the various activities outlined above.

ACTIVITY: Strengthen justice sector appointment, promotion and recruitment systems

This activity addresses the needs set forth in the Strategic Plan of The Nepali Judiciary 2004-2008 to “develop and implement an autonomous, transparent, accountable and efficient recruitment and

promotion system of court personnel.” The Project agrees that a system must be developed and implemented for judges.

International standards dictate that judges are appointed and promoted on the basis of objective criteria, such as educational achievements, professional experience, and reputation for integrity, without discrimination of race, gender, religion or political persuasion. Many Nepali citizens question whether the Judicial Council accepts that transparency and objectivity are essential in appointing and promoting judges.

Trained court personnel working under transparent regulations setting the requirements for appointment, terms of appointment and outlining working conditions affecting their employment are essential to the effective functioning of the courts. A personnel recruitment system with clear rules for appointment, promotion and transfer that meets the growing human resource needs of the courts must be established. This activity will be linked to project training undertaken in the court management activity described above.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Assess the Appointment and Promotion Procedures for Career and Non-Career Judges and the Recruitment System for Court Personnel. The current system for appointing, promoting, and transferring judges and court personnel will be assessed to identify the deficiencies and to identify which areas must be improved to enhance the transparency for recruiting and promoting qualified judges and court personnel. Recommendations for upgrading the personnel system in Nepal’s justice sector will be of paramount importance.
- Support a Committee of Judges and other Legal Professionals to Conform the Appointment and Promotion Process of Nepal to International Standards of Judicial Independence, and to Set Guidelines for a Recruitment System for Court Personnel. Support a committee of judges and other legal professionals to review court personnel policy envisaged by the Strategic Plan of The Nepali Judiciary. Assist the committee to conform the appointment and promotion process of judges of Nepal to international standards of judicial independence.
- Revise Legal Framework to Incorporate the New Appointment and Promotion Procedures and the New Recruitment System for Court Personnel. Support a national effort led by civil society to draft the necessary laws and regulations and amendments to existing laws and regulations for the new appointment and promotion procedures for judges and the new recruitment system for court personnel.
- Create Personnel Policy and Procedures Manual for the Nepali Judiciary.

Resource Requirements

This activity will require the efforts of project staff and the international consultant working in collaboration with the Judicial Council, the Supreme Court, the Ministry of Law, Justice and Parliamentary Affairs, and other judicial officials.

Local resources may be utilized to assess the appointment and promotion procedures for career and non-career judges, to assess the recruitment system for court personnel, and to review comparative appointment and promotion procedures of judges and court personnel in relevant countries for applicability in Nepal.

This activity will require logistical and financial support to conduct the meetings necessary to support a committee to conform the appointment and promotion process of Nepal to international standards of judicial independence, to set guidelines for a recruitment system for court personnel, and to support a national effort to draft legislation and regulations.

ACTIVITY: Develop a scientific central archive system for the courts

Court Archives

The archive facilities that the team visited were overwhelmed with documents. Cases files were held together with string. Multiple cases were filed in cotton sacks that were stacked from floor to ceiling. Loose papers from the files were lying on the floor. When the employees were interviewed, they insisted that it was easy to retrieve files. Upon questioning, they said that the filing system was based on memory. Chaotic filing procedures combined with a filing system based on memory can encourage clerks that are so inclined to delay retrieving files requested by litigants and citizens until the clerk receives an incentive for a better or faster search.

Currently all files are kept indefinitely on-site. At the Katmandu District Court, the archives room contained files that were 100 years old. The project will assist court-led initiatives to establish file retention guidelines that provide for moving closed files to a secure off-site location and to establish a policy for destroying files after a given length of time. None of the archives we visited had a fire extinguisher, smoke detectors or staff procedures in the event of a fire.

A review of the environmental conditions such as dust, humidity, temperature control and examination of the current conditions of the files will determine the extent to which computers and other sophisticated equipment would be used in archiving procedures. For example a large number of hand records in pencil would suggest that scanning, even with the best equipment, is not an option. Nevertheless, improving the quality of the current paper archives would significantly improve the administration of justice in Nepal. Actions must be taken to ensure that all court records are accurate, well-maintained, and safe from fire and environmental damage.

- Using the Kathmandu District Court and the Special Court as pilot courts, the project staff and consultants will prepare a workplan for archiving files. The workplan will:
 - A. designate a procedure for ,
 - organize,
 - repair the existing paper files, and
 - document file location, and
 - B. provide for developing a system for document retrieval.
 - C. Repair and organize files ; document file location
- Provide shelving, cabinets, fire extinguishers, smoke detectors, secure safes
- Train staff in archiving and document protection procedures
- Building on lessons learned in the pilot courts with respect to the archiving activities, the project will conduct similar tasks at the Supreme Court, selected appellate courts and selected district courts

Milestones

Start in first quarter 2005

ACTIVITY: Institutionalize the legal aid program for the indigent and disadvantaged groups

The Constitution of Nepal guarantees every citizen the right to legal counsel when arrested and/or accused of a crime. However, in Nepal the right to timely legal counsel has two major flaws, i.e. timely appointment of legal counsel and the quality of representation. Lawyers are appointed to represent indigent defendants at the last minute, without appropriate case preparation and without adequate experience or training to effectively represent their clients. Full-time, well-trained criminal

practitioners who are familiar with the practice of criminal law should be responsible for this process. Therefore, a cadre of trained criminal lawyers who are available from the inception of any case must be made available to defendants who cannot afford legal counsel.

- Do a feasibility study assessing the current methods for appointing counsel to represent indigent criminal defendants and recommending improvements. The study should identify possible pilot initiatives and include recommendations, if possible, for identifying financial resources to support the recommendations. (7.4.1.1, 7.4.1.2)
 - Depending on recommendations provide computers, printers, copiers and equipment to furnish pilot initiatives and other legal assistance offices to be identified based on location, volume and other factors
- Work with the courts and bar to develop and/or amend court rules so that there is a defined procedure for appointing certified or qualified lawyers to represent indigent criminal defendants. (7.4.1.1 and 7.4.1.2 and 7.4.1.3)
- Assist in developing a certification process resulting in a cadre of trained lawyers to represent indigent defendants. (7.4.1.1 and 7.4.1.2 and 7.4.1.3)

ACTIVITY: Strengthen Mediation and Encourage Consensus Building in the Justice System

Mediation is a process by which the parties attempt to secure a resolution through alternative channels. By reducing the monopolistic nature of state-sponsored judicial services, mediation can result in speedy justice.

In the interest of reducing case delay, and enhancing the resolution of cases in an amicable manner, the District Court has recently amended its rules to provide for mediation in certain cases. The Fourth Amendment to the District Court Rules (2003) provides for the referral of cases by a District Court judge to a court-recognized mediator to assist the parties in reaching a negotiated settlement. The Rules, however, do not encompass procedures for referral, nor address the need for remuneration or other incentives for mediators.

The Asia Foundation, UNDP and DFID have developed a strong program of community mediation and trained a number of community mediators. The courts are referring some cases to the community mediators for mediation. However, there is opportunity to expand mediation to cases in which the State or foreign national are a party. Furthermore judges should be trained to recognize when the case is ripe for referral to mediation or other procedures, e.g., arbitration.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Observation tour to courts with court-annexed mediation programs
- Assess existing legal provisions relating to mediation, compromise and consensus building. The current mediation activities will be reviewed for the purpose of identifying areas which will enhance court-related mediation services and opportunities to leverage the existing efforts to foster community-based mediation will be sought.
- Explore linkage with the community mediation program supported by The Asia Foundation, DFID and UNDP.
- Form a Steering Committee of Judges and Members of the Bar to Develop Legal Framework for Court-Related Mediation and to Draft Procedures for Court-Related Mediation in the District Courts. The committee will recommend the necessary legislation to institutionalize mediation as a court-related service. The committee will also draft standardized procedures for all district courts to follow in referring cases.
- Train Selected District Court Judges, Judicial Personnel, and Members of the Bar on Mediation Techniques. In conjunction with the Judicial Academy, a curriculum will be

developed and training courses on mediation techniques will be provided to selected District Court judges, judicial personnel, and members of the Bar. A certification program at the Judicial Academy will be developed to maintain the quality of mediation services provided.

Resource Requirements

A consulting firm specialized in mediation will be used to work with the court and to do the training.

A study trip to observe court-annexed mediation .

This activity will require the efforts of the project staff working in collaboration with key judges from the three levels of courts, the Bar Association, and the Judicial Academy.

This activity will require logistical and financial support to conduct the meetings necessary to support the steering committee in developing the legal framework for court-related mediation, to develop procedures for court-related mediation in the district courts, to assist in developing a curriculum and conduct training courses on mediation techniques, and to create a certification program.

ACTIVITY: Strengthen communication, coordination and interaction with institutional and other actors

- Assist in setting-up an Information Window in all courts
- Assist Supreme Court to develop and implement media policy for the judiciary
- Assist to Supreme Court to develop and implement policy on partnership with donors and NGOs
- Assist the creation of justice sector forum to further better understanding and cooperation

Resource Requirements

It is not clear what the resource requirements will be. This activity is depend developing an appropriate strategy consistent with the plans and expectations of the judiciary **and** the project.

ACTIVITY: Develop and implement court user's charter

The project team's discussions with members of the judicial community in Nepal highlighted the need to find better ways to make the courts' services and the legal system more understandable and accessible to citizens, especially to defendants who do not understand their rights. During the team's on-site visits, we noticed that most courts had very limited signage and only one court posted a schedule of fees. We also noticed that calendars of hearings were frequently posted in areas that were not open to the public or not posted at all. The lack of such basic information adds to confusion in the courthouse, reduces public access to justice and contributes to the public perception that courts serve only the elite.

These discussions also reinforced our sense that providing user-friendly information in the courts is crucial to giving all citizens access to justice. One way to provide that information is through a Court Users Charter. A Court Users Charter is a document that is written by the court, displayed or distributed within court facilities, and provides guidance to court visitors and users about judicial procedures and other matters. After the Charter is written and distributed civil society organizations should conduct campaigns to disseminate the information in the Court Users Charter to the public and develop public education programs to educate the public to its right for efficient and courteous service by court personnel.

An effective Charter might take the form of a series of posters that could be affixed to the walls in the courtrooms, hallways, and other public areas of the courts. The posters would address subjects such as

- filing fees and requirements,
- right to an attorney,
- appointment of attorney by the court for those meeting establish criteria,
- procedures for filing a complaint against the court or an attorney.

Tasks, benchmarks, and activities for the first year include the following

- Participate in a task force at the Research and Planning Division for developing a Court Users' Charter. Recommended activities for the task force and of particular interest to the project are
 - review the information currently available in the target courts,
 - decide what information to include in the Charter,
 - review public space needs, including the needs of the handicapped, and
 - decide what additional information is required to make the courts more user-friendly
 - draft a Court Users' Charter, signage, and directories for review by the Chief Judges and registrars
- Design and distribute the Court Users' Charter in poster form to the Courts of First Instance and Courts of Appeal.
- Assist the courts to design and distribute pamphlets with detailed information on court functions
- Develop a public relations campaign to educate citizens about the courts and their functions and their right to efficient and courteous services

ACTIVITY: Review security for judges

Among the most intractable and difficult political issues facing Nepal today is the impact of the insurgency on the predictable and effective operation of the courts. Nepal's law of preventive detention, combined with tactics used by the Maoists and other opponents to the regime, results in illegal or extra-legal detention of suspected insurgents without due process of law. At the other extreme, suspected insurgents are summarily released with no serious effort by the authorities to determine whether there are sufficient legal grounds for detaining the suspect. The summary release of suspects is largely due to the fact that some prosecutors and judges are intimidated by the opposition and unwilling to expose themselves to reprisals which may flow from convicting suspected Maoists for crimes with which they are charged. This is an untenable situation that will be addressed by this program. This problem has arisen elsewhere in the world and steps have been taken successfully to resolve it (e.g., Sri Lanka and Colombia). These countries which have successfully resolved similar problems may be models for Nepal.

Tasks, benchmarks, and activities for the first year include the following

- Assess the extent to which prosecutors and judges are reluctant to rule in cases against Maoists and other opponents of the current government. Assess the related security and jurisdictional requirements that preclude judges from hearing such cases. Examine the experience of other countries facing the same issue and organize observational travel to those countries. Develop a plan to create the necessary legal framework, physical infrastructure and procedures to enable judges to hear cases against insurgents. (7.4.1.1)

B. ACTIVITIES WITH OTHER JUDICIAL SECTOR ACTORS

ACTIVITY: Strengthen institutional capacity of the Judicial Council

A key component in enhancing judicial competency and integrity is an effective and independent Judicial Council that has a majority of judges as its members. An effective and independent Judicial Council would

- (1) evaluate and nominate judicial candidates,
- (2) vigorously enforces the ethical behavior of judges,
- (3) oversee the independency of the courts and judges, and
- (4) monitor the courts for compliance with the laws and regulations governing the courts and judges

When properly utilized, judicial councils are less bureaucratic than administrative structures within the executive branch.

The decisions of the Judicial Council of Nepal are sometimes viewed as based on political considerations rather than impartial consideration of all factors. Indeed, the International Commission of Jurists, Center for the Independence of Judges and Lawyers, in its fact-finding mission to Nepal stated in its report of June 2003 that “[t]he Judicial Council...lacks popular confidence”.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Assess the Organizational Structure, Composition and Role of the Judicial Council. An assessment will be conducted to ascertain which improvements are required to enhance the organizational structure, composition and role of the Judicial Council.
- Provide a review of current material on Organizational Structure, Composition and Role of Judicial Councils in Relevant Countries to the Judicial Council, identify best practices and work with it to implement the best practices of other countries to the extent that such best practices are consistent with Nepali laws and culture.
- Assist in designing a plan for enhancing the Judicial Council and implementing the plan’s recommendations
- Assist in drafting Policy Guidelines to Conform the Judicial Council to International Standards of Judicial Independence. Policy guidelines to conform the Judicial Council to international standards of judicial independence will be developed.
- Assist in developing a consensus for the policy guidelines within the judicial community and the government.
- Change the Legal Framework including internal rules and regulations to address the new policy guidelines.
- Undertake strategic planning for establishing an Inspector of Tribunals that will be charged with the oversight of the courts in Nepal from the standpoints of competency and transparency. The planning process will build on the Judicial Council’s initiative to establish an Inspector of Tribunals and will determine and recommend the appropriate form the inspectorate will take.

Resource Requirements

This activity will primarily require the efforts of project staff working in collaboration with the Judicial Council.

This activity will require logistical and financial support to conduct the meetings necessary to assess the organizational structure, composition and role of the Judicial Council, to develop policy guidelines, and to amend the legal framework to reflect the new policy guidelines. The project will support observational tours to other countries to give the Judicial Council a better understanding of practices and procedures in other countries.

ACTIVITY: Strengthen institutional capacity of the Judicial Academy

This activity addresses the needs set forth in the Strategic Plan of The Nepali Judiciary 2004-2008 for the training of judges and other legal professionals. The need for this activity was reinforced in the project team's discussions with members of the Supreme Court, the Judicial Academy, and the Judges' Society and various civic society organizations.

The Judicial Academy was recently created to provide continuing training for judges, prosecutors and court staff in a systematic manner. At this time, the Academy is in need of considerable, focused assistance to become operationally viable in the near term and in a manner that will assist it to become a self-sustaining organization capable of providing relevant, effective training in a timely and qualified manner.

The Academy has received an initial grant from the Asian Development Bank for the construction of a training facility and other limited activities. The Academy's activities have

- focused on developing its management structure,
- conducting a limited needs assessment of judges,
- developing a limited curriculum, and
- conducting some training courses, including train the trainers courses.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Create a Comprehensive Strategic Plan. Assist the Executive Director and his administrative staff to develop a comprehensive Strategic Plan that addresses the long-term strategic needs of the legal and judicial communities to receive continuing education and training.
- Update a Previous Needs Assessment of Judges. The previous assessment has been criticized by the judicial community for not adequately representing all judges and for a low response rate. An updated needs assessment is required in the project's targeted areas, specifically anti-corruption, human rights, trafficking in women and children, enforcement of violations of environmental laws and regulations, access to justice, court administration and case management (hereinafter "targeted areas").
- Develop Curriculum for Judges and Legal Professionals in Targeted Areas. Following the completion of the needs assessment, a curriculum incorporating the targeted areas will be developed. The training will be linked to speedy, effective and accessible justice and will impact the career development of judges.
- Develop a Core of Qualified Instructors with Modern Adult-teaching Methodology in Targeted Areas. Building upon the Academy's train the trainers workshops, a core of qualified instructors will be developed with specialized training in conducting courses in the targeted areas.
- Develop Training Materials in Targeted Area. Training materials in the targeted areas will be compiled and will cover domestic law, court decisions and international conventions.
- Develop a Library. The Judicial Academy is expanding its current space to include additional classrooms and a library. The project will, to the extent budgetary considerations permit, assist the Academy in acquiring essential materials, including legal texts in selected areas of domestic law, relevant international laws and conventions and law journals.
- Provide Office and Training Equipment. To support the administrative activities of the executive staff of the Judicial Academy and the training needs of the instructors, selective office and training equipment, such as desktop computers, a laptop computer, LDC, overhead projector and screen, laser printer and copier.

Resource Requirements

This activity will require the efforts of the project staff and the international consultant working in collaboration with the Judicial Council and administrative staff of the Judicial Academy, representatives of the Judges Society, the Bar Association, law faculties and other donors.

This activity will require logistical and financial support to conduct the meetings, develop and publish the curriculum and training materials, and to facilitate attendance at meetings for those judges and legal professionals who must travel to Kathmandu.

Local sources may be utilized to conduct the needs assessment and to provide specialized training to core instructors in the targeted areas.

The acquisition of library materials, and office and training equipment is required.

ACTIVITY: Strengthen institutional capacity of the judges society

Although the Judges Society was created in 1995 it has not developed into a vibrant organization representing the needs of the judicial community. There are 250 judges in Nepal, but only 80 judges are members. The programs provided by the Judges Society are sporadic and have limited attendance. The one office of the Judges Society is located in Kathmandu and judges in the countryside do not usually attend programs given by the Judges Society. The Judges Society does not have a strong program of member benefits and services, and consequently judges are not motivated to join.

A Judges Society representing all Nepali judges that sets policies affecting the interests and needs of judges with a mission to enhance their competency and independence is essential to strengthening the judiciary. An effective Judges Society could represent the judges in advocating for higher salaries and improved benefits. An effective Judges Society could advocate for larger budgetary appropriations for the judicial system. An effective Judges Society would be a leader in strengthening judicial independence. An effective Judges Society would be a major voice for more and better judicial training. An effective Judges Society would encourage participation in international meetings of judges where experiences and ideas are shared.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Roundtable on the role of a judges society with officials of the International Judges Association invited to participate
- Develop Organizational Structure of Judges Society. A review of the organizational documents will be undertaken to ascertain whether amendments are necessary to strengthen the organizational structure of the Judges Society. Support will be given to the leadership of the Judges Society to develop the necessary committees to carry out the work of the Judges Society.
- Enhance Membership of Judges Society. A campaign to increase the membership of the Judges Society will be conducted to encourage all judges, particularly District Court judges, to become members of the Judges Society.
- Develop National Programs Sponsored by the Judges Society. A comprehensive list of activities to be conducted by the Judges Society will be developed to (1) meet the needs of the existing members and (2) to attract prospective members with the goal of building a sustainable organization. The programs will encompass the following:
 - publishing articles prepared by the members,
 - developing a monthly Judges Society magazine, and
 - providing analysis on relevant draft legislation.
- Conduct an Annual National Conference of Judges. Assist the Judges Society to co-host with the Supreme Court an annual national conference of judges, not limited to the judges of the Supreme Court and the Chief Justices of the Court of Appeals, which is currently the case.

The annual conference will bring together all judges in Nepal for education, consultation and net-working.

- Provide basic office equipment, such as one computer, printer, and copier, and expendable office supplies to support the increased activities of the Judges Society.

Resource Requirements

This activity will require primarily the efforts of ARD staff working in collaboration with the existing members of the Judges Society, particularly its Executive Committee. The activity also will require logistical and financial support to conduct the meetings necessary to determine the organizational structure and programs of the Judges Society, to conduct the membership campaign and the Annual National Conference of Judges.

The acquisition of basic office equipment is required. Financial support for the Roundtable will be needed.

ACTIVITY: Strengthen the investigative and disciplinary mechanism within the judicial system as to make it more transparent and accountable

The Strategic Plan of the Nepali Judiciary 2004-2008 acknowledges that "... as a public institution the judiciary should develop a system of introspection, an inbuilt system of processing allegation, give scope for ventilation of grievance and rectify mistakes, irregularities and take actions against black sheep in robes, if there are any. The issue of irregularities and corruption in the judiciary needs to be examined not only for its smooth functioning but also for effectively stamping out corruption from the country. Unless a mechanism is developed to study into all aspects of reported and perceived irregularities and corruption and deal with it promptly, if need be, with the cooperation of the justice sector actors and other actors, the public perception of the judiciary will hardly change."¹

One mechanism for dealing with irregular behavior and changing public perception of a corrupt judiciary is a vigorously enforced Code of Conduct.

The Code of Conduct of the Judges in Nepal was promulgated in 1998 and serves to guide the ethical behavior of judges. While it is laudable, the Code needs to be strengthened to incorporate the traditional standards of judicial ethics, and must apply to all judges in Nepal, including members of the Supreme Court. Further, a system for vigorously enforcing the Code and other relevant legal provisions pertaining to the conduct of judges must be developed.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Organize a steering committee of judges, lawyers, government officials and concerned citizens to assess the Code of Conduct of Judges and to review of Justice Sector Ethics Laws and Policies. The current Code of Conduct of the Judges in Nepal, as well as other legal provisions affecting the conduct of judges, will be assessed to ascertain the deficiencies and to identify which provisions must be amended to enhance the ethical behavior of judges. This task also will include a review of ethics laws and policies across the justice sector in Nepal, with an action plan for further assistance in this area.
- Conduct Comparative Review of Codes of Judicial Ethics in Relevant Countries and Their Methods for Enforcement. A comparative review of codes of judicial ethics in other countries and their methods for enforcement will be prepared and given to the steering committee so that it can consider incorporating best practices of other countries in the Nepal Code of Conduct.

¹ Strategic Plan of the Nepali Judiciary, H. Controlling Irregularities and Corruption , p.41

- Create a Committee of Judges, Lawyers, Law Professors and local experts to Develop Policy Guidelines Concerning the Code of Ethics and a Rigorous Enforcement Mechanism. The committee, will review the assessment of the current Code of Conduct and the comparative research of other codes and their enforcement mechanisms and then develop policy guidelines for a stronger code of judicial ethics and a rigorous enforcement system.
- A Revised Code of Conduct Conforming to International Standards of Judicial Integrity will be promulgated. Following the policy guidelines developed by the committee, the current Code of Conduct will be revised and presented to the judicial community, in particular the Judges Society, for wide-spread distribution and review. Work with CeLRRd, Kathmandu School of Law and Nepal Law Campus to develop a national consensus for the revised code of conduct.
- Revise Legal Framework to Incorporate Rigorous Enforcement Procedures. Support a national program to draft or amend the necessary laws and regulations to incorporate the policy guidelines for a rigorous enforcement mechanism developed by the committee.

Resource Requirements

This activity will require the efforts of project staff and the international consultant working in collaboration with the Judicial Council, the Supreme Court, the Court of Appeals, the District Court, the Bar Association. We expect that this activity will be supported by local sources such as the Kathmandu School of Law and the Nepal Law Campus, to assess the current code of conduct and to review comparative codes of judicial ethics and their methods for enforcement in relevant countries.

This activity will require logistical and financial support to conduct the meetings necessary to support the steering committee in developing policy guidelines, and to produce a national consensus for a revised code of conduct, and in drafting the necessary laws and regulations.

ACTIVITY: Strengthen ability to enforce judicial decisions

This activity addresses the needs set forth in the Strategic Plan of The Nepali Judiciary 2004-2008 for strengthening the capacity of the judiciary to execute decisions. A just and impartial judicial decision is meaningless if it cannot be enforced. Additionally, the absence or delay in enforcing court decision contributes to the public's disrespect for the judicial system. It is estimated that over half of the judicial decisions are not enforced. One major reason for the lack of enforcement is the lack of sufficient resources. Another reason is that the insurgency has adversely affected the enforcement of judicial decisions in certain regions of the country by causing concern for the personal safety of those enforcing court decisions.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Conduct a National Conference to Identify Major Problems of Enforcement and Set Policy for Enhancing Enforcement. As suggested in the Strategic Plan, a national conference of key stakeholders will be conducted to ascertain the major problems of enforcement, to identify the financial and human resources weaknesses in the current enforcement system and to address those concerns in a national policy to enhance enforcement of judicial decisions.
- Create a Task Force to Review Laws and Regulations to Strengthen Logistical and Personnel Support for the Enforcement of Judicial Decisions. Following the development of a national policy to enhance the enforcement of judicial decisions, a committee will be created to review the existing laws and regulations to recommend changes and/or new laws that will give the judiciary the powers needed to enforce decisions.
- Conduct Training of Enforcement Officers. In conjunction with the Judicial Academy, a curriculum will be developed and training courses will be provided to the individual enforcing court decisions.

- Test the impact of the changes and the training on the enforcement of human rights and environmental decisions.

Resource Requirements

This activity will require the efforts of the project staff working in collaboration with the Supreme Court, the Ministry of Law, Justice and Parliamentary Affairs, the Judicial Academy, and other agencies.

This activity will require logistical and financial support to conduct regional conferences and a national conference, to support the task force in reviewing laws and regulations to strengthen the enforcement of judicial decisions, and to assist in developing a curriculum and conduct training courses for court enforcers.

II. ACTIVITIES SUPPORTING MORE TRANSPARENT, ACCOUNTABLE & EFFECTIVE GOVERNANCE

ACTIVITY: Special Court facilities

The Special Court's current facilities need major refurbishing and redecorating. However, the Special Court is planning to move into the current offices of the CIAA when it moves to new facilities. Therefore, any major renovation would be a waste of limited resources. However, minor renovation and repairs such as painting and cleaning the building and grounds would improve staff morale and enhance public respect for the court and its activities. . The project will develop a more extensive plan but current indications are that the following equipment would substantially improve court efficiency:

- computers a server for networking;
- additional telephone lines,
- computer networking to facilitate inter-court communications
- a heavy duty photocopy machine with a portable high volume backup photocopier for use when the heavy duty machine is out-of-service.
- a three year supply of copier supplies

Except for the telephone lines, the equipment can be moved to the new facility. This equipment should be purchased with a three-year service plan because the court does not have qualified support staff at this time to service and maintain the equipment. The necessary training in Microsoft Word and Excel, which is widely available in Nepal, should be included.

Tasks, benchmarks and activities for the first year include the following:

- Assess the current conditions at the Special Court, including space utilization with the intent of utilizing space more efficiently.
- Arrange for maintenance of the Special Court building and renovation of the courtroom
- Install computers, telephone lines, networking equipment for inter-court communication and other equipment in the Special Court.
- Train staff to use the new computers and software in the Special Court,
- Working with the courts and other government agencies to develop a plan for retaining trained employees so that the benefits of training are realized

- Provide a heavy duty photocopy machine, a portable back-up copy machine and copying supplies for three years
- Develop and implement a plan for a court library that includes
 - acquisition of reference materials recommended by the judges, sector experts, professors, lawyers and others
 - library shelving and furniture
 - a budget for acquisition of reference materials, shelving and furniture

The improvements to the Special Court facilities will be completed by the end of the first year of the project, September 30, 2005. The assessment of current facilities and capabilities will be completed by the end of the first quarter 31 December 2004, and the remaining tasks will be completed by the fourth quarter, September 30, 2005.

Milestones

The archiving activity in the Special Court will be completed by the end of the first year, September 30, 2005.

ACTIVITY: Promote corruption awareness and prevention in Nepal

This activity which supports IR 7.4.2 will further citizen awareness of the impact of corruption on individual and collective well-being. It will support and build on current prevention activities and support state and community action against corruption in the private and public sectors. Supporting and increasing existing efforts against corruption will diminish public apathy and keep public attention focused on the need to continue efforts to combat corruption in Nepal. Both public and private sources need to be mobilized to support individuals and organizations working to reduce corruption and to defend them against accusations made by individuals who are investigated for possible corruption activities and by those individuals charged with criminal activity as a result of findings by the investigators.

An open and transparent forum is required to focus attention on the problem, discuss the issues and develop solutions. That forum must be large enough in scope and force to create both opportunity and interest for media coverage and to generate sustained public interest. There must be credible follow-up activities so that public support for individuals and organizations fighting corruption continues and more importantly increases. The subject matter of the event will push into the future, but events should be planned, as indicated below, which supplement that subject matter.

Tasks, benchmarks, and activities for the first year (and in some cases the second year) of the project include the following:

- Sponsorship of regional anti-corruption conferences leading to a national anti-corruption conference with the goal of encouraging participation by citizens, state agencies, businesses and NGOs in the battle against corruption.. This conference should include representatives from all interested NGOs and government agencies. An agenda fostering both anti-corruption prevention and enforcement will be developed for the conference. To enhance the environment and audience for the conference, co-sponsors will be sought. Media support will be solicited. A summary of the conference and any conclusions or recommendations will be published. In the succeeding years an annual anti-corruption and integrity conference will be facilitated and supported by the project.
- Formation of a country-wide anti-corruption forum. The forum should have a civil society divisions and a law enforcement division, with a liaison between the two for open communication. Both prevention and law enforcement aspects of prevention will be

developed. The full working group will provide a continuing public forum on anti-corruption issues.

- The project will support training for civil society in corruption prevention action. This training will be followed by printing and distributing a tool kit on anti-corruption activity for the civil society.
- Assist the CIAA with conference planning and logistics and provide financial and logistical support when necessary.
- Work with the CIAA and media NGOs such as ReMAC to develop media programs rebutting allegations of misconduct within the CIAA by those individuals investigated and charged with corruption activities.
- Assist the CIAA to develop publications, radio programs and other publicity tools promoting CIAA activities and giving citizens information on procedures for reporting waste, fraud and other abuses to the CIAA.

Resource requirements

Local resources should be sufficient to complete the tasks under this activity.

ACTIVITY: Strengthen institutional capacity of the CIAA

The Commission for the Investigation of Abuse of Authority (CIAA) is one of the most important anti-corruption bodies in Nepal. As its name suggests, the Commission conducts inquiries and investigates improper conduct or corruption by holders of public office, except for judges and the military. Action has been, and is being taken, against senior politicians and government officials. The number of complaints the organization has received has increased dramatically over the past few years, which is a sign of the renewed trust in the CIAA that government, civil society and the public have. However, interviews with members of the CIAA, including the Chief Commissioner, and a review of its recently published Strategic Plan reveal that it needs to increase its skill levels in order to maximally investigate and prosecute cases.

Certain basic investigatory needs are not available locally. Improved management logistics are needed to support the growth of the CIAA's anti-corruption caseload. There is a realization by the CIAA, including the commissioners, planning personnel and logistics officers, that it needs additional exposure to the activities and procedures of other anti-corruption movements through personal observation of those systems/jurisdictions. This will not only increase the CIAA level of activity but also give the CIAA the skills to effectively manage its activity and to plan for the future.

Tasks, benchmarks, and activities for the first year of the project include the following:

- In cooperation with other donors, assist the CIAA to update its strategic plan
- Training in corruption investigation, case preparation and trial. This will include conducting undercover investigations, using of informants and forensics. This training will also include accounting techniques on such issues as illegal enrichment and disproportionate property compared to income. (7.4.2.2 and 7.4.2.3)
- Using CIAA staff a manual on anti-corruption trial techniques will be prepared and supplied to the attorneys in the CIAA (7.4.2.2 and 7.4.2.3)
- Training in fraud, financial crime, procurement fraud, tax evasion, bank fraud and money laundering investigation, case preparation and trials. (7.4.2.2 and 7.4.2.3)
- Cyber/computer crime training. A manual on cyber and computer crime will be prepared, printed and distributed to the attorneys assigned to the CIAA. (7.4.2.2 and 7.4.2.3)
- Training for two forensics persons in the areas of fingerprint analysis, handwriting analysis and document analysis which will allow them to examine fingerprint evidence, handwriting and documents during investigations and to testify in court as experts on their respective subjects. (7.4.2.2 and 7.4.2.3)

- Training in Chain of Custody procedures and drafting rigorous Chain of Custody procedures for documenting and preserving evidence (7.4.2.2 and 7.4.2.3)
- Training for two persons in anti-corruption program general management, case management, organization and records keeping in Hong Kong, Malaysia, Australia or Singapore. (7.4.2.2 and 7.4.2.3)
- Inspection trip for 6-7 officials including, but not limited to, persons from the CIAA, Special Court, Attorney General's Office. This will be an *intense* 10 day event for the study of programs relating to anti-corruption and effective governance, preferably in a country where recent and large scale reform has taken place, such as in Latin America. The group will assess the problems that the host country has confronted and resolved and its methods for resolving the problems. At the end of the inspection tour each participant will write an action plan for developing new or improving existing anti-corruption activities in Nepal. The plan will incorporate activities, ideas, and events that the participant has observed during the tour. (7.4.2.1 and 7.4.2.3)
- CIAA infrastructure support. A small library consisting of anti-corruption books and papers will be provided to the CIAA. These books will be selected from a list of volumes provided by the CIAA and other anti-corruption experts. (7.4.2.1 and 7.4.2.3). The project will also provide two computers and a printer to facilitate record keeping procedures and safes for protecting sensitive documents. (7.4.2.2). Finally, we will conduct a furniture, décor and security needs assessment for the new permanent building which is to be occupied by CIAA in approximately 1 year. (7.4.2.3)
- Explore with local NGOs methods by which CIAA can provide training and research opportunities to CIAA staff members.

Resource requirements

International consultants will be required for the first four tasks under this activity; the remainder should be implemented by project staff or through local project grants to NGOs such as ProPublic.

ACTIVITY: Strengthen institutional capacity of the Special Court

The Special Court is a tribunal of three judges that hears cases of a special nature. The major caseload of the Special Court is anti-corruption cases. These anti-corruption cases are presented by government attorneys assigned to the CIAA. ARD consultants interviewed the judges on the court as well as a number of administrative personnel servicing the court. An inspection tour of the Special Court facility was also made. The facility is difficult to locate and is in need of renovation and remodeling. Conversations with the judges indicated that the Special Court will move into the current CIAA premises. Thus, "hard" improvements to the premises now housing the Special Court are not financially practicable and only small, immediate-needs improvements should be made. The quick assessment that was done revealed training needs, minor improvements to the premises and equipment needs which could be met. Tasks related to these improvements are included in Activity ROL3, Phase I, above.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Assist the Special Court to prepare a strategic plan
- Judicial training on anti-corruption investigation, case preparation and trial procedures. This training should be combined with the training that is given to the CIAA (see above) (I.R. 7.4.2.2 and 7.4.2.3)
- Judicial training in fraud and money laundering investigation, case preparation and trial procedures, coordinated with the CIAA training described above. (I.R. 7.4.2.2 and 7.4.2.3)
- Judicial cyber/computer crime training should be taught, again combining it with the training that is given to the CIAA. (I.R. 7.4.2.2 and 7.4.2.3)

- Compilation of local and international laws and conventions that can be used in Nepal and training applying provisions of the international conventions in conjunction with domestic laws.

Resource requirements

The training components of this activity will require input from international consultants, supported by project staff or study trips.

ACTIVITY: Strengthen institutional capacity of the Attorney General's Office

Members of the ARD consulting group visited the Attorney General's office and talked to the Chief Deputy in the office, his immediate subordinate, and a number of Government Attorneys that work for the AG. The Attorney General's office assigns attorneys and subordinate staff to present CIAA cases at the Special Court. There are, approximately 90 cases on appeal. A Code of Ethics is in effect in the AG's office. Protection of human rights also lies within the purview of the AG. All interrogations are conducted in the presence of the prosecutor. However, studies indicate (*see* Analysis and Reform of the Criminal Justice System in Nepal, published by CeLRRd) that 19% of those in detention, particularly during efforts to obtain confessions, had suffered treatment which was below the standards set forth in UN Resolution 3452 for protection against torture, cruel and inhumane treatment. In addition CeLRRd reported that, in contravention of statute, long delays in filing charges are common, government attorneys often fail to scrutinize the available evidence, and government attorneys frequently engage in investigative, as opposed to solely prosecutorial behavior. It is also clear that defense lawyers are appointed late in the criminal process and often do a poor job of representing their clients.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Undertake strategic planning for improvement of the Attorney General's office.
- Provide human rights training for prosecutors. That training, which should be conducted by local NGOs, should include a seminar on basic principles of human rights and the role of the prosecutor in protecting them. (7.4.2.1 and 7.4.2.3)
- A local NGO will be selected for a grant which leads to the production and distribution of a manual on human rights and the responsibilities of the prosecutor in protecting them. (7.4.2.1, 7.4.2.2 and 7.4.2.3)
- Prosecutors will be trained in anti-corruption investigation, trial preparation and trial procedures. (7.4.2.2 and 7.4.2.3)
- An anti-corruption trial manual will be prepared, printed and distributed to all prosecutors. (7.4.2.2 and 7.4.2.3)
- Prosecutors will be trained in fraud, financial crime and money laundering investigation, trial preparation and trial procedures. (7.4.2.2 and 7.4.2.3)
- Prosecutors will be trained in cyber crime investigation, trial preparation and trial procedures. Note: all three trainings (anti-corruption, fraud and cyber crime) can be combined with CIAA training. (7.4.2.2 and 7.4.2.3)
- Prosecutors will be trained in proper Chain of Custody and procedures drafted for documenting and preserving evidence in accordance with Chain of Custody procedures (7.4.2.2 and 7.4.2.3)
- Obtain the consent of the AG to keep records of dates of arrest, incarceration and bail information on all prisoners who are certified to the attention of the AG for any reason by any arresting or investigation agency. (7.4.2.3 and 7.4.1.1 and 7.4.1.2)
- Infrastructure support for the Attorney General's office. Nexus-Lexus research service shall be provided for three years. (7.4.2.3 and 7.4.2.2) A computer and a printer will be provided as the terminal access for the Nexus-Lexus service. (7.4.2.2 and 7.4.2.3)

- Organize a small library for the AG’s office. A list of legal research materials, including anti-corruption materials, will be prepared by the Attorney General’s office, local law professors and other experts and given to the project for consideration for purchase. (7.4.2.3) Shelving and library furniture will be provided as needed. (7.4.2.3)
- Training AG staff so that staff can more effectively work with CIAA staff in the investigation and prosecution of corruption.

Resource requirements

International consultants will be required for the training and manual preparation tasks anticipated under this activity, although the human rights training might be accomplished through a grant to a local organization. The remaining tasks should be implemented by project staff.

ACTIVITY: Strengthen institutional capacity of the National Vigilance Center

The National Vigilance Center (NVC) is a new governmental agency established by the Anti-Corruption Act of 2002. It sees its role as preventative in nature by collecting information about delivery of services by and performance of the government’s ministries, departments and public institution and public enterprises. The NVC’s activities are different from the CIAA which is an investigative body. At this stage, the NVC does not have a strategic plan and is uncertain how it will relate to other organizations in the Government of Nepal. Spot checks are carried out to see if irregularities have been committed by government agencies or employees and information is referred to the agency checked. If appropriate, the matter is referred to the CIAA for further investigation and prosecution. Other interested agencies, including NGO’s and government attorneys have indicated that the agency is not “active”, and very often, even though it has access to financial declarations and records, does not provide those records for public inspection. It also not known what financial data are being collected by other governmental organizations and how that process is being coordinated. The project team interviewed several judges, who felt that the financial disclosure law has too many loopholes. The judges also criticized the NVC’s data collection process because no instructions were provided for completing the disclosure form and because the wording was too vague. The project team concluded that the judges’ complaints about the data collection were valid. Review of the form by the team indicates that the current paper records can be easily converted to an electronic database using off-the-shelf software such as Microsoft Access. To be most effective, a review of financial disclosure information should focus on the three to four highest levels of Nepal civil service and agencies that are prone to corruption, such as Customs and Revenue Service.

Tasks, benchmarks, and activities for the first year of the project include:

- Prepare an instruction pamphlet to assist persons filing the financial declaration.
- Work with the NVC to develop a 5-year strategic plan.
- Improve records accessibility and the response process by establishing a stronger liaison between NVC and the CIAA.
- Assist the NVC to draft procedures for identifying those who have not filed financial responsibility forms including enhancing records discovery process.
- Encourage NVC’s participation in prevention activities of the country-wide anti-corruption coordinating committee and in the national anti-corruption conference.
- Recognizing that the customs department has historically been one of the agencies most vulnerable to corruption, designate the customs department as a pilot project and design a program for collection, analysis and maintenance of financial data and assessing performance of the senior staff in agencies vulnerable to corruption.
- Implement the pilot project’s findings and conclusions in other key Nepal government organizations which are perceived as having high levels of corruption
- Help convert current database to Microsoft Access and provide training to NVC staff on the database software.

Tasks, benchmarks, and activities for the second and third years will include the following:

- Assist in the preparation of a report describing the role of each agency involved in collecting financial data and their interactions.

Significant milestones include assisting the NVC to draft and implement a strategic plan with a target date of late June, 2005 for the first steps in implementation. An assessment of the NVC's role and development of an instructional pamphlet by the end of the second quarter, i.e., March 2005. The report on interaction of the agencies will be completed by the end of the third quarter June 2005. Conversion of data to electronic format and training of staff should also be completed by the end of the third quarter, i.e., June 2005.

Resource Requirements

Successful completion of this task will require significant human resources from the project team and the NVC staff. The local project staff will have weekly involvement in this effort, and the international consultant on court administration will be involved by e-mail and telephone and during his visits to Nepal. Conversion of data into electronic format and training on the data base will be performed by a local firm.

If necessary the project may acquire two or three computers for the NVC to support this objective.

ACTIVITY: Strengthen institutional capacity of government and non-government agencies to enhance governmental integrity and transparency

Additional laws are needed to create the appropriate tools to allow relevant government agencies, NGO's and the citizens of Nepal to utilize the legal system in an effective manner. Provision of information by government officials is uneven at best. In order to have confidence in their government, citizens must feel they can trust that government. When information is denied, the public trust is lost. To create a non-corrupt environment, people must not only feel that government is open and transparent to them, but that they can also trust that government to protect them if they do give sensitive information to the authorities. Also, it is imperative that the courts adjudicate transparently, predictably, and free of corruption. Legislation may also be needed to deal with the suppression of trafficking in Nepal. A number of sources have indicated that the laws on the subject need review and revision to become more effective.

Given the current political situation in Nepal, working with the legislative branch is difficult, if not impossible. However, once (and if) the legislature reconvenes, it will be important to involve it in the anti-corruption reform process.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Undertake an evaluation of the Auditor General's office, and other relevant government accounting offices to determine if the Auditor General and other relevant government agencies are using accounting standards that are in conformity with UN, regional and international standards designed to prevent corruption. The evaluation will consider the feasibility of a department in the Auditor General's Office to assist the NVC and the CIAA in investigating and prosecuting financial misconduct, corrupt procurement practices, other corruption crimes and to advise on recognizing and documenting accounting practices that conceal corrupt activities. (7.4.2.1 and 7.4.2.2 and 7.4.2.3)

- Undertake a thorough budgetary analysis of justice sector institutions and make recommendations for appropriate budget allocations based on international standards, but modified to account for local conditions and resources.
- The project will assist national efforts to enact a Freedom of Information Act in Nepal and as a first step will assist in establishing a steering committee of government and NGO representatives (possibly within the established Anti-Corruption Coordinating Committee) to recommend a program for enacted of the legislation which has been drafted. Following this, identify champions to advocate for passage of the draft legislation and to lead a public information campaign to educate citizens, legislators and government official on the benefits of a Freedom of Information Act (7.4.2.1, 2 and 3)
- Determine if there is national support for “Whistleblower” legislation modeled on the US legislation. If there is sufficient support, work with local NGOs to draft legislation and campaign for passage. (7.4.2.1, 2 and 3)
- The project will provide a grant to a local NGO for an assessment of the financial disclosure law and recommendations for improvement.
- A grant will be given for a study and proposal on private/public sector reforms to protect vulnerable groups.(7.4.2.3)
- Work with a local NGO to assess enforcement of current laws on trafficking and recommend changes for better enforcement, to assess current activities by other donors and local NGOS to reduce trafficking of women and children in Nepal and to recommend procedures for coordinating the activities of the donors and local NGOs. (7.4.2.1, 2 and 3)

Resource Requirements

The tasks contemplated by this activity will require a combination of international expertise and local technical assistance. International experts will be required to help design the legislative drafting and adoption process for the FOIA, whistleblower and anti-trafficking legislative reform.

III. CROSS-CUTTING ACTIVITIES

ACTIVITY: Promote equity and legal representation

Justice for most women and disenfranchised groups in Nepal is largely absent and their access to justice is either inadequate or denied, The justice system in Nepal has been historically unresponsive to the rights of disenfranchised groups, particularly women and members of the lower castes. Even though Nepali women constitute over one-half of the country’s population, they are discriminated against and are routinely treated as second-class citizens. Women do not enjoy equal benefits with men in their social, economic and political status. As a result, women are marginalized in their pursuit of their human rights and civil liberties.

Tasks, benchmarks, and activities for the first year of the project include the following:

- Support Nepali Efforts to Amend Discriminatory Provisions in the Laws of Nepal. There are numerous provisions within the legal framework of Nepal that are discriminatory against women and other disenfranchised groups, emanating with the Constitution of 1990 concerning citizenship. Support will be provided to a civil society organization to prepare and advocate amendments to existing laws that will enhance protection for women and disenfranchised groups.
- Support Public Interest Litigation in Protecting Women’s Rights and those of Disenfranchised Groups. Providing alternative sources for legal services is necessary to ensure the equality of women within the justice system of Nepal. As victims of sexual crimes, particularly rape and trafficking, as well as other related matters, such as domestic violence, women need

specialized attention for their legal defense. This task envisages a grant or sub-contract to a civil society organization to prepare and file class action suits which would establish judicial precedent in cases involving the protection of constitutional rights and other civil liberties afforded to disenfranchised groups, including women.

- Develop Public Interest Campaign to Encourage Women to Become Attorneys and Judges. A public information and education program for young women to learn of opportunities to enter the legal field will be conducted. Young women will be encouraged to enter the law faculty or to become attorneys or judges. Pamphlets and other publications will be distributed in educational facilities throughout the country. Selected legal professionals, female and male, will engage in a public campaign, in print and on radio and television, to promote a proportionate representation of women in the legal field.
- Conduct Specialized Training on Protecting the Rights of Disenfranchised Groups, including Women. In conjunction with the Judicial Academy and a civil society organization whose mission is to protect the human rights of disenfranchised groups, a curriculum will be developed and training courses given to judges, judicial personnel, members of the Bar, and prosecutors on protecting human rights, with special emphasis on sexual crimes.

Resource Requirements

This activity will require the efforts of project staff working in collaboration primarily with civil society organizations, and also with justice officials within the courts, the prosecution, the bar and the police, and with the Judicial Academy.

The efforts of a civil society organization, such as Forum for Women, Law and Development and the Advocacy Forum, will be used to amend discriminatory provisions in the laws of Nepal, to engage in public interest litigation in protecting women's rights, to develop public interest campaign to encourage women to become attorneys and judges, and to assist in the specialized training at the Judicial Academy.

ACTIVITY: Strengthen the capacity to prosecute environmental crimes

This activity addresses the issue of strengthened criminal enforcement against corruption and supporting The Attorney Generals prosecution efforts. The activity is cross-cutting because it supports anti-corruption efforts, trains judges and prosecutors, and strengthens local NGOs. This activity also addresses human rights issues and concerns for marginalized members of society because the poor and disenfranchised are the ones who are most likely to be adversely affected by society's failure to protect the environment and enforce environmental laws and regulations.

Developing civil society programs focused on the linkage between anti-corruption and enforcement of environmental laws strengthens environmental policy and regulations, supports the rule of law, improves civil and human rights, improves the administration of the rule of law, benefits disadvantaged groups and improves accountability and governmental transparency.

By linking anti-corruption efforts with enforcement of laws protecting the Nepal environment, this activity contributes to building the capacity and expertise of lawyers, judges and prosecutors in investigating and prosecuting anti-corruption cases.

An open and transparent forum on environmental issues in Nepal would focus attention on the uncertain enforcement of environmental laws and regulations, highlight the problems in prosecuting violations of the environmental laws and regulations and recommend solutions. However, that forum must be large enough in scope and force to create public advocacy for enforcement of environmental laws and regulations and to encourage the media to regularly report on environmental issues.

The forum should be followed by organizing a coalition of environmental NGOs that will develop a plan to continue the impetus generated by the forum indicated above.

Tasks, benchmarks, and activities for the second and third year of the project include the following:

- Organize a coalition of environmental NGOs, public interest litigation NGOs, judges, lawyers and prosecutors to develop an action plan that documents corruption in enforcement of environment laws and regulations, the problems of enforcing the laws and regulations and explores opportunities for enhancing enforcement of environmental laws and regulations (IR 7.4.2.1)
- Prepare a manual for environmental prosecution for prosecutors and judges (IR 7.4.2.2)
- Train prosecutors and judges in the techniques for investigating violations of environmental laws and regulations and in the evidentiary requirements for successful prosecution. (IR 7.4.2.2)
- Investigate the feasibility of establishing a special unit in the Attorney General's office to aid in the investigation of environmental crimes and to prosecute the crimes. (IR 7.4.2.2.)
- Explore linkages between environmental NGO's and the CIAA (IR 7.4.2.2)

Resource requirements

Many of the tasks are within the skill and competence of local NGOs and the project staff. To the extent necessary, international consultants will be consulted and if necessary brought to Nepal to assist the local NGOs and project staff.

ACTIVITY: Organize donors coordination committee(s)

There are a number of international donors such as Danida, the UNDP and DFID who are providing support and financial assistance to the courts, the CIAA, the NVC, the Attorney General's Office and other government agencies. These donors also provide support and financial assistance to local NGOs. Sometime the support and financial assistance overlap and are duplicative. In those cases resources are wasted and activities worthy of support and assistance may not receive it.

This activity will attempt on behalf of USAID to exercise a coordination and technical support function.

Tasks, benchmarks, and activities for the first year of the project include:

- Identifying donors and international agencies providing support and financial assistance in the areas of
 - strengthening the rule of law
 - combating corruption
 - supporting programs to improve civil and human rights in Nepal
 - working with local organizations to combat trafficking
 - increasing access to justice for women, minorities and disenfranchised groups
 - strengthening enforcement of environmental laws and regulations
- Organizing conferences and regular meetings for donors supporting similar activities

Resource Requirements

The Chief of Party and local staff will implement this activity.

ANTICIPATED PARTNERS

1. Anticipated Partners for ROL of Law Activities

Kathmandu School of Law

CeLRRd

2. Anticipated Partners for Anti-Corruption Activities

ProPublic

Sagamartha Radio

Danida

DFID

ReMAC

Transparency International

CeLRRd

National Judicial Academy

Forum for Women, Law and Development

Advocacy Forum

Ministry of Law and Justice

Kathmandu School of Law

Nepal Law Campus

3. Anticipated Partners for Cross-cutting Activities

Forum for Women, Law and Development

Advocacy Forum

SWATI

ProPublic

4. Activities, Tasks and Reporting Timeline

Strengthened Rule of Law and Respect for Human Rights in Nepal

1st Annual Work Plan

ACTIVITY and TASK TIMELINE

	Year 1												Year 2				Year 3			
	C 1	N 2	D 3	J 4	F 5	M 6	A 7	M 8	J 9	J 10	A 11	S 12	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4
RULE OF LAW ACTIVITIES – JUDICIARY																				
Streamline and strengthen the management capacity of the judiciary																				
• Observation Tour to Courts in Netherlands & Italy						•														
• Produce a Workplan for collecting and analyzing data				•	•															
• Review cases to gather data				•	•															
• Establish a data-based system to measure performance					•	•	•													
• Design a draft measurement report for reporting on performance							•	•												
• Pre-test draft report									•	•										
• Train persons involved in data collection													•	•						
• Deploy data collection tool in the courts													•	•						
• Circulate for comment and modify reports														•						
• Define distribution procedure														•						
• Conduct post-implementation review														•						
Logistical support																				
• Undertake photographic document of court buildings and archives				•																
• Public relations campaign for improved resources for courts					•	•														
• Physical plant assessments of Supreme Court, Appeals Courts, and District Courts						•	•	•	•											
• Provide photocopy machines and supplies for court use							•													
• Supply computers and a laser printer							•													
• Install a computer networking program for the judge's computers							•	•												

Strengthen institutional capacity of the Attorney General's Office																			
• Strategic plan development						•	•	•											
• Human rights training for prosecutors								•	•	•	•	•	•				•		•
• Produce and distribute a manual on human rights and the responsibilities of the prosecutor in protecting them						•	•	•	•									•	•
• Training in anti-corruption investigation, case preparation and trial procedures						•	•	•	•	•									•
• Prepare, print and distribute an anti-corruption trial manual to all relevant						•	•											•	
• Training in fraud, financial crime and money laundering investigation, case preparation and trial procedures								•	•	•	•	•	•						•
• Training in cyber crime investigation, case preparation and trial procedures								•	•	•	•	•	•						•
• Trained in proper Chain of Custody and procedures drafted for documenting and preserving evidence in accordance with Chain of Custody procedures														•	•				
• Arrange to keep records of dates of arrest, incarceration and bail information on all prisoners who are certified to the attention of the AG						•	•												
• Support organization of a library for the Attorney General's office						•	•	•										•	
• Train staff to work more effectively with CIAA in investigation and prosecution						•	•	•											
Strengthen institutional capacity of the National Vigilance Center																			
• Prepare an instruction pamphlet to assist persons filing the NVC declaration.								•	•										
• Work with the NVC to develop a 5 year strategic plan		•	•	•	•	•													
• Improve the records accessibility and response process by establishing a stronger liaison between NVC and the CIAA						•	•	•	•										
• Develop procedures for identifying those who have not filed financial responsibility forms						•	•	•											
• NVC's participation in the prevention activities of the country-wide anti-corruption coordinating committee and in the national anti-corruption conference						•	•	•											
• Identify of all Nepal government organizations involved in the collection, analysis, and maintenance of financial data and conduct an assessment of their performance						•													
• Help convert current database to Microsoft Access and provide training on software						•													
• Assist in preparing a report describing the role of each agency involved in collecting financial data and their interactions														•	•	•		•	
Strengthen institutional capacity of government and non-government agencies to enhance governmental integrity and transparency																			
• Conduct a study/evaluation of the needs of the Auditor General's office and its jurisdiction viz-a-vie the CIAA and NVC						•	•	•											
• Complete a budgetary analysis of public sector judicial institutions								•	•	•	•	•	•	•	•				
• Support national efforts to draft and enact a Freedom of Information Act								•	•	•	•	•	•	•	•	•	•	•	•
• Support national effort to draft and enact "whistleblower" legislation										•	•	•	•	•	•	•	•	•	•
• Assessment of the efficacy of the financial disclosure law						•	•												
• Prepare a proposal on private/public sector reforms to protect vulnerable groups								•	•										

Strengthened Rule of Law and Respect for Human Rights in Nepal

1st Annual Work Plan

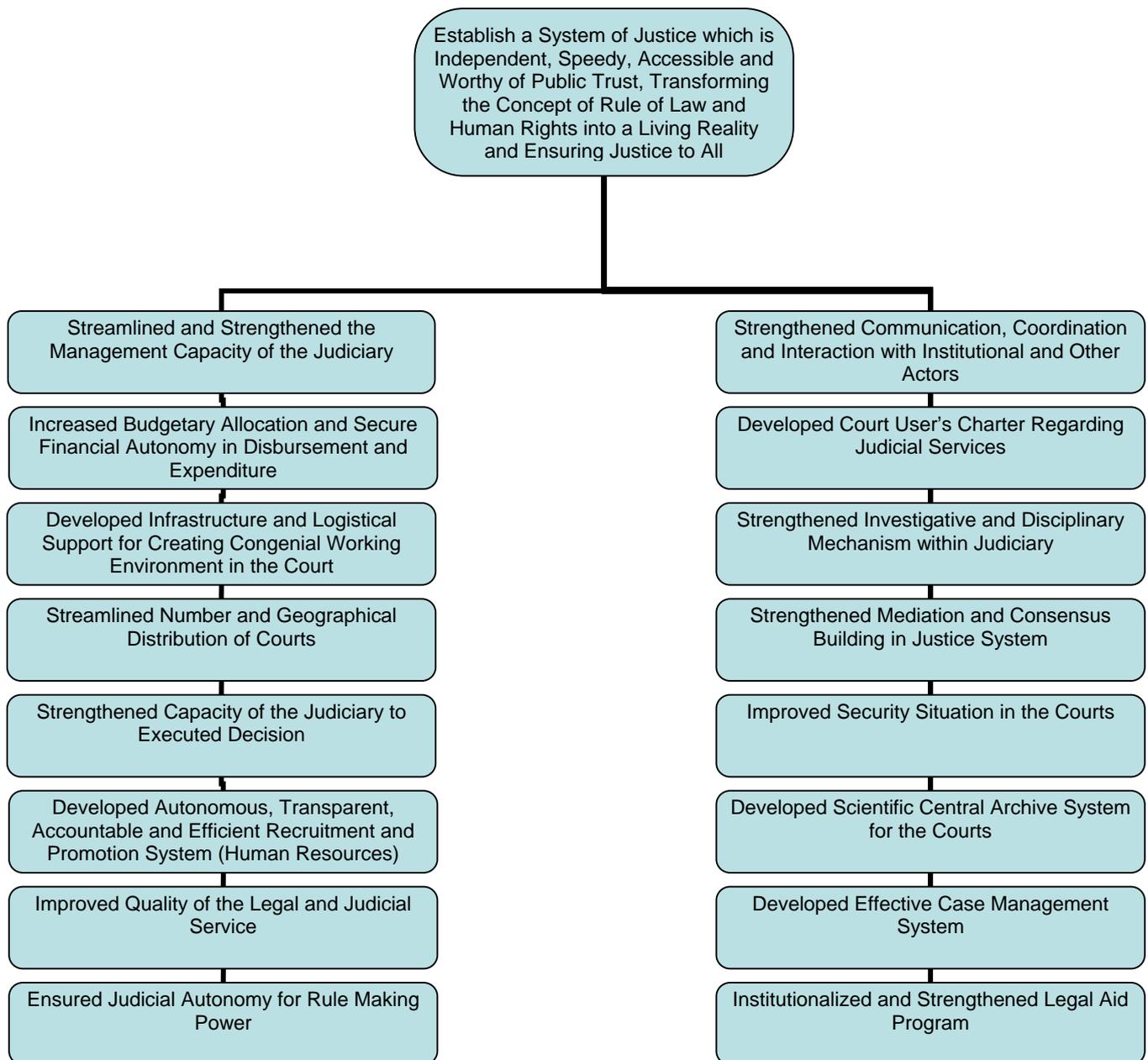
MATRIX CORRELATING PROPOSED ACTIVITIES TO INTERMEDIATE RESULTS

SO 7 MORE PARTICIPATORY, REPRESENTATIVE AND ACCOUNTABLE DEMOCRACY							
	IR 7.4.1 STRENGTHENED RULE OF LAW & RESPECT FOR HUMAN RIGHTS			IR 7.4.2 MORE TRANSPARENT, ACCOUNTABLE & EFFECTIVE GOVERNANCE			
	7.4.1.1 Enhanced Administration of Justice in Court, Prosecutor & Public Defense Organizations	7.4.1.2 Increased Access to Justice for the Poor and Disenfranchi sed, Including Human Trafficking	7.4.1.3 Adequate Legal Frameworks for Justice Reform	7.4.2.1 Strengthened Government Integrity Planning and Implementation	7.4.2.2 Improved Performance of Anti- Corruption Systems and Other Selected Institutions Contributing to Good Governance	7.4.2.3 Improved Legal Frameworks and Practices for Good Governance Reform	7.4.2.4 Non-partisan Anti- Corruption Coalition is Formed, Free and Active
RULE OF LAW ACTIVITIES							
Strengthen Management Capacity of the Judiciary	■	■					
Logistical Support	■						
Develop and implement effective case management system to reduce delay and case congestion	■						
Strengthen Justice Sector Appointment, Promotion and Recruitment Systems			■				
Develop a scientific, central archive system for the Courts	■						

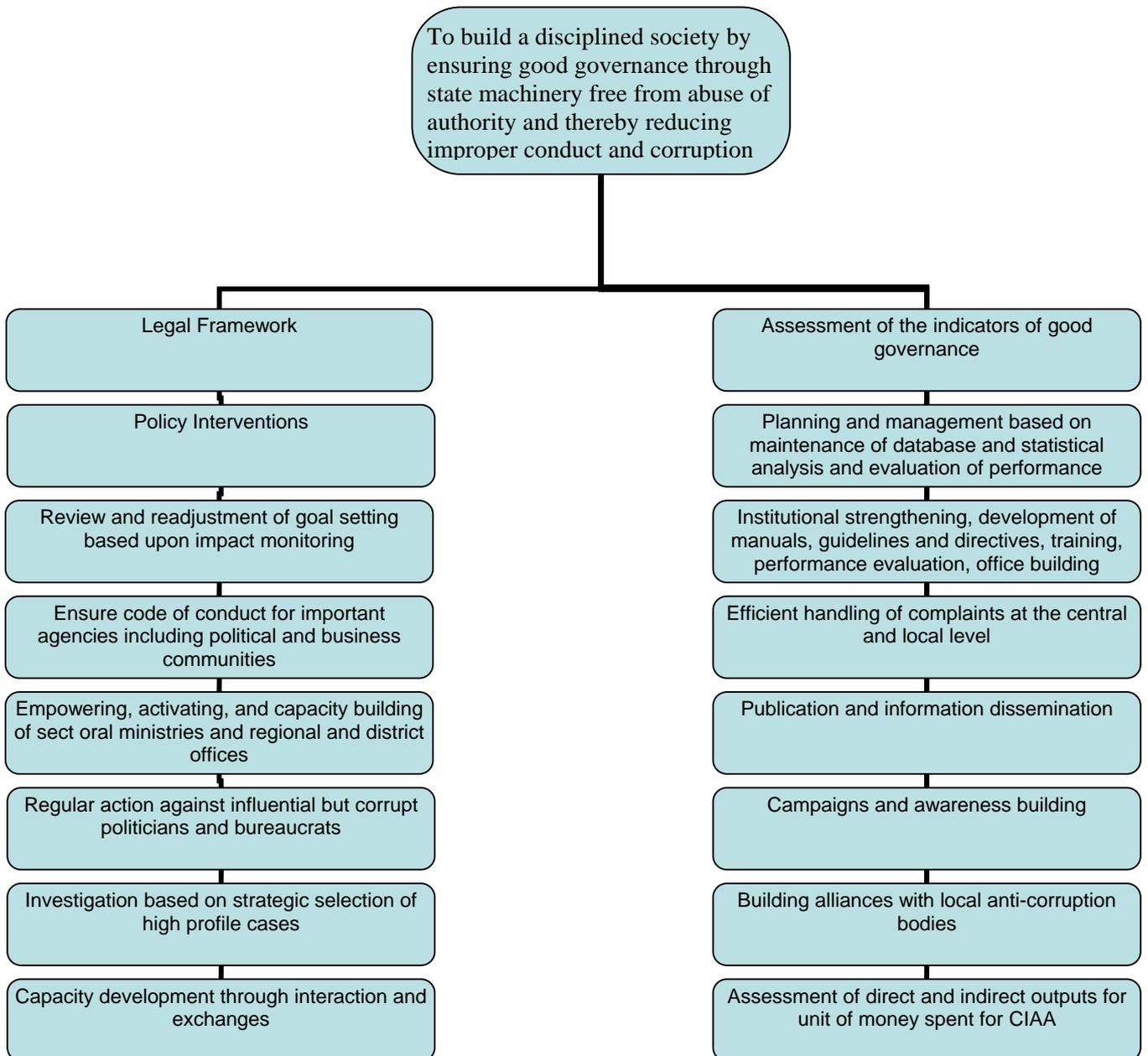
Institutionalize The Legal Aid Program for the Indigent and Disadvantage Groups	■	■			■	■	
Strengthen Mediation and Encourage Consensus Building in the Justice System	■	■					
Strengthen Communication, Coordination and Interaction with Institutional and Other Actors	■						
Develop and Implement Court User's Charter	■	■					
Strengthen Institutional Capacity of the Judicial Council	■						
Strengthen Institutional Capacity of the Judicial Academy	■						
Strengthen Institutional Capacity of the Judges Society	■						
Strengthen the investigative and disciplinary mechanism within the judicial system as to make it more transparent and accountable	■						
ROL9 Strengthen Ability to Enforce Judicial Decisions			■				
ANTI-CORRUPTION ACTIVITIES							
Promote Corruption Awareness and Prevention in Nepal				■	■	■	■
Strengthen Institutional Capacity of the CIAA					■	■	
Strengthen Institutional Capacity of the Special Court					■	■	
Strengthen Institutional Capacity of the Attorney General's Office	■	■					
Strengthen Institutional Capacity of the National Vigilance Center	■				■		
Strengthen Institutional Capacity of Government and Non-Government Agencies to Enhance Governmental Integrity and Transparency				■	■	■	■

CROSS-CUTTING ACTIVITIES							
Promote Gender Equity and Legal Representation	■	■					
Strengthen the Capacity to Prosecute Environmental Crimes		■		■	■		
Organize Donors' Coordination Committees	■	■	■	■	■	■	■

The Nepali Judiciary Strategic Framework



The Commission for the Investigation of Abuse of Authority Strategic Framework



ESTIMATED PROCUREMENT PLAN

Planned Equipment Procurement	User	Approximate Date of Procurement
Cabinets and shelves for files	Special Court	4 TH Qtr 2005
Cabinets and shelves for files	Kathmandu District Court	3 rd Qtr 2006
Cabinets and shelves for files	Appellate & Supreme Courts	1 st Qtr 2007
Six to eight computers; six more telephone lines, a server for network, photocopy machine	Special Court	3 rd Qtr 2005
Library bookcases & furniture	CIAA	2 nd Qtr 2005
Two computers & laser printer	CIAA	2 nd Qtr 2005
Office furniture	CIAA	2 nd Qtr 2005
Library bookcases, books & furniture	Attorney General's Office	4 th Qtr 2006
3 Computers	NVC	4 th Qtr 2005
Computers, furniture etc	Public Defender's Office	1 st Qtr 2007
Computers, equipment & furniture	Kathmandu District Court	4 th Qtr 2006
Computer, printer, copier, overhead projector and projection screen	Judicial Academy	4 th Qtr 2005
Computer, printer & copier	Judges Society	4 th Qtr 2005
2/3 Computers & printers	National Vigilance Center	1 st Qtr 2006

Note: The Procurement Schedule will be updated on a semi-annual basis to reflect the latest information and progress on the various activities. A semi-annual update will provide a more realistic picture of procurements and the costs related to those procurements.

PRELIMINARY TRAINING SCHEDULE

Planned Training Topics	Trainees	Trainer	Approximate Training Date
Train lawyers for certification as public defenders	Members of the Nepal Bar Association		Last half of 2005
Train persons involved in data collection	Local Nepalis doing the data collection	Project Staff	4 th Qtr 2004
Training at Special Court on computers and software	Special Court judges and court personnel	Local IT people	Last half of 2005
Conduct Training of Enforcement Officers	TBD	TBD	TBD
Training on Mediation Techniques	Selected District Court Judges, Judicial Personnel, and Members of the Bar	TBD	First half of 2006
Anti-corruption training in prevention action for civil society	Members of local NGOs, e.g., ProPublic, Advocacy Forum, etc	TBD	First Half of 2005
Training in corruption investigation and trial techniques – to include undercover investigations, use of informants and forensics	Special Court, CIAA, Prosecutors, representatives of Police, representatives from Civil Society	TBD	First half of 2005
Training in fraud, financial crime and money laundering investigation and trial techniques	Special Court, CIAA, Prosecutors, representatives of Police, representatives from Civil Society	TBD	Last half of 2005
Cyber/computer crime training	Special Court, CIAA, Prosecutors, representatives of Police, representatives from Civil Society	TBD	Last half of 2006
Train the Trainers for anti-corruption continuing training	Representatives from Special Court, CIAA, Prosecutors and Civil Society	TBD	2 nd Half of 2006
Training for two forensics persons in the areas of fingerprint analysis and handwriting analysis	TBD	TBD	1 st Half of 2005
Training for two persons in anti-corruption program general	TBD	TBD	2 nd Half of 2005

management, case management, organization and records keeping			
Inspection trip for 6-7 officials for the study of programs relating to anti-corruption and effective governance	Representatives from Special Court, CIAA, NVC and prosecutors	TBD	1 st Qtr of 2005
Human rights training for prosecutors	Prosecutors	Local NGOs	2005/2006
Sensitivity Training on Gender and marginalize persons Issues	Judges Lawyers Prosecutors	Local NGOs	2005/2006
Training on investigation and prosecution of environmental crimes	Judges, Prosecutors	TBD	TBD