



CeLRRd

Bi-annual Newsletter

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Center for Legal Research and Resource Development (CeLRRd)

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Background

CeLRRd is a non-profit making, non-governmental organization contributing for over a decade to promote, uphold and respect rule of law, good governance, access to justice, peace and human rights culture through advocacy and trainings to various actors involved in the administration of justice as well as creating widespread understanding of the rule of law and unrestricted access to free and fair justice. CeLRRd aims to achieve its objectives through research, resource development, community mobilization, building legal awareness and conducting legal aid activities.

CeLRRd envisions a peaceful and prosperous Nepal where people enjoy human rights and social justice fully and equally. Its mission is to empower and enable people, both individually and collectively, to have their right to social justice realized in a framework of the rule of law. Specifically, CeLRRd aims to enable the people from disadvantaged and marginalized groups and communities to have an access to justice through informal and formal processes and mechanisms.

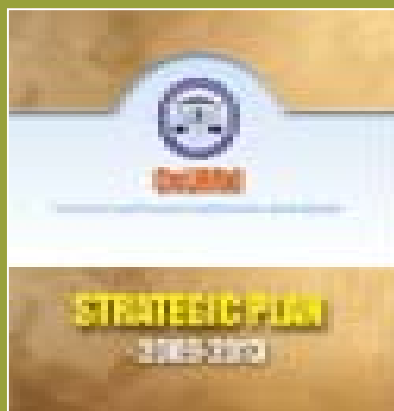
Its focus areas are as follows:

- Access to Justice that includes components like Mediation, Criminal Justice System and Legal Aid
- Anti-human trafficking and Gender Justice
- Juvenile Justice
- Democracy, Good-governance and Human Rights
- Legal Education and Professionalism

Recently, CeLRRd has extended its coverage to all five regions (over 30 districts) through one central, four regional and 12 district offices. Biratnagar regional office manages eastern region, Makwanpur regional office—central region, Butwal regional office –western region and Nepalgunj regional office—mid-western and far-western Regions. Kathmandu central office oversees all the activities of these regional offices and the overall activities of the organization.

Appeal to its Funding Partners to Join Strategic Partnership

CeLRRd started anew in 2009 formulating the Five Years Strategic Plan (2009-2013) and entering into strategic partnership with DanidaHUGOU. It believes that this initiative will help harmonize multi-donor supports for the accomplishment of the mission and objectives of CeLRRd. Therefore, it hereby appeals the funding agencies helping us hitherto to join the strategic partnership and also others who wish to work with us.



A Glance into CeLRRd in this Six Months of 2010/2011

- Outreach of CeLRRd's community mediation program is extended from 83 locations to 103 locations, resolving over 1600 locally arisen disputes.
- A baseline survey report depicting the situational analysis of juvenile justice system of Nepal is published and being disseminated to JJ stakeholders and other concerned ones
- Legal representation is done in 690 new cases of indigent inmates. In 25 juvenile cases, legal aid has been provided.
- 21 cases of trafficking victims and survivors have been fought and the understanding of women paralegal committees of a number of locations has been enhanced not only on the emerging dimensions of trafficking but also on the provisions made by the new TIP Act and the processes to exercise those provisions.
- Under consumer right program, the concept of consumer is redefined and advocated as the user of rights entitled to them by the constitution in reference to human rights, democracy and good governance. In such a context, how their rights can be protected through wider understanding is of concern.

1. COMMUNITY MEDIATION INITIATIVES

Community mediation, one of the Alternative Dispute Resolution Mechanisms is gaining momentum worldwide and at times perceived as the best solution to conflict resolution at a local level. As it offers constructive processes for resolving differences and conflicts between individuals, groups and organizations, it is an alternative to avoidance, destructive confrontation, prolonged litigation or violence. It gives people in conflict an opportunity to take responsibility for the resolution of their dispute and control of the outcome. It is designed to preserve individual interests while strengthening relationships and building connections between people and groups, and to create processes that make communities work for all.

In the context of Nepal with regards to mediation, a long standing tradition has evolved and nurtured in the rural communities for resolving disputes between individuals and groups at the behest and support of impartial and trusted persons in the localities. These persons known as mediators in community mediation enjoy social recognition and integrity and contribute in the communities to discuss their problems and encourage them to find a settlement to the disputes.

43 locations have already been handed over to the local authorities which are now forwarding mediation in their respective locations.

CeLRRd has continued its community mediation program in the 83 VDCs and municipalities and launched new programs in additional 20 locations of Bardiya, Morang, Makwanpur and Rupandehi districts. Technical and/or financial supports were provided in the previous locations and new arrangements of human resources and infrastructure done in the extended locations.

NEWLY EXTENDED MEDIATION PROGRAM LOCATIONS

Community mediation is extended to additional 20 new locations of the four districts Morang, Makwanpur, Rupandehi and Bardiya after their baseline surveys.

- Makwanpur : Chhatiwan, Handikhola, Mak. Gadhi, Manahari and Harnamaadi
- Morang : Kadmaha, Sijuwa, Jhurkiya, Bardanga
- Rupandehi : Butwal, Dhakdhai, Haraniya, Gonaha, Dayanagar, Kerwani, Paroha, Basantapur
- Bardiya : Nayagau, Manau and Badalpur

15 new mediation centers have already been established and are discharging mediation service.



◀ *Mediation session being facilitated by Nanda Chaudhari, Ram Bahadur Dhawal and Rahis at Harnaiya mediation center*

VDC
Secretary Min
Prasad
Bhattari
addressing in
the mediation
center opening
at Gonaha
VDC



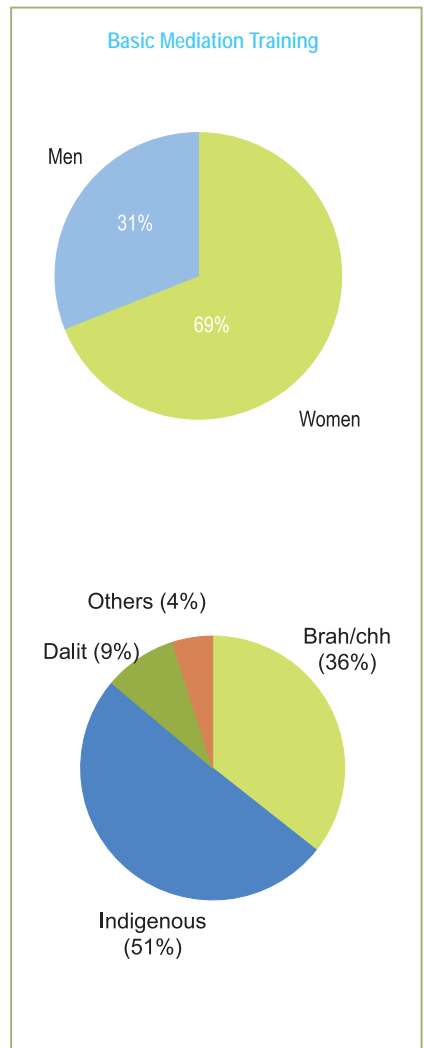
COMMUNITY PEOPLE DEVELOPED AS LOCAL MEDIATORS

With the primary objective of acquainting basic community mediation skills and sensitizing on the concept of conflict transformation, 20 basic mediation trainings were held. Along with, the mediators were also given understandings on the theoretical and practical approaches to dispute resolution, their roles and responsibilities in mediation processes, peace building at community level and also human rights insights.

A new pool of 534 mediators inclusive of caste, gender and age is generated to provide mediation service in the seven districts: Makwanpur, Rupandehi, Bardiya, Morang, Kanchanpur, Banke and Nawalparasi.

Role play by
participants
in basic
mediation
training at
Harnaiya
VDC

Indigenous, Dalits and other marginalized groups occupy 64%.



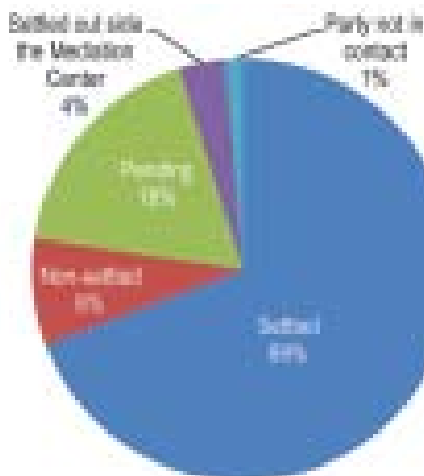
Applauding the philosophy of mediation, Ganga Pun, a mediator, Paroha said, "Earlier while settling dispute at the community level, we used to give decisions which in turn eroded our own images at the community. However, after attending mediation training, we realized the importance of facilitating the case parties to reach to a consensus and what it really means to focus on positive aspects of other persons and issues rather than the negative and weak ones in dispute resolution"

CASES HANDLED BY MEDIATION CENTERS

The organization has been able to provide mediation service in 1679 cases in the first six months from Shrawan to Poush 2067.

District	Registered	Settled	Non-settled	Pending	Settled out side the Mediation Center	Party not in contact
Bardiya	149	107	0	42	0	
Bardiya (old)	182	103	36	43		
Dang	201	116	22	35	28	
Kailali	117	67	9	40	1	
Surkhet	99	58	6	20	15	
Banke	136	96	1	30	9	
Kanchanpur	112	65	5	42	0	
Rupandehi	103	44	12	45		2
Makawanpur	161	77	24	42	10	8
Morang(new)	242	201	21	15	-	5
Morang (old)	299	268	24	6	1	-
Udaypur	216	198	13	3	1	1
Nawalparasi	152	102	4	21	12	13
Total	2169	1502	177	384	77	29

Cases handled by Mediation centers



MEDIATION MADE POSSIBLE REUNION AFTER THREE DECADES

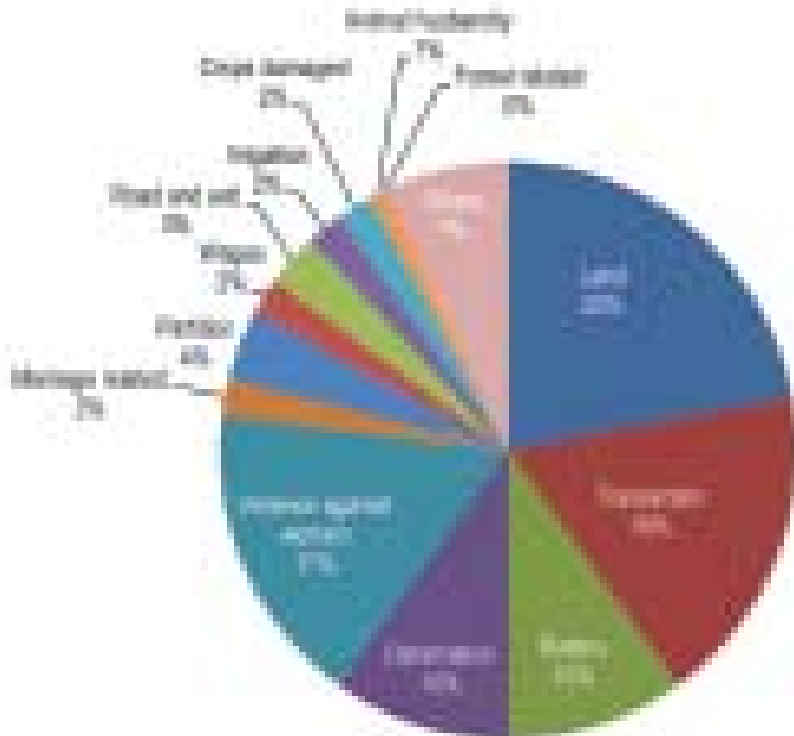
“Mediation has changed my life completely, it made possible reunion with my family after three decades”, said 50 years old Mamata Basnet of Tulshipur Municipality 6.

Mamata Basnet and Prakash Basnet were married some three decades back and had four children. Prakash was a government officer and was happily settled with family members until he got trapped in gambling and alcohol. He became short-tempered and ruined relationship with family members which aggravated to the extent that Mamata decided to leave him. She went to her matrimonial house along with the children. Eventually, Prakash also left home, and Mamata along with the children started living in their own house. In the meanwhile, she heard about her husband’s next marriage and lost hope of his return. She worked very hard for the family

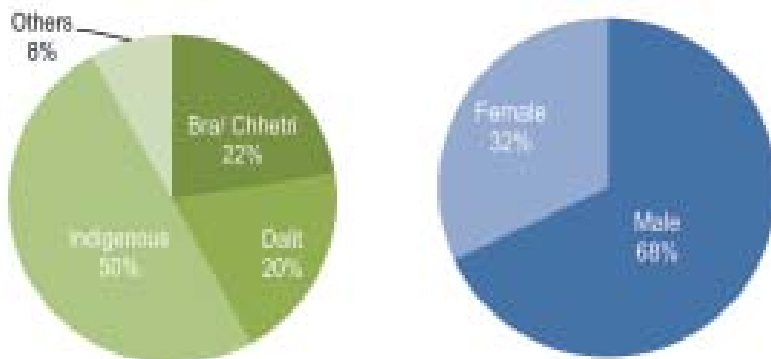
subsistence; married off her daughters and sent the son abroad. She became alone and out of the desperation, she approached Prakash for maintenance but he did not treat well. She sought help from many community based organizations but to no avail. Finally, she registered her case at Tulshipur mediation center claiming half of his salary.

Mediation was done, where Mamata reflected her pain of leading a single life and rearing the children. She then cleared the rationale of her claim at this age. Prakash though lately could realize the gravity of sorrow Mamata endured. He repented for his mistake and asked Mamta to come along and stay with him. “I was more than happy when my husband asked me to live with him after such a long period. I have no grudge now”, said Mamata after the mediation process.

Types of cases handled



Disputants' Details



In about 65% out of 874 cases related to women, women were the first party which reflects how community mediation has given them voice or channel to seek justice. Mediation has the potential to change society and empower the community to resolve the disputes.

MEDIATION TURNS OUT TO BE A BOON FOR NEW LIFE

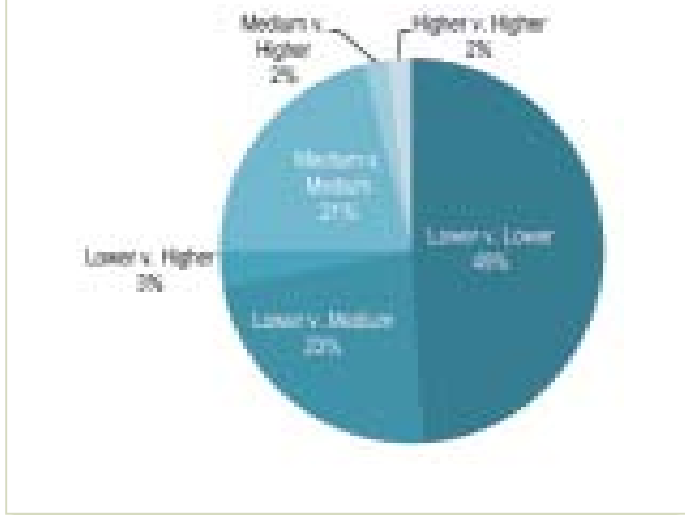
Rama Bogati (name changed) 21, and Manoj Bogati 22 of Kanchanpur did love-marriage in 2007 despite her parents' strict objection. Their relationship went smooth for just one year and then they started encountering problems. Manoj started to drink and beat Rama and she started cursing her fate. Her in-laws also started gossiping against them and giving mental torture to Rama saying that both of them were unemployed and therefore, a burden to the family. Out of frustration, Manoj went to India in search of job without making any consultation with other family members. He also tortured Rama saying he did not want to continue relationship with her. She was forced to leave her husband's home, went to her maternal house, and even gave birth to a son. She was ill treated in her maternal home too but somehow managed to stay there for one year. Her husband returned home and brought Rama and son back to home. However, after some time again they started having disputes. This time Rama could not tolerate it anymore and decided to suicide. While attempting suicide in community forest nearby, a guard noticed and rescued her. Then with the help of the guard, she filed an application

in the nearby mediation center on 17 June 2010.

Both the conflicting parties were called for discussion on 27 August 2010 and mediators facilitated the session, where Manoj revealed that his friends and relatives used to back bite about Rama stating her as characterless and therefore, he should not continue relation with her. He said that he easily believed them, and started torturing Rama. Rama also shared she was told negative things regarding Manoj's drinking habit and character. However, Manoj's father shared that he never discarded Rama and was always positive about their relation and also shared that misunderstanding had a great role in their dispute.

Finally, both the parties agreed on building trust for each other and not to listen to others. They also agreed to seek ways for generating income like farming, agriculture and others. "Dispute between us erupted due to misunderstanding and suspicion which caused me mental torture and I reached to a suicide attempt. I was about to lose my life but mediation saved me and gave me a new life," said Rama.

ECONOMIC STATUS



Poor indigenous and Dalits have been the primary beneficiaries of community mediation programme being run in 11 districts.

INTERACTIONS WITH DISTRICT LEVEL STAKEHOLDERS HELD

Interactions with the district level stakeholders helped to build synergy amongst district level stakeholders, publicize and institutionalize mediation program in the districts. Representatives of major political parties, local authorities, former elected representatives of the program VDCs, social workers, advisors of mediation program, local coordinators, mediators, journalists, judges, bar representatives and other concerned NGOs' representatives attended the programs at the respective districts.

In Rupandehi interaction, District Court Judge Prem Raj Dhakal disclosed that he has great confidence upon mediation which he believes is the best alternative to resolve disputes in civil cases.

Reiterating that community mediation has provided easy and effective access to justice for many women, marginalized and other downtrodden groups, DC Judge Megh Nath Bhattarai, opined that mediation program should be extended nationwide.

VDC/MUNICIPALITY LEVEL ORIENTATIONS TO GARNER STAKEHOLDERS' SUPPORT

The programs oriented the local stakeholders of the program locations on the importance, and benefits of mediation and seek coordination on their parts within the specific VDC/ municipality. These programs were even important to create environment for selecting community mediators. Participants from all segments of societies like governmental and non-governmental organizations, community people including women, Dalit, Indigenous, and marginalized, social workers, intellectuals, political parties' representatives attended the orientations.

REFRESHER TRAININGS FOR LOCAL COMMUNITY MEDIATORS

456 mediators of 19 existing locations got opportunity to enhance their skills on mediation through 3-day refresher trainings. Mediators who had been proactively providing mediation service in their respective locations and had garnered relevant experiences attended the training. It helped update



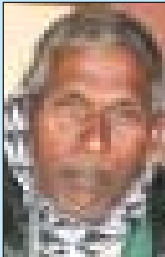
Community mediators of Dulari VDC at a refresher training program

mediators on the recent developments in mediation and give them some sort of capacity enhancement skills especially to address challenges and handle critical situations that are encountered in doing group mediation, and in domestic violence cases.

As the number of domestic violence cases is increasing in every location and utmost sensitivity is to be adopted in such cases, 236 mediators of three districts, Banke, Kanchanpur and Nawalparasi were especially trained to deal with domestic violence cases.

One of the mediators of Banke in the refresher training said, "When I settle a long-standing domestic violence case through mediation in some hours and as they return home in a happy mood, it becomes an unforgettable moment in my life."

REFLECTIONS OF A CASE PARTY AND A MEDIATOR



सेवाग्राही (विवादको पक्ष) को नाम थर: **देवीचरण केवट**

ठेगाना : टिकुलीगढ गाविस

पेसा : भु. पू. प्र.अ.(३३ वर्ष शिक्षण सेवामा रहेको)

रुची : समाजसेवा

क) मेलमिलाप केन्द्रको बारेमा तपाईंले कसरी जानकारी प्राप्त गर्नुभयो ?

उ. मैले मेरो सहपाठी हरेराम केवटमार्फत टिकुलीगढ गाविसमा रहेको मेलमिलाप केन्द्रको बारेमा जानकारी पाए ।

ख) मेलमिलाप केन्द्रका मेलमिलापकर्ताहरूको सहजिकरण कस्तो लाग्यो ?

उ. मेलमिलापकर्ताले बाघ र बाखालाई एकै ठाउँमा राखेर पानी खुवाउने काम गर्नु भएको छ । किनभने समाजमा ठूलोले सानोलाई दबाउने,

ठूलोको अगाडि सानो कमजोर हुने हाम्रो सामाजिक यथार्थताबाट माथि उठेर सानो होस् वा ठूलो विवादका दुवैपक्षलाई एकै ठाउँमा राखेर कुरा गर्न लगाउनु भनेको बाघ र बाखालाई एकै ठाउँमा राखेर पानी खुलाउनु सरह हो । यति मात्र होईन विवादको पक्षहरूबाटै विवादको समाधान खोज्न लगाई विवाद हुनुभन्दा अगाडिको सम्बन्ध भन्दा पनि प्रगाढ सम्बन्ध बनाउन सहयोग गरेको हुनाले यो कार्यक्रमका सहजकर्ताहरू असम्भवलाई सम्भव बनाउने विधाका ज्ञाता भएको मैले महसुस गरेको छु ।

ग) तपाईंको जोसाग विवाद थियो ऊ सागको समस्या समाधान नभएको भए कुन परिणाम आउथ्यो होला ?

उ. मेरो २ वटा विवाद थिए र २ वटै मेलमिलाप केन्द्रबाट नै समाधान भए । पहिलो विवाद श्रीमतीसँग थियो । हामी श्रीमान् श्रीमती बीचको विवाद समाधान नभएको भए हामी सधै तनावमा रहन्थ्यौ । हाम्रो परिवार, हामीसँग जोडिएका नातेदार, छरछिमेकी, मैले काम गर्ने क्षेत्र सबै ठाँउमा हाम्रो विखण्डित परिवारको नकरात्मक असर पर्थ्यो । समाजले म र मेरो समग्र परिवारलाई हेर्ने नजर नै बेग्लै हुन्थ्यो । मेरो अर्को विवाद छिमेकीसँग जगासम्बन्धी थियो । जुन समस्या रहँदा हामी एकले अर्कालाई देख्ने वित्तिकै विवाद बढ्ने गरथ्यो, शत्रुवत व्यवहार देखाउथ्यौं, कसरी असहयोग गर्न सकिन्छ त्यतार्फ सोच हुन्थ्यो जब मेलमिलाप केन्द्रमा आयौं हामीले व्यर्थ त्यत्तिका दिन विवाद गरेर सम्बन्ध र समय खेर फालेको जस्तो लाग्यो । अहिले हाम्रो सम्बन्ध पहिला भन्दा अझ प्रगाढ भएको छ ।

घ) मेलमिलाप भएपछि कस्तो महसुस गर्नुभयो ?

उ. धेरै राम्रो लाग्यो । हाम्रो जस्तो विवाद परेकाहरु अड्डा, अदालत वा पुलिस चौकी जाने परिपाटीले धेरै दिनसम्म अड्डा अदालतमा धाउनुपर्ने, समयमा न्याय नपाउने तथा भन् विवाद बढ्दै जाने भएको र मेलमिलापकर्ताले एकअर्काको पिरमर्का बुझ्ने र त्यसलाई समाधान गराउन विवादित पक्षद्वारानै हरसम्भव प्रयास गर्ने, विवादित पक्षबीच हारजित नभई जितजितको अवस्था सिर्जना गराउने भएकोले यो कलादेखि म धेरै प्रभावित भएकोछु ।

ङ) तपाईंको विवाद समाधान हुनुले कस-कसलाई प्रभाव पारेको महसुस गर्नुभएको छ ?

उ. म स्वयम्, मेरो परिवार, साथीहरु, छिमेकी, नातेदारहरु । समग्रमा भन्दा विवाद समाधान भएपछि मेरो जीवनमा नै सकारात्मक परिवर्तन आयो त्यसैले मेरो जीवन शैली नै प्रभावित भएको महसुस गरेको छु ।

च) तपाईंको विवाद समाधान भएपछि तपाईंको जीवनमा के कस्तो परिवर्तन आएको छ ?

उ. अहिले म अनुमान भन्दा सत्य पत्ता लगाएर मात्र व्यवहार गर्ने गर्छु । मेरो विवाद समाधान भएपछि पहिला त मेरो टुटेको घरलाई जुटाईदिएको छ र हाल हामी धेरै खुशी छौ र हामीसँग जोडिएका सबै व्यक्ति तथा समुदाय

पनि खुसी छन् जसले गर्दा पहिले चलखेल गर्ने व्यक्तिहरु पनि दङ्ग परेका छन् हामी श्रीमान श्रीमती मिलेर बसेका छौ । मलाई पनि यो सेवामा सदस्यता लिई केही गर्न पाए हुन्थ्यो भन्ने लाग्छ ।

छ) मेलमिलाप केन्द्रमा विवाद समाधान हुनुले तपाईं र तपाईंको समुदायमा के रूपान्तरण भएको महसुस गर्नुभएको छ ?

उ. यस मेलमिलापकेन्द्रले गाविसमा एउटा न्यायपालिकाको रूपमा काम गरेको छ । यस केन्द्रले आफ्नो समस्या छोटो समय, निःशुल्क, पक्षपात रहित तरिकाले समुदायलाई न्याय दिने निकाय भएकाले हाल गाउँका विवाद गाउँमै भएको मेलमिलापकेन्द्रमा समाधान हुने गरेको छ साथै यस केन्द्रले विभिन्न किसिमका समस्याहरुबाट मानसिक तनाव भैलनुपर्ने हरेक कुरामा राजनीतिक खिचातानी बढ्ने र समुदायमै राजनीतिक खण्डिकरण बढ्ने अवस्थामा रहेको समुदायलाई समेत सहयोग गरेको मैले महसुस गरेको छु । यसले सबैभन्दा राम्रो काम कहिल्यै मुख हेर्दैन भन्ने हामी जस्ता व्यक्तिहरुको मानसिकतामा परिवर्तन गरी सोही व्यक्तिसँगको सम्बन्ध अझ प्रगाढ बनाउन सक्ने शक्ति पाएको मलाई प्रत्यक्ष महसुस भएको छ । यसले गर्दा पहिला त व्यक्ति र त्यसपछि ऊ बस्ने समुदाय दुवैलाई यसले सकारात्मक प्रभाव पारेको छ ।

छ) मेलमिलापकेन्द्र या केन्द्र बाहिरको विवाद समाधानमा के फरक महसुस गर्नुभयो ?

उ. बाहिर राजनीतिक न्याय र अन्यायमा विवाद रहन्छ तर मेलमिलाप केन्द्रमा उचित के हो, सत्य के हो भन्ने जड खोजी हामीबाट हाम्रो इच्छालाई जोड दिइन्छ । त्यसैगरी बाहिर हुनेको बोलवाला चल्छ तर मेलमिलाप केन्द्रमा नहुनेको पनि सुनाई हुन्छ यसकारण यस्तो प्रकारको सेवा हाम्रो टिकुलीगढमा छ र यसमा साँचो अर्थमा न्याय पाएको आफ्नो अनुभव म आफै छलफलमा बसेकोले अरुलाई पनि त्यस्तो पदा मेलमिलाप केन्द्रमा जान भन्छु र आवश्यक परेमा आफै पनि लैजाने गर्छु ।

ज. तपाईंको केही सुझाव?

उ. यो कार्यक्रम गाविसमा त आयो तर यसको आयु बढाउनको लागि यसलाई गाविसले प्रत्येक वर्ष आवश्यक बजेट छुट्टयाई आफ्नो मातहतमा राख्नुपर्छ । किनभने यसले गाविसको बोझ घटाएको छ । मेलमिलापकर्ताहरुको लागि प्रोत्साहन स्वरूप तालिम र पुर्नताजगी गरिनुपर्छ ।



मेलमिलापकर्ताको नाम थर: **हरीराम खट्ट**

ठेगाना : टिकुलीगढ गाविस

पेशा : भु. पू. शिक्षक.

रुची : समाजसेवा

क) सामुदायिक मेलमिलाप कार्यक्रमले तपाईंको जिवनमा के परिवर्तन ल्याएको छ ?

उ. शिक्षण सेवाबाट अवकास लिएपछि मैले सामुदायिक मेलमिलाप कार्यक्रमको सदस्य हुने मौका पाए। यो कार्यक्रमले मलाई यस्तो सामाजिक सेवा गर्ने सामाजिक भावनामा ओतप्रोत गराएको छ। यसले म र मेरो समुदायमा धेरै परिवर्तन ल्याएको पनि महसुस गरेको छु। यस तालिमबाट कुनैपनि कुरामा आफ्नो मनले सोचेको कुरा त्यही नै सत्य हुन्छ भन्ने हुँदा सत्य त खोतल्दै गएपछि मात्र पत्ता लाग्दो रहेछ भन्ने कुरामा विश्वास जागेको छ। साथै मेलमिलाप सेवा र यसको भूमिका धेरै नै महत्वपूर्ण छ।

हाम्रो समुदायमा म त सोच्छु यसलाई किन राष्ट्रका सेवकहरु बुझ्दैनन् या बुझ्न चाहदैनन्। किनभने जुन कुरा तालिममार्फत जानकारी लिएर त्यसबाट प्रभावित भई मैले न्यायको क्षेत्रमा सेवा प्रदान गर्दा लिएको स्वाद निकै गहिरो छ त्यसलाई राष्ट्रका अगुवाहरु जो केन्द्रमा छन् त्यसलाई किन पुरा गर्न सक्दैनन्।

ख) विवाद छलफल भई पक्षहरु मिलेर जाँदा यहाँलाई कस्तो महसुस हुन्छ ?

उ. मलाई मनमा अचम्मको सन्तुष्टि हुन्छ। आफूले सहयोग तथा सहजिकरण गरेको विवादित पक्षहरु दुवै मिली खुसी व्यक्त गर्दै हामीलाई धन्यवाद दिएर जान्छन्। यस्तो क्षणले गर्दा अझ निरन्तर काम गर्न प्रोत्साहन पनि मिलेको छ। जव मैले समस्यामा परेका व्यक्तिहरुलाई सहमत गराई मिलाएर पठाउने अवसर पाएको छु म त्यसमा सन्तुष्ट र खुशी छु।

ग) यस कार्यक्रमले व्यक्ति या परिवारलाई मात्र सेवा प्रदान गरेको छ की समुदायलाई पनि केही टेवा पुऱ्याएको छ, के महसुस गर्नुभएको छ.....?

उ. मेलमिलाप सेवा कुनै एक परिवार वा व्यक्तिहरुमा मात्र सिमित छैन किनभने मिलेपछि तिनै व्यक्तिहरु मेलमिलापमा बस्दाको अनुभव आफै सम्प्रेषण गरिरहेका छन्। आफ्ना समस्या घरमै गुम्साएर रहेका पनि छलफल गराउन घर बाहिर निस्कन थालेका छन्। अर्थात जो हिजोसम्म जुगाको लडाईंमै आफ्नो सर्वस्व गुमाएर खुसी पाएको भ्रममा रहेका थिए आज त्यसमा सचेत हुन थालेको मैले महसुस

गरेको छु। हामीले सहजिकरण गरी मिलेका पक्षहरु आफै अन्यत्र नगई मेलमिलाप केन्द्रमै जानुपर्छ भन्दैथिए।

घ) सामुदायिक मेलमिलाप कार्यक्रमको उद्देश्य समुदायका विवाद समुदायमै समाधान गरी न्यायमा सबैको पहुँच पुऱ्याउने हो के यसले यसको मर्म पूरा गर्न सफल भएको मान्नु हुन्छ, के महसुस गर्नु भएको छ.....?

उ. यो कार्यक्रममा अर्न्तगत जुनसुकै व्यक्ति यो कोठाभित्र सेवा लिन आएको छ उसको समस्या समाधान मात्र नभएर उ खुसी भएरै गएको हामीले पाएका छौं। मलाई त कहिले काही लाग्छ यसमा जादु छ। पक्षहरुको समस्या मात्र समाधान नभएर ठूलो संख्यामा आर्थिक हिनामिना हुनबाट जोगाएको छ। व्यक्तिको गोपनीयताको अधिकारलाई सम्मान गर्दै त्यसलाई सुरक्षित गरेको छ। समयको महत्व बढेको छ। विवाद भएपछि मिलेपनि पानी बाराबार गर्ने वानीमा परिवर्तन ल्याएको छ र आपसी सम्बन्धलाई सुधार गर्ने विश्वास बढेको छ। जसले गर्दा उनीहरुले एक किसिमको शान्ति महसुस गरेका छन्। यो महसुस गर्नु या अनुभूत गर्नु नै न्याय प्राप्त गर्नु हो जस्तो मैले बुझेको छु।

ङ) यो कार्यक्रम दिर्घकालीन रुपमा तपाईंको गाविसमा आवश्यक छ की छैन र यदि छ भने यसको दिर्घकालीन आधार के हुन सक्छ?

उ. यो कार्यक्रम राज्यले नै सञ्चालन गर्नुपर्ने हो तर हाल सेलर्डले सञ्चालन गरेपनि यसको आवश्यकता र महत्व बल्ल हामी महसुस गर्दैछौं किनभने विवाद त सर्वत्र छ यसको समयमै निराकरण गर्न सकीएन भने जटिल रूप लिँदै यसले तनावग्रस्त समाज निर्माण हुन्छ। त्यसकारण यो हाम्रो गाविसको आवश्यकता हो र यसलाई संस्थागत गर्न हाल जननिर्वाचित प्रतिनिधि नभएकाले देश या स्थानीय निकायकै हातमा चलिरेहेको छ यस्तो अवस्थामा या त यस संस्थालाई राज्यले नै प्रोत्साहन गरी यसको व्यापकता र दिगोपन ल्याउनु पर्छ या त स्थानीय निकायले नै आफ्नो अङ्गको रुपमा लैजानु पर्छ सोको लागि बढी हात सर्वदल र हामी मेलमिलापकर्ता कै हुन्छ यदि यो भएन भने हामी मेलमिलापकर्ता माउ विनाको बचेरा जस्तै दुहुरा हुन्छौं यसको जन्म जुन प्रक्रियामा भएको छ त्यहीरुपले आगामी दिनमा पनि नेतृत्वमूलक नीति बनाएर संरक्षण र सर्वद्वन गर्दै अगाडि बढाउनु पर्छ।

2. LEGAL AID

Legal aid program is being executed in 28 districts and 28 human resources including legal aid lawyers and assistant legal aid lawyers work in the five legal aid clinics, both directly and indirectly.

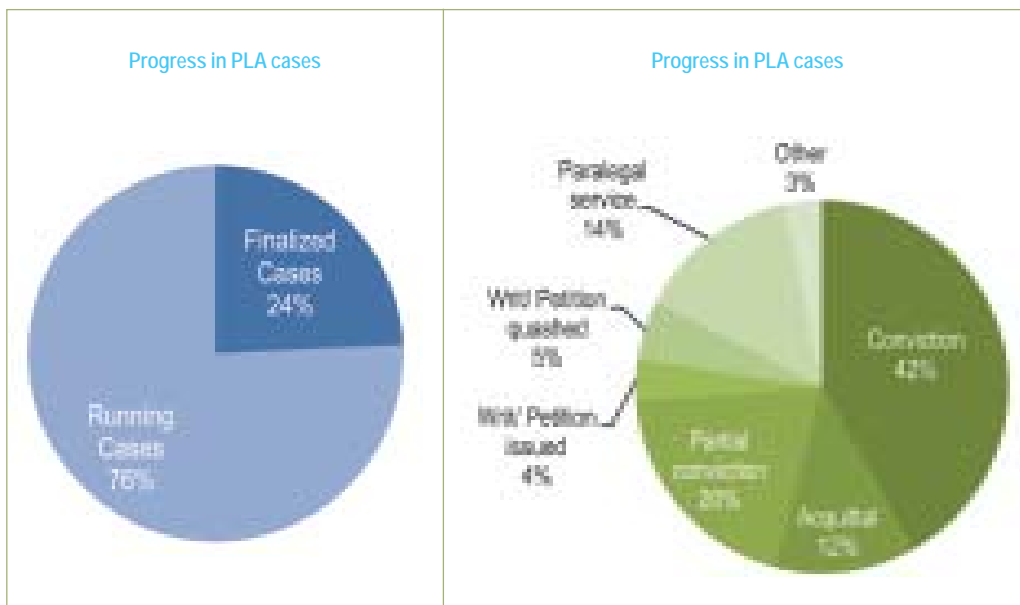
PLA CASES' REPRESENTATION

A total of 690 new PLA cases have been registered and are being represented through five regional legal aid clinics, Hetauda, Butwal, Nepalgunj, Biratnagar and Kathmandu. Representation is being done in also 585 old cases.

76 % of cases were related to indigenous, Dalits and others.

PROGRESS IN PLA CASES

Center	Old Case	New Case	Total	Finalized Cases	Result							Running
					Conviction	Acquittal	Partial Conviction	Writ/Petition Issued	Writ/Petition Quashed	Paralegal service	Other	
Biratnagar	162	131	293	93	30	7	5	2	4	43	2	200
Hetauda	65	133	198	45	20	7	15			1	2	153
Kathmandu	118	109	227	29	19	3	5		2			198
Butwal	73	112	185	51	10	15	23		1		2	134
Nepalgunj	167	205	372	91	50	6	13	9	9		4	281
Total	585	690	1275	309	129	38	61	11	16	44	10	966



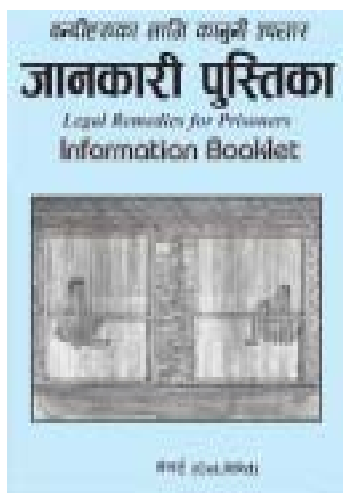
TRAINERS TRAINING FOR LAWYERS ON PARALEGAL HELD

To generate paralegals to work for prisoners' legal aid program, a three-day residential 'Trainers Training for Lawyers on Paralegal' for legal aid lawyers was held from 18th to 20th Sep 2010 in Bhaktapur. It aimed to increase prisoners and jail's stakeholders' understanding on prisoners' rights like legal representation, right to silence, right against torture and others. How free legal representation can be sought in case of unavailability of legal representation due to financial restriction was mainly focused on. After receiving the training, the lawyers became capable enough to conduct orientations in prisons on the said dimension. 21 legal aid lawyers participated in the training.



accountant, and security staffs have been generated to support legal aid programme, and jailers of the respective prisons along with the legal aid lawyers under the program worked as resource persons. They were given in detail about the programme's understanding, their rights guaranteed by the constitution, and how they can work and coordinate to attain those rights. Besides, they could also learn something about criminal law, and its procedural aspects.

▲
*CeLRRd's
PLA team
in the
training*



Legal aid lawyers of the respective program areas facilitated the orientations. The programs were worthwhile in orienting the prisoners about their constitutionally and legally guaranteed rights like provision of free legal aid provided to indigents, right against torture, illegal detention and others. Participants shared that previously they did not have much idea about prisoners' rights but now they are aware enough and would help others also to stand for their rights.

To address the difficulty in reaching out to a greater number of prisoners with the limited lawyers involved in the program, a need of paralegal service was deemed necessary. Hence, a paralegal manual was developed mentioning about the definition of law, criminal justice system of Nepal, prisoners' rights, skills to deal with prisoners, the code of conduct and others.

Through 15 rounds of coordination meeting held in different districts, coordination amongst the stakeholders is being strengthened, however effective coordination amongst the legal aid providing agencies at the district or regional or national level is still felt to be a distant away.

▼
*Paralegal
orientation at
Banke jail*

Attempts are being made to serve especially women, juveniles, foreigners and marginalized communities.

Prisoners' Information booklet has been updated and is already disseminated to more than 8000 prisoners through paralegal orientation.



PARALEGAL ORIENTATION BENEFITING PRISONERS OF VARIOUS JAILS

Paralegal orientations for prisoners of different prisons are being conducted in 29 jails of all the 28 program districts. Through the already accomplished 28 trainings, around 351 paralegals (27 women and 324 men) including Chaukidar, Naike, Bhai Naike, teacher,

Shortcomings of Nepalese Legal Aid Law

Legal aid is exclusively provisioned as a fundamental right under Article 24(10) of Interim Constitution 2007. However, there lies the necessity to improve the Nepalese legal aid law in various terms according to the spirit of the constitutional provision. Legal Aid Act 2054 and Legal Aid Regulation 2055 BS were enforced to provide legal aid to those who are unable to defend themselves due to economic or social reasons thereby ensuring equal justice for all according to principle of rule of law. Right against retrospective effect of criminal law, right against double jeopardy, right against self incrimination, right against physical or mental torture or any cruel, inhuman or degrading treatment, right against arbitrary arrest and detention are provisioned, however these rights cannot be attained if the state does not provide right to legal aid as a fundamental right for the needy people.

Provision of section 3 of Legal Aid Act contradicts with the preamble of same Act. According to preamble, this Act was promulgated to provide legal aid to those who are unable to defend themselves due to economic or social reasons. However, Section 3 of the Act ignores that economically sound person may also be needy for legal aid due to social reasons.

Legal Aid Regulation 2055 allows only those persons having annual income less than 40 thousand eligible to receive legal aid. This limitation prohibits reaching to other needy ones for legal aid. Therefore, financial position of any person should not be made the sole criteria to determine whether or not to provide legal aid.

No one should be denied legal aid is the recognized principle, however the Act gives absolute power to the Central or District Legal Aid Committees whether or not to provide legal aid to the applied



Ram P. Aryal

Program Coordinator, CeLRRd

cases which will affect ensuring fair trial. There is no any complaint hearing mechanism once any case is rejected.

Very lengthy and unpractical procedure of legal aid is another shortcoming. There lies the necessity of recommendation letter from local bodies such as village development committee or municipality. District Legal Aid Committee then decides whether or not to provide legal aid within 45 days from the registration. Firstly, in criminal cases where the accused is in custody, s/he cannot go to local bodies and bring the recommendation letter, and next until the committee decides, there is no provision of legal aid.

Central and District Legal Aid Committees headed by Law Minister and Government Attorney respectively cannot work efficiently. As the Law Minister has rigorous works, s/he can give little time to the Committee works. In case of State-Party criminal case, government attorney represents one part and therefore, it can cause biasness against the opponent party who might need legal aid. So, this is a highly debatable issue.

Legal aid provision is mainly related with trial stage. Therefore, it is unable to cover the pre and post trial stages where legal aid is equally essential.

Reimbursement of legal aid expense as per the Act is not positive. This is against the Constitution and ICCPR standard, which are quite clear in specifying the nature of aid as free of charge. It is not service in credit or advance.

Emerging Themes of Legal Aid in Nepalese Context

Legal aid and existing scenario in Nepal

The term 'aid' is always to be understood different than 'paid'; so, it is often said '*paid is not aid, and aid is not paid*'. Etymologically, legal aid is 'the representation of the party in any case where the party is financially unsound of paying the lawyer's fees for his/her case'. The main objective of the legal aid in the context of legal proceedings is to ensure the practicability of access to justice. Moreover, it also necessarily fulfills the procedural formalities and fair trial principles. The first enactment of the Legal Aid Act, 2054 has defined *legal aid* in section 2(a) as 'any legal counseling provided to the incapable person which also includes pleading, defense, drafting or any other service done in relation to the legal proceedings on behalf of such incapable person'.

Since the situation of aid cannot be forecasted and is often need based; the enactment of the Act in itself was defective having the conditional clause for the enforcement. Subsequently, Government of Nepal showed its lethargic attitude in implementing the Act. As a large segment of Nepalese populace is living under poverty line, their pay ability of the lawyer's fees is unattainable. In such a context, justice seems to be quite hard to attain. Furthermore, the court is always retracting its users rather than attracting people in it, which is due to the absence of pro-people judicial mechanisms; court users get frustrated instantly after they enter into it. This has various reasons: inadequate and ineffective human resources in judiciary, corrupt judicial administration, unscientific record keeping system and improper management of the court administration, etc. In this context, the concept of legal aid has to be visualized with a different approach by creating access to justice in a practical way. However, it hitherto seems only a mere formality pronounced through the statutory objects.

Broad vision of legal aid

Legal aid is practically associated with the aid to be given in the absence of financial affordability and this tends to overlook other factors that limit a person's

chances to have access to justice. Hence legal aid should include various assistances in terms of procedural and substantial access to justice. This is not a sentiment and neither a speculation, but it is everyday practice in the judicial administration of Nepal.

Whenever a court user realizes that there is a difficulty to approach the court administration, s/he has to be ensured that s/he is protected and privileged with the legal aid in terms of procedural fairness and equal access under law. There are rampant practices of approaching extra legal ways for the administrative dealings in the court when such administration discourages the court users. In such situation, the effective aid which assists to get into administrative practices of the court has to be guaranteed for its users. It is a practical aspect of the legal aid.

In existing scenario, only the mere financial legal aid is insufficient as in most situations the lawyers only represent the case and while updating the case status by knowing various steps in the cases at court, the party fails to approach the administration due to hardness and uncooperative administration; as a result, the lawyers are dependant upon their clients; where the cases seems to be getting negative development despite of the merits.

Thus, legal aid has to be ensured by the state itself and should be guaranteed as a part of the right to justice in the fundamental rights of people. The mechanisms of justice should always be obliged to ensure the procedural fairness and pro-people justice mechanisms, and in case any complaints are lodged against the hurdles in the administration of the justice, such has to be immediately addressed with the legal aid to such users.

Emerging themes of legal aid

The essence of legal aid in modern judicial process has various other ambits. Legal aid has to establish the assurance of the complete accessibility of the deprived towards the justice; the court procedures hindering the fair trial have to be addressed by such policy



Saroj Raj Regmi
Bench Officer, Patan Appellate Court

through legislative enactments in order to enforce it in practice.

The following significant aspects have emerged as the newer ideas for legal aid in Nepalese context:

1. Pre-trial legal aid

● *Aid in counseling*

This step involves the basic legal counseling that the client seeks before filing a lawsuit. This is the general stage during the investigation in criminal cases or in the phase of other interrogation or interview in civil case. The proper remedy has to be suggested to the client and the consent of the client has to be taken at this stage.

● *Aid in deciding the appropriate remedy*

Although the counseling and deciding the appropriate remedy is the same part of the pre-trial stage these are differentiated with basic elements like counseling is the process of forwarding the appropriate suggestion however, decision making requires the consent of the client and the beginning of the motion of the lawsuit. Here, the legal aid has significant role, hence, there has to be enough aid at this stage. In Nepal, the legal aid at this stage seems satisfactory to the level of those who have attained it.

● *Aid in drafting and filing a lawsuit*

The court practice shows that the argument has always the lesser value than the written documents, as documents are always recorded and authentic before the oral arguments, hence, drafting the lawsuit with adequate

remedy is always the most. Hence, the legal aid does not only have to limit to the mere oral argument during the time of hearing of cases in the bench, rather it has to assist the client with proper drafting of the affidavits and lawsuits. Sometimes the *ad hoc* documents have to be prepared as per the necessity, where the legal assistance has to be pre-equipped to address those requirements in order to ensure the full-fledged legal aid.

2. On-trial legal aid

● Aid in approach method

In existing system, the court procedure is really a challenge due to the procedural hassles and the irregularities practiced therein. Hence, the on-trial phase is another major challenge in legal aid. In this situation, the legal aid has to focus upon the possible situations that may arise for approaching, speeding up and adjudicating the cases. The cases cannot even get the opportunity of being heard unless there is a strong approach from the party, where the cases get delayed from the administration. Therefore, the legal aid has to be well prepared to settle those issues by tackling the administrative hassles; otherwise there is no meaning of representation being so late.

● Aid in speeding up the procedure in the court

Another major challenge in the existing court practice is the delay in submission of the case before the bench for the final adjudication after the necessary evidences are tested. Even the cases being matured to be disposed get various technical hurdles which refrains the cases from being settled due to some procedural lapses or other indifferences with the case. In this situation, the proper aid for speeding up the procedure is always the major aspect. Hence, the legal aid requires the substantial aid by enabling the cases to get adjudicated through the speeding up the procedure.

● Aid in updating the case status and enabling the case to be adjudicated

The case status and knowing the stages of cases is always a major concern in the legal proceedings. The case status informs the party of the cases about the

upcoming situation of the case and the lawyer can properly prepare and develop the possible legal strategies to defend the case. In most of the situations, the legal aid lawyers are always deprived from being known about the case status which has the adverse effect to the party even though the case is meritorious. Therefore, in order to enable the case to be adjudicated, the legal aid has to be provided in terms of updating the case status and informing the party of the case with the recent developments.

● Aid in the representation during trial

This is the final stage of any case in the court of law. The adjudication process starts along with the pleading in the bench and presenting the legal arguments before the judge/s of the court. With the thorough analysis and evaluation of the law, evidence and fact, the cases are adjudicated. Hence, most of the legal aid in existing practice is only limited to this stage, and the mere representation is noticed in the form of legal aid. However, it is a substantive procedural part, by ignoring which the legal proceeding is almost void. Therefore, the aid in the representation is the vital part where the adequate preparation and enough attention have to be given in addition to the existing practice. It seems that the legal aid lawyers are almost not sensitive as other personally appointed lawyers, and this has to be monitored by the administration of the legal aid.

3. Post-trial legal aid

● Aid in retaining the information about the judgment

In most of the cases, the representation or the legal aid seems to be terminated after the judgment in current practice. But, the actual need begins from the time of judgment where the enforcement of the judgment is yet to be remained; therefore, retaining the actual information with the status of judgment is very necessary in legal aid. In other paid service, lawyers themselves are active in retaining the information and informing to their clients, however, in legal aid, lawyers seem to be passive in acquiring the information of judgment and retaining the real picture. Hence, it is always vital to acquire the information and be prepared for the

further steps in legal aid cases.

● Aid in following up for acquiring the full text of the judgment

It is always known fact that the judgment is not ready on the day of the verdict and depending upon the seriousness of the case, the full text of judgment is available only after some weeks, or even months in many instances. Hence, when the judgment is in favor of the client the text has to be acquired soon for the enforcement, or even if it is not favorable and has to be appealed to the higher court, there has to be follow-up for acquiring the full text of the judgment. In existing practice, the legal aid does not seem to be effective in all these subsequent events of the judgment.

● Aid in the implementation of the judgment

Implementation is the real part of any judgment as it gives the *de facto* effect to any action. Thus, acquiring the certified texts of the judgment and beginning the proceedings for the implementation of the judgment is another challenge to those who seek legal aid. The legal aid should also involve providing necessary assistance for the implementation through the concerned department, offices or the authorities.

● Aid in the appeal of the case and subsequent steps

Generally, legal aid is concentrated to one step of the trial or to the first stage of any legal proceedings. When the case is defeated on certain legal ground, the trend of appeal is very low in most of the situations. Therefore, the real action for justice remains unaddressed when there is no appeal for at least one step. Hence, whenever, there are the cases which are not sustained, they have to be sincerely appealed at least to one step further to realize legal aid in real.

Challenges and Solutions

To fulfill the afore-mentioned requirements, a comprehensive approach on the part of any legal aid providing institution is required. The real expected service of justice cannot be ignored in the name of inadequacy of the resources or the defects of the administration of justice. Thus, the management of the qualitative service

requires many reforms in the existing systems. However, the following challenges do exist:

- Inadequate resources in the legal aid institutions,
- Formal means of law governing the legal aid of the country,
- Ineffective means and methods of legal aid,
- Uncooperative administration of justice,
- Legal aid case not being the priority for disposal in the court,
- Legal aid lawyers of the court not being punctual and laborious in the cases they represent,
- Delaying court procedure, poor follow-up, and ineffective implementation status,
- Lack of coordination and grievance

sharing among the judicial stakeholders, etc.

The reform does not demand any particular institution to be wholly accountable, rather it assumes the inclusive participation of all and commitment to the service along with good faith, obedience to law and fairness in action. So, the administration of justice has to be well-equipped and made effective and fair enabling the legal aid institutions with resources. Moreover, the legal aid has to be strictly bound by the proper guidelines mandating the service providers for sincere representation, follow-up and implementation along with speeding up the legal procedure in the court.

To sum up, it can be stated that the full-fledged legal aid is always the core of justice. Justice demands 'equality before

law' and when the treatment of law is unequal before the law, the legal aid seems merely a formality. In other ways, the legal aid has always be the part and inherent stakeholder of the formal justice system. It requires the commitment and the sincerity of the judiciary too. Hence, the sincerity reveals many things but in reality, the problems are created not by the artificial buildings or complexes, it is the human actors who represent the legal institutions and the service means the reflections of the human behavior in compliance to the law. Thus, reforming system means reforming human behavior and human conduct, this is foremost and significant. In the same philosophical line, the legal aid has also been treated as the people-oriented service which the relevant actors should take into consideration along with the suggested requirements.

A Stakeholder's reflections on CeLRRd's PLA program

म नख्खु कारागारमा २ वर्षदेखि जेलरको रुपमा कार्यरत छु। मेरो यहीं कार्यकालमा सेलर्डको बन्दी कानुनी सहायता कार्यक्रम र त्यसमा कार्यरत साथीहरूसँग चिनजान भयो। विगत १ वर्षदेखि सेलर्डले नख्खु कारागारमा रहेका बन्दीहरूलाई निःशुल्क कानुनी सेवा प्रदान गर्दै आएको छ। सेलर्डका अतिरिक्त अरु संस्थाहरूबाट पनि यो सेवा प्रदान गरिएको थियो तर तिनीहरूबाट यसको निरन्तरता नहुने र बीचैमा मुद्दा छाडेर जाने जस्ता समस्याहरू सिर्जना भए तर सेलर्डले आफ्नो सेवा निरन्तररूपमा प्रदान गरिरहेको छ।



Madhav P. Pokhrel
Jailor, Nakhu Jail

जेलरको हैसियतले भन्नु पर्दा धेरै बन्दीहरूले यो संस्थाबाट सेवा लिन सक्नेछन् भनी विश्वास गरेकोछु। सेलर्डले निःशुल्क बहस पैरवी मात्र हैन मुद्दाको अन्तिम टुङ्गो नलागेसम्म चाहिने सेवा जस्तै नक्कल सार्ने, विभिन्न निवेदनहरू तयार गर्ने, कानुनी परामर्श दिने लगायतका कामहरूमार्फत बन्दीहरूलाई अधिकतम सेवा प्रदान गरिरहेको छ।

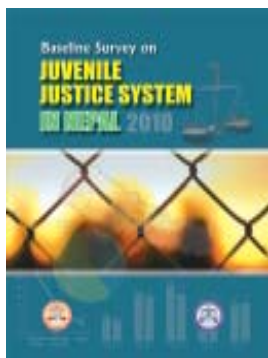
त्यसैगरी सेलर्डद्वारा प्रदान गरिएको पारालिगल (Para

Legal) तालिम पनि धेरै फलदायी र प्रभावकारी छ। यसले बन्दीहरूबीच कानुनी सचेतना र उनीहरूले उपभोग गर्न पाउने अधिकारहरूको बारेमा सूचित हुन मद्दत पुऱ्याएको छ। सेलर्डको सेवाप्रति धेरै बन्दीहरू आशावादी देखिन्छन्। यो सेवा निरन्तर रूपले अगाडि बढ्यो भने अझ राम्रो हुन्छ यो कार्यक्रम अन्तर्गत कार्यरत साथीहरू अत्यन्त सहयोगी हुनुहुन्छ। उहाँहरूले बन्दीका मुद्दालाई गहनरूपले अध्ययन गरी बहसपैरवी गरेको कुरामा कुनै दुईमत छैन।

3. JUVENILE JUSTICE

DISSEMINATION OF JUVENILE JUSTICE BASELINE SURVEY REPORT

On 8th Dec 2010, a program was held to disseminate the Baseline Survey Report on Juvenile Justice (JJ) System of Nepal, a joint research work done by CeLRRd and Kathmandu School of Law. Hon'ble Khil Raj Regmi, Justice, SC and President of the Juvenile



Dr. Yubaraj Sangroula briefing about the Juvenile Justice findings



Justice Coordination Committee was the chief guest of the book-release program. Providing a synopsis of the findings of the research, Dr. Yubaraj Sangroula, the research team leader contended that the distinction between juvenile justice system & criminal justice system is not found in Nepal keeping in view that criminal liability is not the 'thrust' of the juvenile justice; the sensitivity towards rights & best interests of child is still weaker in Nepal's justice sector; the majority of the juveniles facing the criminal charges come from economically poor background and about two-third majority of juvenile population awaiting trial are languishing in jails in an extremely adverse condition.

Capacity building training to juvenile justice stakeholders in Nepalgunj



Hon'ble Khil Raj Regmi expressed that though law has provisioned for a separate juvenile bench in each district

court, it has not been fully materialized, and the only existing correction home is inadequate and lobbying should be done for establishing more such homes. Hon'ble Gauri Pradhan, Member, NHRC stressed to introduce proper diversion mechanism and popularizing informal justice system as the local safety nets at the community level can only protect the best interests of the children in conflict with law. He opined that very nominal percent juvenile cases come before the formal justice mechanism and a large percentage of such cases do not encounter the system, and therefore, it is hard to properly analyze the juvenile delinquency trend. He also wished that the research could have shed light into such cases wherein those children previously in conflict with law and have stayed in the reform home have been relapsed into crimes again. To prevent such recidivism, he focused on adopting diversion as an appropriate measure.

Dr. Ram Krishna Timal, Registrar, SC said that it's time to revisit the Juvenile Justice system and that only juvenile in conflict with law should not be looked into, however, juvenile in contact with law (juvenile victims) should also be mainstreamed in the justice mechanism.

He highlighted that the survey would help the government to a great deal to sketch the roadmap to reform the JJ system. 53 JJ stakeholders from different judicial bodies, funding agencies, Central Child Welfare Board, police force, and Bar Association.

CAPACITY BUILDING OF JJ STAKEHOLDERS

To capacitate the Justice Sector actors to better deal with juvenile cases, a three-day training on Juvenile Justice was held in Nepalgunj from December 17-19, 2010. The training covered some 26 participants including senior police officer, prosecutor, court officials and lawyers from Dang, Surkhet, Banke and Bardiya.



4. ANTI-TRAFFICKING INITIATIVES

SENSITIZATION WORKSHOPS FOR ANTI-TRAFFICKING STAKEHOLDERS ON HTT (C) ACT

Workshops held in Morang, Makwanpur, Banke, Kailali, Kanchanpur, Nawalparasi, Udayapur and Dang.

Through 8 one-day workshops on Human Trafficking and Transportation (Control) Act 2007 held in the above-mentioned districts, the understanding of 226 stakeholders on the recently promulgated Human Trafficking and Transportation (Control) Act 2007 has been increased and are also sensitized on how they behave sensitively with trafficking victims with their rights protected. Along with providing the ins and outs of the Act, the workshops also helped to know about its implementation situation, the procedural complications faced by the concern stakeholders, and also trends of trafficking cases.

Murari Prasad Paudel, District Attorney, Nawalparasi and LDO Prabha Shrestha, Dang focused on building awareness on the Act, its procedures and provisions rigorously as many stakeholders are still unaware of the provisions of the Act despite its enactment few years back. However, for the implementation of the Act, there lack enough resources, determination and capacity enhancement trainings, said Dang DC Judge Mohammad Jubed Ajad. The provision of compensating the victims directly from perpetrators' side creates space for imbalance of justice to the victims. The compensation happens to be proportional to the property owned by the perpetrator.

District judge, district attorney, police, representatives from district legal aid committee, representative from bar and different NGOs in the respective districts discussed.

CAMPAIGNING WITH PARALEGAL WOMEN

One-day interactions with the paralegal women of some VDCs of the afore-mentioned districts were organized at the respective VDCs on various dates to bring clarity on the issues entailing gender based violence and trafficking. The roles of the state, civil society organizations, and



Anti-trafficking orientation in Makwanpur

community people and the safety measures that can be adopted to curb trafficking were dealt upon. The paralegal women's understandings on the new provisions made to control trafficking and their implementation were enhanced. Besides, discussing on the issues of polygamy, rape, and domestic violence that frequently transpire in societies, the paralegal women shared their relevant works and expressed their zeal to reach to a greater number of such victims for support and to check such incidents. Over 700 women paralegals were engaged in the cause.

Legal aid and counseling services are provided to 21 cases of trafficking victims/survivors



CDO Taranath Gautam addressing anti-trafficking stakeholders of Rupandehi district

5. DEMOCRACY, GOOD-GOVERNANCE AND HUMAN RIGHTS

TOT FOR CONSUMER RIGHTS VOLUNTEERS ON DEMOCRACY, HUMAN RIGHTS AND GOOD GOVERNANCE HELD

To foster democracy, human rights and good governance, CeLRRd has recently embarked into advancing the issue of consumer rights from a new vantage point.

A three-day TOT for Consumer Rights Volunteers was held in Chitwan from 22-24 Dec 2010. *It aimed to broaden the horizon of Consumer Rights that is still very much narrowed to the rights regarding products we consume, and so does our Consumer Protection Act. However, it sustains the logic that as we are also the consumers of democracy, human rights and good governance, we should be awake for consuming our constitutionally guaranteed rights and also give due consideration to our duties.* 30 Consumer Rights Volunteers from 15 different districts have been selected to advocate for this new dimension of consumer rights in their respective districts.

The essence of democracy and the roles of civil societies to promote democratic ideals were explored. The volunteers were even invoked to ask if they were enjoying the fruits of democracy and rights as committed by the state through several provisions. However, it was also considered that while demanding rights, due importance should be given to the duties we need to fulfill, and for this self-review becomes important. Human

rights were discussed to have had linkages with democracy in such a way that in the absence of one, the other cannot be guaranteed. The provisions of HR in Interim Constitution of Nepal and duties of people for its implementation were also highlighted.

PARALEGAL TRAINING TO LAND RIGHTS ACTIVISTS FOR THEIR CAPACITY ENHANCEMENT

CeLRRd in coordination with Community Self Reliance Center (CSRC) held a three-day paralegal training from 1 to 3 October 2010 in Biratnagar for 24 community land rights activists from eleven remote districts. They were oriented about a wide range of issues broadly under legal and constitutional provisions relating to land and how those rights can be attained. Tenant system, land ceiling for landlord and tenant, legal administration, hierarchy of courts and their jurisdictions, quasi-judicial bodies and their jurisdictions, Locus Standi and limitation were dealt upon. Furthermore, sessions were also held on legal provisions regarding land cultivation, land registration, transfer and its procedures, encroachment of land, distribution of land, ownership, legal provision of house making, handover and partition of land, legal provisions regarding public land, forest zone, buffer zone, land acquiring system by Government for the public interest and national interest.

Commenting upon the training's effectiveness, one of



▶ Executive Secretary Anjan Kumar Dahal taking a session on good governance?



Participant sharing her experiences

the participants from Mahottari expressed that it had given them in-depth understandings on land rights which they believe would ease their advocacy for land rights for the landless people. He also said that though law had entitled landless people with several rights, they did not know how to advocate on those issues to attain them. Adv. Lilamani Paudel, Adv. Sukhadev Sapkota, and Adv. Ganesh Raj Luitel, CeLRRd facilitated the training.

APPRECIATIVE INQUIRY TRAINING HELD

To build positive thinking amongst the field staffs, and help them appreciate the works that they are engaged in, a three-day Appreciative Inquiry training was held

in Chitwan from 25-27 Dec 2010. The program targeted to retain and nourish the team spirits of respective locations so that they act better to fulfill the organizational short-term and long-term goals. Mr. Dhruva Acharya from Pragma Management Group facilitated the training. He inculcated understandings on the features of an effective team, leadership qualities, sensitivity towards communal responsibilities, power of a positive and committed mind amongst others. The importance of making plans and their implementation, acknowledging others' good works, and envisioning the way forward was discussed. Eventually, they could reflect on how they deal with concerns of personal and professional lives informed by positive thinking. In the same line, they also identified the areas that they need to improve for enhancing their performances. 21 staffs attended the training workshop.



