



## Dealing with Structural Change for Peace & Justice

### Strengthening Judicial Services and Mediation to provide access to justice

#### Background

*Strengthening Local Judicial Structure and Mediation Process on Local Level* is a project of Human Rights Forum Nepal (HURF) implemented in cooperation with Civil Peace Service (Ziviler Friedensdienst, ZFD) under Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. The project, which is implemented in coordination with the local governments since 2017, focuses on strengthening the judicial structures of Province 1.

Lack of establishment and facilitation of the local judicial system has created a barrier for citizens in getting access to justice. Although citizens register cases at the local judicial committees as per the law, their cases are not addressed on time and not processed in an effective manner due to the absence of functional judicial structures.

#### Objective & Scope

Introduced with the promulgation of the new constitution in 2015, the local judicial system is still new to Nepal. The constitution provides for the establishment of a federal system. The judicial committee (JC) is a constitutional body that works as a local judiciary headed by a deputy of the local government. The local governments and stakeholders do not have clarity on the importance, need and role of the judicial structures. It holds the right to settle disputes through decision making as well as the mediation process.

Judicial law, working procedures, mediation centers, trained mediators and guidelines are the basic needs of the JC to function, which must be passed and implemented by the local governments. Local governments are often not aware of the term of mediation and believe that the traditional dispute resolution practice in Nepal, which is like arbitration, is also defined as mediation. In this context, the project was developed to bring a common consensus on the policy, procedure, and practice to initiate judicial services at the local level. The project focuses on addressing the lack in policies, raising awareness of the importance, transferring knowledge and skills and encouraging a collective effort to promote access to justice for all.

The project aims to strengthen the local judicial system in Province 1 and enable key stakeholders to ensure public service delivery. In order to fulfill this aim, building a common consensus among local governments on the needs of JC, mediation services, laws, guidelines, and human resources to establish judicial services is emphasized throughout the project. This has finally led to the support for unification of the JC by the Chief Attorney of Province 1 and other key stakeholders.

#### Objectives of the programme

- To advocate the need for a judicial system, the role of organs of the local governments, and the need for local laws and procedures to establish and execute the judicial function.
- To strengthen the capacities of the local JC, by informing about their role, substantive and procedural laws, practices and procedures.
- To raise awareness on mediation and encourage local governments and JC to establish mediation services at the local level.

#### Approach and Implementation

- Raising awareness of the local governments on the benefit of mediation services at the local level.
- Advisory support to local governments on implementing judicial laws and establishing mediation services.
- Capacity development of mediators to establish mediation services and technical support to establish mediation centers.
- Creating a platform to build province level consensus on the unification of law, processes and practices of the judicial system.
- Raising community awareness to access judicial services, especially mediation services.
- Coordination and collaboration with the local government and support to identify the gaps and support based on the local context.
- Orientation to the Local Executive Board on their role, judicial functions, legislative and judicial committee including their roles and responsibilities, code of ethics, and the need of laws to ensure a functional judicial system.

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Public awareness raising on the mediation process

## Results of the project

The activities of the project have led to the initiation of a standardized local judicial system in Province 1. All the local governments started to pass the respective laws and. Guidelines, prepared infrastructures and established services.

A common consensus among local governments, judicial committees and mediators on the local judicial system, structure, laws, procedure and practice is developed. As a result, the unification of laws, procedures, and practices is prioritized in Province 1. Mediation centers are established, cases are registered, processed and settled through mediation or decision making, and the judicial system has started to function and found to be effective in providing access to justice to the vulnerable citizens in term of distance, finances, process and harmony.

- Province government's Office of the Chief Attorney accepted ownership of the effort and invited HURF to work jointly to bring unification on the judicial law, processes and practices. Since 2019, HURF and the Office of the Chief Attorney are working together to achieve unification of the judicial system.
- Out of all 137 JCs in Province 1, 98 JC have been trained and started to function implementing similar laws, processes and practices.
- 507 mediation centers have been established and are functional in 90 local governments so far.
- More than 2200 mediators are listed by local judicial committees in 90 local governments.
- More than 8300 cases are registered, out of which more than 4700 cases are settled through mediation.
- 49.15% of total cases are filed by female first party and 50.85% are registered by male first party.



Published by	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH  Registered offices Bonn and Eschborn, Germany  Civil Peace Service (CPS) Programme Nepal, Khumaltar, Lalitpur Programme Coordinator: <a href="mailto:sophie.schmitt@giz.de">sophie.schmitt@giz.de</a>   <a href="https://www.giz.de/en/worldwide/31648.html">https://www.giz.de/en/worldwide/31648.html</a>	On behalf of	Federal Ministry for Economic Cooperation and Development (BMZ)		
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