

(Grant Project Number G-011)

FINAL REPORT

***INCREASED ACCESS TO JUSTICE FOR
DALIT, WOMEN AND POOR IN MAHOTTARI***
February 2006 - January 2007

Prepared/Submitted by
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List of acronyms:

| | |
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| RCDSC | Rural Community Development Service Council |
| VDCs | Village Development Committees |
| DDCs | District Development Committees |
| JCC | Justice Coordination Committee |
| CMC | Community Mediation Center |

Executive Summary

This is the final report of the project "Increased access to justice for Dalits, women and poor in Mahottari district", implemented by RCDSC and funded by ARD Inc. Rule of Law project/USAID Nepal, that describes progress, achievements, experiences, lesson learned and recommendations for the project period starting from February 2006 through January 2007.

The main objective of the project is to increase access to justice for Dalits, women and poor. Under the main objective, there were four sub-objectives of the project. These sub-objectives were:

- Increased awareness of the VDC and district level individuals and stakeholders involved in justice mechanism on human rights, gender and dalit issues,
- Enhanced a proper justice mechanism in VDCs to increase speedy and quality justice for Dalits, women and poor,
- Increased legal aid for Dalits, women and poor at the district level to facilitate them for providing cost effective and quality justice and
- Strengthened justice mechanism at district level to raise attention of the concerned stakeholders of judicial and quasi-judicial bodies for speedy and quality justice for Dalits, women and poor.

To realize these objectives, several activities have been planned and implemented during the project period from February 2006 through January 2007 in the five project VDCs namely **Mahottari, Matihani, Parsapataili, Soharwa and Dhirapur** and district level in Jaleswor municipality of Mahottari district. Major program components were: *a) Community Mediation program b) Free Legal Aid program and c) Capacity building of VDC and district level stakeholders on human rights, gender and dalit issues, rights based approach, community mediation and free legal aid for access to justice to dalits, women and poor.*

The project has been implemented in close coordination with district level judicial and quasi judicial bodies, stakeholders of DDC and VDC levels. Every activity were planned and implemented in coordination with them. Moreover, consultation meeting were held with VDC level stakeholders in selection of community mediators, establishing the community mediation centers and also conducting the training/ workshops at VDC level. Similarly, RCDSC has consulted with ARD/ROL for technical backup to mobilize national level resource persons.

Under community mediation initiative, fifty community mediators (7 female, 43 male) from five VDCs were trained representing 10 mediators from each VDC. Among them, 3 female and were from Dalit community. They were all familiarized with the stakeholders of VDC and district level. The mediators are involved mediating disputes at community level. RCDSC is highly encouraged that the offices of five project VDCs have provided a room for community mediation purpose. The community mediators are sensitized on gender and caste issues, rights of dalits and women. Moreover, linkage of the mediators with district level judicial and quasi-judicial bodies has been established. The mediators are effectively performing their services in the communities voluntarily. Another encouraging results achieved were that a total of 39 cases has been settled through mediation in five project VDCs after July 2006.

A total of 165 persons (79 female, 86 male) involved in VDC level justice dispensing mechanism from five VDCs including VDC secretaries, representatives from social activists, leaders of political parties, CBOs, health posts, agriculture service centers and the mediators have been sensitized on human rights, caste and gender based discrimination and violence. As a result, their attitudes and behaviors have changed

towards the issues of women and dalit. They have started to sit and eat together with dalit and to respect dalit's voices during the discussion and accessing justice.

A district level, Justice Coordination Committee (JCC) consisting 14 members (3 female 11 male) has been formed with a coordinator, eight members and five advisors. Representatives from judicial and quasi-judicial bodies at district level, human rights organization, media persons and community mediator are involved in the JCC. The JCC has been working as a coordinating agency for speedy disposal of cases filed in the judicial and quasi-judicial bodies in district and facilitating victims for speedy and quality justice. Furthermore, the JCC will facilitate to the needy victims to get free legal aid from Bar Association and District Court Mahottari and also encourages parties of civil cases to settle through mediation.

In total, 30 persons (8 Female and 22 Male) at district level, including the JCC members are oriented on the community mediation process; rights based approach for empowerment, gender and human rights. In this way, they are familiarized with the community mediation program, which is being implemented by RCDSC under the project. The JCC members have started facilitative role to acknowledge the cases by district level judicial and quasi-judicial bodies, which are settled through community mediation process in the community in order to provide speedy justice to the poor, women and Dalits at the minimum cost.

Through a district level workshop by mobilizing national level resource persons, (4 female and 49 male) from concerned stakeholders of judicial and quasi-judicial bodies of Mahottari district, representatives of human rights organizations, civil society organizations and media persons are sensitized on the current situation of the disposal of cases related to Dalits, poor and women and the challenges of speedy disposal of the cases to provide quality justice especially to Dalits, women and poor in Mahottari district.

Under the free legal aid program, 9 persons (7 female and 2 male) from dalits and poor community received free legal aid support and a total of 11 cases were filed in court. Among the 11 cases, one rape case has been given high priority by the court and the court has ordered to arrest the opponents. It is remarkable achievement that the project despite of various external difficulties faced during the implementation.

The concerned officials of District Court and Bar Association Mahottari have realized that the procedure of getting free legal aid is difficult to the needy victims and there is a need to simplify the process to make it easily assessable to the poor, dalit and women. They have expressed their commitment to take initiation in this issue. Also, RCDSC has realized that there should be a regular follow up and support to encourage District Court and Bar Association to bring their commitment into the practice.

Likewise, the mediators have started to share their work and document the mediation cases in their regular monthly meeting. It is felt that the mediators need to establish a linkage of their work with the district level justice mechanism and they need a regular facilitative support to continue the mediation initiatives in the community. Furthermore, the mediation program has created a high demand from other adjacent VDCs of the district. Based on the present learning, it highly recommended that the program should be expanded throughout the district to meet the demand strategically that helps to achieve a greater impact towards increasing access to justice for Dalits, women and poor in a true sense.

With the experiences of one year project implementation, It is felt that the community mediation program should be continued by mobilization of the VDC resources. However, the mediators need technical as well as coordination support to establish the community mediation activities in community. Therefore, the project period should extend for at least two years to build capacity of the community mediation centers, and district level JCC.

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1. Background

Rural Community Development Service Council (RCDSC) as a grantee of ARD, Inc ROL Project has implemented a project- "Increased access to justice for Dalits, poor and women" in Mahottari district for a year- starting from February 2006 through January 2007.

The project area covers five Village Development Committees (VDCs) - Mahottari, Matihani, Parsapataili, Soharwa and Dhirapur; and at district level at Jaleswor Municipality of Mahottari District in the Central Development Region of Nepal. The social structure of project VDCs is based on hierarchical caste and patriarchy system. Other issues, such as instances of cultural violence, domestic violence, women/child trafficking, caste/class and communal conflict etc are major causes that hindered the development process of the communities of the project VDCs and the district level as well.

RCDSC has been working in the communities of Mahottari District in the field of promoting human rights and reducing gender-based and domestic violence. Based on the experiences, RCDSC found that it is essential to provide legal aid to victims of caste-based, gender-based discriminations and violence and violation of human rights. These experience provided RCDSC opportunities to bring out the issues and interact with the district and VDC level justice mechanism.

In this context, RCDSC has designed and implemented this project based on the experiences of the Dalits, women and poor who are deprived of access to justice and speedy and quality justice.

2. About the Project

2.1 Project Name: Increased access to justice for Dalit, Women and Poor in Mahottari.

2.2 Grant No: G-011.

2.3 Objectives:

- Increased awareness of the VDC and district level stakeholders involved in justice mechanism on human rights, gender and dalit issues,
- Enhanced a proper justice mechanism in VDCs to increase speedy and quality justice for Dalits, women and poor,
- Increased legal aid for Dalits, women and poor at the district level to facilitate them providing cost effective and quality justice and
- Strengthened justice mechanism at district level to raise attention of the concerned stakeholders of judicial and quasi-judicial bodies for speedy and quality justice for Dalits, women and poor.

2.4 Total Budget: NRs-1859300.00

3. About the Report

This is the final report of the project "Increased access to justice for Dalits, poor and women in Mahottari district", implemented by RCDSC and funded by ARD Inc. Rule of Law project/USAID Nepal, that describes progress, achievements, experiences, lesson learned and recommendations for the project period starting from February 2006 through January 2007.

The report includes a brief descriptions of planned and achievements of each activity. After brief description, major outcomes of the activities, problem faced during the implementation of the activities, lesson learned and recommendations are presented in the report. List of Mediators, members of JCC, participants of training/workshop/meeting, and training/workshop schedule are included in the annexes.

4. Planning and achievements of each activity of the project

List of planned activities; expected outputs and immediate achievements are presented in the table below;

| SN | Activities | Expected Outputs | Immediate Achievements |
|---|--|--|---|
| Sub-objective 1. Increased awareness for the VDC and district level persons involved in justice mechanism on human rights, gender and Dalits issues. | | | |
| 1 | Training on human rights to VDC level stakeholders | <ul style="list-style-type: none"> • 150 people at the VDC level will be trained on human rights • The numbers of incidences to act against human rights violation will increase. | <ul style="list-style-type: none"> • In total 167 (103 male and 64 female) people of the 5 VDCs have participated in two days training on human rights. There were 17 more participants than planned due to the issue being a pertinent and interest of the local stakeholders. • The participants have made commitment to act against violation of the human rights at home as well as in the community. |
| 2 | Training on human rights to district level stakeholders | <ul style="list-style-type: none"> • 60 persons related to justice mechanism at the district level will be aware on human rights. • While working for settlement of cases and giving verdicts the people related to justice system will keep human rights in mind. | <ul style="list-style-type: none"> • In total 60 persons (53 male and 7 female) related to justice mechanism at the district level participated in two days training on human rights. |
| 3 | Training on Gender and Gender based violence to VDC level stakeholders | 150 persons at the VDC level will be trained to oppose gender discrimination and violence. | <ul style="list-style-type: none"> • In total 165 (103 male and 62 female) people of the five VDCs participated in two days training on gender-based violence. There were 15 more participants in the training than planned due to the issue being a pertinent and interest of the local stakeholders • The participants have made commitment to oppose the gender-based violence at home as well as in the community |

| | | | |
|---|---|--|--|
| 4 | Training on Gender and Gender based violence to district level stakeholders | 60 persons at the district level will be trained to oppose gender discrimination and violence. | <ul style="list-style-type: none"> • In total 60 persons (53 male and 7 female) related to justice mechanism at the district level participated in two days training on Gender-Based violence. |
| 5 | One day workshop on caste discrimination and violence | 150 persons of all five VDCs will be sensitized on caste based discrimination and violence. | <ul style="list-style-type: none"> • In total 165 people (103 male and 61 female; # mismatched ?) have been sensitized on the issues of caste-based discrimination in the community. There were 14 or 15 more participants than planned due to • They all agreed to work against such discriminations in the community and start from their home. |
| 6 | One day workshop on caste discrimination and violence at district level | 60 persons will be sensitized on caste based discrimination and violence. | <ul style="list-style-type: none"> • In total 53 persons (47 male and 6 female) • related to justice mechanism at the district level are sensitized on caste based discrimination and violence. They have made commitments to consider these issues while working in the justice procedure. There were seven participants less than original plan because some participants could not participate due to their own business. |

Sub-Objective 2. Enhance proper justice mechanism in VDCs

| | | | |
|----|---|--|---|
| 7 | Selection of community mediators | 50 persons from five VDCs (10 from each) will be selected as community mediators | 50 persons (10 from each five VDCs) have been selected as community mediators. (7 female and 43 male) |
| 8 | One day workshop at VDC level on the role and responsibilities of community mediators | The mediators and stakeholders will become explicit about the role and responsibilities of the mediators. | <ul style="list-style-type: none"> • One day workshop on the role and responsibilities of community mediators was held in all five VDCs • VDC level stakeholders are now aware on the role of community mediators. |
| 9 | Community mediation training | In total 50 persons will get five days community mediation training. They will enhance skills and knowledge on community mediation | <ul style="list-style-type: none"> • 50 community mediators (7 female and 43 male) actively completed five day-long community mediation training • They have developed basic knowledge and skills of interest based mediation |
| 10 | Human rights training for mediators | The 50 mediators of all five VDCs will become aware on the various issues of | <ul style="list-style-type: none"> • 50 community mediators (7 female and 43 male)actively completed two day-long human rights training |

| | | | |
|----|--|--|--|
| | | human rights. | <ul style="list-style-type: none"> • They have been sensitized on the issues of human rights and agreed to consider the issues of human rights while conducting community mediation. |
| 11 | Training on Gender and Gender based violence to the mediators | The 50 mediators of 5 VDC's will be aware on the various issues of gender-based violence. | <ul style="list-style-type: none"> • 50 community mediators (7 female and 43 male) actively completed two day-long gender training • They have been sensitized on the issues of gender-based violence at home and in the community and agreed to consider such issues while conducting community mediation. |
| 12 | Training on caste discrimination and violence to the community mediators | The 50 mediators of 5 VDC's will be aware on the various issues of caste-based violence. | <ul style="list-style-type: none"> • 50 community mediators actively completed two day-long caste discrimination and violence training (7 female and 43 male) • They have been sensitized on the issues of caste-based violence in the community and agreed to consider such issues while conducting community mediation. |
| 13 | Monthly meeting with the community mediators | 12 events of one day meeting will be held with the community mediators. The community mediation activities will be documented including the problems and lesson learned. | <ul style="list-style-type: none"> • 7 events of a day-long monthly meeting held with the community mediators. • The meeting focused on the monthly progress of the mediators, sharing of the cases, which they mediated in the month, and problems they faced. • The cases, which the community mediators settled through mediation, are documented. |

Sub-Objective 3. Increased legal aid for poor, women and Dalits at the district level

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|---|---|---|--|
| 1 | One day workshop on legal at district level | <ul style="list-style-type: none"> • (Any quantitative planning?)-better to follow consistency outlined in above table) The participants of the workshop will be committed to implement the rules regarding legal aid effectively. • It will contribute in establishing the proper producers and modalities of implementation of the provision of the legal aid. (not clear sentence) | <ul style="list-style-type: none"> • In total 53 persons (47 male and 6 female) related to justice mechanism at the district level participated the workshop |
| 2 | Advocacy with district court for effectiveness of free legal aid | <ul style="list-style-type: none"> • The no. of cases pleaded by the paid advocates will increase. • The number of dalits and poor taking free legal aid from the paid advocate will be increased. | Though the separate activity for this purpose has not been planned RCDSC tried to convince the officials of district court, Mahottari to initiate a provision of free legal from the court. RCDSC has initiated dialogue with the district judges, leaders of political parties and other stakeholders for this purpose through the participation in meeting, training and workshops. |
| 3 | Advocacy with Bar Association for effectiveness of free legal aid | <ul style="list-style-type: none"> • The no. of cases pleaded by the paid advocate will increase. • Numbers of dalits and poor taking free legal aid from the paid advocate will be increased. | RCDSC has discussed with the members of Bar Association, Mahottari in this regard. The leaders of Bar Association, Mahottari have agreed to promote free legal aid especially for dalit, poor and women who are denied from basic human rights. |
| 4 | Dissemination and information on legal aid | <ul style="list-style-type: none"> • 1000 Posters on the community mediation program will be published and disseminated to the community people, stakeholders of the VDCs and district level • 20 hording boards on the provision of legal aid will be developed and fixed in appropriate places of different parts of district • 5000 Pamphlets on the importance of rule of law, access to justice and community mediation will be published and disseminated. | <ul style="list-style-type: none"> • 1500 posters (Three types, size 18x24 inches and 500 copies each) are published and disseminated. We felt that the posters are more effective and easier to present in workshop, meeting as well as informal discussion with the targeted people. Therefore we printed more copies than the targeted. • 10 Hording boards are fixed in ten different places of the project VDCs and municipality. We developed and disseminated posters more that targeted. Therefore we reduced the number of hoarding boards. • 15000 copies of pamphlets are published and disseminated in Mahottari district. The pamphlets are in simple Maithili language. We felt that it is easier to disseminated |

5. Project Implementation Processes and Strategies

The project has been implemented in close coordination with district level judicial and quasi-judicial bodies, stakeholders of DDC and VDC levels. Every activity were planned and implemented in coordination with them. Moreover, consultation meeting were held with VDC level stakeholders in selection of community mediators, establishing the community mediation centers and also conducting the training/ workshops at VDC level. Similarly, RCDSC has consulted with ARD/ROL for technical backup to mobilize national level resource persons.

To maintained smooth coordination and monitoring, executive members of RCDSC have performed monitoring of each activity and shared the findings in executive committee meeting every month. The field coordinator was key staff of implementing the activities at district level whereas the program coordinator was responsible to maintain monitoring of the activities, to prepare and submit quarterly reports to ARD/ROL and maintain coordination at district as well as central level.

Some activities, such as refresher training on community mediation and establishment of community mediation centers at VDCs, added on the basis of felt needs of the community mediators and suggestions of the stakeholders at district and VDC level. Such activities were designed and planned with the approval of ARD/ROL.

6. Major achievements and outcomes of the project

6.1 Mediation Program

- Base on the selection criteria, a total of fifty community mediators (10 persons from each of five project VDCs), female 7 and male 43 have been selected and trained on the basic knowledge and skills of community mediation. They are now involved in conflict resolution initiatives through the community mediation process. In addition, they have been familiarized with the concept and principles of rights based approach, the rights of Dalits and women and the role of mediators to promote access to justice of the Dalits, women and poor.
- In total 24 cases have been settled by the mediation process after community mediation training on July 2006.
- A total of 165 persons who are connected with the VDC level justice system and stakeholders of five VDCs (VDC secretary, agriculture service centers, leaders of political parties at VDC level, representatives from health posts, representatives of CBOs and the mediators of the VDC), were sensitized on caste based discrimination and violence. As a result of this activity, the VDC level stakeholders became sensitive towards issues of caste discrimination and they are involved in different activities working against such issues. ***"Local leaders of political parties, VDC officials and even the local priests have participated in interaction program on caste discrimination and their behaviors have changed after this program"- A dalit activist of Parsa Pautaili VDC.***

A happy moment for Mrs. Rebo Devi

The disputing parties, who have settled their disputes through the mediation, have expressed their reflection that they are very happy by finding the mediators at their own village. They expressed that they are able to settle their cases without spending money and time. Mrs. Rebo Devi, a Dalit woman of Parsa Pataili VDC, expressed her feeling, "Joginder and Binod, Community Mediators, helped me easily settle an exchange case between my husband and our neighbor Shivanarayan. If they were not in the village, I had to go to police office and had to spend Rs.1000 - Rs. 1500 for wine and tea, which is impossible to me. Because, my husband is not in the village and I had to deal alone in settling the case."

"Attitudes of local people have been changed after the implementation of the mediation program. Now, the upper caste villagers sit and eat together with us and behave us humanly. "-Ms. Rita Devi Mahara, a Dalit woman of Mahottari VDC,

- As a result of meeting of mediators with the stakeholders, the stakeholders at VDC level committed themselves to change their attitude

and behaviors towards Dalits to work to end caste based discrimination and violence in their VDCs. They also expressed their commitment to help the mediators in cases related to caste based discrimination and violence.

- The meeting of mediators with stakeholders has contributed to develop close coordination with VDCs to increase access to justice for the Dalit, women and other excluded groups by promoting community mediation process. The VDC officials and other stakeholders have expressed their commitment to support on mediation process. The VDCs secretaries and other stakeholders responded positively and they provided rooms (safe and appropriate rooms) for mediation purpose in the VDCs offices. RCDC has supported furniture and stationery to establish the mediation centers. It has helped to institutionalize the community mediation activity with the positive support and coordination from the VDCs and other stakeholders.

6.2. Legal aid Program

Under this program, mainly three activities were implemented. They were: dissemination of information on free legal aid, a daylong workshop on legal aid workshop at district level and free legal aid services to Dalits, women and poor for court representation.

The major outcomes of the free legal aid are - free legal aid services was provided to 9 persons (7 female and 2 male) from dalit, women and poor community and a total of 11 cases were filed in court through RCDSC's own lawyers team. Among the 11 cases, one rape case has been given high priority by the court and the court has ordered to arrest the opponents. Now the opponents are in jail and final hearing was scheduled on December 19, 2006. In transaction case, the court has called the opponent to present his evidence at the court on December 18, 2006. (Please see table below: Status of Free Legal Aid cases)

RCDSC disseminated Information about provision of free legal aid in Mahottari district by printing 1500 posters and 15000 pamphlets in Maithili language. The key messages in these materials were focused on the information details such as name, place and office where poor, dalit and women can get free legal aids services in the district. Similarly, ten hording boards were developed and fixed in ten major places of the five-program VDCs and municipality. It is helping to increase awareness of the general people on the processes and places where free legal aid services are available. As a result, the number of poor and dalit has been increased in legal aid centers. ***Mr. Uddab Chhetri, the advocate and coordinator of free legal aid committee of Bar Association, shared, "20 persons (14 women and 6 men) from dalit community have approached for free legal aid at Bar Association within the six months (July-December 2006), which is increased on the number of cases compared to only seven in the last year. Among them, 11 persons (8 women and 3 men) have got free legal from Bar Association and others are getting free legal aid from district court for only pleading the cases."*** Furthermore, the victims of gender and caste based violence have visited RCDSC office seeking support. RCDSC staffs have provided counseling services to the victims and encouraged them to settle the case through mediation. If the case is not possible to settle through mediation, RCDSC has provided free legal service for court representation on behalf of the victims. Four cases, out of total cases were settled through mediation and a victim of Rape Case is obtaining free legal aid service for court representation. ***Reiterating the efforts, Ms. Gita Lamsal, an officer at Women Cell of District Police Office Mahottari, highlighted that the numbers of women seeking legal aid services have increased in comparison to last year.***

A daylong workshop on legal aid helped to sensitize the representatives of judicial and quasi-judicial bodies, JCC, human rights organizations, media persons and civil society organizations

on the current situation and challenges of legal aid in Mahottari. The concerned stakeholders from Judicial and quasi-judicial bodies of Mahottari district realized that the process of obtaining free legal aid from District Court and Bar Association is difficult for the Dalits, women and poor. Therefore, the concerned stakeholders urged that the procedures of getting free legal aid should be simplified and actions to be taken in this direction. The main outcome of the workshop was that the participants suggested the JCC to play a facilitative role to the genuine victims for easy access to free legal aid, which is provided by District Court and Bar Association. Now, the JCC members have initiated to play such role. However, we have to wait for a couple of months to see the real impact.

The cases and the beneficiaries to whom RCDSC has provided free legal aid services are presented in a table below;

| SN | Case | Filed date | Current status |
|-----------|---|------------------------------|---|
| 1. | Forgery (Two cases) | May, 2006 August 7, 2006 | The court has given date for final hearing in January 24, 2007 |
| 2. | Rape (One case) | June 16, 2006 | The court ordered to arrest Mr. Ram Babu and Ram Pukar Yadav and imprisoned them for further investigation. Now they are in jail and <i>Peshi</i> (hearing) of the case was held on December 18, 2006. The court has given date for final hearing in January 29, 2007 |
| 3. | Cancellation of deed of partition (Two cases) | April 6, 2006 June 2006 | The court had given the date for pleading on January 23, 2007 |
| 4. | Partition of property (Three cases) | April, 2006 June 22, 2006 | The court called the opponents to present their evidences against the writ. The case is in the process of finalization. |
| 5. | Making void document (One case) | May 2006 | The court had summoned both parties for final hearing in January 22, 2007 |
| 6. | Cheating (One case) | May 2006 | This case is now under consideration in the court. |
| 7. | Transaction (One case) | June 2006 | The court had called both parties on January 18, 2007 to verify the signature and other evidences. |

6.3. **District level stakeholders' capacity building for speedy and quality justice:** Under this activity, the following results and outcomes have been achieved:

- A 13-member district level Justice Coordination Committee (JCC) is formed with the representation of district court, CDO office, Bar Association, Community Mediators, human rights organizations and civil society organizations. JCC meets once in a month and discusses on the situation of justice delivery mechanism at the district level. Further, the committee has created a positive environment to promote community mediation.
- Through the workshops and regular interactions, the concerned stakeholders District Court, Bar Association, Mediators, human rights organizations, Chief District Office, District Police Office and major political parties of Mahottari district have been sensitized on the importance of speedy and quality justice, related to dalit, women and poor. They have identified challenges and areas of improvement for speedy and quality justice to promote access to justice for Dalits, women and poor. As a result of this, a remarkable increase in the number of disposed cases is observed. *Hon. District Judge, Mr. Yadab Kharel expressed that the 25 cases disposed within the two months.* Similarly, The CDO of Mahottari has been very supportive and encouraged JCC to facilitate the disputants to settle the cases through mediation. The JCC has initiated to play a facilitative role for easy access to free legal aid services for genuine victims for Dalits, women and poor, which is provided by District Court and Bar Association. ***It is notable that the CDO office has provided office space for JCC to perform its role effectively.***
- The JCC members have been familiarized with the concept, importance and process of mediation to promote access to justice for Dalits, women and poor. They have been sensitized on their role of promoting community mediation program. Likewise, they have been familiarized with the concept, importance and principles of rights based approach, human rights and rights of Dalits, women and poor. It is expected that the JCC members will work effectively by ensuring the basic principles of human rights. Now, the JCC members have initiated to play such role. To see the real impact, we have to wait for a couple of months.

7. Problems and constraints faced during the implementation of the project

7.1 Mediation Program

- At the beginning, the mediators have faced disturbance due to the lack of separate and safe place for mediation. They have to conduct the mediation process in an open and public place. To provide the safe place, RCDSC initiated dialogue with the VDC personnel in this regard. The VDC personnel agreed to provide a room for mediation purpose at their office. RCDSC has provided necessary furniture and stationery (Register, Ball pen and papers) to document the mediation cases effectively.
- After the completion of the basic community mediation training, the mediators have faced difficulties to document "the agreed points of mediation process" in the form of written agreement. Such skills have been imparted by RCDSC during the refresher training. With this little support, now, most of the mediators have started documenting written agreements of the mediated cases. RCDSC has provided a simple format for this purpose.
- Following the traditional style, the disputants wanted decisions from the mediators and they forced the mediators for that. To convince them, it took a considerable length of time about this new technique of settling disputes by the parties themselves through mediation.

- Due to the Democratic Movement-2 In April-May 2006, the mediators could not organize regular monthly meeting for two months.

7.2 Legal aid

- It is sometimes difficult to deal with women victims. Because, their expectation is very high from lawyers and also they expect that their cases to be settled very quickly.
- Due to illiteracy, they do not provide all the necessary documents/evidences related to the case, which should be presented in front of court by the defendant party. It made difficulties for lawyers when pleading the cases at courts.
- The witnesses of the victims hesitated in the time of cross-examination at the court by the defending lawyer. It has weakened the case and the defendant lawyer gets good opportunity to prove the case wrong.

7.3 District Level Stakeholders' Capacity Building

- Because of busy schedule and frequent movement of the officials of the judicial and quasi-judicial bodies at district level, it was difficult to fix the date and time for district level training/workshop.
- Due to the Democratic Movement-2, programs could not organize at district level for two months in April and May. Programs were hindered with this difficulty to meet the deadline and reporting too.
- Because of the flood in August, the communication as well as transportation between villages and the district headquarter was cut off. The participants from the village could not come to attend the district level program. Therefore, the program was postponed for some days.
- It was felt that the procedure of taking decision in any cases was time taking and complex. However, it could not improve immediately by the district court or other quasi-judicial bodies at district level only because it is linked with the procedural law at national level.
- Due to the time constraints and limited resources for providing free legal aid services through the District Court and Bar Association have, the advocacy initiatives for effective free legal aid services from these offices have not yet been realized.
- There is limited time for a proper follow up after the capacity building training and workshops at VDC and District levels.

8. Lesson learned

- The Community Mediators of the same caste group are more effective than the other caste to settle the cases of their own caste. Therefore, the community mediators should be selected and trained from the same caste as far as possible.
- There should be at least two years project duration to select, train, mobilize and familiarize the Community Mediators and develop linkages of the mediators with district level judicial and quasi-judicial bodies for effective implementation of the program and its greater impact.

- Raising awareness on legal rights and also the legal procedures is necessary especially for the dalits, women and poor. This will help them to access the free legal aid services on time with proper documents.
- It takes time to get verdict from the court. Because, the cases which are filed in District Court Mahottari, will not be disposed even within this year. So, the legal aid services need to be continued for more than a year.
- To improve and establish the mechanism of the justice system for speedy and quality justice, it is not possible by developing capacity at district level only. There are several procedures and policies, which should be amended and reformed from central level. District level bodies should be capacitated for effective implementation and policy making level should be capacitated to amend and reform the procedures which could be in favor of speedy disposal of cases related to excluded-groups of community.

9. Conclusion and Recommendations

In summary, most of the expected outputs of all four main components (Community Mediation program b) Free Legal Aid program and c) capacity building of VDC and district level stakeholders on human rights, gender and dalit issues, rights based approach, community mediation and free legal aid to dalits, women and poor) of the project have been met.

Coordination with district level judicial and quasi judicial bodies, stakeholders of DDC and VDC levels has been developed in promoting access to justice of poor, dalit and women. Fifty community mediators (7 female, 43 male) from five VDCs were trained representing 10 mediators from each VDC. They were all familiarized with the stakeholders of VDC and district level. The mediators are involved mediating disputes at community level. RCDSC is highly encouraged that the offices of five project VDCs have provided a room for community mediation purpose. Moreover, linkage of the mediators with district level judicial and quasi-judicial bodies has been established. The mediators are effectively performing their services in the communities voluntarily. Another encouraging results achieved were that a total of 24 cases has been settled through mediation in five project VDCs after July 2006.

A total of 165 persons (79 female, 86 male) involved in VDC level justice dispensing mechanism from five VDCs including VDC secretaries, representatives from social activists, leaders of political parties, CBOs, health posts, agriculture service centers and the mediators have been sensitized on human rights, caste and gender based discrimination and violence. As a result, their attitudes and behaviors have changed towards the issues of women and dalit. They have started to sit and eat together with dalit and to respect dalit's voices during the discussion and accessing justice.

A district level, Justice Coordination Committee (JCC) consisting 14 members (3 female 11 male) has been formed with a coordinator, eight members and five advisors. Representatives from judicial and quasi-judicial bodies at district level, human rights organization, media persons and community mediator are involved in the JCC. The JCC has been working as a coordinating agency for speedy disposal of cases filed in the judicial and quasi-judicial bodies in district and facilitating victims for speedy and quality justice. Furthermore, the JCC will facilitate to the needy victims to get free legal aid from Bar Association and District Court Mahottari and also encourages parties of civil cases to settle through mediation.

In total, 30 persons (8 Female and 22 Male) at district level, including the JCC members are oriented on the community mediation process; rights based approach for empowerment, gender and human rights. In this way, they are familiarized with the community mediation program,

which is being implemented by RCDSC under the project. The JCC members have started facilitative role to acknowledge the cases by district level judicial and quasi-judicial bodies, which are settled through community mediation process in the community in order to provide speedy justice to the poor, women and Dalits at the minimum cost.

Through a district level workshop by mobilizing national level resource persons, (4 female and 49 male) from concerned stakeholders of judicial and quasi-judicial bodies of Mahottari district, representatives of human rights organizations, civil society organizations and media persons are sensitized on the current situation of the disposal of cases related to Dalits, poor and women and the challenges of speedy disposal of the cases to provide quality justice especially to Dalits, women and poor in Mahottari district.

Under the free legal aid program, 9 persons (7 female and 2 male) from dalits and poor community received free legal aid support and a total of 11 cases were filed in court. Among the 11 cases, one rape case has been given high priority by the court and the court has ordered to arrest the opponents. It is remarkable achievement that the project despite of various external difficulties faced during the implementation.

Baled on the experiences and learning from the project, recommendations are presented in the following points;

Continuation of Mediation Program

- i. The Community Mediators are now familiarized with the VDC and district level stakeholders. And, the community people have started to trust them for settling their disputes through mediation. Community Mediation Centers (CMC) are established with support from the project in collaboration with VDCs. However, there is a need to provide support to the mediators to enhance them with advance skills and knowledge (On analyzing the conflict, documentation of the cases, facilitation skills etc.) so that they will independently perform their services at the community.
- ii. Based on the present learning, it highly recommended that the program should be expanded throughout the district to meet the demand strategically that helps to achieve a greater impact towards increasing access to justice for Dalits, women and poor in a true sense. Therefore, this program should be expanded to all over the district for a greater impact.
- iii. Likewise, the mediators have started to share their work and document the mediation cases in their regular monthly meeting. It is felt that the mediators need to establish a linkage of their work with the district level justice mechanism and they need a regular facilitative support to continue the mediation initiatives in the community.

Capacity Building of JCC

- i. The concerned stakeholders of District Court and Bar Association, Mahottari have realized that the procedures of getting free legal aid services from these offices are difficult to the needy victims and there is a need to simplify the process to make it easily accessible to the dalit, women and poor. They have expressed their commitment to take initiation in this issue.
- ii. The concerned officials of District Court and Bar Association Mahottari have realized that the procedure of getting free legal aid is difficult to the needy victims and there is a need to simplify the process to make it easily assessable to the poor, dalit and women. They have expressed their commitment to take initiation in this issue. Also, RCDSC has

realized that there should be a regular follow up and monitoring to encourage them to bring their commitment into the practice.

- iii. ARD/RCDSC needs to continue/and implement such program at least for two years
- iv. CMC/JCC capacity needs to be strengthened and linked with District stakeholders.
- v. This kind of project interventions need to be initiated/linked up with the national initiatives/at the central level, so that required policies on community mediation would be backed up.

10. Annexes:

1. Schedules of training/workshops
2. List of Community Mediators
3. List of JCC Members
4. List of participants of training/workshop
5. Evidences of legal aid services and mediation
6. Photographs
7. Papers, presented by resource persons in workshops/seminars