

## United Nations Development Programme

Country: BANGLADESH

### Project Document

<b>Project Title:</b>	Activating Village Courts in Bangladesh Phase II
<b>Outcome 1</b>	Develop and implement improved social policies and programmes that focus on good governance, reduction of structural inequalities and advancement of vulnerable individuals and groups
<b>Outcome indicators:</b>	Number of cases settled per year under Alternate Dispute Resolution (ADR) compared to total cases (reported).
<b>Expected CP Outcome(s):</b> <i>(Those linked to the project and extracted from the CP)</i>	As per UNDAF Outcome
<b>Overall objective of the project:</b>	To contribute in improving access to justice for disadvantaged and marginalized groups in Bangladesh
<b>Expected Output(s):</b> <i>(Those that will result from the project)</i>	<p><b>Output One:</b> Local authorities more responsive to local justice needs and offer appropriate legal services in the form of well-functioning village courts.</p> <p><b>Output Two:</b> Local people empowered especially women, the poor and vulnerable groups, to seek remedies for injustices and to resolve their disputes at the local level in an expeditious transparent and affordable manner.</p>
<b>Implementing Agency/Partner:</b>	Local Government Division (LGD)/UNDP

#### Brief Description

The Activating Village Courts in Bangladesh Project (AVCB) Phase II seeks to support Village Courts in Bangladesh as an effective local dispute resolution mechanism. The first phase of the project was piloted from 2009 – 2015 and the success of the pilot has led the Government to seek a scaling-up of the project for a new phase in January 2016 – December 2019. The project is anchored in the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C). During AVCB Phase II the LGD will lead the activation of Village Courts in 1080 Unions, across 8 Divisions. LGD has committed USD 5m to Phase II, with additional financial and technical support provided by European Commission and UNDP Bangladesh.

AVCB Phase II will have three core components:

- Ensuring Union Parishads have resources and capacity to make the village courts function;
- Monitoring Village Courts performance through an effective reporting structure; and
- Empowering the population to seek Village Courts services by increasing their knowledge of Village Court role and function.

The project aims to create a sustainable and effective framework to support Village Courts through these three components, and by ensuring LGD capacity to take over the project by end of 2019.

Programme Period:	Jan 2016 – Dec 2019	Total resources required:	US\$ 37,431,278
Key Result Area (Strategic Plan):	Democratic Governance	Total allocated resources:	US\$ 37,431,278
Atlas Award ID:	00082279	Regular (UNDP)	US\$ 100,000
Start date:	01.01.2016	Other donors (Cash Contribution):	
End date:	31.12.2019	• EU	US\$ 32,504,593
PAC Meeting Date:	10.06.2015	• GOB (Parallel funding)	US\$ 4,422,729
Management Arrangements:	NIM	GOB CD/VAT&Tax Contribution	US\$ 403,956 (BDT 3.4 crore)

### Justification for amendment of ProDoc

This ProDoc has been amended for the following reasons:

- To include the additional 5.22 million USD of EU contribution to strengthen justice mechanisms in the Chattogram Hill Tract (CHT) districts as well as conducting an action research initiative on strengthening the village courts mechanism in CHT districts.
- To reflect the reduction of contribution of 4.58 million USD (2.00 million USD of DANIDA, 1.90 million USD of UNDP, 0.24 million USD of GoB parallel funding and 0.44 million USD of GoB CD/VAT contribution).
- To address exchange loss in GoB parallel funding of 0.33 million USD and exchange gain in EU fund of 0.57 million USD.

Agreed by (ERD):

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13 / Dec / 2018

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## ACRONYMS

AACO	Assistant Accountant cum Computer Operator
AVCB	Activating Village Courts in Bangladesh project
CBO	Community Based Organisation
CJMC	Chief Judicial Magistrates Court
CLS	Community Legal Services
DC	Deputy Commissioner
DDLG	Deputy Director Local Government
DF	District Facilitator
DFID	Department for International Development (UK)
DMIE	Decentralized Monitoring, Inspection and Evaluation
DTP	District Training Pool
DVCMC	District Village Court Management Committees
ERD	Economic Relations Division
EU	European Union
LGD	Local Government Division
MoLGRD&C	Ministry of Local Government, Rural Development and Cooperatives
MTR	Mid-Term Review
NILG	National Institute for Local Government
NPD	National Project Director
PIC	Project Implementation Committee
PMU	Project Management Unit
PNGO	Partner Non-Governmental Organisation
PPP	Public Private Partnership
PSC	Project Steering Committee
UICS	Union Information and Communication Services
UNDP	United Nations Development Programme
UNO	Upazila Nirbahi Officer
UP	Union Parishad
Upz	Upazila
UVCMC	Upazila Village Courts Management Committee
VC	Village Court
VCA	Village Court Assistant
VCMC	Village Court Management Committee
VCNIS	Village Courts Management Information System

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## 1. SITUATION ANALYSIS

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### 1.1. BACKGROUND AND CONTEXT

Bangladesh is widely regarded as the most densely populated country in the world with a population of around 160 million people occupying a landmass of 147,570 square kilometres.<sup>1</sup> Although around 70% of people still live in rural areas, urbanisation is increasing with current estimates suggesting 30% of the population (47,334,620 people) currently live in urban areas - up from around 28% in 2010 and 26% in 2005.<sup>2</sup>

Bangladesh has an impressive track record for growth and development, aspiring to reach middle-income country status by 2021. Despite being prone to political disturbance and natural disasters, the country has seen steady economic growth. The per capita and Gross National Income grew by 5.8% per annum on average in the 2000s and was projected to increase to 8% by 2015. However, economic activity was disrupted by political unrest and uncertainty in the run-up to the January 2014 general elections and political violence from January 2015 which is overcome now. The Government of Bangladesh (GoB) development policy is outlined in the 'Bangladesh Perspective Plan 2010-2021 ('Vision 2021') and the Sixth Five-Year-Plan (6<sup>th</sup> FYP 2011-2015). Vision 2021 is a plan to propel Bangladesh into a trajectory of high growth rates and to the ranks of middle-income countries by 2021. Promoting human development and reducing inequalities are key pillars of Vision 2021, in line with the EU Agenda for Change. Equally, the UN Development Assistance Framework (UNDAF) 2012 – 2016 identifies the reduction of socio-economic inequalities as the main driver of positive change. Vision 2021 addresses education as well as skills development and training of the labour force together with the promotion and sustainability of health and nutrition services. Establishing equal opportunities for women to integrate them cohesively into social and economic spheres is also a core strategic element of the plan.

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#### 1.1.1. SECTOR CONTEXT

Following independence in 1971, the constitution provided citizens the right to elect local authorities (UPs) at all sub-national administrative levels. However, decentralization is yet to fully developed and local government is still depended on resource allocation from the central. The tiers of local government administration in Government comprise Divisions, Districts, Upazilas and Unions at the most local level. In 2009, new Act was passed that aimed to make Union Parishads (UPs) - the lowest tier of local government in Bangladesh - more effective. UPs are elected bodies comprising 1 UP Chair and 12 members, including three women representatives. They have limited staff support; presently the only official is the full-time UP Secretary who has responsibility for all the administration of the UP. Given the increasing responsibilities imposed on UPs, the workload is said to be higher than the UP Secretary can manage.

The formal justice sector in Bangladesh suffers from longstanding problems at all stages of the justice chain that limit citizens' ability to access justice through the courts: staffs and equipment are inadequate in the police department; court infrastructure is insufficient; court procedures are sometimes slow, complex etc. which lead to cases being delayed, often by years and a

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<sup>1</sup>The last official census in 2011 put the overall population at 139,252,683 of whom 112,510,154 lived in rural areas compared to 26,742,529 in urban areas.

<sup>2</sup><http://www.worldometers.info/world-population/bangladesh-population/>

consequent backlog of 2.8 million cases.<sup>3</sup> Legal Aid is limited; lack of mass awareness on this government service is widely prevalent; prisons are congested.

Faced with these problems, most Bangladeshis simply do not report minor crimes to the police. Instead they rely on traditional forms of justice, such as the traditional *shalish*, interventions by village elders or other local elites such as members of UPs when victims of crime or when involved in civil and domestic disputes. While traditional *shalish* has a part to play in dispute resolution, it is not legally regulated, and can have no criminal jurisdiction. Concerns exist around their impartiality, bias towards richer and more powerful members of the society. Women face particular social and socio-economic barriers to justice that exclude them from economic activity, especially in more conservative communities, and are often discouraged from reporting crimes against them or seeking civil justice lest they bring shame or dishonour on their families.

Moreover, escalating concerns have been voiced in recent years that the *shalish* system too has now become expensive and mal-practised by the participation of local interest groups.

On the other hand, the Chittagong Hill Tracts has a unique justice redressal mechanism separate from the rest of the country. The traditional system is the primary justice redress mechanism in the CHT which is recognised by the law of the land; the people have limited knowledge of the formal justice system of the country and how to access that.

Therefore, it is important to build the capacity of the traditional justice system of CHT. There are 377 *mouzas* in CHT with 377 Headmen. Moreover, for some 4,098 Paras (Villages), 4098 *Karbaris* (Village chief or elder) are appointed. According to Rule 40 of the Chittagong Hill Tract Regulation 1900, the Headman of a particular *mouza* can give a decision in the dispute among the residents of the *mouza*. They can resolve disputes according to the social norms of that particular community.

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### 1.1.2. BACKGROUND TO VILLAGE COURTS IN BANGLADESH

As persons of status and authority within the community, Union Parishad (UP) members are often approached to undertake mediation of disputes, primarily *shalish*. UPs may also resolve family-related disputes under the Muslim Family Laws Ordinance of 1961 in UP-level Arbitration Councils.<sup>4</sup>

The government introduced the Village Court Ordinance in 1976, later replaced by the Village Court Act 2006, establishing a Village Court in each Union to deal with a wide range of minor criminal and civil disputes.<sup>5</sup> Village Courts employ an easily-understood and simple procedure

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<sup>3</sup>According to the Chief Justice in his 'Reply Address on his Felicitation by the Bar' at [www.supremecourt.gov.bd](http://www.supremecourt.gov.bd).

<sup>4</sup>An Arbitration Council is a dispute resolution body which works in both urban and rural areas dealing with matters related to family disputes as per the Muslim Family Laws Ordinance of 1961, including divorce, polygamy and maintenance. Though similar in set-up and structure to Village Courts, Arbitration Councils have a limited, distinct jurisdiction and are not supported by the AVCB project.

<sup>5</sup>Criminal offences which can be tried by a Village Court are: 1. Voluntarily causing hurt to any person; 2. Mischief (causing damage to others property of any kind); 3. Criminal Trespass; 4. Unlawful assembly and rioting; 5. Affray (causing disturbance through force); 6. Wrongful restraint and/or confinement of person and property; 7. Assault; 8. Insult with intent to provoke breach of peace; 9. Criminal intimidation; 10. Act caused by inducing persons to believe that he will be rendered an object of the divine pleasure; 11. Wrong and gesture to insult modesty of women; 12. Misconduct in public by drunken person; 13. Theft; 14. Dishonest misappropriation of property; 15. Criminal breach of trust; 16. Cheating; 17. Attempts to commit or the abetment of the commission of any of the above offences. With regard to criminal offences a Village Court can only award compensation. The civil disputes that can be brought for settlement before a Village Court are: 1. Suits for the recovery of money due on contracts, receipts or other documents; 2. Suit for the recovery of movable property, or for the value thereof; 3. Suit for the recovery of possession of immovable property within one year of dispossession; 4. Suit for compensation for wrongfully taking or damaging movable property; 5. Suit for damages by cattle trespass; 6. Suit for recovery of wages and compensation payable to an agricultural laborer. The amount claimed or in respect of which the offence is committed must not exceed BDT 75,000.

based largely on the *shalish*, but modified to address some of the inequalities in the traditional form and with a strong restorative justice approach. The Court is made up of a panel of five members, normally the UP Chair, and four nominated Panel members. Two panel members (one of whom must be a member of the UP) are nominated by each party to the dispute. The Court is empowered to employ a mix of conciliation, mediation and arbitration to deal with minor civil and criminal matters, and may award compensation of up to BDT 75,000.

The fees associated with Village Courts are extremely low, and parties are not allowed to be legally represented. Village Courts (VCs) have no power to impose punishment or imprisonment, but can order restitution/compensation. Decisions at the end of an arbitration are legally binding and enforceable, and may only be appealed to the District Courts if the panel is split 3:2. They are exempt from normal rules of evidence and procedure, and can be best described as a quasi-judicial local dispute resolution mechanism. As such, they are not within the purview of the Chief Justice, and in fact have no official link to the judiciary although cases (which are triable at Village Courts) are referred from District Courts, and the District Court hears appeals from VC decisions. Instead, they fall under the responsibility of the Local Government Division (LGD) of Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) at the national level and directly under the responsibilities of the lowest tier of local government – the UP. This means they have the potential to strengthen local authorities, make them more responsive to local needs, function as a bridge between informal and formal justice institutions and provide a level of affordable, quick and accessible justice for all residents of a Union, particularly the poor, women and other vulnerable groups.

Bangladesh's 7<sup>th</sup> Five Year Plan (FY 2016-2020) makes reference to, but does not analyse in any depth the enormous challenges facing the formal system or the barriers to access to justice in the informal system for women and the poor in particular. It follows an overtly institutional approach, and focusses exclusively on the formal system i.e. the on judges, lawyers and courts (up to district level) as a solution to these problems. However, the high-level government buy-in (up to the Prime Minister) for the pilot phase of the Village Court intervention, and the strong demand for scaling-up suggest that Village Courts might feature more prominently in future national budgets and strategy documents as an alternative way of providing access to justice.

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### 1.1.3. THE AVCB PROJECT

While the empowering legislation has been in place for some time, VCs yet to function fully in compliance with the law. Most UPs lack the resources or understanding of the roles and functions of the Village Courts and levels of awareness amongst the population about the Courts remains low. Where 'Village Courts' have taken place, they have generally not complied with the legal framework in terms of their jurisdiction, proper recording and process.

The Activating Village Courts in Bangladesh Project (AVCB) managed by UNDP, but largely funded by the EU, commenced in 2009 as a pilot project, and targeted 351 Unions (out of 4,549 in the country) in six of the country's seven Divisions (Dhaka, Rangpur, Khulna, Barisal, Chittagong & Sylhet). The aim was to support Village Courts in the pilot area to operate effectively as a local dispute resolution mechanism. The decision to start the AVCB project was fully backed by the government of the day and NGOs working in the area of legal services. Both state and non-state actors agreed that the Village Courts had, as yet, untapped potential for providing people with a neutral forum where they could resolve their disputes and petty offences fairly, swiftly and cheaply.

The project was anchored in the Local Government Division (LGD) of the MoLGRD&C which has administrative responsibility for Village Courts. The LGD officials, together with a Project

Management Unit (PMU) recruited by UNDP, formed the Project Management Team (PMT) responsible for implementation under the guidance of a Project Steering Committee (PSC) and a Project Implementation Committee (PIC).

With a budget of USD 15m and initially intended to run from January 2009 to December 2013, the programme was slow to get started, largely as a result of administrative issues in the start-up phase. These included times required to recruit the PMU and the tendering process required to hire the relevant NGOs which had to be repeated when the initial quotations were found to be much higher than the project budget allocated. As a result, the project was extended for a year (2014) under a no-cost extension and for a further 12 month period (2015) with USD 1m support from the LGD for bridging it with the potential Phase II.

The project commenced around the central idea of supporting UPs through a partnership with LGD, but with services provided by partner NGOs (PNGOs) with experience providing mediation and/or legal referral services. The project intended to contract six NGOs to each cover one of the six Divisions in the project area and a total of 500 UPs. However, the procurement process led the project team to conclude that it would be impossible to achieve the stated number due to the high costs quoted by the service providers. It therefore scaled-down the proposal to support 350 UPs in fourteen Districts with approval from the Project Steering Committee. As one of those UPs subsequently split into 2, the total number of UPs supported in the pilot phase was 351. The project ultimately led to the establishment of functioning Village Courts in 351 pilot UPs in the country.

The first phase of the project helped each project Union to establish the Courts, providing *ejlas* (court bench) and furniture, training, materials (such as forms and registers) and a detailed monitoring and evaluation system. NGOs<sup>6</sup> contribution in Phase I was significantly noticeable to establish the Courts in 339 of the targeted UPs, through:

- Recruitment of Village Court Assistant (VCA) working in the UP office, in each UP.
- Training of VCAs, UP Chairmen and members, and
- Public education and awareness on the nature of the Courts, their structure and powers, the matters over which they have jurisdiction, and how to lodge complaints.

Twelve UPs, referred to as Research and Process Development (R&PD) areas tested an alternative model. In those 12 UPs (in Sylhet and Pirojpur) the intervention involved local administration, supplemented with a VCA and other field staff recruited through a Human Resources firm. In those UPs, no additional NGO input was provided, and the project tested a much lighter-touch approach by working directly as a proxy for GoB rather than through NGOs. The project equipped the UPs, recruited and trained, and directly supervised the staff.<sup>7</sup> Although the R&PD areas were initially less successful than the others, the 12 UPs have been regularly monitored and evaluated and their VCs were active, and efficient. It should be noted that these areas received their VCAs much later than the other 339, and that there were a number of difficulties associated with the use of an HR firm.

By January 2015 a total of 69,694 cases had been reported to the Village Courts supported by the programme, with 54,722 resolved and 46,700 decisions enforced. BDT 197.14 million

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<sup>6</sup> The four NGOs were MLAA, Bangladesh Legal Aid and Services Trust (BLAST), Eco-Social Development Organization (ESDO) and Wave Foundation.

<sup>7</sup> In practice, it was found to be too expensive to hire the requisite staff directly. The recruitment process was therefore conducted by a human resource management firm, but the process of procurement of the HR firm itself caused further delays.

(US\$ 2.55 million) has been recovered as compensation. The number of women lodging complaints has also steadily grown over the course of the project, from 2,850 in 2011 (the first full year of implementation) to 6,926 in 2014. These increases can be linked to increased awareness and confidence amongst women as a result of fair treatment and to the amendments to the Act (driven by the project) that have increased the number of women panel members from 1,231 in 2011 to 8,254 during 2014.

The 'Evaluating Knowledge, Attitude, and Perception of UP representatives, Secretaries and Village Police about Village Courts' (the KAP Survey), compared the knowledge attitudes and perceptions of key UP personnel and beneficiaries in AVCB project areas and control areas, and found some significant differences between the two:

- In the previous year, on average UP Chairmen from the project Unions had dealt with 41 cases in the Village Court, compared to 21 cases by his/her counterpart in those control Unions with a Village Court.
- All UPs in project area used all five registers, while none did so in control areas.
- 58% of respondents in project Unions could answer 9 questions about the functions and procedures of Village Courts correctly, compared to 15% in control areas.

Despite the significant differences in the knowledge and compliance of the control areas compared to project areas, even the control areas stated that their Union had a Village Court. This confirms the information from many sources that outside the project areas Village Courts are nominally in existence but are non-compliant with the law. In some places, it has become another form of unregulated *shalish* performed by the UP Chairman. This only adds to the importance of the project in Phase II to ensure that VCs operate in a legally compliant and human rights compliant manner.

The KAP survey demonstrated a high level of confidence in Village Courts in project areas and also a perception in community members that these had led to a reduction in crimes. The project has been shown to be especially beneficial for the poor: the 'Evaluating Village Courts from Beneficiaries' End Survey 2014' (the 2014 Beneficiaries Survey) shows that 73% of the users sampled were poor, while 27% were non-poor. It also noted that the knowledge of the poor regarding fees was higher than the non-poor, probably because this information is most highly relevant to that group.

There are also indicators that suggest the project has at least had some impact in reducing the burden on the formal justice system overall, although it is difficult to quantify. While the total number of referrals from District Courts to all Village Courts in the project is relatively low, at around 4,600, the total number of Village Court cases was 69,694, a proportion of which would certainly have entered the formal justice system had a VC not been functioning. Additionally, the 2014 Beneficiaries Survey reports that 52% of people believe the Village Court has led to lower levels of 'fighting and quarrelling' and 31% believe it has led to less crime in their area.

The positive impact of the AVCB and heightened awareness about Village Courts has caused a surge of interest from UPs outside the project area. In 2012 a high-level national conference on Village Courts was attended by the Prime Minister, who stated her strong support for such Courts to be instituted nationwide. This political commitment has translated into strong support from LGD and concrete financial resourcing. The commitment to Village Courts by LGD extends beyond the project area: to date they have provided 2,475 *ejlas*, (court bench) and distributed registers, forms, and knowledge products to all UPs. Additionally, LGD incorporated the existence of a regular Village Court hearing as a Key Performance Indicator

(KPI) for UPs to receive block grant funding<sup>8</sup>. Hence, one unplanned impact of the project is that many Unions outside the pilot project now have a regular VC hearing date at least once a week.

In light of the success of this pilot, the demand for assistance in establishing Courts from other UPs, and the commitment by the GoB to ensuring Village Courts are functional throughout the entire country, it was agreed to implement a second phase of the programme and to scale-up the project to support a greater number of Unions.

Due to problems aligning the commencement of Phase II with donor budgeting cycles, the project was extended from December 2014 to December 2015 with 1m USD funding from the Government of Bangladesh. This donation was provided in order to bridge the gap between the pilot phase and the commencement of Phase II in January 2016. It is a priority for LGD that the new project phase commences on 1 January 2016.

To this end, a joint mission involving two consultants appointed by UNDP and two appointed by EU took place in February – March 2015 to establish the project design, implementation strategy, budget, management arrangements and M&E systems in a collaborative manner to ensure full alignment. The mission team was required to design a 5-year project ('Phase II') commencing on 01.01.2016 and ending 2020. The mission reviewed materials provided by the Programme Management Unit and other documents gathered from other sources. However, later on, following EU's recommendation the duration is reduced as 4 years (2016 – 2019) instead of 5.

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## 2. LESSONS LEARNED & STRATEGY

Lessons learned in the course of implementation of the first phase show that the make-up of the Village Court is crucial to public acceptance, and is seen to be a major success of the 1976 and 2006 legislation. Each party is required to nominate two panellists, of whom one must be an elected member of the UP, while the fifth is the UP Chair (or another UP member if the Chair is unable to act or has a conflict of interest in the criminal matter). This, in theory at least, ensures that the panel has a majority of members who are accountable, via elections, to the community at large. This simple legal structure is deemed key to gaining acceptance of the court's decisions. Additionally, VCs are genuinely local (most are within a 3km radius of people's homes), income is no bar to access (filing fees are BDT 2 for criminal, and BDT 4 for civil cases),<sup>9</sup> and the enforcement rate is high because of the restorative of the proceedings and the relatively low compensation awards made. The concentration on public awareness and understanding has also had a major impact on the increase in the number of matters reported to the VCs, especially when compared to non-Project area Unions where cases registered at the Village Court are markedly lower.

Government commitment to the Village Courts has also been marked during Phase I and is expected to continue into Phase II: The Prime Minister herself has shown an interest, which is a critical factor when it comes to government buy-in. The Local Government Division has contributed USD 1m to fund the bridging period of 2015 and committed USD 5m to Phase II.

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<sup>8</sup>Under the Local Government Support Project 2 (LGSP2). The Ministry of Local Government have committed to keeping this as an indicator after the LGSP2 ends.

<sup>9</sup>In reality, parties to disputes are often expected to pay for the transport and other costs for their nominees to attend which, while cheaper than the formal system, nonetheless increases the costs involved significantly.

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## 2.1. LESSONS LEARNED

A number of key issues and lessons have been identified during Phase I that will inform Phase II:

### *The critical role of the Court Assistant*

Key to the success of the project has been the role of the VCA, who provides support, knowledge and capacity for the UP Secretary to receive complaints, complete the necessary registers and forms, to record proceedings, and to provide the first level of data required for M&E. The 12 R&PD areas initially had no Village Court Assistant recruited by the project, and it proved difficult to make any progress with this approach. Only once a VCA was appointed, based on the MTR recommendations, did the R&PD areas start to show significant steps towards activation.

### *Anticipating and managing start-up delays*

The design of Phase II has allocated required time for project start up activities, but it will be necessary to ensure that procurement and recruitment procedures are initiated during 2015 in a timely way so that key project personnel are in place by, or shortly after 1 January 2016, and that trainers and PNGOs are ready to start work during Year 1.

### *Increasing access for women and other vulnerable groups*

While the 2013 amendments to the Act have at least ensured involvement of at least one woman Village Court member in cases involving women and children<sup>10</sup> it is widely reported that even when part of the Village Court Panel, women members rarely actively participate in the proceedings. Consideration could be given to including a provision in the Act that all cases must involve at least one woman, but that too is problematic in that it limits at least one litigant's choice of members. The issue will need to be further explored and ways found to increase both representation and participation.

When it comes to 'women's participation' generally, there has been a steady increase in the number of cases lodged by women complainants over the course of the project (currently around 31%). Although this may appear low, it is hard to determine what the optimal or target percentage would be given that there are a multitude of societal factors that limit women's participation - such as the fact that land is mainly owned by men, many of the crimes listed in the Schedule usually only involve men, domestic violence (which is the biggest category of crimes affecting women) is excluded. Women, especially in more traditional societies, are not expected to interact with authority directly but through male relatives or husbands and women are often discouraged from reporting crime or conflict to avoid 'embarrassment' or 'shame' for the family. Research into these social and economic barriers to women in accessing justice will be conducted by the new UNDP Access to Justice for Poor Women programme, expected to start in 2016, which will provide valuable insight into the issue and help to guide efforts in Phase II to increase women's participation. Phase II of the project will have a stronger focus on gender and improving the quality of women's participation in, and access to, Village Courts.

When it comes to access for people with disabilities (PWDs), it is noted that the Act includes a provision aimed at increasing accessibility and that there are usually few physical barriers for those with physical disabilities (except in those UPs that have been raised above ground level to cope with cyclone effects on the coast). Nonetheless, PWDs face many barriers that limit access

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<sup>10</sup> Although, how this provision will operate in tandem with the Children Act 2013 which requires all matters involving children to be dealt with by a Children's Court is presently unclear.

to justice in both the formal and informal system: they are generally discriminated against in society that lower their ability to report matters to the Courts and police, while those with visual, hearing and speech disabilities find it particularly difficult in reporting or testifying. Other vulnerable groups, such as Dalits, Biharis and sexual minorities also face barriers in accessing justice in Bangladesh that have yet to be considered.

### *Informal v formal – the need for balance*

One of the prime advantages of the Village Courts is that costs are kept to a minimum, mainly as a result of simplified procedures that allow for matters to be finalised speedily and the fact that lawyers are excluded from the process. However, the procedural rules relating to how the Court should be formed, the introduction of specific forms to be completed, the use of summons, and the ‘*ejlas*’ in the hearing room does create a degree of formality. There seems presently to be a reasonable balance but there are concerns that it may become too formal if care is not taken in how the legal framework is developed.

Presently there is a lacuna in the District Court rules regarding the procedure for referring matters from the District Court to the Village Courts, and in how appeals are dealt with. Such changes, when and if made, will also contribute to greater levels of formality than was originally envisaged and care will need to be taken not to create a structure which becomes too rigid and form-bound. When it comes to lawyers, it is widely reported that they are highly resistant to matters being referred to the Village Courts, for obvious reasons, and that they therefore encourage their clients (the wealthier in society who can afford their services and whose civil disputes are less likely to fall within the Village Court jurisdiction) to resist matters being referred. Even when cases are referred to the Village Courts, lawyers frequently continue to advise their clients.

The 2013 amendments to the Act also introduced a clause that, where a party fails to nominate their members to the Court, the case cannot proceed; a certificate can be issued to the effect that they may now take the matter to the police or a higher court. While well-intentioned, this also plays into the hands of lawyers and wealthier members of society who are able to use it to frustrate the process and ensure that matters are dealt with in the District Court where they can use their wealth and power to overwhelm poorer people with whom they are in conflict. This too will need to be considered during Phase II.

### *Referrals from police and District Courts*

It is a common concern that District Courts and the police do not refer enough petty cases, nor early enough, to the Village Courts. The functioning of the courts could be improved, and the burden on the police and judiciary reduced if these cases were diverted early from the formal system. Some efforts were made in Phase I to address this, including conducting sensitisation campaigns (albeit limited) aimed at the police and District Courts, but more work on coordination and awareness-raising will be necessary if referrals are to be increased during Phase II. In this regard, the following issues need to be borne in mind:

- Although the Village Courts Act allows the District Court to refer relevant matters to the Village Court, these provisions are not well known amongst the lower judiciary and do not appear to be used very often. The District Court rules do not currently include any provisions relating to referral of cases to Village Courts and would need to be revised if this is to be encouraged. Such a revision will require the buy-in and agreement of the Chief Justice. Whether such a revision would be feasible within the lifetime of Phase II is questionable, however, the project can lay the groundwork for changes to be included next time the Court Rules are amended.

- The Code of Criminal Procedure (CrPC) sets out a procedure that must be followed whenever a report is made to the police, and contains no provision allowing the police to refer any cases reported to them. There are some opportunities that exist to address this – including through Community Policing Fora – but a legislative amendment would appear to be required if police are to legally refer matters. Given that amending the CrPC has been shown in the past to be a complicated process, with many stakeholders resistant to any such changes, alternative approaches (such as an amendment to the Village Courts Act which explicitly exempts Village Court cases from the relevant provisions in the CrPC and/or a directive from the Inspector General of Police) will need to be explored.

One of the challenges in increasing police referrals arises from the practice of so-called police *shalish*, whereby officers mediate disputes between victims and perpetrators, earning a fee for their services, despite the fact that such practices are illegal and uncontrolled. Moreover, given prevailing reports of police officers eliciting bribes from suspects and complainants either to drop or investigate cases increasing the number of matters police refer to Village Courts will be challenging even if the law were changed and/or a Directive issued by the Inspector General of Police.

#### *Confusion about powers under the Act*

Despite training provided by the project, there is still gap as to interpretation of the law. The most obvious and widely reported issue is the jurisdiction of the Village Courts in matters related to land. Although the Courts have no jurisdiction when it comes to determining ownership, they do have jurisdiction when it comes to issues such as trespass, or when land is used as collateral for informal loans between parties of less than BDT 75,000. However, it appears that sometimes cases are rejected where the value of the disputed portion of the property is under BDT 75,000 but the total value of the land itself is more than BDT 75,000. This is a misunderstanding that needs to be addressed.

Additionally, some UP Chairs and members seem to believe that they are powerless to compel attendance at the Court and that a person summonsed can simply refuse to attend. This is not the case: Section 10(2) clearly allows for the Court to fine any person who ignores a summons, and to refer the matter to the District Court where the person fails to pay the fine. Such confusion can be addressed through training but services in new Unions will also need to be carefully monitored to determine whether or not the confusion, or any other uncertainties persist.

Now that the Village Courts Act has been in place for some time, some problems with it have been identified. Perhaps the most glaring of these is that list of offences in Part 1 of the Schedule is not clear enough, rather than referring to the particular offence in the Penal Code over which the Courts have jurisdiction, it refers instead (in most cases) to the penalty clause. This has the potential not only to create confusion as to which offences the Courts may deal with (particularly in those Unions not supported by the project), but also may lead to the misapprehension that the Courts have the power to pass sentences of fines and imprisonment. It would be better if the Schedule was to refer to the correct offences and to set clear guidelines for the 'level' of offence that the Village Courts may deal with, for example, the Act currently allows the Village Courts to deal with the crime of assault, but does not set a level for the seriousness of the assault. Assault is a very broad offence, ranging from a minor shove to an attack that leads to extensive injuries. Setting clearly spelled-out limits in a revised Schedule would benefit the courts and the police when it comes to deciding which cases they can and cannot refer to a Village Court.

It should also be pointed out at this stage that any amendments need to be based on a clear policy and carefully considered for any unintended consequences – a case in point being the inclusion of Section 5(v) in the 2013 amendments that allows the Chair to issue a certificate to a petitioner allowing them to approach the police or a higher court where the respondent fails to nominate their panellists that could be exploited by a respondent to frustrate the petitioner.

#### ***Public education and awareness***

Public awareness is critical to the success of the project. But while the campaigns during Phase I were no doubt successful, they relied heavily on traditional methods such as courtyard meetings (CYMs) and drama. These are tried and tested methods in Bangladesh and should continue, but they are also extremely resource intensive since they work on the basis of direct contact with beneficiaries for a relatively long period of time. Consideration will need to be given to the fact that rural people, women in particular, have busy lives and multiple responsibilities and cannot afford to spend an hour to an hour and a half attending meetings.

The Beneficiaries' Survey 2014 lists the many sources of information that users of VCs relied on. Drama and CYMs are only one part of spectrum, and reliance on them could be reduced. Phase II will focus on the key messages and information that people need (where is the Court, what cases does it deal with, what compensation can it award and how does one go about lodging a complaint). The media have the potential to play an important part in raising awareness – both the news media and those providing 'entertainment' such as soap operas and discussions – but were not specifically targeted during Phase I. In light of the restricted budget in Phase II, the project will need to be more focussed on the types and costs of the outreach activities it can undertake. The rapid spread of cellphones and smartphones also open up possibilities for mass-based campaigns that have yet to be explored. A good communications strategy will be required to take these issues into account.

#### ***Access to justice for ethnic minorities (including CHT)***

There are 45 ethnic groups spread across the country; of those, 13 ethnic groups are from the Chittagong Hill Tracts (CHT). The CHT is composed of 3 Hill Districts and 26 Upazilas. At present, 121 UPs have been established in the CHT.

Although AVCB I did not target CHT, 49 UPs in CHT have been provided with equipment (*ejlash*, forms, registers etc.) by the LGD as part of its support to rolling out Village Courts to additional Unions beyond project areas. Those living in the CHT should not be excluded from the benefits the project has to offer, but while Phase II will include support to the CHT, it is clear that working in the CHT requires specific knowledge and expertise.

CHT has its own distinctive legal and justice delivery system which is characterized by the existence of a dual justice system -- one is formal within the written laws of the country and the other is customary (also recognized by law). However, the roles and functions of both the systems are expressly sanctioned. CHT legal system is pluralistic, encompassing the application of national law and regional law, including a wide body of customary laws and practices. The Appellate Division of the Hon'ble Supreme Court reiterated the continued constitutional and legal validity of the special CHT legal and judicial systems through its judgment in the case of *Wagachara Tea Estate Ltd. Vs. Abu Taher & Others* (Civil Appeal No. 147 of 2007, AD, 2 December 2014).

The legal system for CHT is different from the one that is applicable for the rest of the country. Many national laws apply to CHT, but some do not such as laws on land tenancy and on civil procedure, while others apply to a limited degree and/or with modification. The CHT

Regulation of 1900 remains as the core legal foundation for CHT specific legislation which provides the statutory framework for CHT's distinct legal system and the nature and extent of general and special laws of Bangladesh, as affirmed in the aforesaid Supreme Court case.

In CHT, apart from the formal judicial system, the traditional system is centered on the positions of Circle Chief, mouza Headmen and village Karbaris, function as specialized courts to hear customary law matters and minor civil and criminal matters. These institutions serve as interlocutors with regard to access to justice for the local communities. Bangladesh law formally recognizes the traditional local institutions' dispute resolution functions with regard to a number of matters, including custom based family laws, customary land and natural resource related matters and other civil and criminal matters referred to above. Appeals from the decisions of the Karbaris lie to the Headman and from the Headman to the respective Circle Chief.

The non-application of certain laws to the CHT, for example, the Family Courts Ordinance or the *Nari o Shishu Nirjaton Doman (Bishesh Bidhan) Ain*, arguably denies the Hill people the opportunity to obtain access to judicial remedies, in the absence of Family Courts or Special Tribunals on Violence against Women, and thus discriminates against them vis a vis other citizen of Bangladesh. Similarly, many pre-constitutional laws are applicable to the whole of Bangladesh but are not implemented in relation to the CHT.

Three decades of conflict in the CHT region has made accessing justice more difficult for the people and also eroded the region's justice systems. Thus, for long term sustainable peace in CHT, enhancing access to justice for the people is of utmost importance.

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## 2.2. STRATEGY

The project in Phase II will aim to scale-up the activation of Village Courts using the same three components as in Phase I:

- Ensuring Union Parishads have resources and capacity to make the village courts function;
- Monitoring Village Courts performance through an effective reporting structure; and
- Empowering the population to seek Village Courts services by increasing their knowledge of Village Court role and function.

While Village Courts exist in theory across Bangladesh, in reality, outside the project area, few, if any are operating in accordance with the law. Until they do so, access to cheap, local justice for petty disputes is unavailable for the vast majority of the population. Phase II of the project aims to ensure that Village Courts within the project area are activated to provide effective, accessible justice, in a way which is sustainable after the project is completed. While Village Courts are not part of the formal justice system, they are quasi-judicial bodies which should be linked into the local policing and judicial coordination bodies. Greater engagement will help ensure sustainability and improve quality of Village Court performance. Additionally, a more holistic approach to the administration of justice process can help reduce the backlog of cases and justice delays, facilitating access to justice and increasing the overall efficiency of the system.

The strategy to achieve this will be to *capacitate stakeholders and embed fully activated village courts into national structures, which are not reliant on external support*. The strategy is built on the following design principles:

### ***Principle One: Decentralization and Integration into Local Government Structures***

The Village Courts are already part of the local government services. Phase II will integrate the Village Courts into every level of responsible authority within the structure from UP to the LGD, so as to embed Village Courts into the regular work of local government and local administration. The integration will also enable more vertical coordination between decisions taken at central level and the districts. While initially the three components will be the responsibility of the project to manage, they will be aligned with, and eventually handed over to, the government structure as follows:

- ***Training***

The key tool for training will be the creation of a District Training Pool (DTP). The project will work with LGD to establish a pool of trainers in each project district who will be responsible for training all UP functionaries and representatives about Village Courts. The training pool will be comprised equally of GoB officials and trained staff from NGOs.

The project will work with LGD to identify membership of the training pools and provide Training of Trainers (ToT) for the District Training Pools. The responsibility for managing the DTP will be through the Deputy Director Local Government (DDLG) from the beginning, supported by UNDP project staff. Moreover, one District-level and one Upazila-level coordinator will be supplied by the project through PNGOs, will be appointed for a period of 36 months until the training pool is activated and fully functioning.

Additionally, the project will work with all key Government training institutes to ensure that local officials, judiciary, and police all receive training about village courts in their regular training syllabus. Presently, NILG already has done so, although materials need to be updated and refreshed, and others have shown an interest in so doing.

- ***Reporting and Accountability***

Creating a monitoring and accountability structure is essential for transparency, and for allowing corrective interventions when problems arise. Mechanisms already exist in local government which would allow this to occur, but they currently are not effective for various reasons, including lack of knowledge on Village Courts, lack of structured and clear responsibilities, and a perception that Village Courts are an additional task. In Phase II this will initially be undertaken by the project, in parallel with activities to capacitate government to take over this role. Ensuring that monitoring and reporting takes place through the local government structure will be an essential part of the project tasks.

The project successfully piloted a Decentralised Monitoring, Inspection and Evaluation (DMIE) system, in 15 UPs in Phase I. DMIE system creates a direct line of reporting from the UP to the Upazila, and from the Upazila to the District level, finally linking in turn to central government in the LGD. The project will work with LGD to implement the DMIE system throughout the Project area, and will train and sensitise each of the different layers of local government to undertake this reporting. The strength of this approach is that the Upazila and District officials already monitor and oversee UP performance in other areas through field visits and committees. So, although support and capacitation will be necessary to implement DMIE system initially, Village Court oversight should become easily absorbed into the ordinary work of the local officials, and thereby sustainable.

Additional local mechanisms also exist in the form of District and Upazila level Village Court Management Committees (VCMCs). Although established by a Government Order (dated 22 March 2012) they have not been activated except in the project areas under Phase I. The project

will work to activate VCMCs as a supplemental accountability and information-sharing mechanism.

These activities will be supported by a District Facilitator, District Coordinator and an Upazila Supervisor provided by the project or PNGO until DMIE system and the VCMCs become well-established and routine. By June 2019, these reporting and accountability lines will take over the role of the project in overseeing performance.

- ***Outreach***

The creation of demand for properly functioning Village Courts is an essential component of the project; a properly informed population is also a safeguard against misconduct or poor performance. There is presently no capacity to do this other than through the partner NGOs, but this cannot be a long-term strategy. While PNGOs will be relied upon initially to undertake awareness-raising, their role will be limited to three years of the Village Court activation process. Thereafter, the project will be reliant on other local NGOs to spread information as part of their own outreach campaigns. In order to ensure sustainability, and as a way to maximise the limited budget for this component, the project will develop an outreach approach that builds links with the social development/legal aid NGOs already active at the local level, and create a network which can extend the available resources to the project. This can be done through the UNO at the Upazila, and the DC at the District level Development Coordination Committee. These network NGOs can be required by local government officials to include public information messages about VCs as part of their outreach. To enable this, the project will work with local officials and NGOs to sensitise and capacitate them as to how to inform the local population about the Village Court. Additionally, the Village Court Assistant and Upazila Supervisor will be required to spend approximately 50% of his/her time in doing and supporting outreach activities, so as to provide a tapering-off period between 100% PNGO involvement and total reliance on local NGOs.

***Principle Two: Geographical Clustering***

The selection and distribution of project-supported Unions will be determined by LGD. However, a key element of the design has been to aim for geographical clustering of Unions so that project support will be concentrated at Upazila and District level. In effect, all Unions in an Upazila,<sup>11</sup> and an average of 5-7 Upazilas (out of an average total of 8 Upazilas) per District will be supported.

This has a number of advantages. First, by covering all or most Upazilas in each project District, it maximises the value of each District Training Pool. Second, on the basis that a rising tide lifts all boats, the improvement in performance of most of the Village Courts within a District should help improve the performance of all, by putting pressure on those UPs which are performing poorly. Third, it maximises the impact of sensitisation activities and the spill-over effect seen by the pilot phase of the project where UPs neighbouring project UPs became interested to activate Village Courts themselves. Finally, it is cost-effective and allows the existing PMT to manage the project without the large increases in staff that would be required to manage a very dispersed set of UPs. With the very restricted available budget, clustering is the only way to reach 1,080 Unions through AVCB II.

***Principle Three: High-Intensity, Limited-Term Support***

Analysis of the pilot phase suggested certain elements were important factors of success, such as staff at Upazila and District level to help coordinate, manage and monitor activities. However, it was not evident that these interventions would be required for the full life of the

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<sup>11</sup>Excluding Unions which do not meet the criteria established for selection. See below for elaboration of the criteria.

project, and there was no convincing cost-benefit analysis to justify four years of project funds being expended on these activities.

Given the experience built up from Phase I, and lessons learned by the project, it seems reasonable to expect that by providing the staff and resources needed for a short, intense period, similar results could be achieved. Based on experience it appears that approximately three years of direct project support is necessary to fully activate a Village Court, and establish the DMIE system.

Moving to High-Intensity, Limited-Term support will require a conceptual shift on the part of the PMT. The approach of establishing a project and continuing at the same level of staffing for the life of the project is not necessarily the most effective: not only is it resource inefficient, it can create a dependency and a lack of ownership impacting negatively on sustainability. On the other hand, the change of methodology does carry some risks, as it is unclear exactly the optimum time and resources required to, for example, achieve a reasonable level of knowledge in the local population. In order to mitigate this, the Project management will need to be actively engaged to review project progress reports and targets.

#### ***Principle Four: Increased Women Participation***

The project has had some success, as noted, in reaching women as a beneficiary population. Approximately 31% of complaints are filed by women, and women are required to sit as Panel members on cases involving women or children. However, there is little evidence of strong qualitative engagement with women. Most Panel members are men, and even where women are on the panel, reportedly they are not very vocal. Phase II will have a dedicated Gender Specialist who will be tasked with deepening the knowledge on the barriers for women's participation in Village Courts as panellists and in their ability to approach Village Courts as complainants, and supporting programme activities which engage women in Village Courts both quantitatively and qualitatively. At least one external study on gender and village courts will be commissioned.

Additionally, the project will work with the Women's Development Forum, a group comprising women's representatives at Upazila level to sensitise them on Village Courts, and improve their skills and confidence to be panellists.

#### **Strategy specific for the CHT:**

The Joint UN Programmatic Framework for CHT specifically envisages strengthening the traditional justice system in CHT through focusing on the constitution and statutory laws and by working with members of the traditional institutions to ensure that customary dispute resolution processes are in conformity with the constitution and legal framework and respect for fundamental rights. Available secondary information has been collated of relevant legislations/policies etc., CHT Regulations, Peace Accord, CHT Regional Council Act, three Hill District Council Acts, Local Government (UP) Act of 2009 and Rules, National Plans, Village Courts Act of 2006 with amendment of 2013, Village Courts Rules 2016 and 2015-20 Programmatic Framework etc.

As a matter of priority an implementation strategy will be defined during the project Inception Phase to support throughout the action the roll-out of local dispute resolution efforts in the Chittagong Hill Tracts (CHT) in line with the Joint UN Programmatic Framework for CHT endorsed by the Government and in compliance with the institutional set up in CHT. On the basis of the strategy, a detailed work plan will be elaborated.

The proposed interventions envisage building the capacity of the traditional justice system and institutions especially the Circle Chiefs, Headman, and Karbaris. Reference to the background document on local dispute resolution mechanisms in the CHT and the various interlocutors involved with dispensing justice in the region, interventions will also be targeted with the local administration and other justice sector institutions within CHT, to sensitize them on traditional and customary norms, values and laws. Project activities will be built around local NGOs, women rights activists and Indigenous Peoples (IP) organisations for raising awareness on legal aid, human rights and legal assistance.

Currently there is lack of clarity as regards functions and linkages among different institutions such as MoCHTA, CHT Regional Council and Hill District Councils and Circles especially on their roles related to delivery of justice and dispute resolution in CHT. This includes questions about enforcement, oversight and appeals procedures. The project aims to suggest solutions to streamline these functions and linkages.

During implementation, UNDP will closely coordinate with the Ministry of Chittagong Hill Tracts Affairs (MoCHTA), Local Government Division, Ministry of Law, Justice & Parliamentary Affairs, CHT Regional Council, Hill District Councils, relevant justice institutions and other national level access to justice initiatives to ensure synergies, impact and effectiveness of the project. Furthermore, one specific focal person would be assigned from MoCHTA for coordinating with LGD on this geographical expansion.

The strategy will include dialogue at the highest level, training on customary laws and disseminating knowledge on other forms of legal redress available e.g. Village Courts and formal Courts. Proposed activities will try to establish linkages amongst formal, informal and quasi-formal systems in the region.

UNDP will leverage strong partnership with DPs at country and HQ level; with other UN agencies at UNCT and local level; with Bureau of Policy and Programme Support (BPPS), Department of Political Affairs (DPA), UN Permanent Forum on Indigenous Issues (UNPFII) and National Human Rights Commission, Ministry of Chittagong Hill Tracts Affairs (MoCHTA), Local Government Division; media would be engaged at the local level and at the national level in support of enhanced access to justice.

The proposed interventions will be taken to strengthen traditional justice systems as well as enhance access to justice mechanisms in the CHT:

- Support will be provided for streamlining of functions of three circles and building institutional linkages between CHT institutions i.e. MoCHTA, CHT Regional Council and Hill District Councils with regard to dispute settlement processes which may affect access to justice
- Support will be provided to building capacity of the informal justice system e.g. traditional leaders and the three circles and raising awareness of other legal redress mechanisms available in the region e.g. formal courts, available legal supports and Village Courts
- Coordinating with other justice sector institutions will be key but with a focus on sensitizing these institutions and interlocutors on the traditional CHT legal, administrative and cultural frameworks

- The project activities will also build capacity of elected representatives at the UP level with a focus on sensitization of the traditional CHT legal, administrative and cultural framework
- In consultation and through further advocacy with all the relevant interlocutors of CHT including MOCHTA, CHT Regional Council, Hill District Councils, Headmen, Karbari, Circle Chiefs, LGD etc., Action research/feasibility study will be carried out in 15 out of those UPs of CHT where LGD has already provided all necessary equipment from ADP budget to activate village court. The existing customary laws and practices of various ethnic groups will be reviewed from the human rights and gender perspectives in order to improve the informal justice system in CHT.
- High level policy dialogue on advocating traditional leaders' rights i.e. increasing their honorarium and advocating for ensuring honorarium for the newly appointed women Karbaries. Apart from this, other burning issues related to their rights and responsibilities will be raised through these national level conferences.
- As per the CHT Accord, CHT Regional Council (CHTRC) holds the special responsibility to coordinate, oversee and monitor the development initiatives in the CHT; hence, through this project CHTRC will be engaged through support for strengthening their existing resource center.
- Deputy Commissioners (DC) play crucial role in coordinating and monitoring the activities related to land and other issues taken care of by the traditional leaders. Hence, through this project, support would be provided to DC's office for establishing citizen charters with a special focus on enhancing local peoples' awareness on informal justice system.
- In addition, public awareness will be enhanced regarding available legal redress mechanism e.g. Traditional Courts and Village Courts. CHT people shall be able to take decisions and select appropriate institution for dispute settlement. This activity will be implemented in coordination with CHTRC, HDCs and other stakeholders of the traditional justice system.

#### **Risks:**

It is clear that working in the CHT requires specific knowledge and expertise. As the background document acknowledges there are many interlocutors as well as a strong political economy in the region. Partners will need to be extra cautious so that activities do not trigger further mistrust or conflict amongst the parties. Several rounds of engagement at various levels of all stakeholders needs to be facilitated and ensured. However, UNDP is well placed to implement this activity considering its long-standing relations and experiences in the CHT region. This includes MoCHTA, MoLGRD, Circle Chiefs, CHTRC, HDCs, local administrations and others. In-depth analyses of behaviours of justice seekers will be necessary to propose for amendment of laws and/ or reviewing/re-visioning of operational procedures of the government machinery.

A strong management structure and oversight mechanism will be required to ensure smooth implementation of these interventions. Understanding between MoLGRD and MOCHTA will be necessary to facilitate this intervention. It may be mentioned here that while there is initial buy-in for the mentioned activities, during implementation careful negotiations will need to take place to ensure fair and unbiased treatment, especially of the CHT people. UNDP will be responsible for managing expectations with all partners. However, this is a dynamic and innovative initiative for all the partners, thus continuous monitoring and assessment will be required to adjust programme interventions in consultation with the donor and other partners.

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### 2.3.SUSTAINABILITY

The core issue, in the scaling-up of AVCB is how to replicate the pilot phase's success while making it sustainable. The project model used during the pilot phase is clearly not sustainable in the long term, nor was especially designed to be so, since it was focussing on testing and innovation. The model relied heavily on NGOs to undertake training, public awareness and education, M&E, and supply the VCA, without whom the Courts cannot effectively function. The exit strategy for the 351 UPs in the pilot is entirely dependent on the deployment of government staff to replace the VCA, before the closure of AVCB Phase I. At present, it appears unlikely that these staff will be in place, which has the potential to lead to a drop-off in the effectiveness of the VCs in the 351 UPs.

In the next phase, the project will still (directly or through PNGOs) be providing each of the three components initially, but by the end of Phase II they will be absorbed by Government so that running, and overseeing Village Courts becomes part of the daily work of local government, rather than an additional, optional, task.

The sustainability of Phase II relies on the appointment of Assistant Accountant cum Computer Operators ('AACOs'). AACOs will eventually be recruited to every Union in Bangladesh in order to assist the UP Secretary. LGD decided to include support to VCs in AACO terms of reference, largely as a result of AVCB Phase I. However, the AACOs have yet to be appointed and trained. In Phase II, while it is expected that the appointment of AACOs will allow reduced reliance on NGOs, which in turn will increase ownership and sustainability, there is no certainty as to when these will be appointed, where they will be deployed, what level of skills and capacity the new appointees will have, or how much time they will have to dedicate to the Court (noting that their role is to support the UP Secretary in a variety of functions, not just with the Village Court). Phase II will therefore need to start from a worst-case scenario, where it is assumed that none of the targeted UPs will have an AACO in place at the start of implementation, and that all the Unions will need a VCA to be provided by NGOs until the middle of Year 4

As a part of sustainability, the exit strategy is embedded within its design. Although Village Courts Assistant for each Union is planned for 33 months through NGOs but the design reveals that as soon as AACOs are gradually on board, the VCAs will be withdrawn accordingly after certain time of safe transition for smooth handing over of the responsibilities of village courts maintenance. The newly recruited AACOs will be trained by the project, overlapped with VCAs for a while and taking over of the VC management responsibilities. Furthermore, after phasing out of NGO and VCAs, the AACOs will be mentored by District Facilitators and project staff through continuous on the job training in case AACO still finds any difficulties in managing and maintaining village courts documents. On the other hand, formation and activation of Village Courts Management Committees (VCMCs) in upazilla and district level will accelerate the institutional monitoring of village courts performance by the local administration and introducing an accountability framework. The Project will also pursue with local government division for introducing regular resource allocation against village courts management and maintenance purpose from UP's annual budgets. This will allow ultimate sustainability of the village courts operations, management and maintenance even after phasing out of the project.

An exit strategy will be proposed by the project as it enhances the coordination and cooperation mechanism amongst all relevant actors in the CHT. Therefore, a year-long action research initiative/feasibility study will be carried out to prototype some of the initiatives including strengthening of village courts in 15 unions in the region. Consensus building

workshops through design thinking within the first 6 months of the project with the local people of CHT is also important so that their voice is accounted for. To this end, a research partner with a thorough understanding of the traditional systems of dispute resolution as well as knowledge on village courts and other justice sector institutions of the country will lead this activity.

- ***Size of Phase II***

The ERD Concept note on AVCB II, dated 24 April 2014<sup>12</sup> proposed 2,000 new Unions be supported, and this number has been repeatedly stressed as a desirable goal by LGD. By contrast, the EU Action Document anticipated Village Courts in 1,000 new Unions (i.e. a scale-up of approximately three times the original project).

The ERD proposal was based on a proposed budget of USD 75m, while the Action Document was based on a projected budget of approximately USD 43m, the largest component (Euro 23.5m) of which is from the EU. However, that figure has reduced by approximately 17% due to Euro-Dollar exchange rate fluctuations, leaving the current available budget at USD 36.5m. LGD has strongly stated the Government's continued preference for a large number of Village Courts to be activated in Phase II. A scale-up by the power of three is the largest which can reasonably be accommodated within the available budget, and while retaining a lean project management structure. Phase II will therefore aim for activation of Village Courts in new 1,080 Unions.

To date, there have been no defined criteria as to when a Village Court is properly 'activated', so no clarity as to when interventions could stop. In the pilot phase this was not an issue as the project was seeking to show the possibilities inherent in Village Courts, and to test different approaches, which it did with evident success. But in Phase II it will be important to determine when activation has occurred, both for the purpose of results reporting, and to determine which Village Courts are not 'activated' and require further support. Based on the results of the pilot phase, the criteria for activation should be:

- A regular Village Court hearing taking place at least once a week.
- At least 4 cases (on average) a month being heard at the Village Court.
- Cases being correctly recorded and disposed of according to the law.
- Regular 6-monthly report being submitted correctly to UNO.

Once the courts are activated, the deployment of the government staff member (the AACO) who will be tasked, *inter alia*, to support the Village Court, will be an indicator of sustainability. Hence, the project must continue to work with LGD to ensure this occurs in accordance with the agreed timeline.

- ***Inception, Activation and Drawdown***

A key lesson learned in Phase I was the need to plan properly for the project start-up period, and the inevitable impact this would have on project results and timelines. In order to address this, Phase II has been designed in three distinct periods:

***Inception*** (6 months): Recognising that much might change between project formulation and implementation, to which the design of the project might need to adapt, the project will begin with a six month inception phase. During this phase, the PMU will need to carefully assess what has changed and whether the project will need to be amended in any way to respond to

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<sup>12</sup>Request for development assistance from EU and UNDP for implementing the second Phase of Activating the Village Courts in Bangladesh project'.

these changes including possible rolling out village courts in CHT. If required, these will need to be discussed with all relevant stakeholders and agreed with the PIC/PSC without delay. In addition, all activities that can be started before the procurement of PNGOs is complete should be included in an annual workplan to be submitted and agreed by the PIC within one month of the date of commencement.

**Activation** (36 months): During this period, the project will be fully engaged in delivering results. Within this there will be a period of particularly high intensity activity where activation of Village Courts, will be taking place across the project area through capacity development, support to UP personnel to undertake Village Court hearings, and outreach activities with PNGOs.

**Drawdown** (6 months): By this stage the project will have terminated field activities and be engaged in monitoring and supporting the handover to LGD, documenting lessons, finalising financial and results reports, and closing down the project.

#### 2.4.GEOGRAPHICAL COVERAGE

As described, the project will aim to activate village courts in 1,080 new Unions in 27 Districts. These districts will be distributed across Bangladesh in all eight Divisions, and will include at least some of the 20 priority districts (excluding the 3 CHT districts) listed in the UNDAF as especially vulnerable.

Once the 27 districts are selected, 5 – 7 Upazilas per district will be selected for support. The criteria for inclusion of Upazilas will be based on:

- Geographical remoteness; and
- Presence of ethnic minorities and vulnerable communities.

All Unions in each selected Upazila will be included provided they have a UP complex (i.e. a place where the VC can take place). LGD has flexibility on the number of Upazilas supported per district, hence if, once these criteria are applied there are more than 1,080 Unions, the number of Upazilas can be reduced to ensure the number of UPs remains within the project ceiling. Within the total of 1,080 Unions supported by AVCB II, all UPs in Bangladesh with a female chair (approximately 10) will be selected regardless of district.

**Table – numbers of local government units**

	Unions	Upazilas	Districts	Divisions
AVCB II	1,080	128	27	8
Nationally	4,573	491	64	8

In addition, action research and/or feasibility study will be piloted in 15 Unions of CHT.

**Table – numbers of traditional justice units in three Hill Districts**

	Para/village	Maujas	Unions	Upazillas	Districts
AVCB II	4098	377	121	26	3
CHT					

For Chittagong Hill Tracts (CHT) region, the target locations will be three Circles which covers three Hill Districts of CHT, 377 Maujas under 121 Unions and 4098 para/villages will be covered.

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## 2.5. COORDINATION

### *Donor Coordination*

The Local Consultative Group (LCG) and its Working Group on Governance (GWG) continue to be the main forum for government and donor co-ordination with the Government. The LCG GWG is currently co-chaired by the UNDP. The GWG has six task teams (Political Governance, Local Governance, Public Administration, Anti-Corruption, Justice and Public Finance). Village Courts, which intersect local governance and access to justice, have so far been mainly discussed in the Justice task-team. However, as this team has fallen dormant, discussion might shift to the more active Local Governance team. Other than the EU, UNDP and Danida, no other donors currently support Village Courts and the risk of overlaps and duplications therefore does not exist.

### *Maximising Synergies*

The project has many synergies with existing projects working with local government. The joint Union Parishad Governance Project (UPGP) and Upazila Governance Project (UZGP) are phased out recently, and will be linked with the new project Effective and Accountable Local government (EALG). The EALG and LGSP3 projects (supported by the World Bank) have, between them, District Facilitators supporting local officials in every district. Presently, they do not have the capacity to take on additional tasks relating to the AVCB, so Phase II will require recruitment of Village Court District Facilitators. However, to avoid duplication and maximise synergies, it would be ideal if there were one DF per District for all the projects. Hence, in Phase II, the project management will continue to seek a workable solution to enable one DF to support all three projects.

UNDP's justice sector activities will be consolidated from 2018 onwards in a new Access to Justice project, which is currently under formulation. Phase II has been aligned to this as far as possible at this stage, but the project management will need to take care not to duplicate any activities of the new Access to Justice project once the project document is signed.

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## 3. RESULTS FRAMEWORK

The formulation of AVCB II involved a joint EU-UNDP process. The results framework is therefore common to both. Although there is no difference in substance, there is in terminology. Hence, for the avoidance of confusion, in this section and in the Results and Resources Framework UNDP terminology is used, with the EU language also shown, and a copy of the EU Logical Framework is Annexed.

The Project has two Outputs<sup>13</sup> under which there are five Activity Results<sup>14</sup>

**Output/Specific Objective One: To make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well- functioning village courts/ local justice mechanisms in CHT.**

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<sup>13</sup> UNDP Outputs are equivalent to EU 'Specific Objectives'.

<sup>14</sup> The UNDP Activity Results correspond to EU 'Results'.

This Output relates to all supply side activities, including activation of village courts, strengthening local justice mechanisms in the CHT and capacitation, and implementing the Decentralised Monitoring, Inspection and Evaluation (DMIE) system, and the following activity result/result.

**Activity Result/Result 1.1** *Capacity of relevant stakeholders at national and local level improved and key skills strengthened to enable Village Courts in new target Unions and local justice mechanisms in CHT to function effectively by the end of project implementation.*

In Phase II, the project will cease support for the VCAs that were included in the pilot and focus on 1,080 new Unions to be selected on the basis of the criteria described above in the section on Geographical Coverage. Once the Unions to be supported have been identified, the project management unit will work with LGD to create an implementation plan. LGD will identify Unions which have a hearing room set aside for VCs, and the project will provide the necessary furniture, *ejlas*, stationery and registers for the court to function.

A comprehensive training plan based on 'cascade' training will be established to train all relevant functionaries within the project area. The intention is to decentralize the training so as to:

- Ensure a wide knowledge base;
- Allow training to take place at district and Upazila level, rather than national level to ease the burden on central resources; and
- Synergise with current decentralization of government capacity.

Each project district will establish a District Training Pool (DTP) comprising approx. 8-10 trainers<sup>15</sup> each, who will lead all Village Courts training within the District in Phase II. The DTP will first be trained by a national training pool of approximately 16 'Master Trainers' composed of both NGO specialists in Village Courts (PNGOs from Phase I and/or others), and government officials.

The DTP will provide intensive training for those most closely involved in Village Court functions (i.e. AACO/VCA; UP Secretary; UP Chair and Panel Chair). Different training/orientation programs will be created and tailored to the needs of the UP membership, the Village Police, the UNO and other local government stakeholders. The DDLG, together with the UNO at the Upazila level, as part of their role of overseeing the VCs, will be responsible for coordinating and managing the training with assistance from the District Facilitator (DF), NGO District Coordinator, and NGO Upazila Supervisor.<sup>16</sup>

The Project will ensure there is a handover strategy from VCAs (recruited by NGOs) which will be required in the initial stages of the project, to the Assistant Accountant-cum-Computer Operator (AACO) recruited by government. The project plan is based on LGD's plan for deployment of AACOs i.e. to recruit 1800 AACOs by early 2016, and then a further 900 every year for 3 years until all Unions have an AACO. On that basis, by year 3 of the project a large proportion of the project Village Courts will have AACOs in place, and by the beginning of year 4 all should have them in place.

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<sup>15</sup>Each DTP will comprise of representative from Deputy Commissioner (i.e. DDLG, ADC, ADM, UNO), district police, judiciary, youth service, social service, women affairs department, DF, District Coordinator and Upazila Coordinators of respective NGO. However, LGD may co-opt any further member in the DTP formation.

<sup>16</sup>The NGO District and Upazila Coordinators will only be in place during the most intensive 'activation' phase of the project i.e. 36 months, while the Project's District Facilitators will be in place for 42 months.

The project will need to agree with LGD a specific training plan for the new AACOs to ensure that Village Courts continue to provide effective justice services and maintain proper management and documentation.

Other than the 'cascade' training described above, integration of Village Court issues into the training curriculum of government training institutes will ensure the capacity building initiatives of relevant stakeholders, including service providers, are continued after the project has come to an end and will also support those Unions where no AVCB project intervention is taking place. The pilot phase has already ensured that national training institutes, particularly the National Institute of Local Government (NILG), include village courts issues in their regular training curriculum. The project will continue to provide technical and logistic support to these institutes as well as new institutes including the judicial training institute (JATI), the civil service academy (BCSAA), the Police Academy (BPA), and Police Training Institutes/Centres so that updated training and materials on village courts become part of the regular training curricula for officers and staff e.g. Judicial officers, Assistant Judges, Upazila Nirbahi Officers (UNOs), Assistant Superintendent of Police (ASP), Inspector/Officer in Charge and Sub-Inspector, UP representatives, Secretaries, Village Police, etc. Through its action research activities, the project will make recommendations regarding the relevancy and feasibility to integrate knowledge and experiences from VC pilots in CHT into the training curricula of these academies.

Women's specific experiences of VCs remain unclear. While there are some quantitative data there is little about their qualitative experience, and to date, no specific focus on their needs. The project will also develop a gender focused dimension to its programming, with the assistance of a Gender Specialist. This will be linked to research and data gathering under Activity result 2.2.

Gender relations among the ethnic communities may not be associated with very pronounced forms of inequalities easily noticeable in other societies; it can be generally said that women members of the tribal communities do not always enjoy the same status and opportunities as their male counterparts. Furthermore, due to the strong presence of patriarchal attitude in customary/traditional practices tribal women face many inequalities and obstacles in their own community. In addition, the effects of decades long conflict in the region have also been borne quite unevenly. In many cases, women have been, and continue to be, the worst victims of various forms of discrimination and rights violations. Since a large part of the local conflicts are involved with women and family related matter, it is highly necessary to involve local women in traditional justice system and dispute resolution for ensuring access to justice for women. In the past, the entire traditional system was led and managed by men only however, there have been some positive changes over the last few years through appointment of around 300 women karbaries by Chakma Circle Chief. Similar noble efforts are required in other two circles to move one step advance towards local women's political (decision-making) empowerment.

Therefore, the gender mainstreaming strategy of CHT AVCB II will focus on strengthening the capacity of traditional institutions so that they strictly consider the global principles of human rights, gender and women's rights in traditional justice system and transform in to gender sensitive institutions. In addition, promotion of women's leadership and empowerment will be a major focus area where various capacity building support will be provided to the women karbari network.

The European Commission suggested as part of its effort to mainstream CHT related issue in all its cooperation programmes to see if the current project could also support local dispute resolution mechanisms equivalent to the Village Courts in the CHT with its specific dynamics.

As a priority during the Inception Phase or in a separate study even earlier, the partners will explore options for the inclusion of support to local authorities in the CHT within the framework of the Village Courts project. Working in the CHT requires specialised skills and experience, and perhaps more importantly and sensitively, it should fully appreciate the respective provisions of the 1997 Peace Accord, under which local governance systems in CHT have their specific designated structures and responsible agencies at central level with the Ministry of CHT Affairs. Among other issues it should be explored with all involved parties on how the Village Courts can be set up effectively with the Hill District Councils in the CHT, their functions vis-à-vis the traditional dispute mechanism already present in CHT and which role this project can play to support such an effort.

Building capacity of the traditional justice system would be the top priority for the CHT component of AVCB II project. All traditional leaders will be trained on the Traditional System (Case management, documentation, etc) and assisted in delivering justice. A trainer group composed of traditional leaders with relevant government officials will be formed through ToTs who will provide training to Headmen and *Karbaries* (Village chief or elder). It is expected that a total 154 master trainers will be trained through 7 batches of 5 days TOT. These master trainers will later conduct 159 batches of trainings for 4977 traditional leaders (377 Headman, 4100 Karbari and 500 Women Karbari) of three Circles.

- The Project will work with the traditional institutions e.g. Circle Chiefs, associations of Headman and Karbaris for reviewing the customary laws and practices to suggest improvement taking into account human rights standards and gender aspects. Capacity building training will be organized for traditional leaders.
- Initiatives will be taken for the improvement of the case management system and procedures of traditional courts. Finally, advocacy will be done to clarify and functions of the traditional system (i.e. customary system that is not fully documented/codified in writing) and other options of existing redress mechanisms including but not limited to the village courts and legal aid system.

**Activity Result/Result 1.2:** *Legal and policy framework revised to enhance efficiency and effectiveness of Village Courts and local justice mechanisms in CHT.*

Recognising the importance of increasing referrals to the Village Courts by the District Courts and police, both to increase access to justice for the poor, women and vulnerable groups and to assist in reducing the backlog of cases in the formal courts, but noting that the legal and policy framework needs to be addressed to facilitate such referrals, the project will begin a process to improve the effectiveness of the legal framework by undertaking consultation and developing proposals on:

- Possible amendments for the Village Courts Act and the Criminal Procedure Code to allow police to refer matters to the Village Courts. In case of possible CrPC amendment the Project will seek cooperation, and build coordination with other justice related projects,
- Possible amendments to the list of offences listed in the Schedule to the Village Courts Act to accurately reflect the crimes, and the gravity of offences, which may be dealt with – which in turn will provide clear guidelines for the police.

Besides, the project will seek agreement with Judiciary to allow junior judges to participate in VC training and become part of District Training Pool.

Other issues which may require legal changes to be explored by the project are:

- Clarifying the issue of ‘exclusive jurisdiction’ of VCs;
- Respondents’ ability to prevent a Village Court simply by refusing to nominate their panel members;

- Clarification in jurisdiction, especially related to land matters (amount of land rather than value).

Whilst proposals for such legislative reform are being developed, the project will lobby the Chief Justice (CJ) and Supreme Court for the Honourable CJ to issue a Practice Note requiring District Courts to transfer appropriate cases, establishing clear procedures for transfer, and for the creation of an early screening mechanism.

The Ministry of Home Affairs and Inspector General Police will be lobbied to issue a Directive requiring referrals by the police to Village Courts, and community policing fora will be engaged to encourage referrals as appropriate. The project will also work with the Ministry of Law, Justice and Parliamentary Affairs, Ministry of Home Affairs and the Bangladesh Police, to strengthen LGD links to relevant justice coordination mechanisms such as Legal Aid Committees, Criminal Justice Coordination Committees and Case Management Committees. This will not only improve policy coordination, and increase the profile of Village Courts within the formal sector, but may also help LGD to find solutions within the current legal framework (e.g. through directives, GOs etc.) to increase the number of referrals.

Initiatives to codify the customary laws of the tribal people to ensure standardization of the laws throughout the region, have already been taken by NGOs. These initiatives will be examined and, if necessary, extended further. Analysis of the personal laws also show that there is a dearth of human rights values in the laws and that the application of the laws is subject to the discretion of the Headmen and Karbaris hence varying from area to area.

Existing laws applicable to tribal communities should be reviewed and analyzed in order to make necessary amendments to ensure their consistency to the extent possible with traditional culture and values of tribal communities, and with basic human rights principles. As part of this process of review and analysis, a study will be carried out on a pilot basis in several key areas to map the diversity of problems faced by tribal people located across the region, as well as a suggestions for legal changes needed (if any). Traditional practices like punishment systems, maintenance to divorced wife and children, and the share of women in the property will be discussed through dialogues with the stakeholders.

Furthermore, existing Village Courts legal framework will also be reviewed and revisited following lessons learnt from the action research/feasibility study to prevent potential conflict or contradiction between Village Courts services and local dispute resolution options. Series of consultations with various layers of traditional leadership will be carried out for ensuring peoples engagement and participation in this legal review process. Depending on the findings, the project will make recommendations to the GoB for amendment of the Village Court Act.

**Activity Result/Result 1.3** *GoB monitoring capacity for evaluating Village Courts and other local justice mechanisms' performance is strengthened and systematized.*

The project design requires local government officials to take over the role of monitoring Village Court performance, reporting and quality assurance, hence capacity development of personnel will be necessary. The project will also strengthen monitoring within the local government structures, by creating or strengthening institutional mechanisms.

The pilot phase tested a Decentralised Monitoring, Inspection & Evaluation (DMIE) system in 15 Unions which the LGD has decided to roll-out nationwide. The project will support the LGD in this task in the 1,080 UPs in the project and provide necessary training to relevant officers on how to compile reports, how to check the court files and monitor quality. Stronger links with judicial officers will be used to ensure oversight of Village Court case handling, for example

through creation of an additional reporting line as part of the DMIE system from the UNO to the district judge up to the Chief Justice.

Additionally, although the 351 UPs from Phase I will have been handed-over to GoB by the end of Phase I, the project will provide technical support (reporting forms, formats etc.) to LGD to take over the monitoring of their performance to ensure that the gains during the pilot phase are maintained. The project will analyse and document the lesson learned from this handover process. This will later be a tool in developing the handover phase for the 1,080 new UPs. This documentation will also assist the MTR to anticipate the necessary activities to ensure the handover goes smoothly. Simultaneously, and throughout Phase II, the project will focus on building the capacity of the MIE Wing of the LGD to enable it to gradually take on the direction and oversight of the Village Courts from the PMU, and to analyse the reports received from the Village Courts' DMIE system.

The project supported a mini-pilot of the web-based Village Court Management Information System (VCMIS) in the same 15 UPs. This appeared to show that VCMIS adds value to the process, although records were maintained in paper alongside the VCMIS so its full potential was not explored. Funding constraints have meant that Phase II will be unable to support a full rollout of the VCMIS in Phase II, but, to test how it can support the DMIE system and provide a stronger evidence-base as to the value added by the system, the project will support a larger, more methodologically testing pilot in 100 Unions. Unlike Phase-I's mini-pilot, no additional IT equipment will be provided by the project but only capacity building support. If ICT hardware is provided either from LGSP-2 or others and software capacity building trainings are provided by Bangladesh Computer Council (BCC), then the VCMIS rolling out can be made across 1080 UPs. But to facilitate the DMIE system, the VCMIS software will be made available to be installed into existing computers in the UP complex (the UP Secretary's computer and the computer available in the UP complex known as the 'Union Digital Centre') which can then be used by the VCA/AACO. The project will provide capacity building support so that users can enter case data and monitor VC performance from their respective duty stations and will also work with LGD.

The Upazila Village Court Management Committee (UVCMC) and District Village Court Management Committee (DVCMC) were formed through a Government Order issued on 22<sup>nd</sup> March 2012 and tasked with managing and monitoring village courts performance. The DVCMC includes all Upazila Nirbahi Officers (UNOs) from that district, the Police Superintendent, (SP), Deputy DDLG), Upazila Parishad Chairmen, NGO and Media representatives, and representatives from the Ministry of Women's Affairs. The Committee is chaired by the Deputy Commissioner (DC). Similarly, the UVCMC includes all UP Chairmen from that Upazila, Judicial officers, NGO and Media representatives and representatives of police stations; the committee is chaired by the UNO.

Both committees are required to meet quarterly to monitor the village courts performance and provide strategic direction but are presently mostly inactive (other than those supported during Phase I). These are important accountability and transparency mechanisms which supplement the monitoring process undertaken by LGD. If effective, they can perform a number of essential functions. First, they ensure that the respective VCMC Chairs are aware of the issues and progress of Village Courts in their Upazila or District. Secondly, they provide a platform for information-sharing, and knowledge transfer, and thirdly they can create peer-pressure to activate Village Courts on those UP Chairs who are reluctant to do so.

The project will provide support at District and Upazila level for the committees to meet, and for other relevant committees to have Village Courts as a standing agenda item (e.g. in the UP

Law and Order Committee, Legal Aid Committees etc.). In addition, the project will advocate for the inclusion of the monitoring system into the updated Village Courts Rules. Once the amended Village Courts Rules are issued by the GoB, the project will provide capacity building support to the local administration to monitor village courts performance.

Supports will be provided to Circles, Headman and Karbaries for establishing effective monitoring mechanism for the traditional justice system. Support will include upgrading the traditional courts at all three levels and introducing reporting formats and MIS systems in the region. Support will be provided to three Circles for upgrading of *Ejlash*/Court bench, wooden chairs, table, file cabinet, ceiling fan, water dispenser and renovation of court room. *Ejlash*/court bench, chair, table and file cabinet will be provided for upgrading 377 Headman courts. Chair, table, bench and file cabinet will be provided to 4098 Karbari Courts. Apart from the logistics minimal ICT support will also be provided to the Circle Courts at District level for establishing a modern monitoring system, documentation and record keeping. Three Circles will organise annual learning and sharing conferences of headmen and karbaries where lesson learning and best practices will be shared.

Support will also be provided to the Associations/Networks of Headman and Karbaries at the District levels and Women Karbari Networks at district/ regional level for better coordination and monitoring of the capacity building as well as monitoring activities. Support will include minimum ICT equipment (1 desktop, 1 printer, 1 digital camera) and few logistics will also be provided. It is very difficult to reach all headman and Karbaris individually as they live in very remote places. These networks and associations are normally used to disseminate information to Headman and Karbaris collectively. Also, these offices will be used as resource centres. Headman and Karbaris shall be able to use ICT equipment for preparing their reports and monitoring data. Headman Associations, Karbari Associations and Women Karbari Networks will also organise annual learning sharing gatherings for sharing of lesson learning, best practices and knowledge sharing. These associations/networks are potential and emerging organizations to strongly lobby and advocate for the rights of headmen and karbaries. Moreover, these association/ networks help to raise the minimum standards of the traditional leaders and their quality of works in their role as peer groups.

Possible coordination between reporting of traditional justice delivery mechanism and village courts mechanism will be explored, tested and established if found feasible based on the results of action research to be conducted under this project.

**Output/Specific Objective Two: To empower local people, especially women, the poor and vulnerable groups to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner**

This Output relates to the demand side of access to justice. It focuses on increasing knowledge and understanding of Village Courts and local justice mechanisms both among potential beneficiaries and wider stakeholders.

**Activity Result/Result 2.1** *Beneficiaries in project areas understand the roles and functions of the Village Courts and other local justice mechanisms and are able to access their services when required*

Awareness of community members, service providers and other relevant stakeholders about village courts and its function will be increased through community mobilization initiatives to be conducted both at national and local level. The project will develop an outreach approach

that builds links with the local level NGOs already active at the local, and create a network which can maximise the available resources to the project. This can be done through the UNO at Upazila local development coordination committee (UDCC). The UNO shall issue an order asking social development/legal aid NGOs working under his/her jurisdiction to incorporate village courts agenda in their community mobilization interventions. And periodic follow up would be ensured in UDCC meeting. The Project will work with LGD to ensure all UNOs in project areas issue an order requiring social development NGOs working under his/her jurisdiction to incorporate village courts in their community mobilization interventions. Periodic follow up would be ensured in UDCC meetings. UNO may designate one government official as tag officer for village courts.

Additionally, the project will develop and implement an outreach strategy with a particular focus on reaching women and the poor. The Evaluation of Village Courts from Beneficiaries' End Survey in 2012 showed that there was an initial knowledge gap of between 10 – 20% based on gender, which had narrowed by the time the Survey was repeated in 2014. Similarly, education and geography were key factors in beneficiaries' understanding of Village Courts. This means that the most vulnerable populations are also the least well-informed. It is essential that, with PNGOs engaged for a shorter period in Phase II than in the pilot, these demographic differences are addressed from the beginning.

The project will also develop media messages to promote the village courts and its function and disseminate these through various avenues of mass media. Other components of the outreach strategy could include public education campaign ideas such as:

- Inclusion of stories about the Village Courts in TV programmes.
- Radio and television advertisements.
- Social media platforms.
- SMS-based messages.
- Community radio

In order to maximise the impact of activities, the project will revise the existing courtyard meeting methods to focus on key issues people need to know, such as what cases can Village Courts deal with, how much it costs, where do you go to lodge a complaint, how is the panel made up, what procedure is followed, what can the panel decide, what can it order, and what can you do if you disagree with the decision. This would also facilitate cooperation with other NGOs and allow the project to maximize the available resources for information sharing. For example coordinating with a network of local NGOs who are actively spreading social awareness messages (e.g. health care, education etc.) at village level to incorporate information on Village Courts as a component of CYMs or other events; ensuring that police Open House Days regularly incorporate presentations about Village Courts and so on.

Generally, legal awareness is critical to securing access to justice. People can only claim their rights and legal entitlements when they know and understand them. Legal awareness among the tribal as well as the whole CHT community is extremely low, which seriously impairs their ability to access justice institutions. Considering this backdrop, the proposed intervention will develop the capacity of the CSOs and HROs in the region. Grants support will be provided to CSO for undertaking awareness activities. Activities will include legal awareness and information dissemination campaigns on legal rights, entitlements and procedures of both, VC and traditional Courts in CHT, including how to claim them and where to go and ask for assistance. Possible scopes for engaging government machineries in wider awareness raising intervention would be explored also. It is expected that through the awareness campaign CHT people would gain the knowledge about various services and options and can decide on where to seek justice and /or legal assistance.

**Activity Result/Result 2.2 Evidence-base and Knowledge-management on Village Courts increased**

Evidence of the impact of the project will be gathered through the initial Baseline Survey, as well as at least one Knowledge Attitude and Perceptions Survey, and one Beneficiaries' Survey completed by June 2019. In order to explore the gender aspect of VCs, a Gender Specialist will gather evidence and data to analyse women's experience of local justice and how they differ from men, as well as investigate ways to better reach out to women as participants and beneficiaries in VCs. They will use this data to develop and refine a gender awareness raising strategy under **Activity Result 2.1**.

The Project will institutionalize knowledge-sharing both within and outside the project. The PMU will undertake regular internal exercises capturing best practices and undertake at least two lessons-learned reports. Finally, in order to consolidate the learning and awareness about Village Courts, a National Conference on Village Courts will be organized as a follow-up to the one held in 2012. This will be particularly necessary as part of the project's exit strategy to ensure that GoB is prepared to fully take over control and financing of Village Courts by June 2019.

A Mid-Term Review (MTR), to take place no later than 2.5 years after the start of the activation phase of the programme, is specifically required to assess where the project is and whether remedial action or changes are required. In addition to assessing progress against the indicators in the log frame, the MTR will be required to assess any changes in the socio-political economy and their impact on the project, the number of AACOs appointed to project sites, and changes in the budget and funds available, and may be required to reformulate the programme to meet these changes. The MTR will also be required to specifically assess whether additional UPs may be targeted for inclusion or whether the total number of UPs needs to be reduced given the remaining funds and changes in the context in which the Village Courts are being supported.

The project will work with GoB counterparts to undertake dissemination of the success of the Village Court and traditional justice system of CHT through participation in relevant national and international conferences and meetings, as well as building stronger South-South cooperation with other countries in the region through information-sharing and study exchanges.

In consultation and through further advocacy with all the relevant interlocutors of CHT including MOCHTA, CHT Regional Council, Hill District Councils, Headmen, Karbari, Circle Chiefs, LGD etc., action research/feasibility study on the village courts will be carried out in 15 UPs of CHT where LGD has already provided all necessary equipment from ADP budget to activate Village Court. In this regard a year-long action research initiative/feasibility study should be conducted through engaging a strong research partner – a local NGO with a thorough understanding of the traditional systems of dispute resolution as well as knowledge on village courts and other justice sector institutions of the country. Baseline and end line survey will be conducted to specify relevant indicators and measure the success of the project in CHT areas.

### 3.1 RESULTS AND RESOURCES FRAMEWORK

<p><b>Intended Outcome</b><sup>17</sup> as stated in the Country Programme Results and Resource Framework:  Country programme/UNDAF Outcome 1- Develop and implement improved social policies and programmes that focus on good governance, reduction of structural inequalities and advancement of vulnerable individuals and groups  <b>Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:</b><sup>18</sup></p> <ul style="list-style-type: none"> <li>Status of approval of National Strategy for Justice Sector;</li> </ul> <p><b>Applicable Key Result Area (from 2018 - 21 Strategic Plan):</b> Accelerate structural transformations for sustainable development  <b>Project title and ID (ATLAS Award ID):</b> Activating Village Courts in Bangladesh Project Phase II and ATLAS Award ID 00082279</p>
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INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>(Specify each output that is planned to help achieve the outcome.  For each output, include a baseline with associated indicators and targets to facilitate monitoring of change over time.  Each output shall ultimately become a Project ID in Atlas.)</p> <p><b>Output 1</b><sup>20</sup>  Local authorities more responsive to local justice needs and offer appropriate legal services in the form of well-</p>	<p>(Use this column for more complex projects where an output takes more than one year to produce.)</p> <p><b>Targets</b>  <b>Year 1</b>  -1,080 UPs are equipped with necessary forms, e/jas (court bench) and</p>	<p>(List activity results and associated actions needed to produce each output or annual output targets.  Each activity result shall ultimately become an Activity ID in Atlas.)</p> <p><b>Activity Result 1.1 Capacity of relevant stakeholders at national and local improved and key skills strengthened to enable Village Courts in new target UPs and local justice</b></p>	<p>LGD  UNDP</p>	<p>(Specify the nature and total costs of the UNDP inputs needed to produce each output.<sup>19</sup>)</p>

<sup>17</sup> The EU Logical Framework has a high-level objective ('Overall Objective') for the project together with indicators and baselines which the project will monitor. These can be found in the Logical Framework annexed to the Project Document

<sup>18</sup> CPD Output indicator 2.2.1. % of Union Parishads with access to a local village court (Baseline: 2015: 7.8%; Target: 2019: 32%)

<sup>19</sup> A detailed budget is annexed to the ProDoc

<sup>20</sup> This is referred to as 'Specific Objective 1' in the EU Logical Framework.

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p><i>functioning village courts / local justice mechanisms in CHT</i></p> <p>Average number of VC cases registered per year per UP in project areas by 2019. <i>Target: [60 cases p.a.]*</i> <i>Baseline: To be established through baseline survey.</i></p>	<p>equipment. -Master Trainers' ToT completed. - All District Training Pools formed and trained. - Training manual and training materials fully updated. - Amended Village Courts Rules passed by Government. - NGOs procurement completed and VCAs selected for all project Unions.</p>	<p><b>mechanisms in CHT to function effectively by the end of project implementation.</b></p> <p><b>Activities:</b></p> <p>1.1.1 Equip 1,080 UPs with all necessary forms, furniture, <i>ejlas</i> (court bench), VCA and others.</p> <p>1.1.2 Develop, update and print training materials (mainstreaming gender and vulnerability issues).</p> <p>1.1.3 Form Master Trainer (MT) and District Trainers Pools (DTP) and provide ToT for both.</p>		<p><i>Furniture, equipment and staffing for VCs</i> <b>USD 12.27 m</b></p> <p><i>Developing and printing materials</i> <b>USD 130,000</b></p> <p><i>Establish training pools and provide ToT</i> <b>USD 242,000</b></p>
<p>% of registered cases in village courts which are resolved within 6 weeks. <i>Target: [70%]*</i> <i>Baseline: To be established through baseline survey</i></p>	<p><b>Year 2</b> - VCA, UP Chair, Secretary and panel members from 1080 UPs trained. - Regular, scheduled VC hearings in 1080 UPs. - Village Courts integrated into regular training</p>	<p>1.1.4 Train all key VC actors (AACO; VCA; UP Secretary; UP Chair, Panel Chair, UP members, Village Police etc.) in project area on role and functions of village courts, mainstreaming gender issues.</p>		<p><i>Travel, accommodation and other training costs</i> <b>USD 2.14 mil</b></p> <p><i>Meeting rooms, travel costs and materials</i></p>
<p># of cases in VCs referred by court and police (disaggregated). <i>Target: [11,500]*</i> <i>Baseline: To be established through baseline survey.</i></p>				

o Tentative target based on surveys and data collected during pilot phase about the impact of VCs i.e. KAP Survey and Evaluating Village Courts Performance at Beneficiaries' End Survey 2012 and 2014. To be reviewed after Baseline Study.

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>% of people in project area who say VC has reduced crime and increased community safety.  <i>Target: [60]*</i>  <i>Baseline: To be established through baseline survey.</i></p> <p>% of cases resolved through traditional justice and other mechanism following developed system of the project  <i>Target: 70%</i>  <i>Baseline: to be established</i></p> <p>Average days required to resolve a dispute through traditional system and other mechanism  <i>Target: average 7 weeks</i>  <i>Baseline: to be established</i></p>	<p>curriculum of one national training institutes  - Project gender strategy developed and implemented.  - Proposals for amendment of Village Court Act drafted and consultation process commenced.  - Village Courts Operational Manual and information booklets prepared and disseminated.  - Practice Note from Chief Justice and Directive from IG Police on screening and referral of cases to VCs issued.  - 27 District and 128 Upazila VCMCs formed.  - Chair and member-secretary of District and Upazila VCMCs sensitised about role and responsibilities.  - All UP Chairs, Secretaries, VCAs, UNOs, DDLGs and MIE Wing in project area sensitised</p>	<p>1.1.5 Sensitize key stakeholders (UNOs; DDLGs; judges; police; Women's Development Forum etc.) in project area on gender and village courts.  1.1.6 Establish clear and systematic coordination mechanisms with Upazila and District level government authorities.  1.1.7 Develop capacity of field level staff.  1.1.8 Provide support to National Training Institutes (NILG, BCSAA, BPA, JATI etc.) to update and develop training materials and ensure VC is integrated into regular curricula/syllabus ensuring gender and vulnerability issues are mainstreamed  1.1.9 Capacity development of traditional institutions, local CSOs and local administration in CHT as well as judiciary, legal professions, and other relevant actors in CHT</p>	<p>LGD</p>	<p>USD 138,000</p> <p>Coordination and orientation meetings  USD 131,000</p> <p>Meeting and travel costs  USD 440,000</p> <p>Meetings and training materials  USD 16,000</p> <p>NGO cost-CHT  USD 859,000</p> <p>Staff costs:  USD 3.03 mil</p> <hr/> <p>Sub-total = 19.40 m</p>

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
	<p>about DMIE system.</p> <ul style="list-style-type: none"> <li>- DMIE system functional in 25% of project Districts.</li> <li>- Workshop with Womens Development Forum held in 50% project Upazilas.</li> <li>- Lessons learned study by PMU on handover of 351 UPs.</li> </ul> <p><b>Year 3</b></p> <ul style="list-style-type: none"> <li>- Village Court is integrated into regular training curriculum in two (cumulative) of the Training institutes.</li> <li>- 50% of Upazila and District VCMCs meet as per LGD directive.</li> <li>- DMIE system functional in 50% of project Districts.</li> <li>- 100 pilot UPs equipped with ICT equipment and staff to run VCMIS.</li> <li>- 60% project Unions resolving disputes in compliance with procedure in Village Courts Act</li> <li>- Workshop with Womens Development Forum held in 100% project Upazilas.</li> <li>- Number of women</li> </ul>	<p><b>Activity Result 1.2. Legal and policy framework revised to enhance efficiency and effectiveness of VCs and local justice mechanisms in CHT.</b></p> <p><b>Activities:</b></p> <p>1.2.1 Engage in advocacy and sensitization with judiciary and police to enable early case screening within current framework.</p> <p>1.2.2 Lobby for Practice Note from Chief Justice and Directive from IG Police on screening and referral of cases to Village Courts.</p> <p>1.2.3 Draft proposed amendments to the Village Court Act based on consultation with stakeholders.</p> <p>1.2.4 Print and distribute necessary VC materials and guidelines.</p> <p>1.2.5 Undertake field monitoring to ensure legal compliance and quality of decision making.</p>	<p>UNDP</p>	<p><i>Cost of workshops including travel and venue</i> <b>USD 81,000</b></p> <p><i>National I/C, and printing costs</i> <b>USD 94,000</b></p> <p><i>Printing of VC materials</i> <b>USD 38,000</b></p> <p><i>Travel costs</i> <b>USD 25,000</b></p> <p><i>Printing of Law materials</i> <b>USD 260,000</b></p>

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
	<p>involved in delivering justice through village courts increased by 20% over baseline.</p> <p>- 3 (three) NGOs (1 in each district) are in placed to assist with capacity building local/ traditional justice mechanism in 3 hill districts</p> <p>- 154 traditional leaders received ToT on Traditional Justice System</p> <p>- 5362 traditional leaders, local CSOs, local administrations, judiciary, legal professionals and other relevant actors are knowledgeable about local dispute resolution systems and norms</p> <p>- Training material including other materials related to CHT is in place.</p> <p><b>Year 4</b></p> <p>- Village Courts fully activated in 1,080 UPs.</p> <p>- Village Courts integrated</p>	<p>1.2.6 Review of existing customary laws &amp; practices and codification/documentation of laws as well as support to existing harmonization efforts of different justice systems in CHT</p> <p><b>Activity Result 1.3 GoB monitoring capacity for evaluating Village Courts and other local justice mechanisms' performance is strengthened and systematized</b></p> <p><b>Activities</b></p> <p>1.3.1 Support LGD to take-over performance monitoring of 351 UPs with Village Courts from pilot phase.</p> <p>1.3.2 Further strengthen institutional capacity of MIE Wing of LGD, and District and Upazila officials to manage performance of UPs and oversee Village Courts through DMIE system.</p> <p>1.3.3 Strengthen Village Courts Management Committees (VCMCs) across the project areas and lobby for increased balance in gender representation.</p>	<p>LGD UNDP</p>	<p><i>Staff Costs</i> <b>USD 768,000</b></p> <hr/> <p><b>Sub-total USD 1.18 m</b></p> <p><i>Travel</i> <b>USD 9,000</b></p> <p><i>National I/C; cost of travel and venues of meetings</i> <b>USD 293,000</b></p> <p><i>Cost of orientation workshops and meetings</i> <b>USD 86,000</b></p> <p><i>Installation and training of VCMIS</i> <b>USD 99,000</b></p>

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
	<p>into regular training curriculum in three (cumulative) national training institutes</p> <ul style="list-style-type: none"> <li>- 70% of Upazila and District VCMCs meet as per LGD Directive.</li> <li>- DMIE system functional in 75% of project Districts.</li> <li>- All Project Unions correctly maintain all VC forms and registers.</li> <li>- AACOs in place and trained to take over the role of Village Court Assistant in 100% of project Unions.</li> <li>- VCMIS functional in 100 UPs.</li> <li>- KAP survey shows increased knowledge and understanding of UP representatives and secretaries about VC and its functions.</li> <li>- In-house lessons learned study drafted and disseminated</li> </ul> <p>- Traditional courts (Circle, Headman and Karbari courts) are upgraded with</p>	<p>1.3.4 Replicate web-based Village Courts Management Information System (VCMIS) in 100 project Unions for efficient performance monitoring.</p> <p>1.3.5 Advocate for the inclusion of the monitoring system into the updated Village Courts Rules and for setting up a monitoring system of access to justice for the most vulnerable in CHT.</p>		<p>NGO service USD 1.66 m</p> <p>Staff Costs USD 216,000</p> <hr/> <p>Sub-total USD 2.36 m</p>

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
	<p>Logistic support.</p> <p>-CHTRC Resource Center are equipped with logistics, and skilled for monitoring purpose.</p> <p>- Proper documentation in support to the functioning of local justice mechanisms is in place in CHT areas;</p> <p>- Equip 15 UPs in CHT areas with all necessary forms, furniture, VCAs and trained VC's service providers;</p> <p>- In CHT, existing customary laws &amp; practices are reviewed, codified/ documented and harmonized with other justice systems in CHT and the law (incl. gender rights)</p> <p>-Revised CHT laws and regulations (compiled by CHTR) is in place</p>			
<p><b>Output 2:</b> <i>Local people empowered especially women, the poor and</i></p>	<p><b>Targets</b> <b>Year 1</b> - Detailed M&amp;E and</p>	<p><b>Activity Result 2.1 Beneficiaries in project areas understand the roles and functions of the Village Courts and other local justice mechanisms and are</b></p>	<p><i>LGD</i> <i>UNDP</i></p>	

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>vulnerable groups in particular to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner</p>	<p>Research Plan developed. - Baselines established against all indicators. - IEC materials updated and disseminated. - VC signboards in 1,080 UPs.</p>	<p>able to access their services when required</p> <p><b>Activities</b></p> <p>2.1.1 Develop outreach strategy and implement community mobilization initiatives for local citizens about VCs in each project union.</p>		<p>NGO services to deliver outreach <b>USD 3.11 mil</b></p>
<p>% of people who say they would first approach the VC to resolve petty disputes. <i>Target : [45%]*</i> <i>Baseline: To be established through baseline survey.</i></p>	<p><b>Year 2</b></p> <p>- Outreach strategy aimed at poor and marginalized groups developed and implemented. - Gender outreach/awareness strategy developed and implemented. - Television public information spot developed and aired.</p>	<p>2.1.2 Develop and implement gender awareness-raising strategy aimed at improving the ability of women to make use of Village Courts.</p>		<p>Printing, and misc. costs <b>USD 44,000</b></p>
<p>% of women involved as panellists in village courts' decision making process. <i>Target: [15%]*</i> <i>Baseline: To be established through baseline survey.</i></p>		<p>2.1.3 Develop, update and print public education and awareness materials and distribute to project areas.</p>		<p>Documentary; billboards and developing and printing IEC materials <b>USD 948,000</b></p>
<p>% of people in CHT are satisfied with the services of traditional justice mechanisms and other</p>	<p>- Outreach activities of VC are discussed in 50% Upazila-level development</p>	<p>2.1.4 Raise awareness of network NGOs on Village Courts and support their capacity to do outreach.</p> <p>2.1.5 Organize workshops/seminars with journalists at national and local level to increase coverage of Village</p>		<p>Attendance costs and venues for meetings <b>USD 149,000</b></p> <p>Meeting costs <b>USD 74,000</b></p>

\* Tentative target based on surveys and data collected during pilot phase about the impact of VCs i.e. KAP Survey and Evaluating Village Courts Performance at Beneficiaries' End Survey 2012 and 2014. To be reviewed after Baseline Study/Assessment.

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>local justice mechanism</p> <p><i>Target: 70%</i> <i>Baseline: to be established</i></p> <p>% of female complaints in CHT registers at traditional justice mechanisms and other local justice mechanism</p>	<p>coordination committee meetings.</p> <ul style="list-style-type: none"> <li>- Network NGOs are sensitized on VCs in 30% of project Unions.</li> <li>- CYMs and outreach activities in all project UPs at least once a week.</li> </ul>	<p>Courts.</p> <p>2.1.6 Update and maintain the village courts website and other social media.</p> <p>2.1.7 Raising awareness on existing legal systems and options for redress mechanisms in CHT</p>		<p><i>Website hosting</i> <b>USD 5,000</b></p> <p><i>NGO Service</i> <b>USD 685,000</b></p>
<p><i>Target: 60%</i> <i>Baseline: To be established</i></p>	<p><b>Year 3</b></p> <ul style="list-style-type: none"> <li>- Video documentary on project success developed and used for sensitization of different stakeholders.</li> <li>- Outreach activities of VC discussed in 100% Upazila level development coordination committee meetings.</li> <li>- Network NGOs are sensitized on VC outreach in 75% of project Unions.</li> <li>- National Village Courts conference held, with senior government participation.</li> </ul>	<p><b>Activity Result 2.2</b> Evidence-base and knowledge-management on Village Courts and local justice mechanisms increased</p> <p><b>Activities</b></p> <p>2.2.1 Develop and implement detailed M&amp;E and research plan.</p> <p>2.2.2 Undertake baseline survey including CHT, independent evaluations, surveys of beneficiaries and officials and other needs-based</p>	<p>LGD UNDP</p>	<p><i>Staff cost</i> <b>USD 175,000</b></p> <p><b>Sub-total USD 5.19 mil</b></p>
	<p><b>Year 4</b></p> <ul style="list-style-type: none"> <li>- Network NGOs sensitized on VC outreach in 100% of</li> </ul>			<p><i>Short-term Int I/C; training on M&amp;E; field visits; annual case audit and performance assessment</i> <b>USD 336,000</b></p>

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<ul style="list-style-type: none"> <li>- project Unions</li> <li>- VC knowledge products completed and disseminated.</li> <li>- Final evaluation report including CHT and all Court User Survey Reports are in place,</li> <li>- A monitoring system of access to justice for the most vulnerable in CHT is in place;</li> <li>-Engage research partner (action research for Village Courts in 15 UPs of CHT areas)</li> <li>- Develop, update and print public education and awareness materials and distribute to UPs of CHT areas</li> <li>--Deliver messages on traditional justice system and village courts through CYMs, staging drama shows, IEC materials etc.</li> </ul>	<p>assessments including exploratory study for possible rolling out in CHT.</p> <p>2.2.3 Undertake (in-house) research, and review interventions in order to support the knowledge base on Village Courts, and improve interventions (lessons learned studies; specific research topics on gender and village courts etc).</p> <p>2.2.4 Undertake and organize South-South Cooperation activities for mutual learning and exchange.</p> <p>2.2.5 Organize a national Village Courts Conference.</p> <p>2.2.6 Produce and print knowledge products.</p> <p>2.2.7 Action Research/feasibility study for exploring/scoping of VC's in CHT (15 UPs of 3 upazilas of 3 districts)</p>	<p><i>Int and nat I/C consultants</i> <b>USD 184,000</b></p> <p><i>Consulting firm</i> <b>USD 41,000</b></p> <p><i>Travel costs</i> <b>USD 142,000</b></p> <p><i>Venue, and participants attendance costs</i> <b>USD 245,000</b></p> <p><i>Printing costs</i> <b>USD 64,000</b></p> <p><i>Action research cost</i> <b>USD 276,000</b></p> <p><i>Staff costs</i> <b>USD 639,000</b></p> <hr/> <p><b>Sub-total USD 1.93 mil</b></p>		

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
		<b>TOTAL PROGRAMME INPUTS</b>		<b>USD 30.05 mil</b>
Cost of Project Management Unit (PMU) <sup>21</sup>				USD 4.38 mil
General Management Services (GMS)				USD 2.11 mil
Provision for Contingency reserve				USD 0.49 mil
CD/VAT on vehicle procurement				USD 0.40 mil
<b>Grand Total</b>				<b>USD 37.43 mil</b>

<sup>21</sup> The budget assumes some assets will be carried over from Phase I (1 Jeep, 12 motorcycles and useable furniture and equipment).

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#### 4. MANAGEMENT ARRANGEMENTS

This project will be implemented using the national implementation modality (NIM manual). A number of activities will be subcontracted by UNDP to NGOs in consultation with project authority which has experience in dispute resolution and/or supporting Village Courts. The Local Government Division will have overall supervision of the project, and will appoint a **National Project Director (NPD)** for this purpose. The NPD shall be a senior official of the level of joint secretary or above, appointed by the Secretary of LGD, who will be responsible for approving and overseeing the management of the project, through project staff. The NPD will be supported by a Project Management Unit (PMU), headed by a National Project Coordinator, in line with UNDP's Results Management Guidelines.

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##### 4.1. PROJECT STEERING COMMITTEE

The Project Steering Committee (PSC) will give high-level policy direction and oversight to the Project. The PSC will be chaired by the LGD Secretary, and participants will be representatives from MoCHTA and different related Ministries/Divisions, where possible, of the level of Joint Secretary or above. Its composition will be:

<b>Membership, Designation</b>	<b>Status</b>
Secretary, Local Government Division	Chairperson
Additional Secretary, Local Government Division	Member
Director General, MIE Wing, Local Government Division	Member
Representative from Ministry of Chittagong Hill Tracts Affairs	Member
Representative from Ministry of Public Administration	Member
Representative from Cabinet Division	Member
Representative from Law and Justice Division, Ministry of Law, Justice & Parliamentary Affairs	Member
Representative from Supreme Court	Member
Representative from Planning Commission	Member
Representative from Home Affairs	Member
Representative from ERD, Ministry of Finance	Member
Representative from Finance Division, Ministry of Finance	Member
Representative from IMED, Ministry of Planning	Member
Representative from Women and Children Affairs	Member
Representative from Ministry of Information	Member
Deputy Chief, Local Government Division	Member
Representative from UNDP	Member
Representative from EC	Member
National Project Director	Member-Secretary

Technical Member(s) may be co-opted as and when required.

##### **Terms of Reference:**

The Committee will meet at least once in every six months. It will be a high-level policy formation body that will:

- Review progress of the project and discuss policy implications;
- Recommend actions to reflect new policy directions in national planning documents (GoB Periodic Plans, ADP allocation, Five Year Plan etc.);
- Provide proper policy guidelines to overcome the problems of the project and approve the Annual Work Plan;
- Enable linkages between project activities and national development activities.
- Advise on inter-departmental/ministerial cooperation and coordination

Any changes to the project design will require PSC approval.

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#### **4.2.PROJECT IMPLEMENTATION COMMITTEE/PROJECT BOARD**

The Project Implementation Committee (PIC)/Project Board will be formed to support and oversee the implementation of the project. It will be chaired by the NPD, and its composition will be:

<b>Membership, Designation</b>	<b>Status</b>
National Project Director, Activating Village Courts in Bangladesh Project Phase II	Chairperson
Deputy Secretary (UP), Local Government Division	Member
Representative from Cabinet Division	Member
Representative from Ministry of Chittagong Hill Tracts Affairs	Member
Representative from Law and Justice Division, Ministry of Law, Justice & Parliamentary Affairs	Member
Representative from Supreme Court	Member
Representative from Ministry of Public Administration	Member
Representative from Ministry of Home Affairs	Member
Representative from ERD, Ministry of Finance	Member
Representative from Finance Division, Ministry of Finance	Member
Representative from IMED, Ministry of Planning	Member
Representative from Planning Commission	Member
Representative from Women and Children Affairs	Member
Representative from Ministry of Information	Member
Deputy Chief, Local Government Division	Member
Representative from EC	Member
Representative from UNDP	Member
National Project Coordinator	Member-Secretary

Technical Member(s) can be co-opted as and when required.

#### **Terms of Reference:**

The PIC will be responsible for overseeing the implementation of the project, and will be chaired by the NPD and participants will be representatives from MoCHTA and different related Ministries/Divisions. The Committee will meet at least quarterly and additionally as needed, in order to monitor and oversee the progress of the program. Its role will include:

- Monitoring the expenditure of the program;
- Reviewing its progress against its M&E plan;

- Providing technical and substantive inputs regarding the activities envisaged in the Annual Work Plan;
- Agreeing on re-allocations and budget revisions and make recommendations to the PSC as appropriate;
- Addressing management and implementation problems; and
- Identifying emerging lessons learned.

If necessary, the PIC can form sub-committees to oversee procurement and services.

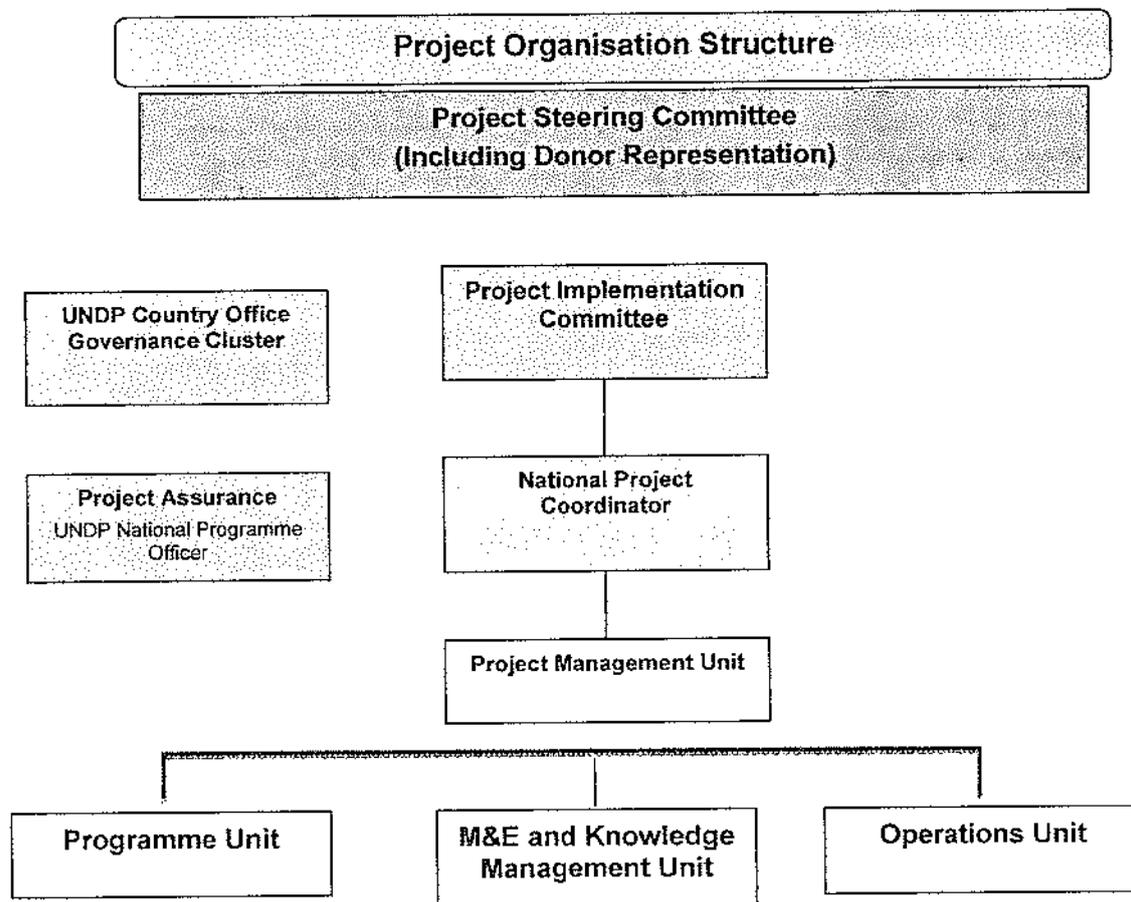
#### 4.3. PROJECT ASSURANCE

UNDP Country Office shall designate a National Programme Officer to carry out project assurance including compliance with annual work plans and results, donor coordination, and financial and procurement related compliances.

#### 4.4. NATIONAL PROJECT COORDINATOR

The PMU staff, recruited by UNDP, will be located in the Village Court Project Management Office, which will be headed by an experienced, well-qualified professional **National Project Coordinator (NPC)**. The National Project Coordinator will be recruited by UNDP and will be responsible for day-to-day management of the Project, ensuring activities are carried out in accordance with approved annual work plans. He/she will report to UNDP, and be responsible for coordination with LGD, and with other projects.

Under the guidance of the PIC and in cooperation with the NPD, and in consultation with the UNDP Programme Officer and the EU Focal Points, the NPC will be responsible for ensuring activities are carried out in accordance with approved annual work plans, planning, co-ordinating and implementing agreed activities necessary for the activation of Village Courts.



#### **4.5. PROJECT MANAGEMENT UNIT**

The Project Management Unit (PMU) will support the implementation of the day-to-day activities of the project, under the management of the NPC. The PMU has been scaled-up and designed using a leaner structure, with most posts established for targeted and time-limited interventions. A reflection of this is the fact that, despite having over three times the number of Unions to support as in the pilot phase, the PMU will have fewer permanent staff in Phase II. The PMU will have 15 posts<sup>22</sup> excluding Support Staff and Drivers (plus the National Project Coordinator) filled throughout the four years of the project. All others will be for a shorter period linked to need, when the activities will be at the highest intensity. All the project personnel but one post will be the national staff and recruited by the UNDP. The Project will be split into the following Components.

##### **Programme Component**

Responsible for all substantive activities under Activity Results 1.1, 1.2 and 2.1 and will comprise:

- Programme Specialist (1X48 months)
- Capacity Development Manager (42 months)
- Legal Specialist (1 x 30 months) [closing 6 months to be charged from CHT]
- International Legal Expert (Consultant for 440 person-days over project period)
- Gender Specialist (1 x 30 months) [closing 6 months to be charged from CHT]
- Advocacy, Communications and Outreach Specialist (1X36 months)
- Project Coordination Officers (1 x 48 months, 2 x 36 months and 1 x 18 months)
- Senior Capacity Development Officer (1 x48 months)
- Training Officer (1 x 36 months)
- District Facilitators (27 x 36 months)
- Project Assistant (1 x 48 months; 1 x 33.5 months)

##### **CHT:**

The National Project Manager (50% time spent) of the SID-CHT project will support the implementation of the day-to-day activities of the CHT related activities. The other programme staffs of SID-CHT project/CHTDF are responsible for all substantive activities under Activity Results 1.1, 1.2 and 2.1 and will comprise:

- Programme Specialist (Chief, Gender & Community Cohesion) (1 x 24 months)
- Programme Officer (Justice & Confidence Building) (1 x 24 Months)
- Programme Officer (Advocacy) (1 x 24 months)
- District Facilitators - 3 (3 x 24 Months)
- Programme Associate (1 x 24 months)
- Project Officer [CHT] (1 x 24 Months) – based in AVCBII PMU, Dhaka office being the interlocutor for CHT component

##### **M&E and Knowledge Management Component**

Responsible for project M&E, supporting the capacity building of the LGD to implement the DMIE system under Activity Result 1.3 and for developing the evidence base under Activity Result 2.2, and will comprise:

- M&E and Reporting Specialist (1 International for 18 months)
- Research and Evaluation Manager (48 months)
- Monitoring & Lessons Learning Officer (1 x 48 months; 1 x 36 months; 1 x 24 months)

<sup>22</sup>Programme Specialist, Capacity Development Manager, Senior Capacity Development Officer, Project Assistant, Research and Evaluation Manager, Monitoring & Lessons Learning Officer, Operations and Procurement Manager, IT Associate, HR Associate, Office Assistant, Logistics and Asset Management Associate, Procurement and Contract Mgt. Associate, Finance and Accounts Manager, Finance Associate, Finance Assistant.

- VCMIS Officer (1X24 months)
- Research Assistants/Interns (1X24 months)

**CHT**

Responsible for all substantive activities under Activity Result 1.3, 2.1, 2.2 and will comprise:

- Communications Officer (1 x 24 months)
- Programme Officer (Planning, Monitoring and Reporting) (1 x 24 months)
- Budget Expert (20% shared) (1 x 24 Months)

**Operations Component**

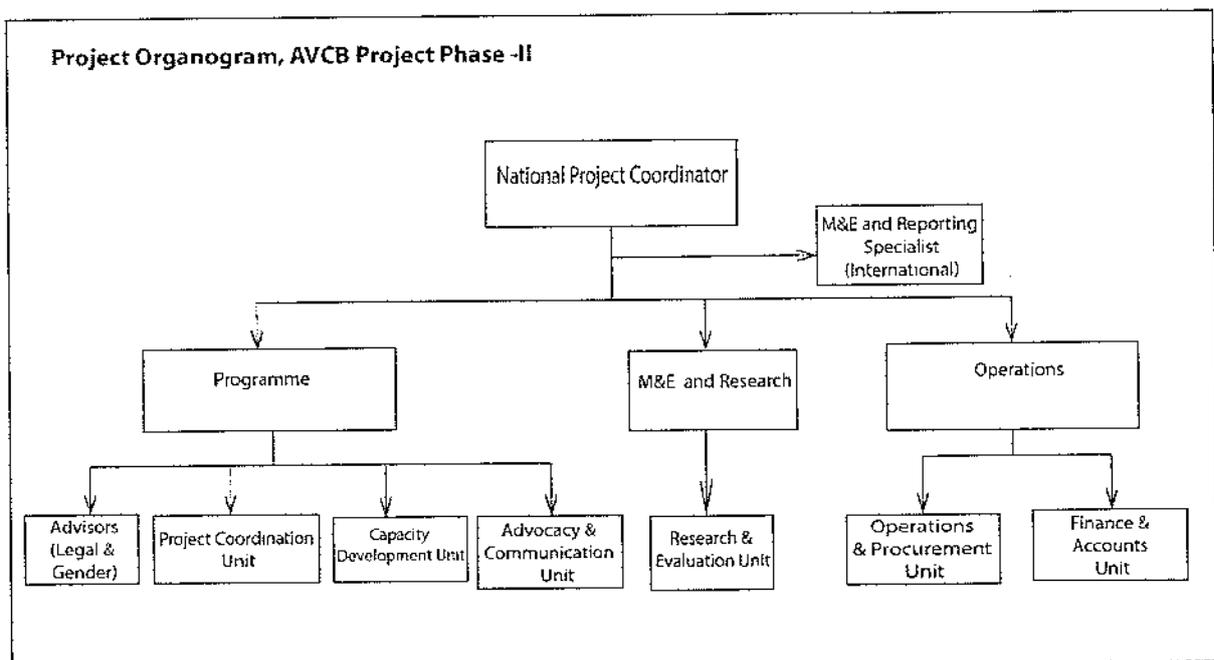
Responsible for finance, procurement, recruitment and administration, and will comprise:

- Operations and Procurement Manager (1 x 48 months)
- Admin & HR Officer (1 x 24 months)
- Procurement Officer (1 x 43 months)
- HR Associate (1 x 48 months)
- IT Associate (1 x 30 months) & IT Assistant (1 x 18 months)
- Logistics and Asset Management Associate (1 x 44 months)
- Office Assistant (1 x 48 months)
- Finance and Accounts Manager (1 x 48 months)
- Finance Officer – Field Monitoring (1 x 30 months)
- Finance Associate (1 x 24 months)
- Finance Assistant (1x48 months)
- Driver cum Messenger (2x 48 months; 2x30 months)

**CHT**

Responsible for finance, procurement, recruitment and administration, and will comprise:

- Admin. Associate (1 x 24 months)
- Finance Associate (1 x 24 months)
- Besides this, Operations Manager, Accountant, Human Resource Officer, Procurement Associate, IT Associate each will spend 20% time to CHT component.



#### 4.6. LEGAL CONTEXT

Bangladesh is signatory to the Standard Basic Assistance Agreement (SBAA) and this program document shall be the instrument referred to as such In Article 1 of the SBAA between the Government of Bangladesh and UNDP, signed 25 November 1986.

This document together with the UNDAF-Action Plan signed by the GoB and UNDP which is incorporated by reference constitute together a Project Document as referred to in the Standard Basic Assistance Agreement (SBAA); as such all provisions of the UNDAF-AP apply to this document. All references in the SBAA to "Executing Agency" shall be deemed to refer to "Implementing Partner", as such term is defined and used in the UNDAF-AP and this document.

Consistent with the Article III of the Standard Basic Assistance Agreement (SBAA), the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:

- a) Put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) Assume all risks and liabilities related to the Implementing Partner's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the Implementing Partner's obligations under this Project Document.

The Implementing Partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml). This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

#### 4.7 GOVERNMENT PARALLEL FUNDING

The total budget for the project is US\$ 37,431,278 of which US\$ 4,826,685 (Cash \$ 4,422,729 & CD/VAT \$ 403,956) from the Government of Bangladesh, US\$ 32,504,593 from EU and US\$ 100,000 from UNDP. GoB fund will be utilized as per GoB financial rules and regulations and UNDAF Action Plan. All project activities will be implemented in line with the national implementation (NIM) modality, standards and procedures as agreed with Government of Bangladesh and UNDP Executive Board

#### 4.8 Archiving

For a period of five years from the End Date of the project or up to the date of the limitation period of any claim pursuant to the applicable law governing the Agreement and any Procurement Contracts or Grants concluded under the Agreement if the latter last longer, the government shall keep and make available all relevant financial information in its original form (electronic as the case may be) or, in exceptional and duly justified cases, certified copies of original documents related to the Agreement and to any Procurement Contracts, Grant agreements and financial support to third parties concluded under this Agreement.

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#### 4.9 MONITORING FRAMEWORK

Monitoring and evaluation will be a key component of the project focusing on impact and documenting lessons learned (a monitoring framework with indicators is annexed).

Support will be given to the LGD to establish a Decentralised Monitoring, Inspection and Evaluation (DMIE) system in all project areas, to ensure reports are received on a regular basis from all project Unions. To enable the MIE Wing to assess performance of Village Courts the project will support them to develop their monitoring and evaluation skills, and their ability to analyse data through pattern and trends analysis.

The management team and especially the dedicated M&E and Research component will have the primary responsibility for Monitoring, Evaluation and Research. The M&E and Research component will prepare periodic reports and support all monitoring, research and evaluation activities. The component will ensure that monitoring and evaluation is conducted within the Results Framework and clearly establishes baselines, impacts and results. In this regard, a detailed M&E plan including Indicator Framework and MIS will be developed to track the changes of results periodically. The component, supported by the National Project Coordinator will also be responsible to support the experts involved in developing and finalising all major monitoring and evaluation products. The component will also monitor the results and lessons learned from the project areas. Periodic analysis of risks and identification of risk mitigation is also critical.

The project will have periodical Project Reviews involving PMU and UNDP Senior Management to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

At least the following Regular Reports will be prepared:

- Annual and Biannual Project Progress and Results Reports and other according to the requirement of the project partners;
- A baseline survey/assessment to ensure all the outcomes and outputs have clear baselines and targets;
- At least one Beneficiaries' Satisfaction Survey in both project and control areas;
- A Knowledge, Attitudes and Practices Survey of Village Court officials will be undertaken in both project and control areas;
- A report and analysis on VCMIS once it is operating and user surveys from the 100 pilot areas;
- Analysis of official data on the case-load of Village Courts, and referrals from police and judiciary, court user surveys (internal);
- A mid-term review (MTR) to be launched no later than 2.5 years after the start of the programme to assess achievements and challenges. In addition to assessing progress against the indicators in the log frame, the MTR assess the socio-political economy and their impact on the project, will record the number of AACOs appointed by government to VCs, resources utilisation and propose if any amendments to the programme. The MTR will also be required to specifically assess whether additional UPs may be targeted for inclusion or whether the total number of UPs needs to be reduced given the remaining funds and/ or changes in the context.
- At least one lessons learned report shall be prepared by the project during its life, at least one of which should cover the lessons from the handover of the 351 Phase I UPs to the Government of Bangladesh that will be regularly updated to ensure on-going learning and

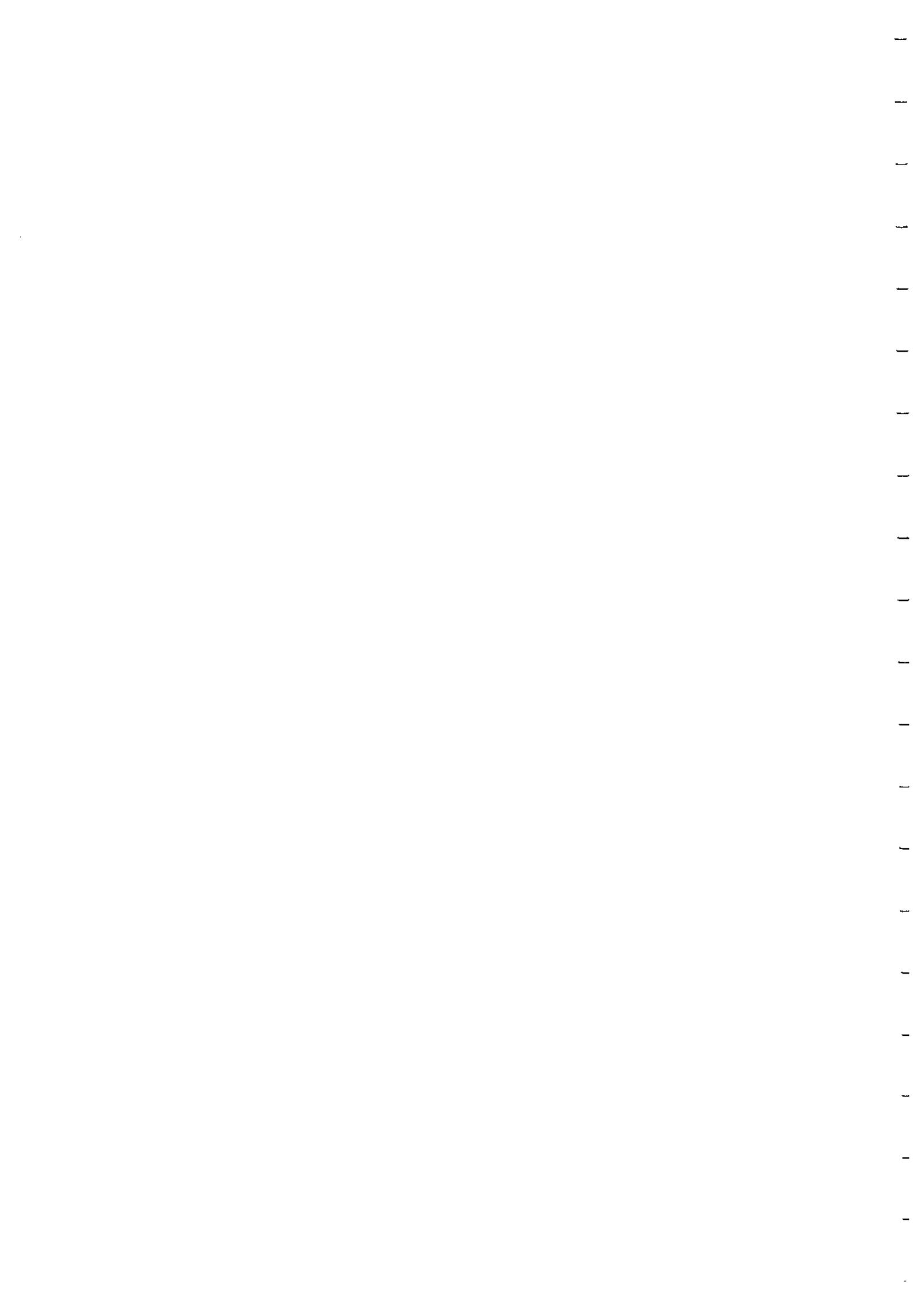
adaptation within the organization. The log will be supplemented to facilitate the preparation of the MTR and Independent Evaluation Reports.

- Field monitoring visits will take place as required, but at least once a month.

Based on the initial risk analysis annexed to this Project Document a risk/issues log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation. Based on the information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the National Project Coordinator to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.

The VC also has two inbuilt M&E mechanisms that the project may use to monitor and evaluate progress:

- Appeals, which appear to be rarely used. This may be because very few findings are appealable (most decided unanimously or by 4:1), or because the parties cannot afford to take matters to the formal Courts. But it may also well signal general contentment with the way in which disputes are resolved.
- Public confidence, indicated by the number of cases reported to VCs. A falloff in new cases and increase in non-payment of compensation orders would indicate that something is wrong.



**ANNEX I. MULTI ANNUAL WORK PLAN**

**Title:** Activating Village Courts in Bangladesh Project Phase-II

**UNDAF Outcome 1:** Develop and implement improved social policies and programmes that focus on good governance, reduction of structural inequalities and advancement of vulnerable individuals and groups,

Output	Activity Result	Activities	Timeframe																Responsible parties	A/C code	Amount in US\$								
			Year-1				Year-2				Year-3				Year-4														
			1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4											
<b>Output-1</b> Local authorities more responsive to local justice needs and offer appropriate legal services in the form of well-functioning village courts/local justice mechanisms	<b>Activity Result 1.1</b> Capacity of relevant stakeholders at national and local level improved and key skills strengthened to enable Village Courts in new target UPs and	<p>1.1.1 Equip 1,080 UPs with all necessary forms, furniture, <i>ejlas</i> (court bench), VCAs and others</p> <p>1.1.2 Develop, update and print training materials (mainstreaming gender and vulnerability issues)</p> <p>1.1.3 Form Master Trainer (MT) and District Trainers Pools (DTP) and provide ToT for both.</p> <p>1.1.4 Train all key VC actors (AACO, VCA; UP Secretary; UP Chair, Panel Chair, UP members, Village Police etc.) in project area on role and functions of village courts, mainstreaming gender issues</p>																									LGD UNDP	71300 71400 71600 72100 75700	19.40 m





Output	Activity Result	Activities	Timeframe																A/C code	Amount in US\$									
			Year-1				Year-2				Year-3				Year-4						Responsible parties								
			1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4											
	Activity Result 1.3 GoB monitoring capacity for evaluating Village Courts and other local justice mechanisms' performance is strengthened and systematized	1.3.1 Support LGD to take over village courts performance monitoring of 351 UPs in pilot phase 1.3.2 Further strengthen institutional capacity of MIE Wing of LGD, and district and Upazila officials to manage performance of UPs and oversee Village Courts through DMIE system 1.3.3 Strengthen Village Courts Management Committees (VCMCs) across the project areas and lobby for increased balance in gender representation 1.3.4 Replicate web-based Village Courts Management Information System (VCMIS) in 100 project unions for efficient performance monitoring 1.3.5 Advocate for the inclusion of the monitoring system into the updated Village Courts Rules and for setting up a monitoring system of access to justice for the most vulnerable in CHT.																									LGD UNDP	71300 71400 71600 72100 75700	2.36 m





Output	Activity Result	Activities	Timeframe												Responsible parties	A/C code	Amount in US\$	
			Year-1			Year-2			Year-3			Year-4						
			1	2	3	4	1	2	3	4	1	2	3	4				
		2.2.7 Action Research/feasibility study for exploring/scoping of VC's in CHT (15 UPs of 3 upazilas of 3 districts)																

**ANNEX II. MONITORING FRAMEWORK**

**NB:** All data to be disaggregated by gender and, where possible, by other vulnerabilities such as ethnicity, age, disability, extreme poverty.

	<b>Intervention Logic</b>	<b>Objectively Verifiable Indicators (OVI)</b>	<b>Means of verification</b>	<b>Assumptions</b>
<b>Overall Objective</b>	To contribute to improving access to justice for disadvantaged and marginalized groups in Bangladesh	<p>1. Union Parishads have fully self-sustaining village courts ('Self-sustaining' means: Assistant Accountant cum Computer Operator (AACO) appointed, hearings carried out weekly on designated hearing days, and compliant with VC Act and Rules). <i>Target: 100%</i> <i>Baseline: 0</i></p> <p>1b. CHT has self-sustaining local justice mechanisms providing improved justice services to the local population <i>Target: to be identified</i> <i>Baseline: 0</i></p> <p>2. Percentage of female complainants registered at VC. <i>Target: 31%</i> <i>Baseline: To be established by Baseline Survey.</i></p> <p>3. % of VC users who are satisfied with</p>	<ul style="list-style-type: none"> <li>• Baseline, Mid-term and final evaluation report</li> <li>• Village Courts Performance Assessment.</li> <li>• Edline survey report in CHT</li> <li>• MIS data</li> <li>• Project staff reports.</li> </ul>	<p>Political will and supportive policy framework.</p> <p>GoB appoints AACO's to take over VCA role in accordance with stated timelines.</p> <p>MoCHTA and relevant CHT local institutions will have the necessary resources to ensure the sustainability of the results after the project</p>

<p><b>Specific Objective<sup>23</sup> 1</b></p>	<p>To make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well- functioning village courts/local justice mechanisms in CHT</p>	<p>VC service. <i>Target: [ 80%]*</i> <i>Baseline: To be established through baseline survey.</i></p> <p>4. % of VC complainants who are poor or extreme poor (using World Bank definition). <i>Target: [70%] *</i> <i>Baseline: To be established through baseline survey</i></p>	<p>1. Average number of VC cases registered per year per UP in project areas by 2019. <i>Target: [60 cases p.a.]*</i> <i>Baseline: To be established through baseline survey.</i></p> <p>2. % of registered cases in village courts which are resolved within 6 weeks. <i>Target: [70%]*</i> <i>Baseline: To be established through</i></p>	<ul style="list-style-type: none"> <li>• Baseline, Mid-term and final evaluation report</li> <li>• Village Courts Performance Assessment.</li> <li>• Edline survey report in CHT. MIS data</li> </ul>	<p>Government commitment to funding and staffing VCs Political will and supportive policy and legislative framework including from Police and Courts.</p>
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\* Tentative target based on surveys and data collected during pilot phase about the impact of VCs i.e. KAP Survey and Evaluating Village Courts Performance at Beneficiaries' End Survey 2012 and 2014.

<sup>23</sup> Note: The Logical Framework follows the EU template, while the project document has been developed using UNDP and UNCDF's template, Specific Objectives stated herein are referred to as Outputs in the Project Document, while Results are Activity Results.

<i>baseline survey</i>	3. # of cases in VCs referred by court and police (disaggregated). <i>Target: [11,500]*</i> <i>Baseline: To be established through baseline survey.</i>	4. % of people in project area who say VC has reduced crime and increased community safety. <i>Target: [60]*</i> <i>Baseline: To be established through baseline survey.</i>	5. % of cases resolved through traditional justice and other mechanism following developed system of the project <i>Target: 70%</i> <i>Baseline: to be established</i>	6. Average days required to resolve a dispute through traditional system and other mechanism <i>Target: average 7 weeks</i>																																																																																																																																																																									

<p><b>Specific Objective 2</b></p>	<p>To empower local people especially women, the poor and vulnerable groups in particular to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner</p>	<p>Baseline: to be established</p> <ol style="list-style-type: none"> <li>1. % of people who say they would first approach the VC to resolve petty disputes. <i>Target: [45%]*</i> <i>Baseline: To be established through baseline survey.</i></li> <li>2. % of women involved as panelists in village courts' decision making process. <i>Target: [15%]*</i> <i>Baseline: To be established through baseline survey</i></li> <li>3. % of people in CHT are satisfied with the services of traditional justice mechanisms and other local justice mechanism <i>Target: 70%</i> <i>Baseline: to be established</i></li> <li>4. % of female complaints in CHT registers at traditional justice mechanisms and other local justice mechanism</li> </ol>	<ul style="list-style-type: none"> <li>• Baseline Survey/assessment report</li> <li>• MTR and Final Evaluation report</li> <li>• Village Courts Performance Assessment.</li> <li>• Edline survey report in CHT. MIS data</li> <li>• Project progress reports.</li> <li>• Access to Justice Situation Analysis</li> </ul>	<p>AVCB still able to achieve good impact despite change of project methodology, reducing the amount, and period of outreach by PNGOs.</p>
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<p><b>Result 1.1</b></p>	<p>Capacity of relevant stakeholders at local and national improved and key skills strengthened to enable VCs in new target UPs and local justice mechanisms in CHT to function effectively by the end of project implementation</p>	<p><i>Target: 60%</i> <i>Baseline: To be established</i></p> <p>1. # UPs equipped with <i>eilas</i> (court bench), court forms and registers and have trained Village Courts Assistants (VCAs)/AACOs. <i>Target: 1080</i> <i>Baseline: 0</i></p> <p>2. # of national training institutes who have updated information on VC issues in their regular training curriculum/syllabus. <i>Target: 4 - (1. National Institute of Local Government, 2. Judicial Administration Training Institute, 3. Bangladesh Civil Service Administration Academy, and 4. Bangladesh Police Academy).</i></p> <p><i>Baseline: NILG has a regular course but materials need updating.</i></p> <p>3. # District Training Pools established. <i>Target: 25 (1 in every project District)</i> <i>Baseline: 0</i></p> <p>4. # Officials and representatives of Union Parishads trained on village courts functions by District Training Pools (per UP = 1 UP Chair; 12</p>	<ul style="list-style-type: none"> <li>• Baseline Survey Report</li> <li>• MTR and Final Evaluation Report</li> <li>• Project Progress report/MIS data</li> <li>• Knowledge, Attitudes and Perceptions Study</li> <li>• Village Courts Performance Assessment.</li> <li>• Legal compliance assessment report</li> <li>• End line survey report in CHT.</li> </ul>	<p>Central and local Government political and operational support continues.</p> <p>DDLGs appointed on full time basis by GoB in all or most project districts.</p> <p>The 2016 local elections take place as scheduled.</p> <p>National training institutes are supportive</p> <p>Trainers in DTPs committed to delivering high quality training.</p> <p>AACOs appointed in project areas in the timeline provided by LGD.</p> <p>GoB agrees handover plan to AACOs from VCAs.</p> <p>LGD assigns AACOs to all project areas by Jan 2019.</p>
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			<p>members; UP Secretary).  <i>Target: 14000</i>  <i>Baseline: 0</i></p> <p>5. % UP representatives and officials in AVCB areas who gave correct responses to 9 key knowledge questions.  <i>Target: 55%</i>  <i>Baseline: KAP Survey 2014 - 15% of officials and UP representatives in non-project areas correctly answered all 9</i></p> <p>6. % UPs in project area which correctly maintain all VC forms and registers.  <i>Target: 100%</i>  <i>Baseline: 0</i></p> <p>7.# AACOs trained to take over role of Village Court Assistant.  <i>Target: 1080</i>  <i>Baseline: 0</i></p> <p>8. % of resolved cases which are enforced.  <i>Target: [80%]*</i>  <i>Baseline :</i></p> <p>9. % of cases heard in AVCB area which are within the VCs jurisdiction and in compliance with the correct procedure.  <i>Target: [100%] *</i></p>	
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\* Tentative target based on surveys and data collected during pilot phase about the impact of VCs i.e. KAP Survey and Evaluating Village Courts Performance at Beneficiaries' End Survey 2012 and 2014. To be reviewed after Baseline Study/Assessment.

		<p><i>Baseline: To be established by baseline survey/assessment</i></p> <p>10. In CHT, # of traditional leaders, local CSOs, local administrations, judiciary, legal professionals and other relevant actors are knowledgeable about local dispute resolution systems and norms</p> <p><i>Target: 5362 (traditional leaders 4977+ 200 CSO personnel + Local administration 50+ Judiciary 15+ lawyers 60+ 60 other relevant actors)</i></p> <p><i>Baseline: 0</i></p>		
		<p>11. Proper documentation in support to the functioning of local justice mechanisms is in place</p> <p><i>Target: Documentation in place in 50% of project areas of CHT</i></p> <p><i>Baseline: 0</i></p>		
		<p>12. Training material including other materials related to CHT is in place.</p> <p><i>Target : Training materials are in place</i></p> <p><i>Baseline: 0</i></p>		
				<p><b>Sources of Information</b></p> <ul style="list-style-type: none"> <li>• Documented curricula/syllabus of the institutes</li> </ul>
<b>Activities</b>	1.1.1 Equip up to 1080 UPs with all necessary forms,			
		<b>Means</b>		
		Provision of training and materials, and technical assistance.		

	<p>furniture, <i>Ejlas</i> (court bench), VCA and others.</p> <p>1.1.2 Develop, update and print training materials (mainstreaming gender and vulnerability issues).</p> <p>1.1.3 Form Master Trainer (MT) and District Trainers Pools (DTP) and provide ToT for both.</p> <p>1.1.4 Train all key VC actors (AACO; VCA; UP Secretary; UP Chair, Panel Chair, UP members, Village Police etc.) in project area on role and functions of village courts, mainstreaming gender issues.</p> <p>1.1.5 Sensitize key stakeholders (UNOs; DDLGs, judges; police; Women's Development Forum etc.) in project area on gender and village courts.</p> <p>1.1.6 Establish clear and systematic coordination mechanisms with Upazila and District level government authorities.</p> <p>1.1.7 Develop capacity of field level staff.</p> <p>1.1.8 Provide support to National Training Institutes (NILG, BCsAA, BPA, JATI etc.) to update and develop</p>	<p>Procurement of materials and hardware as needed.</p>	<ul style="list-style-type: none"> <li>• Verified training logs</li> <li>• Project progress reports</li> <li>• Training Plan field monitoring reports by project team</li> </ul>	
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	<p>training materials and ensure VC is integrated into regular curricula/syllabus ensuring gender and vulnerability issues are mainstreamed</p> <p>1.1.9 Capacity development of traditional institutions, local CSOs and local administration in CHT as well as judiciary, legal professions, and other relevant actors in CHT.</p>			
	<p><b>Intervention Logic</b></p>	<p><b>Objectively Verifiable Indicators (OVI)</b></p>	<p><b>Means of verification</b></p>	<p><b>Assumptions</b></p>
<p><b>Result 1.2</b></p> <p>Legal and policy framework revised to enhance efficiency and effectiveness of VCs and local justice mechanisms in CHT.</p>	<p>1. Proposals developed to amend Village Court Act / Rules or CrPC to facilitate transfer of cases to Village Courts <i>Target: Amendments adopted</i> <i>Baseline: 0</i></p> <p>2. Proposal developed to facilitate transfer of cases to village courts <i>Target: Proposal developed</i> <i>Baseline: 0</i></p> <p>3. Directive from IG Police to facilitate referrals to VCs in place issued. <i>Target: Directive Issued</i> <i>Baseline: 0</i></p> <p>4. Practice Note from CJ on screening</p>	<ul style="list-style-type: none"> <li>• Baseline and End line Survey reports</li> <li>• Project Progress report</li> <li>• MIS data</li> <li>• Data from police</li> <li>• Compliance Monitoring Study</li> <li>• Supreme Court reports</li> </ul>	<p>Judiciary supportive and institute mechanisms to screen and refer appropriate cases early to the VC.</p> <p>IG Police willing/able to issue Directive to require police to refer appropriate cases to VC before they enter formal system.</p> <p>Changed legal framework agreed by GoB stakeholders</p> <p>All stakeholders are supportive for codification /documentation of existing</p>	

		<p>and referral of cases by District Courts in place.  <i>Target: PN Issued</i>  <i>Baseline: 0</i></p> <p>5. Judicial officers authorized to participate in VC training and become part of District Training Pool.  <i>Target: Authorization issued from CJ</i>  <i>Baseline: 0</i></p> <p>6. In CHT, existing customary laws &amp; practices are reviewed, codified/documented and harmonized with other justice systems in CHT and the law (incl. gender rights)  <i>Target: to be identified</i>  <i>Baseline: 0</i></p>		customary laws & practices
<p><b>Activities</b></p> <p>1.2.1 Engage in advocacy and sensitization with judiciary and police to enable early case screening within current framework.  1.2.2 Lobby for Practice Note from Chief Justice and Directive from IG Police on screening and referral of cases to Village Courts.  1.2.3 Draft proposed amendments to the Village Court Act based on</p>	<p><b>Means</b></p> <p>Meetings and workshops</p> <p>Sensitization through outreach and communications</p> <p>Develop policy papers and proposals.  Prepare drafts for codification/documentation</p> <p>Build Consensus among all stakeholders regarding documentation/codification of Customary Laws</p>	<p><b>Sources of information</b></p> <ul style="list-style-type: none"> <li>• Meeting minutes</li> <li>• Workshop reports</li> <li>• Project reports</li> </ul>		

	<p>consultation with stakeholders</p> <p>1.2.4 Print and distribute necessary VC materials and guidelines.</p> <p>1.2.5 Undertake field monitoring to ensure legal compliance and quality of decision making.</p> <p>1.2.6 Review of existing customary laws &amp; practices and codification/documentation of laws as well as support to existing harmonization efforts of different justice systems in CHT.</p>			
			<p><b>Intervention Logic</b></p> <p><b>GoB monitoring capacity for evaluating VCs and other local justice mechanisms' performance is strengthened and systematised</b></p>	
	<p><b>Objectively Verifiable Indicators (OVI)</b></p> <p>1. # Districts submitting reports to LGD in accordance with Decentralized M&amp;E (DMIE) system. <i>Target: 25</i> <i>Baseline: 0.</i></p> <p>2. % UPs supported by the project which submit quarterly reports to UNO in accordance with DMIE system. <i>Target: 90%</i> <i>Baseline: 0</i></p> <p>3. % District and Upazila VCMCs in</p>	<p><b>Means of verification</b></p> <ul style="list-style-type: none"> <li>• Project Progress report</li> <li>• Midterm and Final Evaluation reports</li> <li>• MIS data</li> <li>• LGD Annual Report</li> <li>• Legal Compliance assessment</li> <li>• KAP Survey</li> <li>• Independent Study Report on institutional monitoring system</li> <li>• Project Progress Reports</li> </ul>	<p><b>Assumptions</b></p> <p>UNOs and DDLGs are in place in all relevant districts/Upazillas and support project.</p> <p>Once VCA replaced by, AACO they still undertake proper reporting.</p> <p>Government ensures each UP has access to computer and other relevant</p>	

		<p>project areas which are meeting in accordance with the GO 2012.  <i>Target: 70%</i>  <i>Baseline: Assumed 0.</i></p> <p>4. # UPs using VCMIS system for reporting and monitoring purposes.  <i>Target: 100</i>  <i>Baseline: 15 pilot areas in Phase I.</i></p> <p>5. LGD produces trends and pattern-based reports on VC performance.  <i>Target: At least 1 annual report on VC performance issued.</i>  <i>Baseline: 0</i></p> <p>6. A monitoring system of access to justice for the most vulnerable in CHT is in place;  <i>Target: Monitoring system in place</i>  <i>Baseline: 0</i></p> <p><b>Means</b></p>	<p><b>Sources of information</b></p> <ul style="list-style-type: none"> <li>• LGD/ MoCHTA annual report and other internal data.</li> <li>• Project Progress Reports</li> <li>• MIS data</li> <li>• Feedback from local government and UP representatives as well as from stakeholders in CHT during field monitoring visits.</li> </ul>	<p>hardware needed for VCMIS.</p> <p>LGD continues to support the DMIE system and allocates staff to take it forward.</p>
<p><b>Activities</b></p>	<p>1.3.1 Support LGD to take over performance monitoring of 351 UPs with Village Courts from pilot phase.  1.3.2 Further strengthen institutional capacity of MIE Wing of LGD, and District and Upazila officials to manage performance of UPs and oversee Village Courts through</p>	<p>Technical assistance, training and sensitization.  Provide VCMIS software and technical assistance.</p>		

	<p>DMIE system.</p> <p>1.3.3 Strengthen Village Courts Management Committees (VCMCs) across the project areas and lobby for increased balance in gender representation.</p> <p>1.3.4 Replicate web-based Village Courts Management Information System (VCMIS) in 100 project unions for efficient performance monitoring.</p> <p>1.3.5 Advocate for the inclusion of the monitoring system into the updated Village Courts Rules and for setting up a monitoring system of access to justice for the most vulnerable in CHT.</p>			
	<p><b>Intervention Logic</b></p>	<p><b>Objectively Verifiable Indicators (OVI)</b></p> <p>1. % People in project UPs who say they are aware of VCs and its functions. <i>Target: 70%</i> <i>Baseline:</i></p> <p>2. % People in project areas able to correctly answer that Village Courts deals with minor conflicts and disputes. <i>Target: 50% of those aware of VCs.</i> <i>Baseline: Access to justice survey – 5% of those aware of the Village Courts</i></p>	<p><b>Means of verification</b></p> <ul style="list-style-type: none"> <li>• MIS data and Progress Reports</li> <li>• Baseline Survey reports</li> <li>• Access to Justice Survey (by UNDP A2J project).</li> <li>• Village Courts Performance Assessment.</li> <li>• End line survey report in CHT.</li> </ul>	<p><b>Assumptions</b></p> <p>Reduction in amount of outreach activity and change of methodology compared to Phase I does not have negative impact.</p> <p>The up to 1080 new project areas have, on average, a similar economic profile as the pilot districts.</p>
<p><b>Result 2.1</b></p>	<p><b>Beneficiaries in project areas understand the roles and functions of the VCs and other local justice mechanisms and are able to access their services when required.</b></p>			

		<p>3. Knowledge gap on VCs between men and women narrowed compared to baseline.  <i>Target: [Less than 10% knowledge gap]*</i>  <i>Baseline: To be established in Baseline Survey</i></p> <p>4. % of people in CHT areas reporting that they are aware of local justice delivery system  Target: 70%  Baseline: To be determined</p> <p>5. % of women involved in disputes resolution mechanism of local justice delivery system  Target: 15%  Baseline: To be determined</p>		<p>NGOs and CBOs not supported by the project will agree to include messages on the Village Courts in their regular awareness and education activities and materials.</p>
<p><b>Activities</b></p> <p>2.1.1 Develop outreach strategy and implement community mobilization initiatives for local citizens about VCs in each project union.  2.1.2 Develop and implement gender awareness-raising strategy aimed at improving the ability of women to make use of Village Courts.</p>		<p><b>Means</b></p> <p>Technical assistance and external experts to provide specific support as needed.  Review, revise and print materials.  Disseminate to all UPs in project area.</p>	<p><b>Sources of Information</b></p> <ul style="list-style-type: none"> <li>• MIS data and Progress Reports</li> <li>• Village Courts Performance Assessment.</li> <li>• Access to Justice Survey (by UNDP A2J project)</li> <li>• NGO reports</li> <li>• Feedback from UNOs and VC representatives and CHT local justice mechanisms' at field</li> </ul>	

\* Tentative target based on surveys and data collected during pilot phase about the impact of VCs i.e. KAP Survey and Evaluating Village Courts Performance at Beneficiaries' End Survey 2012 and 2014. To be reviewed after Baseline Study/Assessment.

	<p>2.1.3 Develop, update and print public education and awareness materials and distribute to project areas.</p> <p>2.1.4 Raise awareness of network NGOs on Village Courts and support their capacity to do outreach.</p> <p>2.1.5 Organize workshop/seminars with journalists at national and local level to increase coverage of village courts</p> <p>2.1.6 Update and maintain the village courts website and other social media.</p> <p>2.1.7 Raising awareness on existing legal systems and options for redress mechanisms in CHT</p>	<p>Disseminate to all UPs in project area and CHT target areas.</p> <p>Develop network of CBOs who are able to disseminate information about VCs/CHT local justice mechanisms.</p> <p>Workshops and sensitization on VC/CHT local justice mechanisms, with a focus on gender.</p>	<p>monitoring visits.</p> <ul style="list-style-type: none"> <li>• Copies of IEC materials.</li> <li>• Records of workshops/meetings</li> <li>• Edline survey report in CHT.</li> </ul>	
	<p><b>Intervention Logic</b></p>	<p><b>Objectively Verifiable Indicators (OVI)</b></p>	<p><b>Means of verification</b></p>	<p><b>Assumptions</b></p>
<p><b>Result 2.2</b></p>	<p><b>Evidence-base and knowledge-management on VCs and local justice mechanisms increased</b></p>	<p>1. Number of studies commissioned which support the ability of VC/CHT local justice mechanisms to deliver access to justice.</p> <p><i>Target: Baseline Survey, MTR, Final Evaluation; Independent evaluation of VC performance, KAP Survey and Study on institutional Monitoring system (VCMC, DMIE system), Baseline and Edline survey in CHT areas</i></p> <p><i>Beneficiaries' Survey completed.</i></p>	<ul style="list-style-type: none"> <li>• Study / research reports</li> <li>• Project Progress reports</li> <li>• Project archives</li> <li>• National VC Conference reports.</li> </ul>	<p>Lessons learned studies can be performed by AVCB staff (no budget allocated).</p> <p>Senior stakeholders from GoB and development partners are engaged with VCs and CHT local justice institutions.</p>

		<p><i>Baseline: 0</i></p> <p>2. Number of lessons learned studies undertaken and disseminated. <i>Target: 1 across project lifetime</i> <i>Baseline: 0</i></p> <p>3. Increased understanding of gender and justice issues <i>Target: At least 1 report on gender and VCs/CHT local justice mechanisms</i></p> <p><i>Baseline: 0</i></p>		
<p><b>Activities</b></p>	<p>2.2.1 Develop and implement detailed M&amp;E and research plan. 2.2.2 Undertake baseline survey, independent evaluations, surveys of beneficiaries and officials and other needs-based assessments including exploratory study for possible rolling out in CHT. 2.2.3 Undertake (in-house) research, and review interventions in order to support the knowledge base on Village Courts, and improve interventions (lessons learned studies; specific research topics on gender and village</p>	<p><b>Means</b></p> <p>External experts. Internal lessons learned studies by project team. Workshops and meetings to share knowledge. South-South conferences and exchange trips</p>	<p><b>Source of Information</b></p> <ul style="list-style-type: none"> <li>• Conference and meeting reports</li> <li>• Study Reports</li> <li>• Detailed M&amp;E plan with budget</li> <li>• MIS Reports</li> <li>• Knowledge Products</li> </ul>	

	<p>courts etc.).</p> <p>2.2.4 Undertake and organize South-South Cooperation activities for mutual learning and exchange.</p> <p>2.2.5 Organize a national Village Courts Conference.</p> <p>2.2.6 Produce and print knowledge products</p> <p>2.2.7 Action Research/ feasibility study for exploring/scoping of VC's in CHT (15 UPs of 3 upazilas of 3 districts)</p>			
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ANNEX III. RISK LOG

Project Title: Activating Village Courts in Bangladesh Project Phase II		Award ID:		Date: August 2018					
#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
	Enter a brief description of the issue	When was the issue first identified	Environmental Financial Operational Organizational Political Regulatory Strategic Other	Describe the potential effect on the project if this risk were to occur  Enter probability on a scale from 1 (low) to 5 (high) P =  Enter impact on a scale from 1 (low) to 5 (high) I =	What actions have been taken/will be taken to address this issue	Who has been appointed to address this risk	Who submitted the risk	When was the status of the issue last checked (In Atlas, automatically recorded)	e.g. pending, solved (In Atlas, use the Management Response box. If solved, check the "Solved" box)
•	Turbulent political situation, marked by frequent <i>hartal</i> , violence and civil unrest.		Political	Day to day operations are hampered. This impacts on: VCs' ability to conduct hearing; PMU's ability to monitor project; field awareness activities and advocacy initiatives. If it continues at high	There have been increased political tensions in Phase I which the project has managed through <i>ad hoc</i> solutions dependent on the nature, seriousness and geographical spread of				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
				intensity for an extended period it will have a negative impact on project achievement and delivery. At the date of formulation the intensity has diminished. <b>P = 3</b> <b>I = 3</b>	the issue. Hence, in Phase II the project will continue to use local level <i>ad hoc</i> mechanisms devised with national and local level input to mitigate risks.				
•	Reduced political buy-in by GoB.		Political	This could lead to less LGD commitment to VC implementation which could seriously hamper all aspects of Phase II implementation, which are built around government engagement. <b>P = 1</b> <b>I = 4</b>	The Prime Minister has stressed her commitment to VCs publicly, and political engagement is high. GoB has pledged USD 5M to the project thus reduced engagement is unlikely.  Project continues to engage with senior decision makers, and sensitise them to VC success.  Strong visibility plan.  National Conference on Village Courts				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
•	Full-fledged DDLG not in place in all districts by end of project inception phase.		Strategic	Although on paper all DDLG posts are filled, only 28 presently are full-fledged (i.e. not 'acting' officers). Without DDLG the capacity building interventions might be threatened and the monitoring of VCs will be less effective. <b>P = 4</b> <b>I = 4</b>	during Phase II with high level participation to ensure continued visible engagement. No timeline exists but DDLGs can be quickly appointed. LGD agreed to take this into account during the selections of which UPs will be selected. UNDP and Project will do advocacy with LGD to ensure DDLGs are in place in all project districts.				
•	Fluctuations in exchange rates lead to continuing decrease in project budget.		Financial	EU funds will be provided 12 months after formulation, and currency fluctuations are unpredictable. Even a small drop would have a significant impact on activities. <b>P = 3</b> <b>I = 4</b>	This is an ongoing risk. UNDP Management should continue to seek additional donor support for the project to expand available resources and allow for contingencies.				
•	Project design &		Strategic	Officials from all levels	By building on existing				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
	implementation highly dependent on government personnel.			of local government, from LGD to UPs are necessary for the success of Specific Objective 1. If they do not fulfill their roles, the project would fail to achieve a sustainable Village Court activation after the VCAs are removed. <b>P = 2</b> <b>I = 5</b>	mechanism and incentivises the project design aims to mitigate this risk.  The project design has strong political support from GoB, hence management pressure to perform exists.  The project will supply Upazila and District level support (Upazila/District Coordinator and District Facilitator) who can support and sensitise UNOs and DDLGs and DCs.  The DMIE component (activity 1.3) will enable LGD to identify poor performing areas and respond accordingly.				
•	UP Chair and others see VC as a competitor to		Strategic	As <i>shalish</i> is unregulated and local elites can levy fees from	The project will work with LGD to ensure a strong message to UPs.				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
	the <i>Shalish</i> and refuse or hamper activation.			disputants, VCs can be an unwelcome competitor. Without UP Chair cooperation, VC activation will be very difficult.  P = 2 I = 3	that the GoB supports VCs.  UPs will be geographically clustered, so well-performing VCs pressure on reluctant UP Chairs.  The project will work with LGD to implement DMIE system and accountability (Upazila and District VC Management Committees) mechanisms to allow corrective action for poor performance.  Outreach and awareness activities will create demand for, and knowledge about, proper operation of VCs from constituents.				
•	Appointment of AACO to take		Strategic	The VCA is a major resource commitment	LGD plans to deploy AACOs on a yearly				

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	over responsibility from VCAs delayed.			for the project. While some delay can be absorbed, if AACO appointment is significantly delayed, there will be a serious impact on project budget and on sustainability after departure of VCA.  <b>P = 2</b> <b>I = 4</b>	basis so all UPs in Bangladesh should have an AACO by January 2019. Project budget apportionments for 1,080 VCAs until June 2019 which allows a financial cushion.  Continued engagement with LGD and GoB decision makers to ensure deployment of AACOs.  The inception phase (Jan – Jun 2016) and MTR will undertake reassessment of the implementation plan based on actual deployments of AACOs by LGD.				
•	The period and amount of outreach by dedicated PNGOs has		Strategic	Reduction of demand-side activities compared to pilot phase leads to negative impact on project results. Less	PNGOs will be undertaking outreach for 2 years, allowing time for them to work with and capacitate				

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	been reduced compared to the pilot Phase.			awareness, hence less pressure for VCs to be held regularly and correctly. The impact is access to justice not increased significantly by the project.  P = 2 I = 4	non-partner NGOs.  Local NGO networks undertaking outreach will be capacitated to provide simple information about VC to their beneficiaries.  Synergies with other sources of information will be maximised, such as police open days and information at Friday prayers.  All VCAs will be doing outreach on a part-time basis until Jun 2019, so will be able support and supplement the work of network NGOs.				
•	District courts still accept appeals against village courts' absolute decisions even where no right		Operational	Very few VC cases went to appeal in the pilot phase. If this was more widespread in Phase II it would reduce impact of VCs on access to justice by requiring	Project will advocate for: ➤ An assistant District Judge in each District Training Pool. ➤ A manual/				

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	to appeal is granted in Village Courts Act.			respondents to engage in an expensive and lengthy legal procedure. <b>P = 2</b> <b>I = 1</b>	guidelines for judiciary about VCs approved and disseminated by the Chief Justice (CJ). ➤ Practice Note from the CJ about VC referrals and appeals.  Project will do sensitisation with judiciary about VCs.				
•	Legislative framework not clarified.		Strategic	Village Court Act 2016 gives VCs exclusive jurisdiction over certain offences but the Code of Criminal Procedure doesn't allow police referrals. The impact is that the project is unable to clearly advocate for/develop training materials which encourage referrals.  <b>P = 3</b> <b>I = 3</b>	Project will advocate for a clear basis for referrals through seeking Directive from IG Police to police officers and amendments to the law.  Project will consult on and develop proposals to amend the legal framework.				
•	Lack of cooperation		Operational	Many police officers refer minor matters to	District and sub-district level advocacy and				

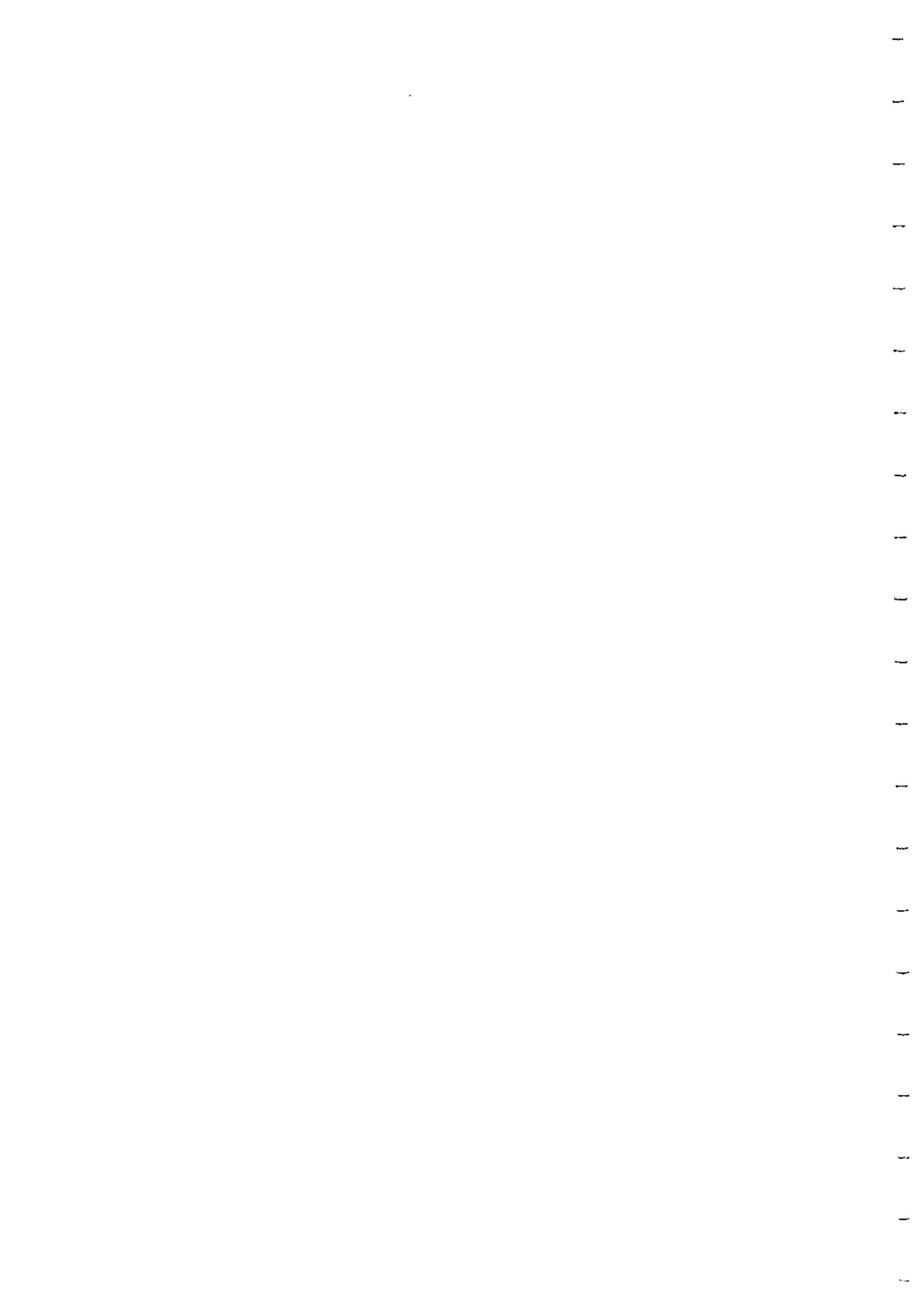
#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
	from police in referring cases to VCs.			district courts which are in exclusive jurisdiction of VCs or engage in unauthorized 'mediation' themselves. Both of these reduce the impact of VCs on access to justice.  <b>P = 3</b> <b>I = 2</b>	sensitization activities will be carried out with police.  Project will work with IG Police to issue a directive to require eligible cases to be referred to VCs.  Project will work with Community Policing Fora (which have powers of referral) to ensure appropriate cases are referred to VCs.  Demand-side activities help educate community about role of VC.				
•	Absent Chairs of UP refuse/fail to delegate VC functions to the Panel Chair.		Operational	This is a significant cause of delays to case hearings, exacerbated by the current political situation which has led some UP Chairs to go into hiding. Without a delegation of function the alternate Chair	Project will work with Ministry and UPs to ensure implementation of the UP Law, which enables delegation of powers in the absence of a UP Chair to take place.				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
				usually refuses to sit, making the VC totally inactive. <b>P = 2</b> <b>I = 4</b>					
•	Hardware to support for VCMIS system not provided by GoB		Operational	The 100 UPs involved in VCMIS in Phase II require the VCA/AACO to have access to a computer. Most UP complexes now have a shared computer so risk is low. Without the hardware the pilot will not be able to proceed. This would not have a significant impact as the majority of project UPs will be using paper-based systems. <b>P = 1</b> <b>I = 2</b>	Continued engagement with LGD to ensure hardware provided.				
•	VC Chair or panel members unwilling to participate without		Operational	Although this was a problem in Phase I, it did not appear to be widespread. If it becomes more	The LGD acknowledged this as a potential spoiler and is willing to consider providing either an				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
	incentives			widespread in Phase II it could have a significant negative impact on VC functioning. <b>P = 2</b> <b>I = 3</b>	honorarium or allowing UPs to use some of their budget to provide some minimal reimbursement for travel/refreshments.  PMU will monitor this issue, and continue to advocate with LGD to provide an appropriate mechanism.				
•	Delays in appointing the PMU and NGOs		Operational	Delays during Phase I, largely attributable to the failure to plan for slow procurement processes led to full implementation taking a number of years and could lead to ineffectiveness and limited impact.  <b>P = 4</b> <b>I = 4</b>	All parties (Government, EU and UNDP) have agreed to work together to ensure that the process is expedited to approve project and recruit the core PMU staff in January 2016.  To maximise the time available whilst the process to appoint partner NGOs is implemented, an inception phase has been included.				
•	Lack of		Strategic	The CJ appears to be of	The project will				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
	confidence by the Chief Justice (CJ) in the capacity of Village Courts			<p>the opinion that VCs do not have the capacity, training or skills to handle cases and is reluctant to have District Courts refer matters to them. This creates a significant risk since he may resist changes to the law to allow for increased referrals from District Courts, the creation of a screening process, and/or the issuing of a practice note to refer matters to Village Courts.</p> <p><b>P = 4</b> <b>I = 2</b></p>	regularly share statistical data and progress reports with the Supreme Court and will actively engage with the Supreme Court to find ways to increase confidence in the Village Courts capacity. Such data should include the number of decisions overturned on appeal, the type of cases that are being resolved, and the impact this may have on reducing the burden on the formal system.				
•	Increases in inter community tensions resulting in violence in CHT.		Operational	<p>Given the present conflict scenario and local context, the probability of communal tension in CHT remains moderately high. This could have a moderate negative impact on functioning of</p>	Contingency plans for political protests such as hartals have been put in place. Local volunteer facilitator network and an early warning system will be scaled up regionally to mitigate potential escalation points and				

#	Description	Date Identified	Type	Impact & Probability	Counter measures/Mgt response	Owner	Submitted, updated by	Last Update	Status
				traditional courts in CHT. P=3 I=2	impact of any violence if these incidents take place. Monitoring of events to assess risk will be conducted.				



**ANNEX IV. REVISED BUDGET**

<u>Heads of budget</u>	ORIGINAL BUDGET FOR THE ACTION (2016-2019)				REVISED BUDGET FOR THE ACTION (2016-2019)		
	Unit	Quantity	Unit value (in USD)	Total Costs (in USD)	Quantity	Unit value (in USD)	Total Costs (in USD)
<b>I. Human Resources <sup>1</sup></b>							
<b>I.1 Salaries (gross salaries including social security charges and other related costs, local staff)</b>							
<b>I.1.1 Technical</b>							
National Project Coordinator	Person month	48	7,944	381,312	48	7,361	353,305
National Project Manager (CHT)- 50% Shared	Person month				24	4,309	103,413
Programme Specialist	Person month	48	3,662	175,776	48	3,805	182,643
Programme Specialist (Chief, Gender and Community Cohesion) [CHT]	Person month				24	4,832	115,968
Programme Officer (Justice & Confidence Building) [CHT]	Person month				24	2,666	63,976
Operations and Procurement Manager	Person month	48	3,662	175,776	48	3,602	172,892
Operations Manager (CHT) 20% Shared	Person month				24	963	23,114
Research & Evaluation Manager	Person month	48	3,662	175,776	48	4,073	195,500
Finance and Accounts Manager	Person month	48	3,662	175,776	48	3,085	148,060
Capacity Development Manager	Person month	42	3,662	153,804	24	3,790	90,953
Legal Specialist (closing 6 months to be charged from CHT) <sup>2</sup>	Person month	36	3,475	125,100	30	3,790	113,693
Gender Specialist (closing 6 months to be charged from CHT) <sup>2</sup>	Person month	24	3,000	72,000	30	3,790	113,693
Advocacy, Communication and Outreach Specialist <sup>2</sup>	Person month	42	2,878	120,876	36	3,715	133,745
Programme Officer (Advocacy) [CHT]	Person month				24	2,666	63,976
Project Officer (CHT)	Person month				24	2,666	63,976
Communications Officer (CHT)	Person month				24	1,737	41,689
Budget Expert (CHT) 20% Shared	Person month				24	347	8,338
Programme Officer (Planning & Monitoring) [CHT]	Person month				24	1,737	41,689
Project Coordination Officer (4) <sup>2</sup>	Person month	132	2,147	283,404	125.5	1,826	229,122
Senior Capacity Development Officer	Person month	48	2,609	125,232	48	2,867	137,596
Training Officer <sup>2</sup>	Person month	36	1,876	67,536	36	1,913	68,872
National Programme Officer	Person month	48	8,000	384,000	48	8,238	395,401
District Facilitators (27) <sup>2</sup>	Person month	1134	1,876	2,127,384	953.5	2,107	2,009,179
District Facilitators (3) [CHT]	Person month				72	1,518	109,288
VC MIS Officer <sup>2</sup>	Person month	24	1,700	40,800	24	2,222	53,324
Admin and HR Officer <sup>2</sup>	Person month	39	1,805	70,395	24	2,222	53,324
Monitoring and Lessons Learning Officer (3)	Person month	120	1,895	227,400	108	2,098	226,630
Finance Officer - Field Monitoring <sup>2</sup>	Person month	36	1,823	65,628	30	2,222	66,655
MIS Officer	Person month	42	1,918	80,556			
Procurement Officer <sup>2</sup>	Person month	30	1,700	51,000	43	2,022	86,953
Programme Associate (CHT)	Person month				24	1,299	31,169

<u>Heads of budget</u>	ORIGINAL BUDGET FOR THE ACTION (2016-2019)				REVISED BUDGET FOR THE ACTION (2016-2019)		
	Unit	Quantity	Unit value (in USD)	Total Costs (in USD)	Quantity	Unit value (in USD)	Total Costs (in USD)
IT Associate <sup>2</sup>	Person month	48	1,644	78,912	30	1,702	51,045
Logistics & Asset Management Associate <sup>2</sup>	Person month	48	1,644	78,912	44	1,646	72,426
HR Associate	Person month	48	1,644	78,912	48	1,536	73,741
Procurement Associate	Person month	48	1,644	78,912			
Finance Associate	Person month	48	1,644	78,912	24	1,702	40,836
Finance Assistant	Person month	48	1,318	63,264	48	1,450	69,618
Accountant (CHT) 20% Shared	Person month				24	533	12,795
Human Resource Officer (CHT) 20% Shared	Person month				24	533	12,795
Procurement Associate (CHT) 20% Shared	Person month				24	607	14,572
Finance Associate (CHT)	Person month				24	1,518	36,429
Admin Associate (CHT)	Person month				24	1,518	36,429
IT Associate (CHT) 20% Shared	Person month				24	304	7,286
<b>1.1.2 Administrative/ support staff</b>							-
Project Assistant (2) <sup>2</sup>	Person month	84	1,318	110,712	81.5	1,327	108,154
IT Assistant <sup>2</sup>	Person month	42	1,318	55,356	18	1,218	21,922
Office Assistant	Person month	48	1,320	63,360	48	1,316	63,174
Driver cum Messenger (4) <sup>2</sup>	Person month	180	1,131	203,580	156	924	144,203
Messenger cum Driver <sup>2</sup>	Person month	48	502	24,096			
<b>1.2 Salaries (gross salaries including social security charges and other related costs, expat/int. staff)</b>							
M&E and Reporting Specialist (International) <sup>2</sup>	Person month	30	17,960	538,800	18	18,484	332,718
<b>Subtotal Human Resources</b>				<b>6,533,259</b>			<b>6,596,279</b>
<b>2. Travel</b>							
<b>2.1. International travel</b>							
2.1.1 Travel cost (Airfare and terminal charges)	visit	2	26,693	53,386	3	18,799	56,398
2.1.2 Daily Subsistence Allowance (DSA)	visit	2	40,307	80,614	3	28,387	85,162
<b>2.2 Local transportation (field mobilization, compliance assurance and supervision)</b>							
2.2.1 Travel cost <sup>1</sup>	visit			41,058.16	247	447	110,367
2.2.2 Daily Subsistence Allowance (DSA) <sup>3</sup>	visit			61,949.84	247	676	166,853
<b>2.3 Local transportation (field mobilization, compliance assurance and supervision) [CHT]</b>							
2.3.1 Travel cost	visit				408	95	38,808
2.3.2 Daily Subsistence Allowance (DSA)	visit				192	87	16,632
<b>Subtotal Travel</b>				<b>237,008</b>			<b>474,221</b>
<b>3. Equipment and supplies</b>							
3.1 Purchase or rent of vehicles (4 vehicles, 1 from Phase I) [Including registration, C&F agent]	vehicle	3	78,000	234,000	2	37,515	75,030

<b>Heads of budget</b>	<b>ORIGINAL BUDGET FOR THE ACTION (2016-2019)</b>				<b>REVISED BUDGET FOR THE ACTION (2016-2019)</b>		
	<b>Unit</b>	<b>Quantity</b>	<b>Unit value (in USD)</b>	<b>Total Costs (in USD)</b>	<b>Quantity</b>	<b>Unit value (in USD)</b>	<b>Total Costs (in USD)</b>
	3.2 Motor Cycle- 125 CC (for 27 DFs, 12 Motor Cycle from Phase 1) [Including one-time registration fee, fitness and token]	motor cycle	15	2,500	37,500	15	1,849
3.3 Computer equipment including server, software, printer etc.	item	189	2,126	401,814	175	1,512	264,569
3.4 Furniture	set	40	1,000	40,000	34	888	30,182
3.5 Machines, tools, Office equipment etc.	item	24	4,121	98,904	37	2,121	78,487
3.6 Spare parts/equipment for machines, tools	month	48	810	38,880	48	536	25,745
3.7 Other (Internet device and other equips)	month	48	2,000	96,000	48	1,499	71,945
3.8 Rent of vehicles (2 speedboat) [CHT]	month				24	1,234	29,623
3.9 Computer equipment including server, software, printer etc.(CHT)	item				46	1,285	59,103
3.10 Furniture (CHT)	set				12	1,000	12,000
3.11 Machines, tools, Office equipment etc.(CHT)	item				18	2,444	44,000
<b>Subtotal Equipment and supplies</b>				<b>947,098</b>			<b>718,416</b>
<b>4. Local office</b>							
4.1 Vehicle, Motor cycle fuel, Insurance, maintenance etc.	month	48	4,743	227,664	48	5,127	246,090
4.2 Office rent & maintenance	month	48	14,999	719,952	48	9,714	466,269
4.3 Stationary and other expendable office supplies	month	48	2,819	135,312	48	2,374	113,954
4.4 Other services (tel/fax, electricity, network charge and maintenance)	month	48	5,133	246,384	48	4,106	197,072
4.5 Vehicle, Motor cycle fuel, maintenance etc. [CHT]	month				24	2,200	52,800
4.6 Office rent & maintenance [CHT]	month				24	1,900	45,600
4.7 Stationary and other expendable office supplies [CHT]	month				24	280	6,720
4.8 Other services (tel/fax, electricity, network charge and maintenance) [CHT]	month				24	3,312	79,495
<b>Subtotal Local office</b>				<b>1,329,312</b>			<b>1,208,000</b>
<b>5. Other costs, services</b>							
5.1 NGO Costs for providing training, outreach and personnel support to VCs	month	36	507,993	18,287,748	33	467,919	15,097,724
5.2 Publications and printing <sup>4</sup>	Item	25	9,764	244,100	42	26,343	1,106,412
5.3 Studies, research's, reports etc.	study	15	35,900	538,500	16	24,461	391,375
5.4 International Legal Expert	person/day				440	1,177	517,677
5.5 Expenditure verification/Audit <sup>4</sup>	Year	4	12,000	48,000	4	20,000	80,000
5.5 Insurance for SC Support staff, vehicles etc.	Year	4	7,510	30,040			

<b>Heads of budget</b>	<b>ORIGINAL BUDGET FOR THE ACTION (2016-2019)</b>				<b>REVISED BUDGET FOR THE ACTION (2016-2019)</b>		
	<b>Unit</b>	<b>Quantity</b>	<b>Unit value (in USD)</b>	<b>Total Costs (in USD)</b>	<b>Quantity</b>	<b>Unit value (in USD)</b>	<b>Total Costs (in USD)</b>
5.6 Evaluation and Monitoring visit costs							
5.6.1 Travel cost	visit			64,338	160	428	68,534
5.6.2 Daily Subsistence Allowance (DSA)	visit			101,358	160	675	107,967
5.7 Forms and formats	UPs	1080	388	419,040			
5.8 Costs of National conferences/seminars	Number	1	258,943	258,943	1	245,296	245,296
5.8 Learning Cost (conference, seminar, consultation, meeting etc.)	event	5861	632	3,704,152	6418	601	3,855,391
5.9 Visibility actions <sup>4</sup>	Item	40	23,185	927,400	12	22,450	269,398
5.10 NGO Costs for providing training, outreach and personnel support to traditional justice system[CHT]	month				3	1,055,806	3,167,419
5.11 Publications and printing [CHT]	Item				3	35,833	107,500
5.12 Studies, research's, reports etc.[CHT]	study				6	49,721	298,326
5.13 Evaluation and Monitoring visit costs [CHT] <sup>6</sup>							
5.13.1 Travel cost	visit				120	70	8,400
5.13.2 Daily Subsistence Allowance (DSA)	visit				120	27	3,200
5.14 Learning Cost (conference, seminar, consultation, meeting etc.) [CHT]	event				29	4,087	118,517
<b>Subtotal Other costs, services</b>				<b>24,623,619</b>			<b>25,443,136</b>
<b>6. Subtotal direct eligible costs of the Action (1-5)</b>				<b>33,670,296</b>			<b>34,440,052</b>
7. Provision for contingency reserve							486,057
<b>8. Total direct eligible costs of the Action (6+7)</b>				<b>33,670,296</b>			<b>34,926,109</b>
9. Indirect costs (average % of 6, subtotal of direct eligible costs of the Action)				2,041,264			2,101,213
<b>10. Total eligible costs of the Action excluding CD/VAT on Vehicle Procurement (8+9)</b>				<b>35,711,560</b>			<b>37,027,322</b>
11. CD/VAT on Vehicle Procurement				841,425			403,956
<b>12. Total eligible costs of the Action including CD/VAT on Vehicle Procurement (10+11)</b>				<b>36,552,985</b>			<b>37,431,278</b>

Notes:

<sup>1</sup> Human resource cost projection considers actual requirement as well as recent salary revision made by UNDP

<sup>2</sup> Staff duration considers the actual demand/need for the project within the project time frame.

<sup>3</sup> Local transportation considers extensive quality assurance services like compliance assurances, field mobilization, technical assistances etc. at field level in both CHT as well as existing AVCBII project areas. Generally, one visit includes 5 days for one traveler of PMU staff (28 days in the full project period per person).

<sup>4</sup> It covers CHT (3 districts) as well as existing project areas (27 districts).

<sup>5</sup> 1 EUR= USD 1.16144 (June 2018)

<sup>6</sup> This is for AVCB II PMU staff only.

