

# Final Report

**ENHANCING ACCESS TO JUSTICE OF THE EARTHQUAKE VICTIMS OF SINDHUPALCHOWK,  
GORKHA AND BHAKTAPUR DISTRICTS OF NEPAL THROUGH  
COMMUNITY MOBILE LEGAL CLINIC  
PROJECT**

**REPORTING PERIOD: JANUARY-DECEMBER 2016**

Submitted To:-  
DEVELOPMENT AND PEACE

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## 1. Introduction

The project titled *“Enhancing Access to Justice of the Earthquake Victims of Sindhupalchowk, Gorkha and Bhaktapur districts of Nepal through Community Mobile Legal Clinics”* has been implemented by our organization Forum for Nation Building Nepal (FNB Nepal) in partnership of Development and Peace. The total project period for this phase is scheduled to be from January to December 2016 in three districts of Nepal, whereas no cost extension period of the project conducted for the month of January 2017.

### 1.1 The objectives outlined by the project are:-

- To provide free legal aid to victims of earthquake of Sindhupalchowk, Gorkha and Bhaktapur districts on accessing government services provided to earthquake victims and supporting the government in their reintegration programs.
- To provide free legal consultations and legal awareness to the earthquake victims by reaching to their local communities through the Community Mobile Legal Clinic. Support in receiving replacement citizenship cards, land and title deed documents, and assistance in accessing government announced rehabilitation and packages.

### 1.2 The outcomes of the Project are:

- People affected by Nepal’s earthquake of Sindhupalchowk, Gorkha and Bhaktapur district provided with free legal consultations and legal services through lawyers and law students.
- Capacity of lawyers, law students, volunteers and staffs built in providing legal literacy and access to justice services.

### 1.3 The expected outputs of the project are:

- 100 training manual on the function of Community Mobile Legal Clinic and the project as a whole developed.
- 3000 legal literacy posters and 8000 booklets developed regarding the information about the government services to earthquake victims and services the victims can get from the community mobile legal clinic with time and venue of establishment of the clinic.
- 1000 legal literacy programs conducted through local FM radio which will include government services provided to earthquake victims and services people can get from the community mobile legal clinic and the project as a whole.
- One Training of Trainers (ToT) for lawyers, law students, social mobilizers, paralegal volunteers and project staffs conducted
- 90 community mobile legal clinic established

- 15, 000 affected populations reached directly and indirectly.

## 2. **Activities**

To achieve the expected outcomes, following activities have been conducted so far:-

### **2.1 Development of Training Manuals:**

100 training manual has been developed and printed. The training manual contain the summary of the project, function and procedures of conducting community mobile legal clinics and roles and responsibilities of district coordinator, lawyers, law students and social mobilizers. The manual is developed in Nepali language to facilitate the project personnel and have been distributing to the lawyers, social mobilizers and volunteers who are engaged with mobile clinics in respective districts. The training manual is useful to the project personnel for successfully implementing mobile legal clinics and realizing the motto of the project.

### **2.2 Development and publication of promotional posters and booklets:**

Eight thousand educational booklets combining all important information have been developed and published. To enhance the understanding of earthquake victims regarding the government services, including rehabilitation packages, financial support and its procedural measures to get those services, contacting government offices to get financial and technical supports, procedural measures to rebuild lost or destroyed legal documents such as citizenship, property ownership papers, birth and death certificates, and certificates for identity of earthquake victims. The booklet entitled "Information booklet regarding Legal Aid for Earthquake Victims" consist the topics like:

- i) Introduction of earthquake,
- ii) Government's steps after earthquake,
- iii) Summary information of act, law and regulations of natural calamity/catastrophe,
- iv) Organization's introduction and area of involvement,
- v) Necessary practical information for Legal Aid after Earthquake and other calamity,
- vi) Annexes that comprise writing an application for lost citizenship and certificates, format of making contract with government subsidy and loan and other.

Promotional posters depicting the functions, objectives and place and time of establishment of the Clinics have been also produced. Altogether, 3000 posters have been published. These

posters have sketches of facilitating providing land certificate, academic certificate, citizenship certificate and grants.

The Legal Literacy Booklet is crucial to provide the accurate and consistent information to the earthquake victims and their family members who were even not participated at the clinic. Similarly the demand of booklet from schools, local organizations and government entity is remarkable which has encouraged us to publish more booklets to distribute to many interested community people and local stakeholders. In addition the booklet has been used as reference materials in some local schools where community mobile legal clinics established. It is estimated that at least double number of participants has read this book for necessary information.

### **2.3 Dissemination of information about Community Mobile Legal Clinic project**

#### Literacy and Awareness Program through local FMs and Social Media:

FM jingles consisting the function of community mobile legal clinic, time, date and venue of the clinics and contacts of district coordinators and FNB office has been developed and airing through local FMs of respective districts. The FM jingles aired in need basis for example the date, time and venue of community mobile clinic is aired two-four days before the clinic establishment whereas during the vacant period FM jingles are aired for getting free legal aid service from district coordinators. Recently the organization has started talk-show program at local FM of Bhaktapur in weekly basis for half hour. The program is targeted to provide detail information about the project, function of the mobile legal clinics, and follow up services to the victims by the district coordinators and legal procedures to be taken to get the different services from government mechanisms for earthquake victims. The estimated number of audience of local FMs is calculated more than 3, 00,000 according to the reports given by local FMs. If we calculate atleast 10 percent of audience have listened our program then the estimated number will be more than 30,000.

Dissemination of information on functions and outputs of the Community Mobile Legal Clinic and link of FNB website for necessary materials and services ongoing since the beginning of the project

### **2.4 Training of Trainers (ToT) for lawyers, law students, social mobilizers, paralegal volunteers and project staffs**

The “Training of Trainers on Community Mobile Legal Clinic” was organized from 23–25<sup>th</sup> April 2016 at Kathmandu, Nepal. Participants of the program included lawyers and social activists from project implementing districts, government staff and law students from the five law schools which highly maintained gender and social inclusion. Total 50 participants were at the program. The ToT was organized with the objectives as follows:

- a) To clarify right to access to justice of earthquake victim,

- b) To clarify financial aids that includes the aid and soft loan designed by government for the earthquake victims as per reconstruction process.
- c) To identify and clarify the legal issue and procedural complex to be dealt with during the consuming the financial aid and other relief package by the victim.
- d) To interlink or establish nexus between the government aid and other relief package with the victim's rights, and
- e) To review the materials collected for the purpose of supporting Mobile Legal Clinic starting from May 2016.

The ToT was divided into eleven sessions in eleven different topics which were as follows:

1. Natural Disaster Emergency Supply Rescue of Victims Right: Earthquake Perspective of Nepal
2. Financial Aid for House Reconstruction to Earthquake Victims and Subsidy Loan Procedure
3. Role of Ministry of Federal Affairs and Local Development during Earthquake and way forward
4. Resolution of the cases i.e. partition, divorce, compensation and other cases arising after earthquake
5. Impact of April 2015 Earthquake: A lesson learned/experience sharing
6. Nepal Government Response after 2015 Earthquake and PDNA: A General Observation
7. Major Legal and Institutional Arrangements focusing on Natural Disaster
8. National Reconstruction Authority: Overall Composition Rights, Duties and Function in line with the Reconstruction Act, 2072
9. Drafting Skills and Procedure
10. Community Mobile Legal Clinic
11. Role Play for Conducting Community Mobile Legal Clinic



During the training, the participants were trained about the legal documentation, legal procedures and how to provide paralegal supports to victims of the earthquake to access the supports and services of the government. The training was successful to enhance the capacity of lawyers, law students, paralegal volunteers, government officials, project staffs and members in regard to their roles for the successful implementation of the Community Mobile Legal Clinic in their respective V.D.C's and areas of municipalities as well as getting maximum support from the project activities including coordination and referral mechanisms.

### **2.5 Establishment of Community Mobile Legal Clinics:**

Total 90 mobile legal clinics have been established during this reporting period. Thirty mobile legal clinics established in each Gorkha, Sindhupalchowk and Bhaktapur districts. There were 7865 participants' altogether who participated in the clinics out of which there were 4540 males and 3325 females.

The community mobile legal clinic was conducted in two steps. Legal literacy classes followed by group questions in first step and the group and individual consultation and counseling was provided in second step. Total 4716 people were benefited from individual and group questions and consultation.

Majority of cases discussed and consulted in the clinics were related to government loan and subsidy, partition of property, excluded from beneficiary list of government subsidy, lost documents and other.



Group questions were asked during the legal literacy classes where many victims asked the same question whereas in the individual and group consultations were provided in the second step of the mobile legal clinics.

During the clinic two lawyers, two law students' volunteers, one district coordinator and one social mobilizer engaged.

Please see Annex 1 for detail of the case. Please see Annex 3 for more photos.



## **2.6 Follow up and referral Support from District Legal Support Desk (DLSD)**

The district coordinators of respective districts have been providing follow up services on the issues raised by the victims of earthquake. Majority of services provided by the coordinators are through

phone calls whereas some of the victims

visit the DLSD and asked for legal assistance and referral services. Legal assistance comprises writing an

application to CDO office, Land Revenue Office and District Development Committee and referral to same offices and court according to their need. In average 1-2 calls are received in Gorkha, Bhaktapur and Sindhupalchowk district. Total 665 individuals got the service from DLSD during this reporting period.

### **2.6.1 Progress Ongoing:**

Even after completing our clinics, regular coordination with district coordinator and victims who come with different problems and grievances has been going on. We have already provided contact no. of district coordinator to participants of the clinic so that they can contact him/her in future also. Victims of earthquake frequently contact with district coordinator and tell their problem to district coordinator. District coordinator tries his best to solve the problem. If he cannot solve problem himself, he contacts and proceeds concerned sectors to solve the problem. Some follow up services are provided by FNB central office who came in contact through call and direct visit.

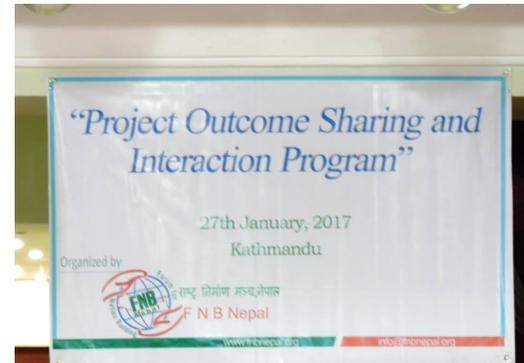
## 2.7 Project Outcome Sharing and Interactions Program:

The Project Outcome Sharing and Interaction Program was organized on 27th January 2017 at Kathmandu whereas on 31st January at Gorkha. The participants of the programs were lawyers, government officials, journalists, researchers, academicians, NGO professionals, political representatives, law students, social science students and other. Total 102 people attended the program both from Kathmandu and Gorkha.

Program was divided into two sessions, first project outcome sharing followed by presentation from National Reconstruction Authority in Kathmandu and in Gorkha presentation by Local Development Office and Sub-Regional Reconstruction Authority.



The objectives of the project including activities, findings and outcome of the project were highlighted. Similarly the situation of earthquake victims, loop holes in the planning and provisions of government and the issues of earthquake victims in grasshoo level were shared. The real scenario in the field was compared to that of prediction and for the improvement; suggestions were made through the presentation.



During the second session, especially from the NRA and Local Government Bodies, the ongoing reconstruction activities, process of



grant distribution, management of complaint forms and mechanisms to control duplicity and favoritism were highlighted. Similarly NRA and local government officials requested to support their work of reconstruction and appreciated the work of FNB and requested for the expansion and continuity of activities.

Participants of the program were interested to know about the support FNB Nepal has made for the earthquake victims with some examples as well as also asked the questions to the government officials regarding reasons behind the delay in reconstruction activities.

### 3. Social Inclusion of the Participants:

Majority of the participants from Sindhupalchowk district were from indigenous community such as Tamang, Hyolmo, Dalits (so called lower caste), and Gurung followed by Kshetri and Brahmin people (so called upper caste). Likewise, majority of the participants of Gorkha district were indigenous community such as Ghale and Gurung followed by Sunwars and Pariyars (so called lower caste) and Brahmin and Kshetri. In Bhaktapur district most of the participants were from Newar community followed by Kshetri and Brahmin. In total 2872 people were from indigenous and ethnic community followed by 1239 people from Brahmin and Kshetri community and 205 people from dalit community (so called lower caste people). In total male were 4540 and female were 3325 in number. See Annex 1 for details.

### 4. Challenges

- The change of legal procedures for instance compulsion to get the primary project approval from respective districts and delay from those offices on necessary action made difficulty to start up project activities earlier.
- Participants of the program expect more than the objectives set forth for the project, for example they wanted us to support them to build their houses and provide loans to build their house.
- In some places there was no vehicle road access so that the team had to walk for hours in critical roads.

- Sometimes it was difficult to focus our presentation on our objectives. Participants ask question whatever they want. Likewise, there was fear of deviating subject matter while conducting the clinic.
- It was difficult to find the places for accommodation to team members at local areas.
- In remote areas of Gorkha district and Sindhupalchowk district, participants do not understand Nepali language and resource person cannot speak local language. However, we solved the problem by translating speech of resource person by local person and sometimes by district coordinator. Regarding Bhaktapur, we have resource person who can speak and understand local Newari language and Sindhupalchowk there are some resource persons who can speak in Tamang language.
- In case of Bhaktapur, there were houses of 4-5 storeys living 4-5 family separately in small area of land which were collapsed by earthquake. Now, there emerged problem of partition of land as it is very little. How and where can they build house with the grant and loan money that government provide. This is great challenge.
- There is no formal legally partition in some places. People are living separately practically but not legally. In such case, to whom government should provide loan and grant?
- Engineers and technicians are not always cooperating earthquake victims to build earthquake resistant houses.
- It is difficult to address the problems of participants as it is emerging in different new forms.
- In project budget, there is no communication and transportation expenditure for participants. So, it is difficult to include all the participants in the clinic because they have to come from far place. So, it would be useful if some amount will be allocated for participants transport and communication.
- Due to not measuring poverty and not studying geography and formation of beneficiary list, social justice could not be established.
- Due to not lack of coordination between technicians sent by organization and government technicians at Aruarbang VDC of Gorkha district, already built houses could not get approval from technical inspection, earthquake victims are in trouble. Likewise, those houses which have been built at local people's perspectives not by government technicians which are earthquake resistant could not get government facility due to difficult government process.
- Likewise, weak, poor and people who do not have access could not get grant amount and if they take grant, they are not in position of building their houses.

- Those whose houses were partially damaged are also excluded from the grants, as well as renters who might find it difficult to find affordable and safe housing units in their area.

## 5. Findings and Conclusion

The activities of the project to conduct 90 clinics altogether in three districts have been completed successfully. Majority of the participants of the clinic were interested to know about the government subsidy and loan and the procedure to be benefited from those facilities. Some of the participants worried about that they were excluded from the government services and beneficiary list. The lawyers and other team members of the clinics provided the ways of getting government services and how to be included in government list. Similarly participants of the clinics were provided with the legal support of making property documents, lost certificates, ways of partition of property for being equally benefited from government loan and subsidy, how to transfer beneficiary list for the government services, procedures of making agreement with government for loan and subsidy, how to get bank loan among others. The case which is even not forecasted even by Nepal government for providing relief amount to landless people whose house were damaged and even included in beneficiary list, but due to having no land certificates are being encountered with problem of not getting relief amount. Different types of cases were discussed at the clinics which are categorized in other type in this report. We found majority of the participants were interested to share or felt comfortable to ask questions or do consultation with lawyers and law students in group. We found that the method of sharing all legal procedures, contacted offices to get assistance on legal issues raised due to earthquake and utilizing legal literacy booklet for their present and future need in group as the literacy model in the first step of the mobile clinic is practically useful as almost all participants have clear ideas about different kinds of legal problems. Similarly individual and group consultation we found more important to deal with those victims who were not interested to speak in group. Many literate participants, local leaders, teachers and social activists appreciated the program and the booklet provided to them. Thus extra number of books was distributed to local schools, leaders and local clubs and NGO for present and future use. Follow up mechanism also provided regular services to the victims and majority of people were interested to discuss and get consultation services from the district coordinators on their different legal issues beside the problem created due to earthquake.

The interest and enthusiasm of lawyers and law students to work for the community people and for the earthquake victims also can be considered as one of the good outcomes of the project. The knowledge and skills developed by the participants of the ToT, we found important to enhance their capacity and build up their interest to work for earthquake victims voluntarily.

Community Mobile Legal Clinic to earthquake victims of three districts Bhaktapur, Sindhupalchowk and Gorkha has been very fruitful and achieved its objectives. People were very enthusiastic and happy while implementing this program in their local places. There was remarkable participation in most of places. Though due to rainy season, there was some problem like finding appropriate venue for the program, go to the places and organized the clinic in regular basis. During program, in some places participants demanded to organize skill development training whereas in some places they demanded to provide support for building their houses and bring the clinic to support on other legal issues of their need. Similarly the demand from the local government authority and local leaders for implementing similar kind of program on other parts and areas that is not included in current list.

Participants found the clinics very fruitful and helpful to solve the problem they are facing. It is not sufficient to organize mobile clinic one time only. There must be follow up program so that we can help them more closely. Most of the participants are illiterate and did not know about legal provision which ensures their right to take grant and loan and helps them to come out from their vicious circle like situation. Until now, most of victims of earthquake could not get grant amount of 300,000. The government is all set to provide house building grant of Rs. 300,000 to each family which was rendered homeless in the devastating earthquake of April last year and its aftershocks. Earlier, the Sushil Koirala-led government had decided to provide Rs. 200,000 as house building grant to the victims. But due to the delay in collecting the data of the genuine victims and the differences among the political parties regarding the amount of the grant the victims get in one installment, no victim has received the money even 17 months after the powerful earthquake rendered over half-a-million families homeless in central Nepal. Besides, the grant of Rs 300,000, each family of the victims can also take a soft loan of Rs 200,000 to build their homes. Similarly procedures of getting subsidy loan from the banks are only in access of handful people whereas majority of victims are unaware and also unable to get this services due to many technical and practical difficulties, which still need to be addressed. Most of earthquake victims are unaware about government's policy which is time and again changes.

Likewise, earthquake victims suggested to conduct the program in other affected districts observing its relevance and usefulness. The program enlightened earthquake victims many things which include how to get loan and grant, how to make lost legal documents like land certificate, citizenship certificate, how to settle their partition dispute, how to fill different kinds of forms which is included in the booklet.

## **6. Necessity of continuity of the program**

According to participants of the clinic, the clinic was very useful to them as it aware them about different legal aspects of their problem which they are facing. They are in confusion about how to make land certificate, lost documents like citizenship certificate, academic certificate, marriage certificate in absence of which they are even unable to take grant and loan. In the epicenter of Barpak and Laprak, the situation is even worse. Cold season is coming and snow falls in those areas during winter season. Nowadays, people are compelled to live in tent and hut. People are suffering from cough, cold and asthma. Government are

dismantling their old thatches with the aim of making new building but reconstruction work is very slow at snail's pace. So, in this situation follow up program and continuation of the program in other VDCs of Gorkha district as well as Sindhupalchowk and Bhaktapur district is necessary. Some of major points that the program should be extended are as follows:

- The program is awareness raising and practical so it should be extended to all VDCs and municipalities of the districts.
- Reconstruction work has not taken its full shape so people have to face various legal problems time and again. So, it is necessary to make aware about legal provision and its working procedure.
- People are very happy as no other organizations bring such useful program.
- People are demanding us to reach their problem and grievances to policy makers and concerned stakeholders.
- Since this clinic is helpful to solve the legal problem faced by victims of earthquake and this process is going on, so program should be extended.
- State is distributing grant and loan and it has not finished this process. Victims need some guidelines and support in future also.
- Victims are contacting district coordinator even after the program. They come to district office and visit the district coordinator to explain their problems and request coordinator to solve the problem.
- It is necessary to bring out bulletin including activities and programs of FNB conducted in three districts till now.
- Likewise, in Gorkha district, forefront seniors of law requested to bring programs on human trafficking, migration, problems of migration, child rights, and domestic violence in the district.
- We found that in one day clinic we could not address all legal problems of people so program should be extended and it would be better to organize program in those places where we conducted program already and people also demanded to organize further program.

## **7. Achievements**

- Total 90 mobile legal clinics have been established during the period. Thirty mobile legal clinic established in each Gorkha, Sindhupalchowk and Bhaktapur district. Total 7865 participants get benefitted from the program altogether who participated in the clinics out of which there were 4540 males and 3325 females.

- The program has been helpful to resolve the various legal issues faced by participants after the earthquake.
- The participants have been aware with the fact that the grant and loan distributed by the state should not be misused, it should be used in well manner.
- Participants got knowledge of process of getting grant and loan, use of their property, social crimes, child rights, making lost documents again, tackling partition cases, etc by visiting legal practioners directly during and after the clinic.
- If participants face any kind of problem, they get solution of the problem by taking facility of visiting the representative of FNB in the district or by calling district coordinator and FNB central office freely.
- Likewise, we found that the booklet is informative, helpful to write application in different aspects and poster disseminate message to each and every corner of the village.
- In Gorkha district, 15245 earthquake victims filled grievances form stating that they were not in beneficiary list. According to victims of earthquake, their grievance was not listened from any corner. FNB has taken initiation to get their grievances heard by taking this issue to policy maker and concerned sectors.
- People who participated the program have shared their neighbors about the program and likewise people have been aware about the program through FM message and posters. So, the number of earthquake victims getting the benefit from the program has increased.