INTRODUCTION

Legal Helpline Service is a pro bono service from lawyers of Forum for Women, Law and Development (FWLD) to provide any necessary legal information, advice and consultation to the people who would not have access to legal information otherwise during this period of lockdown enforced to curb the spread of the corona virus infection.

The service started from April 3, 2020 and will continue till the prohibitory order is lifted. This factsheet shows the number and types of cases received till 21 August, 2020. We also started providing our legal helpline service through Google forms in both Nepali and English languages in order to expand our legal helpline services. This factsheet contains summaries of the cases received through telephone and also through Google forms along with our interventions.

SEX-WISE DATA OF THE SERVICE SEEKERS

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
<th>Other</th>
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<tbody>
<tr>
<td></td>
<td>204 (67%)</td>
<td>99 (32%)</td>
<td>2 (1%)</td>
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<tr>
<td>Total</td>
<td>305</td>
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TYPES OF CASES

- Domestic Violence: 67 cases
- Citizenship/Birth Registration: 57 cases
- Divorce/Property: 50 cases
- Rape/Incest: 27 cases
- Court Procedures: 14 cases
- Relief Package and access: 14 cases
- Polygamy: 10 cases
- Information on Legal Provisions: 8 cases
- Suicide/Abetment: 6 cases
- Murder/Attempt to Murder: 6 cases
- Marital Rape: 5 cases
- Human Trafficking: 4 cases
- Cyber Crime: 2 cases
- Other: 35 cases

[Diagram showing the distribution of cases by type]
INTERVENTIONS OF FWLD

- 73.6% Provided Legal Counseling/Consultations and Information of Legal Procedures
- 5.8% Supported for filing of FIR and court pleading
- 5.5% Coordinated with Police Administration
- 2.5% Coordinated/Referred with other agencies and organizations for safe houses
- 2.1% Coordination with other organization for psychosocial counseling
- 6.7% Provided Other Relevant Information
- 3.7% Coordinated/Referred with other agencies and organizations to facilitate the clients

Note:
Three calls were received from outside the Country: India, USA
SUMMARY OF SELECTED CASES

Marital Rape
A relative of 19 years old Barsha (name changed) of Sunsari district contacted us and informed that Barsha is a victim of a child marriage and her husband has been raping her for long time. But she is compelled to bear the pain she is going through as she has no safe place to go. Informant further said that she wants to file a case of marital rape against her husband if she gets a safe house to stay. FWLD contacted Superintendent of Police (SP) of the Sunsari district to inform her situation. FWLD was told to contact the Deputy Superintendent of Police (DSP) of the district. Accordingly, FWLD contacted to the DSP and requested to provide protection of Barsha immediately. FWLD further coordinated with the Director of Maya Ghar to arrange a safe house for Barsha. However, during the coordination Barsha expressed that she wants to go her mother’s house rather than going to any safe house. Therefore, FWLD coordinated with many people to send her back to her mother’s house safely.

Property Right of Daughters
Rima and Sita (name changed) lost both their father and mother a long time ago. They have been living with their brothers and the brothers took all the parental property and did not regard both of them as coparceners. They are unmarried and have been living in same house but they have different kitchen. Both sisters are unemployed and this period of lockdown became more difficult for them due to lack of money. They tried to talk to their brothers to provide them their share of property but they denied. Legal consultation was provided that they can file case of partition of property as they are rightful coparceners. They told us that they will again try talking to their brothers and if they deny this time, they will file the case and will need our support.

Rape
Gyanu Chaudhary, mother of Ashma Chaudhary (name changed) aged 6, contacted us regarding drafting a rape case complaint. She and her husband both are labourers and they work throughout the day. Her daughter Ashma Chaudhary remains alone in the home during the day. The perpetrator Arjun Chaudhary, aged 13, resident of the same area took the chance and was able to take Ashma to an empty house near Kattha mill of Godawari Municipality Ward no 5 around 10:30 am and raped her on March 19, 2020. Gyanu was aware of the incident only after Ashma went outside to buy biscuit and saw the perpetrator on the road and came home crying. FWLD helped Gyanu write and file a complaint against Arjun regarding rape charges according to Section 219 crime relating to rape and compensation as per section 228 of Criminal Code 2017.

Defamation
A woman came to FWLD for legal consultation and expressed the inconvenience she felt at work during her live session on social media. She never pointed out anyone’s name. However, a man who thought himself as the target of the matter she talked about in the live session has given interview on various social media platforms that insulted her reputation and the man even filed a case against her on Kathmandu District Court for defamation. We suggested the woman that we will watch the interviews given against her by the man and other people and will decide on how to go forward in the matter. In the meantime we suggested her to submit the rejoinder within the period as the court sends the summon notice.
Working for non-discrimination and equality

Rape and Human Trafficking

Saathi Organization contacted us regarding rape and human trafficking case of Latika (name changed), age 32, was working in Bangalore, India as a housemaid since June of 2019. She met Rakesh B.K, age 27, in India. He used to tell her that he wanted to marry her and on December 8, 2020, he took her to a hotel in Kargari, Bangalore, where he raped her. Then, he continuously had sexual relations with her without her consent. He did not want her to leave for Nepal. Observing his behaviour, she came to know that he is planning to sell her. Therefore, she continuously told him that she wanted to leave and go to Nepal. On June 16, 2020, they both came to Nepal through Jamunaha, an India border area of Nepalgunj Sub Metropolitan Ward no. 15. However, he ran away without her knowing. She is in quarantine in Mahendra Multiple Campus. In this Saathi organization requested us to draft a case of rape and human trafficking against Rakesh B.K. Hence, FWLD assisted in drafting the FIR.

Sita (name changed) was married to Bikash around 4 years ago. They have a daughter aged 2 years old. Her husband worked in Kuwait. However, he died there because of Covid-19. After his death, she claimed his insurance, provident fund etc. however, the director of the office asked to mention the name of her mother-in-law as well. She is not in the situation to live in her house and that is why she has been living at her maternal house. She used to live in her maternal house and used to come home only when her husband returns. She therefore asked us about the rights of a widow. We informed her that she has the same rights as other members of the house have. She can even apply for partition of property and can live separately if she wants. She and her daughter will get her husband’s share of property and if any problem arises, she can file a case in the court.

Kamana (name changed) and her son were living in a squatter area near Kupondole. She was married to a man from Rolpa and her son was born. However, her husband disappeared since then and has not been in contact till now. She registered her son’s birth certificate from her maternal home’s ward office at Dhulikhel. Her son has passed grade 12 now. However, the same ward office did not issue recommendation stating verbally that the recommendation needs citizenship of her husband. We suggested her to go back to the ward office and fill up the form of Schedule 1 relating to citizenship of descent. Submit that form and demand for the recommendation. If they provide recommendation then, it will be okay. However, if they reject again and she should ask them to provide a written objection for not providing the recommendation and requested her to contact us again for further support.

Theft

Damu Shahi (name changed) age 16 and Raju BK (name changed) from Banke District were arrested in a theft case and were sent to child rehabilitation centre for committing theft. The maternal uncle of Damu Shahi contacted us to inquire about the court procedures. He was called on the office as he requested for the requirement to get detail information and consultation regarding the situation of the case. FWLD assisted in writing an application to get a copy from the court in order to get information regarding the situation of the case. The children were arrested on June 12, 2020 and are currently in the Child Rehabilitation Centre for trial of the case.
Sita (name changed) does not have citizenship certificate. She wanted to know the procedure of acquiring the citizenship certificate. However, her husband is already dead and she is second wife of her husband. She has a son who is currently residing abroad and he has citizenship under his father's name. Sita went to ward office for recommendation but the officers refused to provide recommendation from her husband's name as her husband is dead and there is no marriage registration certificate. She then contacted her parents who live out of valley. But her parents suggested her to make citizenship from her husband's side as it will be easy for her and she is already married. However, she informed us that she has a copy of her parent's citizenship and her own son's citizenship certificate as well. She also told that her husband's brother is ready to identify her as his brother's wife. Hence, FWLD talked to the concerned ward officer and requested him to provide recommendation after field and the brother's affidavit. The ward officer informed that due to surge in corona virus cases the District Administration Office has halted the service and therefore the ward office has also temporarily halted the related service and will provide her with the recommendation after the service resumes.

The complainant is from Biratnagar and studying in grade 10. On 1 June 1 2014 she came back from coaching class in the morning and was on her way to have breakfast in a shop where the perpetrator, interrupted her way and told her that her friend is searching for her. And she went with him to meet her. However, on the way near another school, the other two perpetrators were already sitting there near Bolero Car. She asked the first perpetrator whereabouts of her friend but he covered her face with a piece of cloth and forcefully put her in the vehicle. They took her to Farbisgunj of India and fed her intoxicated food. They locked her in a room at Kapashada. They sexually assaulted her. Her father with the help of Prawasi Nepali Mitra Manch and Delhi Police rescued her from that place. They handed her to her father. She came to police office with a representative from the organization and filed a complaint against the perpetrators as per Section 3 of Human Trafficking and Transportation (Control) Act, 2007 for the crime as per Section 4(2) (a) of the same Act and demanded punishment as per Section 15(1) (e) (1) and compensation as per Section 17 of the same Act. The complaint was registered however, two accused were absconding. One of the three accused had already given a statement for his and other accused's involvement in the crime. The District Court ordered 15 years of imprisonment and 1 lakh fine on human trafficking, 7 years imprisonment and 50 thousand rupees fine and additional 2 years of imprisonment and compensation to the victim for hostage-taking. For the absconding accused, the district court ordered postponement. The High Court also upheld the decision of the District Court. The accused filed an application for a review of the case in the Supreme Court and was accepted. The victim party in the case wanted FWLD to represent their case in the Supreme Court and hence we asked for necessary documents as well. They have handed over all the related documents to us and we have started preparing for the legal representation in the court.

Lila (name changed) married Rajendra Thapa around 9 years ago. They had a love marriage. From their conjugal relationship a daughter was born and she is now 8 years old. Meanwhile, her husband started planning for second marriage and hence he started physically abusing Lila. She asked for help from the judicial committee. However, they informed her that discussion will not be carried out due to lockdown. Therefore, she asked for legal consultation. FWLD suggested her to live separately taking the partition filing a case. She also wanted to get divorce and take custody of her daughter, so she filed a case for partition share of her and her daughter with divorce in Bardiya District Court and the case was decided in her favor on June 29, 2020.
CHALLENGES

- Court has only been dealing with state party criminal cases during the period of lockdown and has been providing limited services. Hence, individual party domestic violence cases could not be filed in the courts for victims to get interim protection order and justice.
- Since the court started limited services after relaxing the lockdown and decided to register limited number of cases (for example: only 5 divorce cases in a day at Kathmandu District Court) to curb the increasing risk of the Covid-19, this force people to get early in queue to get their case filed and many people denied to register their cases.
- Law enforcement personnel are emphasizing on reconciliation rather than filing complaints of domestic violence cases during lockdown.
- Difficulty in referring to shelter home to victims due to shelters only being limited to certain places and the restriction of transportation and hesitant in enrollment of new survivor in the shelter home due to the risk of the spread of the disease.
- Police reluctant in registering FIR of sexual violence cases and other criminal cases.
- Local-levels are currently engaged in dealing with pandemic due to which they have not been able to actively function the Local Judicial Committee and support people with their problems at the committee level.
- Inadequate protection measures and equipment available to law enforcement officials forcing them to minimize or halting their services and avoiding interaction with service-seekers.
- Lockdown and prohibitory orders have restricted mobility of victims and even lawyers and because of this, many victim could not file their complain.
- Psychological impact and suicidal tendency on survivors of domestic violence and other sexual offenses due to lack of access to justice during lockdown because of lack of access to reporting the offenses and lack of effective investigation and prosecution even if the issue is reported.
- Increase in cybercrime and bullying during lockdown and internet grooming of potential at-risk people especially adolescent girl. However, currently, there is only one cyber cell in Nepal Police and only one Kathmandu District Court to deal with such cases.

WAY FORWARD

- The government and concerned authorities should arrange for online complaint and online statement taking mechanism along with other services like online pleading in courts to ensure that people have access to justice during lockdown and pandemic situation.
- Law enforcement authorities should arrange delivery of justice at the doorstep of victim e.g. police attending complaint by reaching out to victims resident in the situation of lockdown and restrictions when people cannot access the services.
- Law enforcement officials should be provided with adequate protective equipment and measures for their safety so that they can easily and safely provide services to people.
- The government should also adopt special procedures or laws to deal with cases like domestic violence and other serious cases and should classify services for Gender-Based Violence as essential services during lockdown and pandemic situation.
- Stakeholders like government, civil society should make a proper effective referral system of cases so that people can receive proper and consolidated legal, psychosocial, medical, shelter and other necessary services from one door channel.
- The government and civil society should also publicize the available hotline services and other similar kinds of services through video, PSA or another medium for increasing public awareness for existence of the service and accessing it.
- Follow up and monitoring should be done for cases received during the lockdown and pandemic situation.
- Decentralization of cyber cell and case handling institution in at least all seven provinces which will help in recording complaints, investigation and prosecution.

LEGAL HELPLINE SERVICE TEAM

- Adv. Meera Dhungana
- Adv. Basanta Gautam
- Adv. Kashiram Chaudhary
- Adv. Deepesh Shrestha
- Adv. Sunil Shrestha
- Adv. Goma Mahara
- Adv. Binu Lama
- Mr. Sushant Bashyal
- Adv. Sabin Shrestha
- Adv. Janaki Tuladhar (Ph.D.)
- Adv. Roshana Pradhan (Shrestha)
- Adv. Sushama Gautam
- Adv. Renu Pradhan (Shrestha)
- Adv. Sagar Pathak