

ACCESS TO JUSTICE OF WOMEN AND
MARGINALIZED GROUP
DURING COVID-19 PANDEMIC:
AN IMPACT ANALYSIS



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*Access to Justice of Women and
Marginalized Group During Covid-19
Pandemic:*

An Impact Analysis

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Chapter 1: Introduction

1.1 Overview of access to justice

Access to justice is a basic principle of the rule of law. It is a fundamental right that allows individuals to use legal tools and mechanisms to protect their rights. Access, to be real, must be comprehensive and free from discrimination. The United Nations Development Programme (UNDP) has defined access to justice as “the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards”.¹ Access to justice is crucial for protecting the rights of individuals, promoting accountability and transparency, and ensuring social and economic development. It is necessary for individuals to have knowledge of their rights and the ability to seek justice when injustice occurs. Furthermore, the capacity, effectiveness, and efficiency of the justice-providing institutions, as well as the assurance and use of an appropriate environment, are necessary for seeking and obtaining justice.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizes the importance of access to justice for women and requires states to ensure that women have equal access to justice and legal remedies. Article 15 of CEDAW specifically calls for the elimination of discrimination against women in the legal system and provides for the right of women to access to courts and other tribunals to seek effective remedies. Access to justice is a fundamental element of the rule of law and good governance, together with the independence, impartiality, integrity and credibility of the judiciary, the fight against impunity and corruption, and the equal participation of women in the judiciary and other law implementation mechanisms.²

The 61st CEDAW committee session held in July 23, 2015 provided General Recommendation No. 33 on women’s access to justice. General Recommendation no. 33 aims at supporting State parties and other stakeholders to establish, maintain and monitor well-functioning justice systems. These systems are to, in a gender sensitive manner and with gender competence, effectively, professionally, within reasonable time and cost, bring resolution to all the kinds of legal disputes, claims and cases that women can be involved in as claimants, defenders, witnesses, or any other capacity, and ensure the provision of remedies and their implementation.³ It has stated following indicators to assess the condition of access to justice:

- Justiciability
- Availability
- Accessibility
- Good quality justice system
- Provision of legal remedies
- Accountability of justice systems⁴

¹ Available at https://www.undp.org/sites/g/files/zskgke326/files/publications/Justice_PN_En.pdf

² Available at [Etpu \(un.org\)](http://Etpu.un.org)

³ Available at <https://rm.coe.int/1680631f5a>

⁴ Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/241/90/PDF/N1524190.pdf?OpenElement>

To identify the state of access to justice or to analyze the problems of access to justice, indicators can be used as a basis. Some standards for access to justice have been developed at the national and international levels, and with the help of such indicators barriers to access to justice can be identified. The United Nations Development Programme has mentioned the following criteria for measuring access to justice in its development programmes:⁵

- Legal protection
- Legal awareness
- Legal aid and counsel
- Adjudication
- Enforcement
- Judicial accountability

1.2 Access to justice and the COVID-19 pandemic

Access to justice is important for gender equality and women's empowerment. The development of a quality, cost-effective, and accessible justice system, including remedies and accountability mechanisms, is necessary for everyone in humanitarian and disaster contexts. The need for justice can intensify during times of crisis and disaster. The COVID-19 pandemic has disrupted every aspect of daily life, including access to justice for women. Before the COVID-19 pandemic, women already faced significant barriers in accessing justice around the world, particularly in developing countries and marginalized communities. These barriers include cultural and social norms that limit women's participation in legal processes, lack of access to legal information and services, and discrimination within the justice system.⁶ During the lockdown imposed by the Nepal government due to the COVID-19 pandemic, women and marginalized groups faced difficulties accessing judicial services. The service of courts was limited, other legal institutions were closed, and security agencies, such as the Nepal Police, were primarily focused on preventing the spread of COVID-19. In this situation, it was difficult for victims of violence, particularly women and marginalized groups, to access the judicial system. According to a report by UN Women, women's access to justice has been affected in various ways, including court closures, suspension of legal aid services, and reduced capacity of justice system personnel. Women who face gender-based violence and abuse have been particularly affected as they often require immediate legal assistance and protection orders. With the closure of courts and reduced access to legal aid services, these women have been left with limited options for seeking justice and protection.⁷ The impact of the COVID-19 pandemic on women's access to justice has been particularly acute in developing countries, where legal systems are under-resourced. In this context, the pandemic has further exposed and exacerbated existing inequalities and barriers faced by women in

⁵ Available at [Microsoft Word - Justice - PN - English.doc \(undp.org\)](#)

⁶ Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7456584/#sec0001title>

⁷ [UN Women. \(2020\). COVID-19 and ending violence against women and girls. Retrieved from https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls](https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls)

accessing justice. Even after the lockdown was lifted, limited court services meant that victims still faced obstacles in accessing legal assistance. This resulted in a significant barrier to justice for those who were affected and highlights the need for improved access to alternative dispute resolution mechanisms during pandemic.

1.3 Objective of the study:

The COVID-19 pandemic has had a significant impact on access to justice, and research is desirable to understand the limitations of the current system. For the purpose of this study, the COVID-19 pandemic period is regarded as the years 2020 and 2021. This research focuses on how the COVID-19 pandemic affected access to justice in terms of legal services, court proceedings, legal representation, implementation of decision and other relevant factors. It also explores potential solutions that could help improve access to justice in relation to future pandemics or disaster.

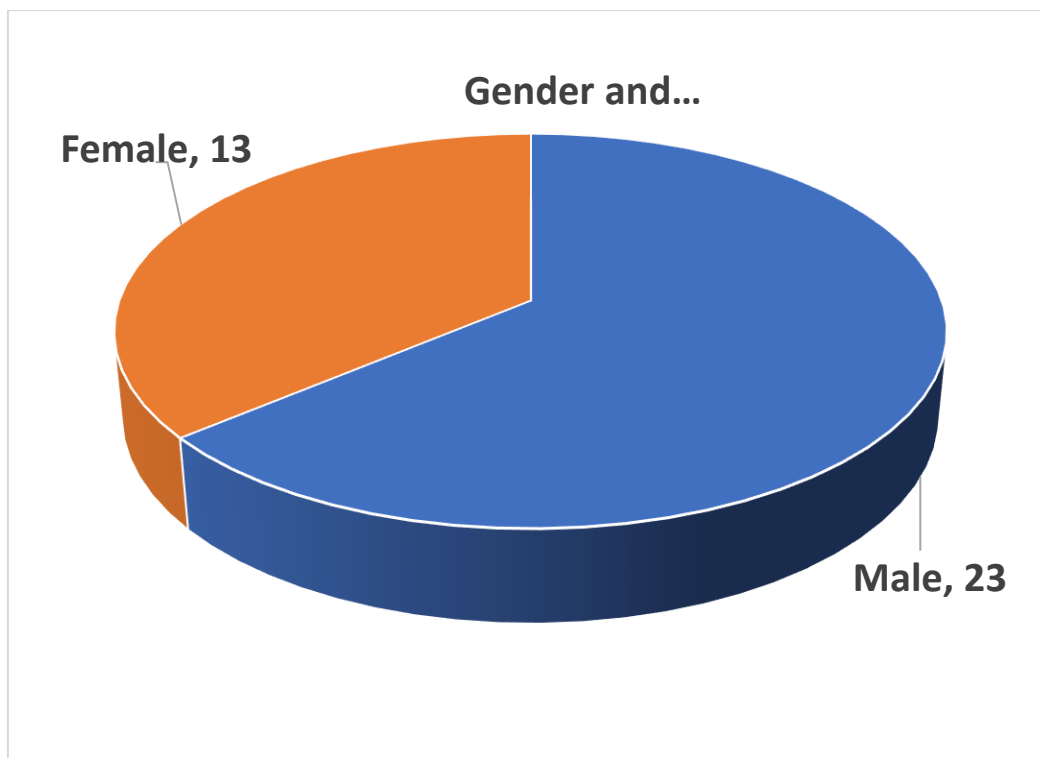
The main objectives of the study are:

- To assess the impact of the COVID-19 pandemic on access to justice for women and marginalized groups
- To map initiatives taken to address emerging challenges on access to justice during COVID-19 pandemic

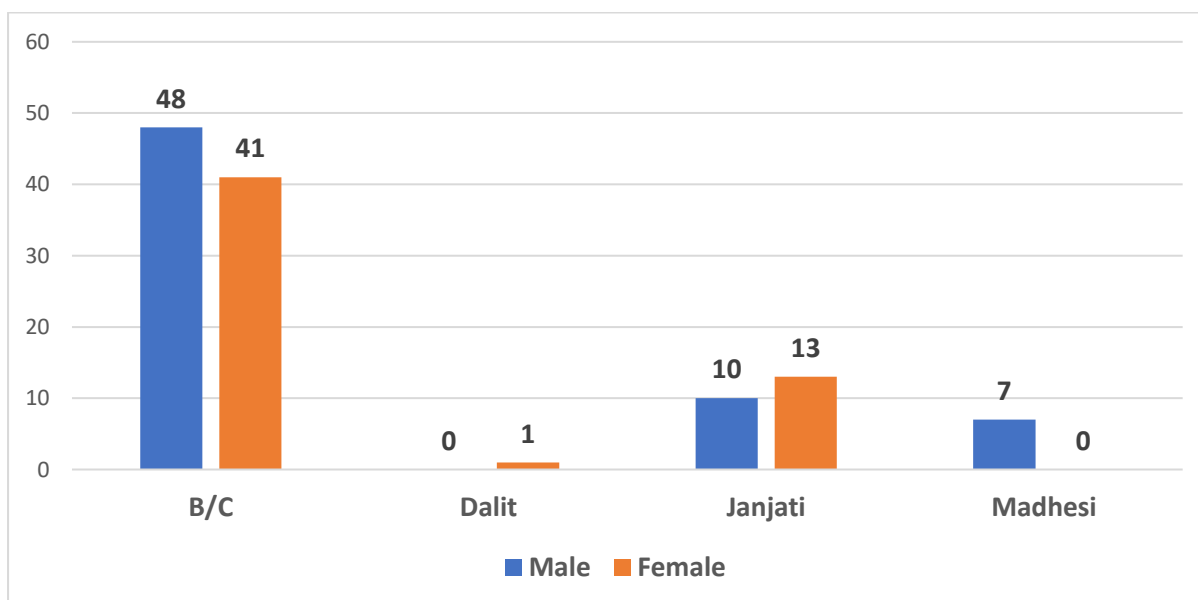
1.4 Methodology of the study

The study used both primary and secondary sources of data. Various secondary sources, including books, reports, and judicial decisions, were reviewed. To obtain primary sources of data, detailed research guidelines were prepared which contained multiple sets of questionnaires targeted to the different categories of respondents including representatives from the police, the courts, office of government attorney, the Bar Association, the Legal Aid Committee, the Safe House, CSOs, informal justice actors, and woman and marginalized groups who provided and received services during the COVID-19 pandemic. Additionally, consultation programs, key informant interviews (KII), and dialogue programs were conducted.

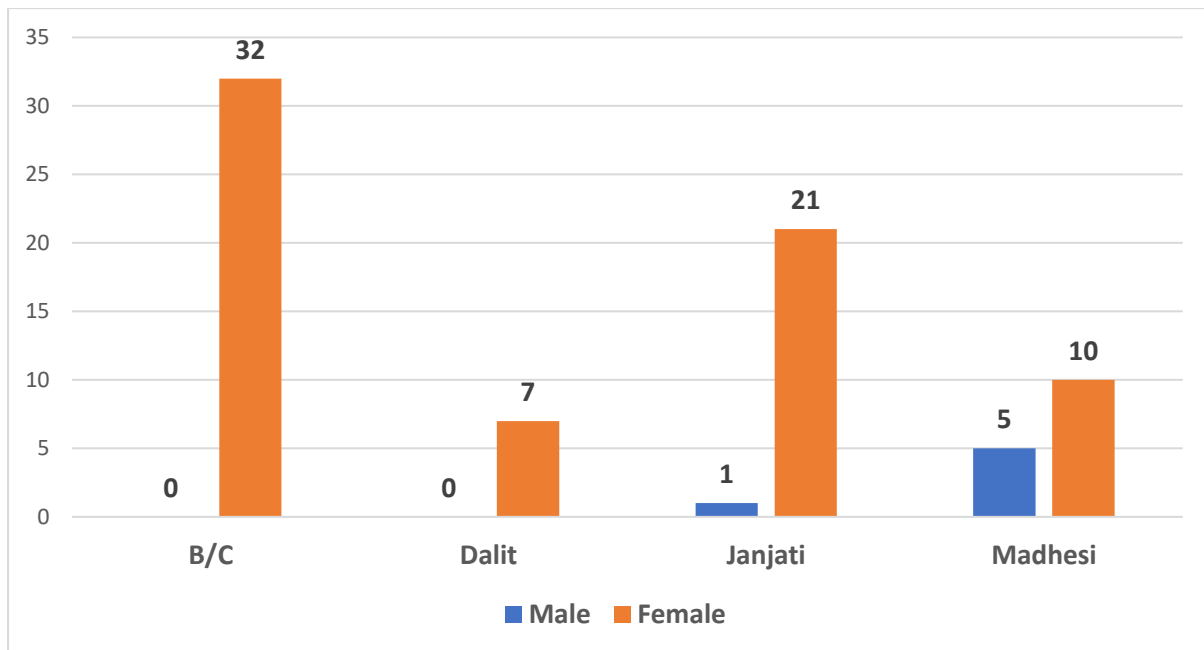
Disaggregated data of participants of KII



Disaggregated data of participants of consultation program



Disaggregated data of participants of dialogue program

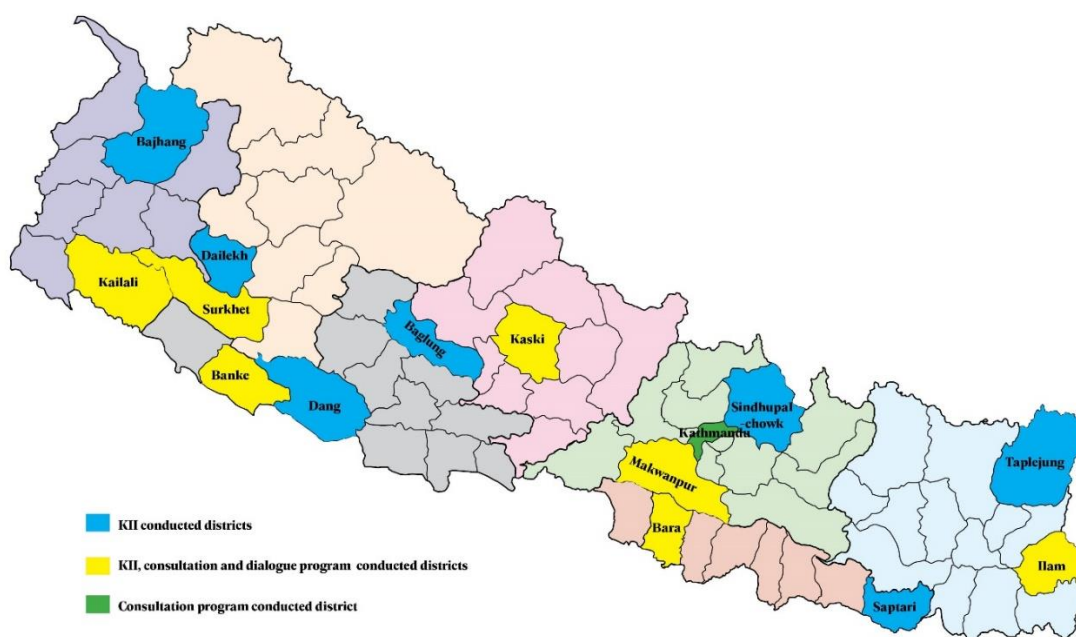


1.4.1 Districts selected for the study

For the purpose of the study, KII, consultations and dialogue programs were conducted in 7 selected districts⁸ representing all the 7 provinces. Additionally, a consultation program with service providers was conducted in Kathmandu at federal level. Further KII were conducted with the representatives of the district court, the office of the district government attorney and district police offices in 7 other different districts⁹. The districts were selected based on their geographical location, the availability of a high court and provincial capital, and their demographic composition.

⁸ Ilam, Parsa, Makwanpur, Kaski, Banke, Surkhet and Kailali

⁹ Taplejung, Saptari, Sindhupalchok, Baglung, Dang, Dailekh and Baihang



1.4.2 Time Frame:

Data collection took place from September, 2022 through February, 2023.

1.4.3 Data Collection:

The study team collected quantitative and qualitative data using the research guidelines prepared in consultation with Technical Advisory Committee. Different tools used to gather information are described below:

a) Law and Policy Analysis

The study team analyzed existing laws directly or indirectly related to access to justice for women and marginalized group, including constitutional provisions, judicial interpretations, the national Criminal Procedure Code, the Legal Aid Act, the Senior Citizens act, the Domestic Violence (Offense and Punishment) Act, the Human Trafficking and Transportation (Control) Act, the Infectious Disease Act, the Disaster Risk Reduction and Management Act, court rules and the COVID-19 crisis management ordinance. The study also analyzed the decisions and orders delivered by the Supreme Court of Nepal regarding access to justice during the COVID-19 pandemic.

b) Key Informant interviews¹⁰

The study team interviewed 36 individuals from 7 districts working in the judicial and security sector to collect their experiences during the COVID-19 pandemic, and identify gaps and inconsistencies in existing laws, policies and procedures. The interviews focused both on the barriers to access to justice and the initiatives taken during the COVID-19 pandemic to strengthen access to justice for women and marginalized group. A further 21 KII were

¹⁰ Detail of the respondents of KII is given in the Annex

conducted in 7 other districts with officials of court, the office of the district government attorney and the police office.

c) Consultation with service providers¹¹

The study team organized a consultation program with service providers on access to justice for women and marginalized groups and the use of the e-justice system during the COVID-19 pandemic. The consultation program was organized in all seven provinces, and one consultation was conducted at the federal level. The consultation program provided qualitative information on the situation of access to justice for women and marginalized groups. Additionally, a Focus Group Discussion (FGD) was conducted with lawyers who provided legal support during the COVID-19 pandemic.

d) Dialogue with service seekers¹²

The study team conducted a dialogue program with service seekers who reached out to different service providers during the COVID-19 pandemic. One dialogue program was conducted in each of the 7 provinces. The dialogue program provided both qualitative and quantitative information on access to justice from the service seekers' perspectives.

e) Secondary sources

The study used data and statistics published by governmental and non-governmental organizations as secondary sources.

1.5 Scope and limitation of the study

KII, dialogues, consultations, research papers and reports were considered to help identify the problems, challenges and good practices that emerged during the COVID-19 pandemic. The research team gathered information through KII in two districts of each province, and consultations and dialogue programs with concerned stake holders in one district of each province and at federal level. The finding of this study are therefore limited to the experience and practices in these locations and may not reflect and represent all the districts of Nepal.

1.6 Research ethics

The research team has conducted the research in an ethical and responsible manner, with the protection of participants and the integrity of the research considered to be top priorities. The researchers have received informed consent from the participants, who were informed about the research's purpose, procedures, benefits, and were allowed to make an informed decision about whether to participate or not in KII, dialogue and consultation programs. The personal information of the participants has been kept confidential, and their privacy respected throughout the research process. The data was collected, analyzed, and reported in an accurate, transparent and unbiased manner, including by ensuring that data was appropriately recorded, stored, and shared with others. Furthermore, consent was sought from the participants to take their pictures before consultations and dialogue programs were conducted.

¹¹ Detail of the consultation program is given in the Annex

¹² Detail of the dialogue program is given in the Annex

Chapter 2: Literature Review

2.1 Ensuring Access to Justice in the Context of COVID-19¹³

This guidance note prepared by UNODC and UNDP explores the impact of the COVID-19 pandemic on access to justice and the rule of law, and provides recommendations for policymakers, practitioners, and donors. The report highlights how the COVID-19 pandemic has exacerbated existing justice gaps and created new challenges for vulnerable populations. The pandemic has disrupted legal systems and institutions, resulting in court closures, delays in legal proceedings, and limitations on the delivery of legal aid services. Moreover, the pandemic has increased the demand for legal assistance in areas such as domestic violence and labor disputes. The note's recommendations include the adoption of technology and digital solutions to enhance access to justice, the use of community-based justice mechanisms to complement formal justice systems, and the provision legal aid services through remote means. It highlights the need for innovative and collaborative approaches to address the challenges posed by COVID-19 for justice systems worldwide.

2.2 COVID-19 and Ending Violence Against Women and Girls¹⁴

This report prepared by UN Women notes that the pandemic has led to an increase in violence against women and girls, including intimate partner violence, sexual violence, and exploitation. This is due to a range of factors, including economic stress, social isolation, and restricted access to support services. The report highlights the urgent need to address this issue, and emphasizes that efforts to prevent and respond to violence against women and girls must be considered an essential service during the pandemic. The report emphasizes the need for a coordinated, multi-sectoral approach to address the issue, and underlines that efforts must be based on a human rights approach, which recognized the dignity and agency of survivors and prioritizes their safety and well-being.

2.3 The Impact of COVID-19 on Women¹⁵

This policy brief of the Secretary General of United Nations states that the pandemic has exacerbated pre-existing gender inequalities, and has had a disproportionate impact on women in terms of their health, economic, well-being, and access to services. To address these challenges, the report presents a range of recommendations for policymakers and stakeholders. These include ensuring that social protections measures, such as cash transfers and food assistance, reach women and girls, and that they are designed to address the specific needs and challenges faced by women. It further recommends strengthening support services of violence, including hotlines and shelters, and ensuring that they are accessible during lockdowns and quarantine periods.

¹³ Available at <https://www.undp.org/publications/ensuring-access-justice-context-covid-19>

¹⁴ Available at <https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls>

¹⁵ Available at https://www.un.org/sites/un2.un.org/files/policy_brief_on_covid_impact_on_women_9_apr_2020_updated.pdf

2.4 Preliminary Report on the Human Rights Situation during Covid-19 pandemic in Nepal¹⁶

This report prepared by the National Human Rights Commission (NHRC) provides an overview of the impact of the pandemic on the human rights situation in Nepal, particularly in relation to the right to health, right to work, right to education, and right to access to justice. It states that the pandemic has had a significant impact on the Nepalese economy, leading to job losses, reduced incomes, and increased poverty. This has particularly affected vulnerable groups such as migrant workers, daily wages laborers, and women, who are over represented in the informal sector. It further discusses the impact of the pandemic on access to justice, noting that the lockdowns and restrictions on movement have made it difficult for people access legal services and the courts. The report also highlights the need for greater investment in the justice system, particularly in the context of the pandemic.

2.5 Human Rights Situation During the COVID-19 Pandemic: A Brief Assessment¹⁷

This assessment prepared by the National Human Rights Commission (NHRC) states that the COVID-19 crisis has exacerbated the vulnerability of the least protected in society. Caste-based discrimination and stigmatization during the pandemic has accelerated. The outbreak of COVID-19 has had a long-term and profound impact on elderly people's health and well-being, including due to isolation. Access to justice for persons with disability was quite limited, and they were deprived of property and not treated equally. The lack of availability of individual support and healthcare facilities resulted in various mental health issues. Women and children, experienced increased vulnerability during the lockdown period. Some healthcare workers unfortunately experienced avoidance even by their family or community owing to stigma or fear.

The COVID-19 pandemic has impacted Nepali migrant workers in different ways. A large number of Nepalis working outside the country lost their jobs and income, and they remained vulnerable to being infected with COVID-19 or losing their lives to it. Their human rights and labor rights have been violated, and they have faced stigmatization and discrimination. In particular, women, domestic and undocumented workers, pregnant and person with disabilities, those removed from their job, COVID-19 infected and with underlying health conditions are more vulnerable.

2.6 Advancing Access to Justice during COVID-19¹⁸

The authors of this piece state that the COVID-19 pandemic and the response to it by different governments are having an unprecedented effect on the functioning of justice systems globally, and Nepal is certainly not immune to this effect. When the Government of Nepal imposed a lockdown to combat the outbreak of the pandemic, some essential services were overlooked, including legal services. News reports and public health analysis suggest that COVID-19 has been disproportionately affecting women in many ways, such as increased

¹⁶ Available at <https://www.undp.org/nepal/publications/preliminary-report-human-rights-situation-covid19>

¹⁷ Available at https://www.nhrcnepal.org/uploads/publication/NHRCNepal_Covid_Report_2020.pdf

¹⁸ Available at <https://www.undp.org/nepal/blog/advancing-access-justice-during-covid-19>

vulnerability to domestic violence and increased psychological and physical stress due to the unequal distribution of household work among family members. In this situation, there is a need to have more vibrant and active remedial mechanisms to mitigate gendered impacts and ensure that crisis responses do not perpetuate gender inequity. Furthermore, law enforcement agencies should work towards developing an ICT system to introduce online and virtual court systems.

2.7 Access to Justice and the COVID-19 Pandemic: Compendium of Country Practices, Tackling Corona Virus (COVID-19): Contributing to a Global Effort¹⁹

This OECD conference highlighted that improving access to justice is critical for reducing domestic violence against women. However, to be most effective, it was underscored that integrated service delivery should be made available for survivors through a whole-of-government response.. The whole-of-government response would be most strongly supported by a national plan with cross-party support to address violence against women. It also noted that the heightened levels of domestic violence that have been registered throughout the pandemic also affect children, who are at increased risk of abuse and neglect.

¹⁹ Available at <https://www.oecd.org/governance/global-roundtables-access-to-justice/access-to-justice-compendium-of-country-practices.pdf>

Chapter 3: Legal and Administrative arrangements during the COVID-19 Pandemic

3.1 National Laws related to access to justice

3.1.1 Constitutional provisions

The Constitution of Nepal seeks to achieve economic equality, prosperity and social justice by eliminating discrimination based on class, caste, region, language, religion, and gender, and all forms of caste-based untouchability. It emphasizes the right to equality²⁰, whereby all citizens are equal before the law and are entitled to equal protection of the law without discrimination on the grounds of sex or any other factors. The Constitution guarantees affirmative action measures to ensure the inclusion of marginalized and disadvantaged groups, including women and others, for their protection, empowerment, and development.

The Constitution upholds the rights of women²¹. Every woman has equal lineage rights without gender-based discrimination, and no woman should be subjected to any form of violence or exploitation on any grounds. By recognizing these fundamental rights, the Constitution of Nepal seeks to promote a fair and just society, free from discrimination and inequality. The Constitution also recognizes every person's right to access justice²². Any person who is arrested has the right to consult a legal practitioner, and such consultations must be kept confidential. Moreover, an indigent party has the right to free legal aid. The Constitution also acknowledges the right of a victim of crime to receive information about the investigation and proceedings of a case in which he or she is the victim, along with social rehabilitation and compensation²³.

3.1.2 The National Criminal Procedure Code, 2017

The Code provides for the possibility of in-camera hearing in the cases related to violence against women, due to the sensitive nature of the issues involved.²⁴ During In-camera hearings, also known as closed-door hearings, the public is excluded from the courtroom, and only relevant parties, such as judges, lawyers, and witnesses, are allowed to attend legal proceeding.

The Code allows for the provision of the first information of an offence through electronic means.²⁵ This promotes accessibility for victims who may otherwise be unable to reach the police office due to disaster, pandemic, security threat, transportation or for any other reasons. Further, the investigating authority may take statements and conduct interrogations by video conference.²⁶ Witnesses may also be examined through video conference, if they petition the court and the court orders for it.²⁷ The court even may examine a witness or

²⁰ Constitution of Nepal, 2015, article 18

²¹ Constitution of Nepal, 2015 article 38

²² Constitution of Nepal, 2015, article 20

²³ Constitution of Nepal, 2015 article 21

²⁴ National Criminal procedure code, 2017, section 129

²⁵ National criminal procedure code, 2017, section 4

²⁶ National Criminal procedure code, 2017, section 16

²⁷ National Criminal procedure code, 2017, section 109

evidence that is outside of Nepal through video conference.²⁸ Further, if the party of a case held in detention or imprisonment cannot be produced in the court due to security or physical disability, with the consent of the court a video conference can be arranged.²⁹ Documents related to cases can also be exchanged through electronic means.³⁰

3.1.3 The Criminal Offense (Sentencing and Execution) Act, 2017

The sentencing and execution of the criminal offense can be done through video conference³¹. If the offender cannot be produced before the court for reasons of security or public interest or the offender refuses to appear before the court, the offender can be produced through video conference.

3.1.4 The Legal Aid Act, 1997 and Legal Aid Rules, 1998

The act established the Legal Aid Council, which is responsible for providing legal aid services to the poor and marginalized communities. A person whose yearly income is less than 40,000 is eligible to receive legal aid service upon or recommendation from the concerned ward office. However, victims of gender-based violence and armed conflict can receive legal aid service irrespective of their economic condition. The Council is mandated to provide legal aid services to women, children, the disabled, and other marginalized groups.

3.1.5 The Senior Citizens Act, 2006

If senior citizens cannot afford to hire a lawyer to defend their case, they can submit an application to the court, and the court can appoint a stipend lawyer for them.

3.1.6 Supreme Court Rules, 2017, High Court Rules, 2016, District Court Rules, 2018

These rules make stipends available to lawyers in all the district courts, high courts and the supreme court to provide legal assistance to the parties of a case who cannot afford to hire a lawyer.

Other Legislation

The Domestic Violence (Offence and Punishment) Act, 2006 and the Human Trafficking and Transportation (Control) Act, 2007 have made special provision to provide free legal aid to victims.

3.1.7 National laws implemented to control the COVID-19 pandemic

a. The Infectious Disease Act, 1964

This Act addresses any infectious disease which may develop or spread throughout Nepal. It established that the Government of Nepal may take necessary action to root out or prevent

²⁸ National Criminal procedure code, 2017, section 115(5)

²⁹ National Criminal procedure code, 2017, section 126(3)

³⁰ National Criminal procedure code, 2017, section 192

³¹ The Criminal offense (Sentencing and Execution) act, 2017, section 10

such diseases, and may issue necessary orders applying to the general public or any groups of persons. The government has primarily used this act to control the spread of Covid-19 pandemic.

b. The Disaster Risk and Management Act, 2017

This Act primarily focuses on the reduction of disaster risks and risk management to protect human lives and public, private and individual properties from natural and non-natural disasters, by effectively coordinating and managing all activities. The definition of non-natural disaster includes epidemic/pandemic diseases.³²

c. The COVID-19 Crisis Management Ordinance

This ordinance primarily focuses on management of the health sector. It allows the declaration of a health emergency, under which the government can requisition private properties and vehicles to utilize them in the effort to stop the spread of the disease. Further, the government can take over the management of private hospitals to treat and manage COVID-19 patients. It also entitles the government to declare a situation of crisis and force lockdowns and impose orders of prohibition. It also authorizes the government to delegate authority to control COVID-19 to the chief district officers. This ordinance was active for a period of 6 months during the pandemic starting from 20th May, 2021.

3.2 Orders and Directives Issued by the CCMC and Government Agencies

The Government of Nepal formed a high-level committee, the COVID-19 Crisis Management and Coordination Center (CCMC) to work for the prevention and control of Covid 19 pandemic, under the leadership of Deputy Prime Minister and Defense Minister. All ministries are members of the committee. The first meeting of committee was held on March 1, 2020, and the major decision of the meeting was to issue directives regarding international visits and establishment of a health desk at the international airport. The 10th meeting of the CCMC, held on March 21, 2020, decided to impose a lockdown starting from March 23, 2020 as per the Infectious Disease Act, 1964.

A press release from the Supreme Court of Nepal on March 20, 2022 announced that due to increasing number of deaths from COVID-19, all the services of the courts would remain closed, except those related to individual freedom and emergency services like habeas corpus, filing of charge sheets, taking statements and preliminary hearings, arrest warrants, increases of time limit and other emergency services. Also, juveniles would be released if guardians were present to take the custody. This order was initially made for 12 days.

A press release issued by the Supreme Court of Nepal on March 25, 2022 stated that the order would be continued for further 8 days, and that applications could be provided online regarding the custody of juveniles. Likewise, a press release of the Supreme Court of Nepal on May 18, 2021 provided for the establishment of a dedicated bench for hearing the cases through video conferencing due to increasing number of COVID-19 cases.

The Supreme Court regularly issued the press release to continue and discontinue services time and again.

³² Disaster Risk and Management Act, 2017, section 2(d)

Access to Justice Commission

As per Rule 13(5) of the Supreme Court Regulations, 1992, the Chief Justice formed an Access to Justice Commission of the Supreme Court. The Commission has eighteen members, including the Chairperson and the representatives of targeted groups, along with officials from the judicial service provider agency. The Commission has a coordinating role in preparing policies and structures to increase access to justice for targeted groups. Targeted groups include children, women, indigenous community, senior citizen, person with disabilities, helpless, socially and economically disadvantaged and others. The access to Justice Commission conducted a policy dialogue program during the COVID-19 pandemic to strengthen services. The key recommendation was to prioritize the use of e-justice system as it was more accessible for the people. It stated to focus on the cases related to women and marginalized community as they were more vulnerable during the COVID-19 pandemic and registration of individual party cases of domestic violence in the court.

3.3 International Initiatives and Guideline on Access to Justice for women during COVID-19

3.3.1 CEDAW – Guidance Note on CEDAW and COVID-19³³

The Guidance Note aims to provide direction to governments and other stakeholders on how to ensure that measures taken to address the COVID-19 pandemic are consistent with the principles and obligations of the CEDAW. It emphasizes that the COVID-19 pandemic is having a disproportionate impact on women and girls, particularly those who are already marginalized and disadvantaged. It stresses that gender-sensitive approaches are essential to ensure that the response to the pandemic does not exacerbate existing gender inequalities. The note provides guidance on a range of issues related to COVID-19 and women's rights, including access to healthcare, gender-based violence, women's participation in decision-making, and economic empowerment. It also highlights the importance of collecting sex-disaggregated data to ensure that the impact of the pandemic on women and girls is properly understood and addressed.

3.3.2 Inputs from the CEDAW Committee to the 2022 High-Level Political Forum on Sustainable Development (HLPF)³⁴

The COVID-19 pandemic has affected people of all genders, backgrounds and origins, but women have experienced disproportionate and severe impacts due to intersecting forms of discrimination. The CEDAW Committee expresses deep concern about gender-based violence and discrimination faced by women during the pandemic and calls for the upholding of women's rights. COVID-19 measures, such as physical distancing, have limited women's access to healthcare, shelter, education, employment, and economic life, particularly for disadvantaged groups and those in humanitarian situations. States parties to the CEDAW Convention have an obligation to prevent discrimination against women and protect them

³³ Available at https://cambodia.ohchr.org/sites/default/files/InfoNotes/CEDAW_Guidance_note_COVID-19%2022%20April%202020.pdf

³⁴ Available at <https://hlpf.un.org/inputs/committee-on-the-elimination-of-discrimination-against-women-cedaw-4>

from gender-based violence, empower them economically, and guarantee their participation in policy and decision-making during crisis responses and recovery efforts.

The COVID-19 pandemic has increased the risk of domestic, sexual, economic, psychological, and other forms of gender-based violence against women and girls. States have an obligation to prevent and protect women from violence and hold perpetrators accountable. They should ensure women have access to justice, including protection orders, medical and psycho-social assistance, shelters, and rehabilitation programs. National response plans should prioritize safe shelters, hotlines, and remote counseling services, specialized security systems, and address women's mental health issues. States should develop protocols for the care of women not admitted to such services due to exposure to COVID-19. States must ensure that measures taken during COVID-19 do not discriminate against women, protect women from violence, enable socio-economic empowerment, and guarantee their participation in decision-making processes.

3.4 Institutional Initiatives

The government established a committee called the COVID-19 Crisis Management and Coordination Center (CCMC), led by the Deputy Prime Minister and Defense Minister, with the aim of preventing the spread of and controlling the COVID-19 pandemic. It delegated authority to District COVID-19 Crisis Management Centers (DCCMC) to manage quarantine, isolation, COVID-19 testing, treatment, relief distribution and so on in their districts. The DCCMC is led by Chief district officer of the specific district.

The National Human Rights Commission (NHRC) created monitoring bodies at the federal, provincial and district levels for the monitoring of the situation of human rights during the COVID-19 pandemic. The NHRC also monitored the situation of prisons and prisoners.³⁵

The National Women Commission (NWC) through its Helpline 1145, which is operated 24/7, played a critical role during the pandemic by providing essential services, such as psychosocial counseling and legal counseling. The helpline service was successful in connecting the women and girls at the risk of and victim of gender based violence to essential services, along with facilitating rescue and linking them to relief packages as well. The NWC continued providing services via phone and also collaborated with partner organizations in providing extended services, mostly counseling, shelter services, emergency relief and rescue. The shows increase in the number of calls received by helpline by the NWC during the pandemic, as survivors had limited or no access to other agencies.³⁶

The Forum for Women, Law and Development (FWLD) began providing emergency legal assistance service on 3rd April, 2020, with the aim of supporting service seekers in the context of the COVID-19 pandemic. Besides providing legal counseling, this service assisted with coordinating, drafting, and litigating cases in the court, and regular follow-up and referrals of cases to other concerned authorities and stakeholders as required. As of 30th June, 2022, 1045 service seekers received service from the legal helpline service operated by FWLD.³⁷

³⁵ Available at https://www.nhrcnepal.org/uploads/publication/NHRCNepal_Covid_Report_2020.pdf

³⁶ Available at https://nwc.gov.np/Publication_file/5fa78a6eb289f_2020_Sep_18_Lockdown_Report_-_4_months.pdf

³⁷ Available at <https://fwld.org/wp-content/uploads/2022/07/Legal-Helpline-Service-factsheet.pdf>

Chapter 4: Barriers/Challenges to Access to Justice During the COVID-19 Pandemic

The COVID-19 pandemic has had a significant impact on the ability of individuals and communities to access justice. The global response to the pandemic has included measures such as lockdowns, social distancing, and reduced court capacity, which have all posed significant challenges for accessing justice. This chapter discusses some of the access to justice challenges experienced during the Covid 19 pandemic in Nepal.

4.1 Prioritizing relief and rescue over justice delivery

Amidst the COVID-19 pandemic, relief and rescue efforts have been prioritized over the access to justice in many cases. Because the pandemic has had a severe impact on people's health and well-being, all the institutions of government concentrated their efforts on providing swift relief measures such as medical aid and food relief to those affected by the pandemic.

Meanwhile, the justice system has encountered significant disruptions, with courts and legal services being either shut down or functioning at a reduced capacity. Police returned victims of domestic violence to their homes, advising them to come back after the lockdown was lifted because their primary focus was on relief and rescue. The courts also did not entertain individual party domestic violence cases. Case registration was on hold during the initial days of the COVID-19 pandemic. These disruptions led to delays in justice delivery and women were compelled to continue living together with their abusers.³⁸

A victim of marital rape contacted FWLD for legal assistance because her case was not registered by the police of Makwanpur District Court during the COVID-19 pandemic. FWLD coordinated with the Women, Children, and Senior Citizen Directorate of the Nepal Police and managed to register the case through online means. Later, virtual pleading was conducted and the court issued an interim protection order for the victim.³⁹

4.2 Increased economic burden on service seekers

During the dialogue program, woman and participants from marginalized communities expressed concerns regarding the economic burden they face when seeking justice amidst the COVID-19 pandemic. The delays in case proceedings, transportation costs, limited availability of transportation, the need to take leave from work, payments for the power of attorney, and the compulsory use of masks while visiting courts and police offices have increased this burden. As a result, access to justice has become more challenging and costly, exacerbating the already severe economic impacts of the pandemic on women and marginalized communities. Female domestic workers lost their jobs due to mobility

³⁸ Experiences shared by participants of the consultation programs conducted in the Ilam, Parsa, Makwanpur, Kaski, Banke, Surkhet and Kailali Districts

³⁹ Legal assistance provided by FWLD during COVID-19 pandemic

restrictions and employer's fears about the transmission of COVID-19. As a result, the economic burden increased on them

During the dialogue program, a woman participant from Kaski district who visited the court during the pandemic for a case involving divorce and property partition stated that *"the court's notifying officer repeatedly demanded money when posting the hearing date to the opposing party's address. Additionally, other officers also insisted on receiving money as lunch expenses. Unfortunately, I was unable to pay the mediator's fees, and as a result, he withheld my case file for six months. Furthermore, the court staff did not allow me to choose my mediator; instead, they forced me to hire the one they had selected."*

4.3 Problem of mobility

Accessibility is one of the key indicators of access to justice. However, during the Covid-19 pandemic, the government issued lockdown and prohibition orders that restricted people's movements.⁴⁰ Women who were confined to their homes due to mobility restrictions were at a increased risk of violence, especially domestic violence. They were unable to visit police offices to file complaints, leaving them no choice but to endure violence. The transportation shutdown was a major hindrance for pregnant women, as they were unable to walk long distances to file complaints. A participant of one of the dialogue programs stated that *"She encountered difficulties while visiting courts and police offices, as she was menstruating and faced a lack of transportation facilities. As a result, she had to walk and had no access to necessary supplies and place to change her pads during the journey"*

During the program, a woman participant from a marginalized community mentioned that the district court had issued a decision in her case, and she needed to file an application to have the decision implemented. However, due to the lockdown, public transportation was suspended, leaving her with no option but to either hire a vehicle or stay at home. Unfortunately, her financial situation did not allow her to hire a vehicle, which caused a delay in the implementation of the court's decision.

Persons with disabilities experienced major problems with mobility. The transportation bans left them with no option but to live with their abusers. Lawyers who participated in a consultation program in Parsa district⁴¹ reported that their movements were also initially restricted by the police. However, after discussions with the District Administration Office, they were eventually granted permission to visit the court.

Jenny (name changed), a participant in the dialogue program, stated that her husband introduced his second wife during the COVID-19 lockdown. With restricted mobility due to the government-mandated lockdown, she had no other option but to live together with

⁴⁰ 10th meeting of the CCMC held on March 21, 2020 decided to impose lockdown starting from March 23, 2020 as per the Infectious Disease Act, 1964

⁴¹ Consultation programs with service providers conducted in Birgunj, Parsa District

them in the same house. She could only complain about the situation after the lockdown was partially lifted.

4.4 Limited availability of safety measures

The majority of service seekers who were women and/or member of marginalized communities who participated in the dialogue program came from low-income economic backgrounds. They frequently mentioned that government offices had made it mandatory to wear masks when visiting, but their financial situation made it challenging for them to afford masks every time. The prison department had strictly stated that they would only accept accused individuals after conducting a PCR check. However, due to limited availability of testing services initially, the police were forced to keep the accused in custody. Participants from the OCMC of hospital stated that they were required to wear a PPE set during working hours. Unfortunately, the PPE set made it difficult for them to carry out their duties in the hot weather of the Terai region.

The participants from court and shelter homes stated that despite safety being a top priority, staff members were only provided with a limited amount of personal protective equipment such as masks, gloves, sanitizers, and face shields. Consequently, many staff members were infected with COVID-19 more than once, which resulted in a shortage of personnel to provide services to service seekers. The Kalimati Police Office made it compulsory to carry a vaccination card while visiting the police office. However, the government had not provided vaccines to all the citizens. This restricted the ability of some women and members of marginalized communities to visit the police offices to file complaints.

The government transformed a hospital providing OCMC services into a dedicated COVID-19 treatment hospital. The negative impact was felt by victims of gender-based violence, who did not file complaints due to the fear of COVID-19 transmission while visiting the OCMC for treatment.

4.5 Limited availability of services

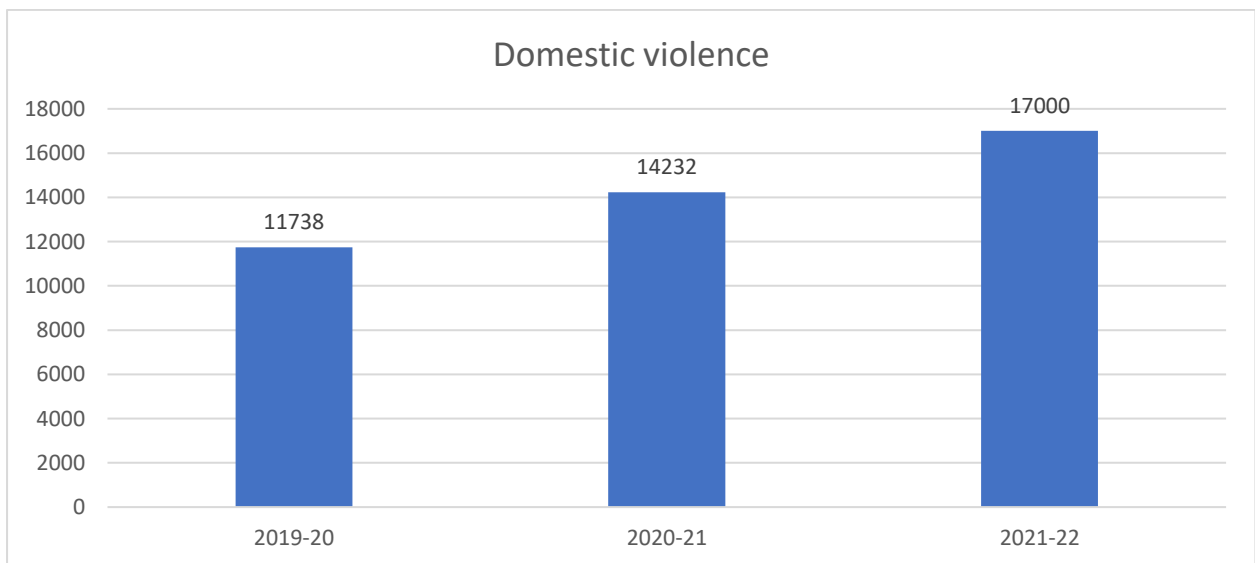
Although the courts did not completely shut down during the COVID-19 pandemic, their services were limited. On March 20, 2022, the Supreme Court decided to halt all court services except those related to individual freedom and emergency services such as habeas corpus, filing of charge sheets, taking statements, preliminary hearings, arrest warrants, time limit extensions, and other emergency services. The restriction on filing individual party domestic violence cases hampered women as they were forced to live together with their abusers and were unable to receive interim protection orders, which would have been helpful for them. During the consultation program, the judicial committee of the Hetauda Sub-metropolitan city, which was one of the seven districts visited, mentioned that they were functional. However, all other judicial committees were shut down, and they were more focused on providing relief and rescue services. This affected women and marginalized communities facing domestic violence as the judicial committees at the local level had the authority to receive cases related to domestic violence. To control the crowd of service seekers, a token system was also introduced in the divorce cases by Kathmandu District Court. Women were more engaged in household activities and taking care of children and elderly citizens, which made it difficult for them to obtain tokens so that they could register their cases. As a result,

there were delays in obtaining justice, and only a limited number of women were able to receive this service.

Lila (name changed) was married 9 years ago in love marriage. From their conjugal relationship, she and her husband have a 8 year old daughter. When her husband started planning for second marriage he started physically abusing Lila. She asked for help from the judicial committee. However, they informed her case could not be considered due to lockdown.

4.6 Non-registration of DV cases⁴²

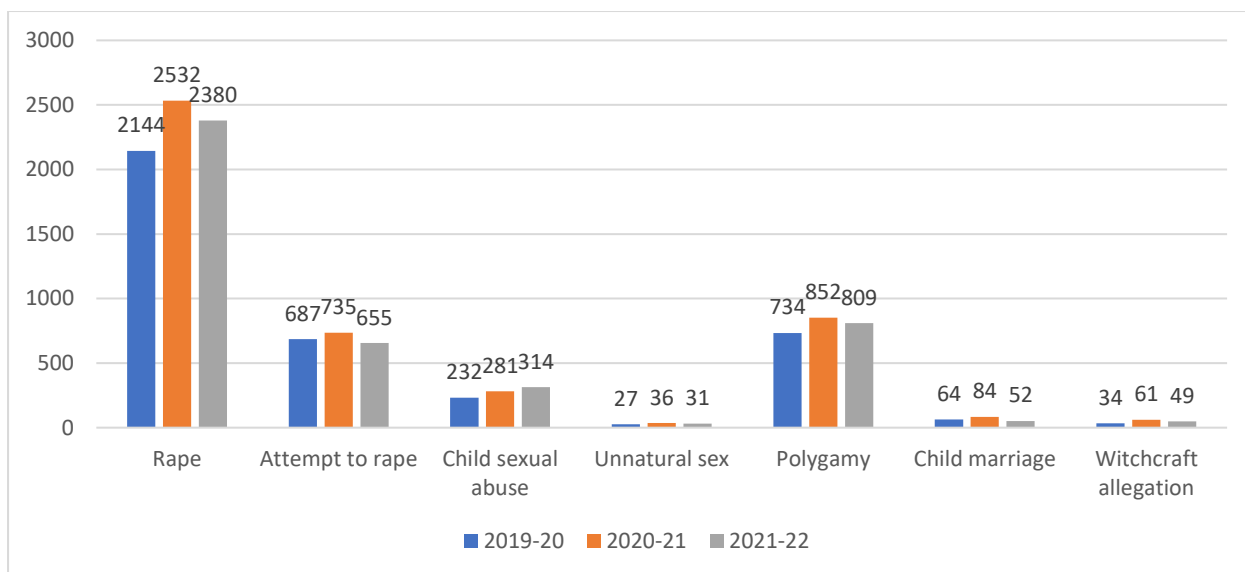
The reporting of case related to domestic violence was low at the start of the COVID-19 pandemic, but rapidly increased in the coming years. Initially, the reporting of cases related to domestic violence was not prioritized and its registration was restricted. Women were sent back to their homes by the police, with instructions to visit the police office once the situation returned to normal. However, an interim order was issued by Supreme Court in the name of GoN⁴³ on June 9, 2020 to resume service in the cases of domestic violence and later ordered to use different measures like online case registration system, case hearings, immediate interim relief, victim protection to the victims and a special fund to create a coordination system handling the matters – the reporting of cases increased.



The bar chart illustrates the number of cases of domestic violence reported in Nepal Police in the 2019/20, 2020/21 and 2021/22. From the data, it is evident that the number of cases related to domestic violence saw an upward trend from 2019/20 to 2021/22. It can be understood that the reporting of crime rate during the peak hours of the Covid 19 pandemic was relatively lower as reporting was restricted and lockdown was enforced in comparison to the situation when the restrictions were lifted

⁴² Available at <https://www.nepalpolice.gov.np/publication/5/>

⁴³ Writ no. 076-WO-0962



There were no significant changes in the number of cases reported to the police regarding other forms of GBV.

4.7 COVID 19 infection among justice actors

The COVID-19 pandemic affected the whole country, and justice sector actors were no exception. Many judges and staff members of the courts were infected with COVID-19 and many had to stay in quarantine after becoming symptomatic. This resulted in fewer staff in the courts, and created delays in providing service to service seekers. As a result, women and marginalized communities suffered, as the decisions of the court could not be implemented and they were unable to receive alimony and money for maintenance. Hearings were delayed and postponed, which seriously affected victims of sexual and gender-based violence, forcing them to wait for justice while carrying the scars of violence.

4.8 Lack of access to digital devices

All the participants in the dialogue program, who were service seekers from marginalized communities and women, stated that they had no knowledge of e-justice or digitalization and had never used it. The participants of KII from courts, government attorney offices and police offices pointed out that the limited availability of digital equipment made it difficult to provide effective services. The Honorable Judge Anil Sinha, who is the chair of the IT committee at the Supreme Court of Nepal, confirmed the shortage of equipment such as computers, printers and scanners in the courts.⁴⁴ He added that in some districts, three staff are forced to share a single computer. As a result, even though limited services were provided virtually, women and marginalized communities were not able to benefit from them and were unable to utilize them to file complaints and increase their access to justice. This further marginalized women who were already facing barriers to accessing justice, particularly those living in rural or remote areas or from economically disadvantaged backgrounds.

⁴⁴ [Program organized by Supreme Court Bar Association on April 7, 2023](#)

4.9 Stigmatization of service providers and seekers

During the COVID-19 pandemic, stigma towards those infected with the virus or suspected of having the virus was prevalent in many communities. Individuals providing and seeking services were frequently stigmatized for having contracted COVID-19.⁴⁵ In particular, those living in rented accommodations were often harassed by their landlords and were either compelled to stop working or forced to vacate their homes due to the fear of COVID-19 infection. The women and members of marginalized communities who participated in the dialogue program also reported that their families, relatives, and neighbors discouraged them from visiting justice sectors due to the fear of contracting COVID-19. The participants in the dialogue program mentioned that the police frequently asked them to return at a later time when the situation improves.⁴⁶ This prevented women and marginalized community from reporting crimes, particularly if they feared being ostracized or discriminated against. Similarly, stigmatization of service providers, such as healthcare workers, police and legal professionals, could have deterred people from seeking their services, particularly if they believed they would be exposed to the virus.

4.10 Delayed justice

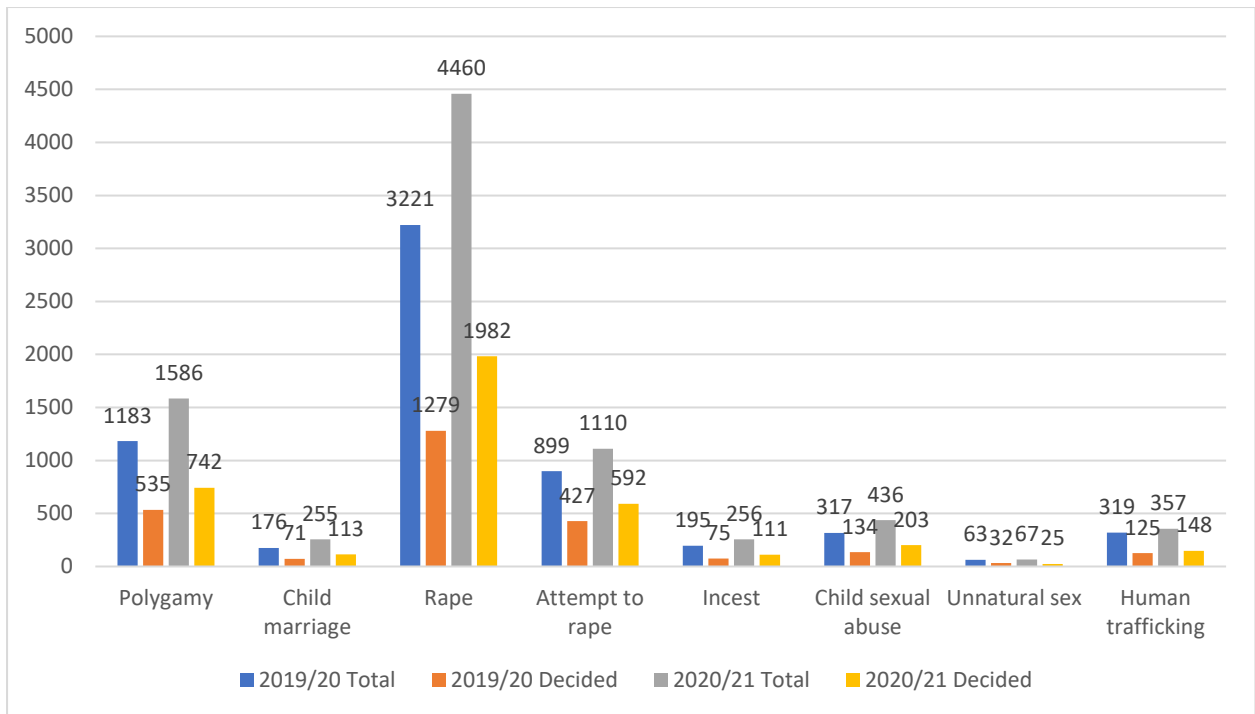
The Court had implemented a provision to quarantine case files submitted by both the applicants and respondents for 48 to 72 hours to minimize the risk of COVID-19 spread. This directly hampered women seeking interim protection orders in cases of domestic violence. Additionally, the court was providing limited services in specific types of cases, and due to COVID-19 infections, there were only a limited number of staff available to provide services. The parties of the cases often postponed the hearing because of infection from COVID-19. This resulted in delay of justice and rise in backlogs of cases. Participant representing the Ilam district court stated that backlogs of cases increased to 800 from 300 during the pandemic.

Data showing total cases and decided cases by district courts⁴⁷

⁴⁵ Experience shared by participants of consultation and dialogue program conducted in Ilam, Parsa, Makwanpur, Kaski, Banke, Surkhet and Kailali District

⁴⁶ Experience shared by participants of dialogue program conducted in Kaski District

⁴⁷ Year Report of Supreme Court available at <https://supremecourt.gov.np/web/yearlyreps>



The available data indicates that in the fiscal year 2020/21, the district court managed to resolve a higher number of cases than in the preceding fiscal year. This increase in the number of resolved cases could be attributed to the more efficient functioning of the court during the year. The fiscal year 2019/20 was heavily impacted by the COVID-19 pandemic, while the year 2020/21 was relatively less affected. It is possible that this disparity in the level of impact of the pandemic could be a contributing factor to the observed increase in the number of resolved cases during the fiscal year 2020/21. This suggests that the victim of gender based violence had to wait for more time to get justice.

Chapter 5: Measures initiated to strengthen access to justice during the COVID-19 Pandemic

During the COVID-19 pandemic, several measures were initiated to strengthen access to justice. The government, in coordination with the judicial bodies, took various steps to ensure that justice seekers had access to the justice system. This chapter discusses some of the steps that were taken.

5.1 Extension of time limitations

To control the spread of the COVID-19 pandemic, the Nepal government forced lockdowns and imposed a prohibitory order curtailing the movement of people under the Infectious Disease Act, 1964. This resulted in the expiration of time limitations to file cases as it was impossible to access the courts and police offices. The Supreme Court therefore issued an order on 28th May, 2020 stating that if the time period for presenting a case before a court or adjudicating authority (such as filing a plaint, charge sheet, note of defense, appeal, or petition) had not expired by March 22, 2020, when court services were suspended due to COVID-19, but expired during the lockdown, then it would be considered within the time period and not expired. The case will be heard and adjudicated according to the law if the necessary documents and legal requirements are fulfilled and the party appears in court within 30 days of the lifting of the lockdown, excluding travel time. This provision applies to all types of cases, including civil, criminal, and writ petitions, depending on the circumstances and context. The extension of time limitations was especially important for women and members of marginalized communities, who were often unable to physically visit the justice sector to file complaints.

5.2 Transition to online services

The National Criminal Procedure Code, 2017 had envisioned the use of an e-justice system. It mentions filing applications through electronic means⁴⁸, deposition and interrogation through video conference⁴⁹, examination of witnesses through video conference⁵⁰ and examination of parties held in detention through video conference.⁵¹ However, prior to COVID-19 pandemic it was not used or rarely used. Outside of the research area, Pokhara Metropolitan City has practiced e-Justice in the form of receiving complaints through email. The information collected through this study's consultation program provides the following information about use of e-justice system. The transition helped to women and marginalized community for online registration of cases, continuation virtual hearing and taking statement of witness and expert.

⁴⁸ National Criminal Procedure Code, 2017, section 4

⁴⁹ National Criminal Procedure Code, 2017, section 16

⁵⁰ National Criminal Procedure Code, 2017, section 109

⁵¹ National Criminal Procedure Code, 2017, section 126

Geographical location	Use of Different forms of e-Justice
Kailali district court	Dates were provided virtually
Dipayal high court	Virtual hearing and virtual statement
Nepalgunj high court	Virtual hearing
Dang district court	Virtual hearing
Surkhet district court	Virtually setting dates, video conference between prison, court and government attorney to extend time limit for judicial custody
Surkhet high court	Dates were provided virtually
Ilam district court	Virtual hearing, taking statement of detainees virtually
Makwanpur district court	Virtual hearing
Hetauda high court	Virtual hearing
Bara District court	Setting date for hearing, statement taken through video conference, correspondence through email, notices shared through email
Kaski district court	Statement taken through video conference, date extended, preliminary hearing conducted virtually

The Supreme Court issued directives to conduct hearing through video conference in 2022. It stated that the following activities can be conducted through video conference:

- Issue of arrest warrant
- Order to keep in custody
- Preliminary hearing
- Taking statement of party of the case and witness
- Pleading

Several districts-initiated e-justice services, based on their capacity and availability of resources, to help ensure uninterrupted service delivery during lockdowns. However, these services are currently inactive, and all offices have reverted to providing services in person.

Ensuring access to justice through virtual media

Advocate Roshani Paudel Vs The Government of Nepal, Secretariat of PM and Council of Ministers

Case: Certiorari/Mandamus

To reduce gender-based violence and ensure access to justice, it is necessary to create a 'virtual media' system allowing victims to file complaints and hear cases concerning gender-based violence. It is necessary to make arrangements for online case reporting and online hearings, which will help ensure women access to justice and their safety from gender-based violence. An order of mandamus is issued in name of the GoN to resume and cause to resume the services immediately and uninterrupted by adopting measures. These measures must include an online case registration system for domestic violence, case hearings, immediate interim relief, victim protection to the victims and a special fund to create a coordination system handling these matters.

An order is issued in name of the GoN to make the necessary arrangements to assist all 753 local governments with setting up helplines or Facebook mechanisms to disseminate information about online services, and take other special measures to rescue and provide relief to women and children affected by gender-based violence during the COVID-19 pandemic.⁵²

5.3 The release of juveniles and those imprisoned less than 1 year

In March 20, 2022, the Supreme Court issued a circular to all courts via a press release, instructing them to release juveniles under the guardianship of a responsible party. Additionally, individuals with sentences less than one year were granted bail.

Petitioners: Advocate Ajay Shankar Jha "Rupesh" on behalf of M. Kumar (pseudonym)

Versus

Respondent: Khotang District Court

Case: Habeas Corpus

In the difficult situation created by the COVID-19, the order of Khotang District Court dated 2 April 2020 not to release juvenile is overturned by the order of certiorari. Since the pandemic has hindered people's rights to alternative remedies, an order of mandamus was issued in the name of Khotang District Court. The order is issued to protect the health of children who are in a state of risk at Juvenile Reform Home; to search for other legal alternatives as per Section 36 (5) of the Act Relating to Children, 2018; and to hand over to his parents after completing the necessary procedures if they agree to present him when sought.⁵³

⁵² Writ no. 076-WO-0962

⁵³ Writ no. 076-WH-0364

5.4 Continuity of limited judicial service

Amidst the COVID-19 pandemic that plagued the world, the government implemented lockdowns to control the pandemic's spread. Almost all the offices were closed and movement was stopped. However, the police stations, courts, and government attorney's offices remained open and operational, albeit with limited services. The staff continued service despite the limited availability of safety measures, and some staff members consequently contracted COVID-19. Nevertheless, they did not stop their service and continued working on a rotational basis. Though the lockdown was enforced, if accessible, women and marginalized community could seek service during COVID 19 pandemic.

Resumption of service

Advocate Roshani Paudel Vs The Government of Nepal, Secretariat of PM and Council of Ministers

Case: Certiorari/Mandamus

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5.5 Justice delivery at the doorstep in Hetauda Sub-Metropolitan City

The judicial committees in Dhangadi Sub-Metropolitan City, Banke Sub-Metropolitan City, Ilam Municipality, Birgunj Metropolitan City, Kathmandu Metropolitan City, Birendranagar Municipality, and Pokhara Metropolitan City were not operational during the COVID-19 pandemic. The focus shifted towards rescuing COVID-19 infected individuals and distributing relief, resulting in the suspension of their services. However, the judicial committee of Hetauda Sub-Metropolitan City remained operational throughout the pandemic. It received complaints and issued regular orders, and implemented them by visiting the victims' homes. The ward committees were also mobilized to mediate cases of domestic violence at the ward level. Different committees were created at ward level to monitor the situation of people and help to settle disputes in their houses through mediation. Despite these efforts, the judicial committee faced criticism from the public for operating during the COVID-19 pandemic

⁵⁴ Writ no. 076-WO-0962

5.6 Virtual collection of statements and expert opinions

Due to restricted physical movement and the fear of COVID-19 transmission, virtual mediums were utilized to obtain statements and expert opinions. In criminal cases, doctors are often required to appear in court to verify medical examination reports. However, due to their frequent transfers and primary duty of treating patients, it was inconvenient for them to travel. Thus, virtual mediums were employed to gather expert opinions, saving both time and money. Furthermore, witness statements were also taken through video conferences, prioritizing the safety and security of the witnesses. The use of virtual platforms helped expedite the justice process in cases of gender-based violence. One of the major concerns was victims and witnesses changing their statements or being hostile. However, taking statements virtually can reduce the likelihood of hostility as individuals will feel more secure in their own environment and will not have to travel to court.

5.7 Coordination and cooperation between stakeholders

The KII respondents reported better coordination and cooperation among stakeholders during the COVID-19 pandemic. There was proper coordination for facilitating health services and rehabilitation of the victims. Social activists were initially deprived of vaccinations, but later on they were also vaccinated. The District Bar Association distributed masks and sanitizers to the lawyers, and there was positive support from local bodies, administrative bodies and civil societies.

Helvetas Nepal provided water tankers of up to 500l for washing hands, and the health ministry provided sanitizers⁵⁵. Coordination was maintained through virtual means with the police, public prosecutor's office, jail administration, and local bar office.⁵⁶ Hospitals conducted COVID tests for employees. They also conducted COVID tests of accused persons following the court order. The other justice-related agencies provided help with the provision of security, health services, vaccines, justice and other essential goods.

⁵⁵ KII respondents of Surkhet District

⁵⁶ KII respondents of Surkhet District

Chapter 6: Conclusion and Recommendations

6.1 Conclusion

Based on the study, it is possible to conclude that the COVID-19 pandemic has had a substantial impact on access to justice, both in laws and in operational level. The lack of appropriate laws and operational procedures to apply during such a situation has made it harder for women and marginalized communities to access justice. The government and judiciary were not prepared for the COVID-19 pandemic as there was no proper law to enforce during such a situation. The Infectious Disease Act of 1964 was used, which was outdated in the present context. The government was more focused on rescue and relief distribution to the people and the control of the COVID-19 pandemic. The pandemic has hampered the operation of police office, office of government attorney, courts and judicial institutions, resulting in delays and backlogs of cases related to women and members of marginalized communities. The shutdown of transportation and restriction on movement has also made it harder for people, particularly those who are women, marginalized and vulnerable, to obtain legal assistance. The justice sector remained in the shadow in the initial phase. However, the full bench of the Supreme Court issued a press release regarding the continuity of limited services. Women and marginalized communities, who are often victims of gender-based violence, faced even more significant challenges during the pandemic. The lockdown and prohibitory orders issued by the government restricted victims to their own homes and prevented them from reaching out to the police and court to file complaints. If they did seek help, the delayed justice system made them more vulnerable, and they had to continue to endure violence, especially from their intimate partners.

However, the courts have taken several steps to limit the pandemic's impact on access to justice for women and marginalized community, such as online case registration, virtual hearings and the expanded use of technology. The courts were never shut down, although services were limited. The security and justice actors provided services to victims with limited precautionary and safety measures. The statute of limitations, or the time limit to present oneself before the court or the adjudicating authority (to file a complaint, charge sheet, note of defense, or a statement equivalent to the note of defense, appeal, or petition), was extended, providing relief to the victim upon expiration of the time limitation. Juveniles were released into the guardianship of their parents, and some judicial committees at the local level provided justice at the doorstep of the victim. In the extremely challenging situation of COVID-19, there was meaningful coordination and cooperation among service providers when dealing with the cases of women and members of marginalized communities.

The COVID-19 pandemic has clearly emphasized the need for more resilient, flexible and digital systems.

6.2 Recommendations

Based on this study, the following measures are recommended to improve access to justice for women and marginalized groups during future COVID-19 outbreaks or similar pandemics, epidemics or natural disasters:

General

- The focus of the government should not only be on the pandemic or other disaster, but should also prioritize the justice system, focusing on the issue of women and marginalized communities.
- Women and members of marginalized communities should be represented in response planning and decision-making related to access to justice in the context of pandemics or other disasters.
- The government should identify gaps or barriers in the justice system that may affect the rights of women and marginalized community in the context of a pandemic or other disaster. It should ensure that the justice system is responsive to the needs and concerns of women and marginalized communities, and that it operates in a fair and impartial manner.
- Laws addressing access to justice should be developed to function in the context of a pandemic or other disaster. When drafting laws, it is important to prioritize the needs of women and marginalized communities.

Monitoring

- The government should coordinate with the human rights commission for the purpose of monitoring access to justice for women and marginalized communities during a pandemic.
- Monitoring should be specifically conducted on the situation of women and marginalized communities whose cases are in sub judice status. It should ensure that their cases are not neglected or delayed, and that they receive timely justice.
- While imposing lockdowns or issuing prohibitory orders, the judicial committees should be made active and they should monitor the situation of women and members of marginalized communities through their ward offices.

Procedural Changes

- Special procedures should be adopted to deal with cases of domestic violence and other serious cases, and services for gender-based violence should be classified as essential services during lockdowns.
- Criteria and procedures should be adopted for the prioritization of cases relating to women and marginalized communities in situations where the courts will need to provide limited service.
- During the COVID-19 pandemic, the statute of time limitations was extended through an order of the Supreme Court. However, laws should be adopted with specific provisions to extend time limitations during pandemics or other disasters.
- The delivery of justice at the door step should be made a regular practice during pandemics or other disasters, as women and members of marginalized communities may be unable to travel and visit police offices and courts.
- Access to protective equipment and safety measures for justice actors should be ensured, and service seekers should also be provided with safety measures while visiting courts and police offices.

- The justice sectors should be well equipped with technology and use of e-justice systems should be prioritized. Justice sector actors should be trained to use e-justice systems to enable the courts to function virtually during a pandemic.
- Judicial committees at the local level should be upgraded and familiarized with the use of e-justice systems. The guidelines of judicial committees should be amended accordingly, and orientation and training should be provided.
- Awareness campaigns should be conducted through PSA and social media about the alternative means of access to justice and facilities provided by the courts during a pandemic or other disaster.

Coordination

- The government should cooperate with different non-governmental service providers regarding legal aid, safe houses, rescue operations, psycho-social counseling and other related services.
- Effective referral systems should be established for cases so that victims can receive proper and consolidated legal, psychosocial, medical, shelter and other necessary services from a one-door channel.

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Annexes

Technical Advisory Committee			
S.N.	Name	Organization	Designation
1	Mr Krishna Jeevi Ghimire	Office of Attorney General	Deputy Attorney General
2	Mr Phanindra Gautam	Ministry of Law, Justice and Parliamentary Affairs	Joint-Secretary
3	Mr Bimal Paudel	Supreme Court	Joint Registrar
4	Ms Chhiring Kippa Lama	Women, Children and Senior Citizen Directorate, Nepal Police	DySP
5	Advocate Mohna Ansari	GEDSI Expert	Former-Member, NHRC
6	Advocate Bishnu BASHYAL	Nepal Bar Association	Advocate/Asst. Professor

Provincial Researchers		
Name	Province	District
Advocate Bidhya Sapkota	Koshi Province	Ilam
Advocate Hareram Sharaf	Madhesh Province	Parsa
Advocate Lalita Shrestha	Bagmati Province	Makwanpur
Advocate Kalpana Bhandari	Gandaki Province	Kaski
Sr. Advocate Sunil Kumar Shrestha	Lumbini Province	Banke
Advocate Geeta Koirala	Karnali Province	Surkhet
Advocate Renu Pradhan	Sudurpaschim Province	Kailali

Key informants' interview (KIIs)

Kaski district		
Name	Designation	Organization
Kamal Poudel	Lawyer	District legal aid Committee
Nil Prasad Paneru	Section Officer	Kaski District Court
Mahesh Aryal	Government Attorney	Office of District Government Attorney
Samichhya Khatri	Police Sub Inspector	District Police Office
Bina Silwal	Executive Director	Kopila Nepal
Ilam		
Rajendra Bahadur Basnet	District Govt Attorney	Office of District Government Attorney
Jeevan Koirala	N/A	N/A
Manju Kumari Chaudhary	Police sub-inspector	District Police Office
Taranath Parajuli	Lawyer	District Court Bar Association
Devendra Kumar Biswokarma	Executive Director	Forum for Human Rights Nepal

Surkhet		
Name	Designation	Organization
Moti Prasad Devkota	Section Officer	Surkhet District Court
Uttam Prasad Acharya	Vice President	Nepal Bar Association
Thakur Prasad Poudel	Srestedar	Surkhet District Court
Arati Chapain	Deputy Government Attorney	Office of High Government Attorney
Sister Rosita	Program Coordinator	Navajyoti Kendra
Dila B.K.	Police Sub-Inspector	District Police Office
Kailali		
Buddhi Chaudhary		Bhalamansa
Shivcharan Chaudhary	Head	Maiti Nepal, Dhangadhi
Sabitra Ghimire	Executive President	Federation of Dalit Woman
Rajendra Joshi	Section Officer	Kailali District Court
Devilal Chaudhary	Lawyer	District Legal Aid Committee

Makwanpur		
Rajendramani Poudel	Deputy District Govt Attorney	Office of District Government Attorney
Maya Tamang	Program Coordinator	Maiti Nepal
Man Prasad Bhattarai	Lawyer	District Bar Association
Tirtharaj Bhattarai	Shrestedar	Makwanpur District Court
Chuda Kumari Khadka	Police Inspector	District Police Office
Banke		
	Justice	Banke District Court
Nasiruddin Khan	Maulana	
Tek Bahadur Thapa	Government Attorney	Office of High Government Attorney
Santa Bahadur Poudel	Section Officer	Banke District Court
Amrita Thapa	Police Sub-Inspector	Women, Children and Senior Citizens Service Unit, Banke
Saptari		
N/A	N/A	District Police Office, Saptari
Dipendra Kumar Das	Assistant District Government Attorney	Office of District Government Attorney
Bharatmani Pokharel	Section Officer	Saptari District Court
Dailekh		
Purushottam Karki	Inspector	District Police Office
Karna Bahadur Mahat	District Government Attorney	Office of District Government Attorney
Sunil Kumar Khan	Section Officer	Dailekh District Court
Taplejung		
Kailash Rai	Deputy Superintendent of Police	District Police Office
Mona Singh	District Government Attorney	Office of District Government Attorney
Sambhu Prasad Regmi	Shrestedar	Taplejung District Court

Parsa		
Bishnu Prasad Upadhyay	Judge	Parsa District Court
Rakesh Kumar Mallik	Secretary	Parsa District Bar Association
Nandakala Tamaka	Police Sub-Inspector	Women, Children and Senior Citizen Service Unit, Parsa
Ganesh Bahadur B.K.	Section Officer	Office of District Government Attorney
Arun Kumar Koirala	Shrestedar	Parsa District Court
Dang		
Devraj Bharati	District Government Attorney	Office of District Government Attorney
Sandip Balbase	Inspector	District Police Office
Hiranya Prasad Bhandari	Shrestedar	Dang District Court
Baglung		
Rajaram Khadka	Inspector	District Police Office
Teknath Sharma	Assistant District Government Attorney	Office of District Government Attorney
Mohan Gharti	Non Gazetted First Class Officer	Baglung District Court
Kavre		
Sudip Shakya	Assistant District Government Attorney	District Government Attorney
Govinda Prasad Ghimire	Shrestedar	Kavrepalanchok District Court
Rajosh Ghimire	Inspector	District Police Office
Bajhang		
Dharmaraj Joshi	District Government Attorney	Office of District Government Attorney
Narendra Kumar Sharma	Decision implementation officer	Bajhang District Court
Janak Raj Dhungana	Inspector	District Police Office

Consultation Program with Service Provider on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic

Location: Kathmandu		
Date: 3rd February, 2023		
Name	Designation	Organization
Rewati Prasad Parajuli	Senior Officer	Supreme Court of Npal
Kalpna Rai	Deputy Govt. Attorney	OAG
Ishwori Prasad Acharya	Section Officer	Ministry of Laws, Justice and Parliamentary Affairs
Gyanendra Mahato	Section Officer	Ministry of Laws
Chhiring Kippa Lama	DSP	Nepal Police
Shumitra Lamichhane Subedi	Director	Kathmandu Metropolitan City
Pathes Dangol	Ward Secretary	Kathmandu Metropolitan City
Sunita Shrestha	Asst. Director	Kathmandu Metropolitan City
Mira Ghimire	Kharidar	Kathmandu Metropolitan City
Bhagyashree Rawal	M&S Officer	LACC Nepal
Ritu Gartaula	Under Secretary	NHRC
Pushpa Paudel	Lawyer	H.B.A. Patan
Maya Ghimire		DLAC
Location: Dhangadhi, Kailali District		
Date: 22nd September, 2022		
Dharmaraj Ojha	N/A	N/A
Pankaja Kumari Joshi	N/A	N/A
Saraswoti Adhikari	Inspector	District Police Office, Kailali
Teju Joshi	N/A	Dhangadi Sub-Metropolitan City
Rabindra Bahadur Dhanuse	SSI	District Police Office, Kailali
Meera Shahi	Nurse	OCMC
Tikeshwori Bohara	Case Manager	Dhangadi Sub-Metropolitan City, Safe House
Ganesh Dhami	Lawyer	Nepal Bar Association, Kailali
Devilal Chaudhary	Legal Aid lawyer	Nepal Bar Association, Kailali
Prem Bahadur Shahi	Lawyer	Nepal Bar Association, Kailali
Kamal Bahadur Dhami	Officer	Kailali District Court

Location: Nepalgunj, Banke District		
Date: 13th October, 2022		
Name	Designation	Organization
Lok Bahadur Shah	Lawyer	District Bar Association, Banke
Maya Sharma	Legal Officer	Nepalgunj Submetropolitan City
Dilsara Rana		District Administration Office
Basanta Gautam	Lawyer	District Bar Association, Banke
Tirtharaj Bhatta	Shrestedar	Banke District Court
Dhana Singh Mahara	Judge	Banke District Court
Prakash Bahadur Bhandari	Government Attorney	District Government Attorney Office, Banke
Man Bahadur Budha	Lawyer	District Legal Aid Committee
Surjalal Chaudhary	Lawyer	Nepalgunj High Court Bar Association
Nirmala Poudel	Province Coordinator	Shakti Samuha
Dwarika Adhikari	Officer	NHRC, Nepalgunj
Kabita Poudel	Nurse	Bheri Hospital, OCMC
Location: Pokhara, Kaski District		
Date: 8th February, 2023		
Kishor Baral	N/A	Pokhara Metropolitan City
Sabita Dhungana	N/A	Kaski District Court
Sirjana Acharya	Legal officer	Ministry of Social Development, Gandaki Province
Shobha K. Thebe	Advocate	Pokhara High Court Bar
Janaki Devi Sharma	N/A	WHRD
Rita Adhikari	Nursing Officer	OCMC, Pokhara Academy of Health Science
Basandhari Lamichhane	Secretary	Ward Office, Pokhara Metropolitan City
Bishnumaya Poudel	WDO 8 th	Pokhara Metropolitan City
Sushila G.M.	N/A	District Police Officer, Kaski
Basanta Aryal	Asst. District Government Attorney	District Govt. Attorney office, Kaski
Mohan Kafle	HR Officer	NHRC, Pokhara

Raiman Kunjeda	Shrestedar	Kailali District Court
Shreeram Ojha	Asst. District Attorney	District Government Attorney Office
Shivcharan Chaudhary	Coordinator	Maiti Nepal, Kailali
Mohan Joshi	Officer	NHRC
Jayanti Giri	Women development officer	Ministry of Social Development, Sudurpaschim Province
Khadak Singh Kunjeda	DSMC	DSMC
Location: Surkhet, Surkhet District		
Date: 4th December, 2022		
Janak Bahadur Rawal	Ward President	Ward No. 6, Birendranagar Municipality
Rajendra Bharati	Member/Lawyer	Surkhet High Court Bar Association
Moti Prasad Devkota	Section Officer	District Court Surkhet
Ram Kumari Thapa	Former Member of Judicial Committee	Justice Committee, Birendranagar Municipality
Sister Roshita	Manager	Nawajyoti Kendra
Juna Ghartimagar		District Police Officer, Surkhet
Kalpana Thapa	Nurse	Province Hospital, OCMC
Chandra Bahadur Khatri	Assistant District Government Attorney	District Government Attorney Office, Surkhet
Man Bahadur Sinjali	Lawyer	Surkhet High Court Bar Association
Pariskrit Poudel	Officer	INSEC
Man Bahadur Karki	Officer	NHRC
Anita Gyawali	Women development officer	Ministry of social development, Karnali Province
Dipen Subedi		
Gyan Prasad Bhusal	Joint Government Attorney	High Government Attorney Office, Surkhet
Tulasi Giri	Activist	Human Rights
Location: Birgunj, Parsa District		
Date: 26th December, 2022		
Gita Timalsina	Officer	Janakpur High Court, Birgunj Bench
Nandkala Tamala	N/A	District Police Office
Goma K. Paudel	Officer	Maiti Nepal, Birgunj

Kshamata Khadka	Head, women and children department	Kopila Nepal
Yubaraj Parajuli	Secretary	Kaski District Court Bar Association
Location: Ilam, Ilam District		
Date: 28th November, 2022		
Taranath Parajuli	Lawyer	Ilam District Bar Association
Naresh Shrestha	President	
Sabina Shrestha	Nurse	OCMC, Ilam Hospital
Kamal Bdr. Bhandari		Ilam Municipality
Uttam Poudel	Lawyer	Ilam District Bar Association
Lok Bahadur Hamal	Lawyer	Ilam High Court Bar Association
Prakash Adhikari	Officer	PAG Nepal
Tej Bahadur Sinjoli Magar	Government attorney	High Government Attorney Office, Ilam
Chudamani Pause	Sub-inspector	District Police Office, Ilam
Yam Bahadur	Assistant Sub-inspector	District Police Office, Ilam
Phulthunga Baral	N/A	N/A
Gayatri Thegim	Case Management Officer	Human Rights Forum Ilam
Sanu Das	Former member	Judicial committee, Ilam Municipality
Khadananda Poudel	Officer	Ilam District Court
Dikksha Singh	Law scholar	BA.LLB
Location: Hetauda, Makwanpur District		
Date: 25th December, 2022		
Pesal K. Pokharel	Section Officer	Ministry of Internal Affairs and Law
Amrita K. Shrestha	S.A.N.M.	M.H
Pankaj Adhikari	Stipend lawyer	Makwanpur District Court

Arun Chaudhary	N/A	High Government Attorney office, Birgunj
Niri Giri	Ward chair	Birgunj Metropolitan City
Omprakash Gupta	Lawyer	District Bar Association, Parsa
Rakesh Kumar Malik	Lawyer	District Bar Association, Parsa
Ajay Kumar Swarnikar	Lawyer	High Court Bar Association, Parsa
Bishal Chaudhary	Lawyer	High Court Bar Association, Parsa
Hema Thapa	Nurse	Narayani Hospital, OCMC
Samir Tharu	N/A	District Court, Parsa
Sandeep Bohora	N/A	District Government Attorney, Parsa
Nisha Ghimire	Nurse	Narayani Hospital, OCMC

Hari Prasad Nepal	Na.Su	Makwanpur District Court
Man Prasad Bhattarai	Advocate	District Bar Association, Makwanpur
Maya Tamang	Program Coordinator	Maiti Nepal, Makwanpur
Mana Lama	Supervisor	N/A
Anjita Sapkota	Section Officer	Patan High Court Hetauda Bench
Prabhu K. Baitha	Nasu	High Government Attorney Office
Netra Pd. Acharya	Nasu	District Government Attorney Office
Sujan Timalisina	Legal Officer	Hetauda Sub-Metropolitan City
Laxman Mainali	Officer	Hetauda Sub-Metropolitan City
Apsana Basnet	President	District Bar Association, Makwanpur
Chuda Kumari Khadka	Inspector	District Police Office, Makwanpur

Dialogue Program with Women and Marginalized Group on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic

Location: Dhangadi, Kailali District Date: 21st September, 2022	Location: Pokhara, Kaski District Date: 7th February, 2023	Location: Ilam, Ilam District Date: 28th November, 2022	Location: Surkhet, Surkhet District Date: 4th December, 2023	Location: Hetauda, Makwanpur District Date: 25th December, 2022	Location: Birgunj, Parsa District Date: 26th December, 2022
Rekha Damai	Srijana Magar	Sushma Parajuli	Shanti B.C.	Kopila Lama	Kunti Devi Paswan
Hina Koli	Sumitra Dhakal	Menuka Katwal	Uma Kumari Sharma	Rita Karki	Manju Deu Soni
Nisna Pal (Sah)	Kusum Kumari Giri	Ganga Acharya	Nirmala Khatri	Rina Pariyar	Mandira Pakhrin
Krishna Chand (Sahi)	Salina Parajuli	Deukala Rai	Khim Kumari Thapa	Pratima Shrestha	Sarita Devi Paswan
Rewati Bohara	Urmila Ranabhat	Sujita Karki	Muna Gurung	Bir Maya Rumba	Gita Devi Shreevastab
Elwisa Sijapati	Chelimaya Gurung	Bishnu Maya Luitel	Yemuna Kandel	Ganga Maya Lama	Maharum Neshu
Dhanamaya Dahal	Krishna Maya Gurung	Sarmila Limbu	Mamata Century	Chhiring Dolma Tamang	Devmati Devi
Kalpana Dahal	Samjhana Sarki	Namrata Basnet Karki	Tikaram Cheuli	Nanimaya Thing	Lalmuni Khatun
Hira Kumari Dagaura	Anu Thapa	Kusum Rani Magar	Kalawati Chaudhary	Sangita Lama	Amrita Kumari Yadav
Sapana Bithadi	Anita Pariyar	Ashmina Tamang	Garima B.K.		Sabitri Karki Mahat
Durga Devi Chaudhary	Anjana Pariyar		Tilsari Karki		Manisha K. Shreevastab
			Menaka Chaulagain		Matnarayan Raya Yadav
			Dudhkali Budha		Jokhan Hajara
			Bima Shahi		

Questionnaire for Key Informants Interview

Name:

Post:

Office:

Gender:

Date:

Contact No:

1. How was the situation of Access to Justice during the Covid-19 pandemic? What was the situation of women and marginalized during the same time period?
2. During the Covid-19 pandemic, what was your experience when your office provided regular services in the field of Access to Justice for women and marginalized groups?
3. During the Covid-19 pandemic, what sort of standards did your office adopt while providing services in the field of Access to Justice for women and marginalized groups?
4. During the Covid-19 pandemic, what were the effects observed upon women and marginalized groups regarding Access to Justice on the basis of the standards adopted by your office?
5. How was the status of cooperation and coordination from other agencies during the Covid-19 pandemic?
6. What were the legal, procedural and structural initiatives in the office you represented regarding Access to justice for women and marginalized groups during the Covid-19 pandemic?
7. During the Covid-19 pandemic, what kind of legal and procedural challenges did you and your respective office face while providing justice to women and marginalized groups? What was the structural problem?
8. When providing services during the Covid-19 pandemic, did your office make use of e-justice/ digitalization (phones, computers, apps, electronic messages, online complaint registration, phone complaint registration, online hearing and taking statement). If so, then what kind of services did you provide and what were its effects.
9. During the Covid-19 pandemic, what sort of challenges did your office face while providing services through e-justice/digitalization system? What should be done to address such challenges?
10. Based on the experience during the Covid-19 pandemic, what kind of reforms should be made at the policy level as well as at the structural level to improve access to justice during future disasters or pandemics? What specific should be done for women and marginalized groups?

Questionnaire for Dialogue with service seekers

1. Name, last name (optional):.....
2. Address:.....Contact number.....
- 3. Occupation**
 - i. Job
 - ii. Business
 - iii. Student
 - iv. Others
- 4. Age**
 - i. Below 18 years
 - ii. 18 to 35 years
 - iii. 36 to 60 years
 - iv. Above 60
- 5. Religion**
 - i. Hindu
 - ii. Buddhism
 - iii. Christianity
 - iv. Islam
 - v. Others
- 6. Caste/ ethnicity**
 - i. Brahmin/Chhetri
 - ii. Indigenous/Indigenous nationalities
 - iii. Dalit
 - iv. Madheshi
 - v. Others
- 7. Educational status**
 - i. University level
 - ii. Higher secondary level
 - iii. S.L.C
 - iv. Below S.L.C
 - v. Illiterate
- 8. Financial status**
 - i. Rich
 - ii. Middle class
 - iii. Poor
 - iv. Below the poverty line
- 9. Marital status**
 - i. Married
 - ii. Unmarried
 - iii. Single
 - iv. Divorced
 - v. Living together

10. Did you go through any legal issue or violence of any sort during the time of covid-19?
 i. Yes ii. No

If yes, what was the form of legal problem or violence among the following?

- | | |
|-----------------------------|---|
| 1. Divorce | 6. Partition |
| 2. Claim of bread and board | 7. Domestic violence |
| 3. Hurt | 8. Libel/defamation |
| 4. Sexual violence | 9. Murder |
| 5. Human trafficking | 10. Rape |
| 11. Others | 12. Crime related to electronic transaction |

12. How was the experience on registering a plaint or filing a complaint during the times of covid?
 i. Inconvenient ii. Convenient
 iii. Others.....

13. How was the response of your family over your legal problems during the extreme times of covid?
 i. Supportive iv. Satirical
 ii. Unsupportive v. Normal
 iii. Frustrating or dominating vi. Discouraging

14. How has been the behavior of judicial employees during the times of covid-19?

Name of the institution	Supportive	Unsupportive	Delayed response	Others	Remark
Police office					
Court					
Office of the Government Attorney					
Judicial committee					
Lawyers					
Hospital (OCMC)					
Legal Assistance Committee					
Mediators					
Safe home					
Pro-bono lawyers					
Quasi-judicial bodies					
National women's commission					
National human rights commission					
Others					

15. How do you objectify the effectiveness of judicial decisions?
 i. effective ii. ineffective iii. Implementation is tough iv. Others

16. Did the measures adopted during the covid-19 made the accessibility to justice more costly?

17. Are you satisfied with the justice mechanism adopted during the times of covid?
 i. Yes ii. No

If yes, why? And if no, why?

.....

18. What were the challenges that you had to face in reaching the judicial bodies during the times of Covid?

19. Did you get acquainted with the methods of e-justice/digitalization during the times of covid-19? If yes, what was the form of service that you got introduced to and what was your experience?

Check list for Field observation (visit)

Name of the office:.....

District/place.....

Date.....

E-justice/Digitalization

Utilization

- What was the service provided and how was it?
- How often was the service utilized?
- What is your opinion about the effectiveness of the service provided?
- Would you like to share about the challenges that you faced while providing service using e-justice to the service seekers?
- What were the challenges faced by the service seekers while using e-justice?
- Is e-justice service currently in operation or not?

Availability of technology

- What is the status of the physical infrastructure of the institution?
- How many computers/laptops are available in your institution?
- Are the available computers in good function?
- What is your opinion on availability of internet and its speed?
- Do you have enough technology to support online registration/ virtual hearing/virtual testimony of witness?
- How is the structure of the rooms enclosing bench/sections/departments? Are those structures convenient enough?

Technological complexities

- Did you face any technological issue while using E-justice in your institution?
- What was your suggestion for solving that issue?
- What is the number of IT experts working in your institution? Do you think that those numbers are well suited?
- Did the utilization of such technology, in any way hinder the case proceeding? If yes, what was the problem?

Human resources

- Are the employees of this institution technology-friendly?
- Has there been any effort to train such employees in order to make them technology-friendly?

What would be your idea on resolving this issue sustainably?

.....

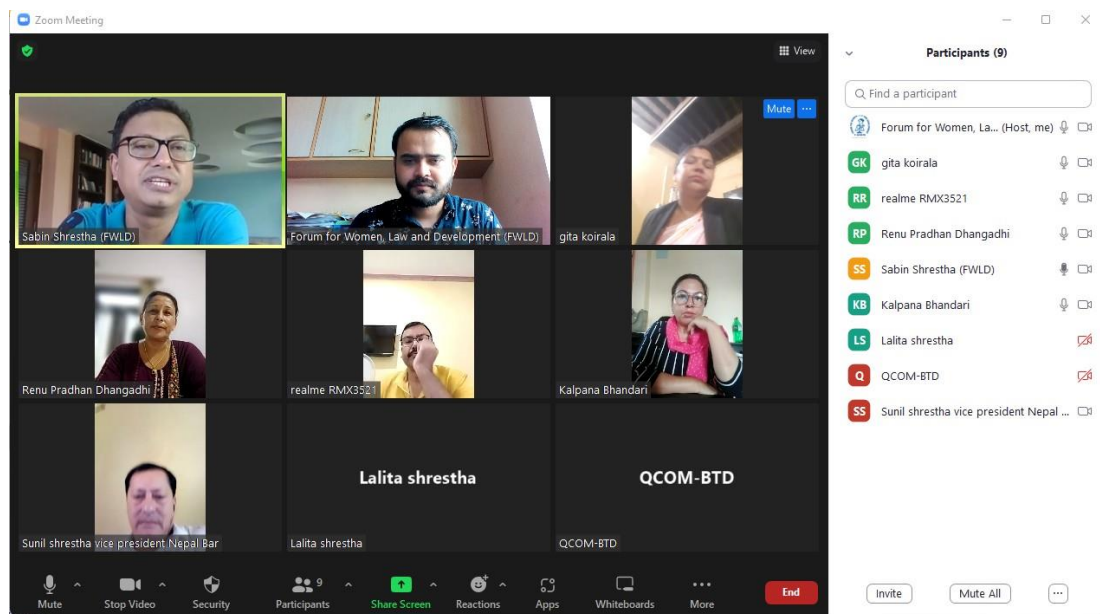
Code of conducts to be followed by Researcher

1. Researcher in each district while performing their research should coordinate with Forum for Women, Law and Development.
2. No interviews or personal opinion of the interviewee or participant should be made public unless he/she consents.
3. There should be proper respect towards the right to confidentiality in relation to the opinions and identity of the participant.
4. Researcher should be highly respectful towards the participant.
5. Unless the participant allows, no interviews or any act related to it should be initiated.
6. While conducting interview, no interpretation or activity of any sort should be allowed that may hurt the sentiment of the interviewee.
7. No interviews should be conducted forcefully.
8. While conducting research work, researcher should be neutral and should not hold any urge or bias towards the interviewee.
9. The opinion of interviewees should not be intentionally influenced.
10. During the research, every report or statistics so collected should not be revealed unless officially published.
11. While carrying out the research or study, participants may be involved through physical meet, phone or any electronic medium.
12. Researcher should fully and strictly follow the code of conduct.

Glimpses of the Program



Meeting with Technical Advisory Committee



Orientation with Provincial Researchers



Consultation and Dialogue Program on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic, Kailali on 21-22 September, 2022.



Consultation and Dialogue Program on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic, Banke on 13th October, 2022.



Consultation and Dialogue Program on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic, Ilam on 28th November, 2022.



Consultation and Dialogue Program on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic, Surkhet on 4th December, 2022.



Consultation and Dialogue Program on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic, Makwanpur on 25th December, 2022.



Consultation and Dialogue Program on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic, Parsa on 26th December, 2022.



Consultation and Dialogue Program on Access to Justice of Women and Marginalized Community and Use Of E-Justice System During Covid 19 Pandemic, Kaski on 7-8th February, 2023.

