ANALYZING THE IMPLEMENTATION OF, AND GAPS IN, NATIONAL LAWS ON GENDER-BASED VIOLENCE IN NEPAL

A study conducted as a part of the Daayitwa Nepal Public Policy Fellowship 2021, together with the Ministry of Women, Children, and Senior Citizens (MoWCSC)

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Sincerely yours,
Liza Paudel,
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Table of Contents

Abstract

Over the last two decades, Nepal has made drastic political changes, including becoming a democratic republic and moving towards federalization. These larger legal and political shifts together have also helped usher in increased legal rights and protections for women, mainly around gender-based violence, from new laws criminalizing domestic violence and sexual harassment in the workplace to increasing the penalty for rapes. However, these laws have not always reached the target demographic, Nepali women and other victims of gender-based violence. With qualitative data from institutions at all levels that work to implement laws around gender-based violence like the law enforcement and NGOs working on women's rights, this paper explores the administration and implementation of these laws. It finds that there is a pervasive culture of reconciliation and patriarchy within implementing institutions; economic violence is rife; and limited resources, a court system so slow it borders on the ineffectual, and a narrowly defined understanding of victims, hinders many victims' access to, and pursuit of, justice. The report ends with concrete recommendations to provide both the evidence and potential solutions that can inform MoWCSC policymaking moving forward.

1. Background

> *"When it happens to every other woman, how do you make people see it as not normal and not acceptable?"*[1]

1.1. Introduction

The women's movement in Nepal has gained special traction since the mid-1990s. Especially since the end of the decade-long civil war and the promulgation of a new constitution in 2015, the legal regime safeguarding women's and civil rights has been strengthened. The government has made big strides in the legal codification of gender equality and the fight against gender-based violence (GBV), enacting many new laws, policies, and standards. How have such efforts shifted the existence of gender-based violence and helped the upliftment of women in Nepal? Arguably, there still exists a large gap between the laws in their well-intentioned objectives and the lived experiences of Nepali women. This report explores how these gaps manifest, and what challenges and strengths can be found in the implementation of current laws.

While some of the needs of Nepali women are more universal, like safety, agency, and equal citizenship, others are intersectional based on women's socio-economic class, caste, ethnicity, and other marginalized identities. The governmental agency tasked with working to meet these wide-ranging needs is the Ministry of Women, Children, and Senior Citizens (MoWCSC). MoWCSC establishes and implements policies, laws and standards to further women's rights and empowerment, counter gender-based violence, and promote gender equality. To pursue these

[1] Interview with staff at One Stop Crisis Management Center (OCMC) in Patan, October 2021

goals more effectively and comprehensively, the ministry has organized its efforts along four pillars: *nitigat* (legal), *aarthik* (economic), *byabasthapakiya* (operational), and *samrachanatmak* (structural)[2].

1.2. Gender-Based Violence (GBV) in Nepal

Currently, there are only two main sources that collect data on gender that can be used to monitor the status of women and gender-based violence (GBV) in Nepal: the National Demographic Health Survey (NDHS), most recently completed in 2016, and the Census, last completed in 2011 and currently being conducted in 2021. However, neither of these are specifically focused on gender, and the data is not always data disaggregated by gender[3]. The National Women's Commission (NWC) runs a 24-hour toll-free GBV hotline established under the Integrated Platform for Gender-based Violence Prevention and Response (Sambodhan) Project in 2017. Apart from assessing and providing support to victims of GBV[4], it has also become an important platform for data collection and analysis, providing new insights into the type and extent of domestic and other GBV that occurs. It collects data at a more disaggregated level and feeds in data from referral partners. The Nepal Police also has a separate GBV information management system which remains unintegrated with the NWC one[5], hindering a better and more precise understanding of GBV in Nepal.

Recent data from these sources paint a bleak picture. In Nepal, 1 in 5 women aged 15-49 experience some form of violence in their lifetimes[6] according to the NDHS. Of these, the most common is domestic violence, with 1 in 4 married women in Nepal experiencing spousal violence in her lifetime[7]. Per Nepal Police's Crime Investigation Department records, almost 75% of all violence against women reported is domestic violence[8]. The NWC reports even starker numbers – 87% of the calls they receive on the GBV hotline are cases of domestic violence[9]. This is not wholly surprising given the entrenched patriarchal norms in Nepali society and the economic dependence of most women on their husbands. In fact, studies have found that 31% of men believe that it is "acceptable to beat their wives for disobedience"[10]. Still, even these high numbers of GBV, including domestic violence, are severely underreported, because other studies have shown that 66% of GBV survivors do not report the violence they face[11]. Even more strikingly, only less than 1% of the domestic violence cases reported to the police in Kathmandu in the last fiscal year led to a lawsuit[12].

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[2] Interview with a Ministry of Women, Children, and Senior Citizens (MoWCSC) Under Secretary, July 2021
[3] Interview with the Ministry of Women, Children, and Senior Citizens (MoWCSC) Joint Secretary, June 2021
[4] "1145 Hotline Service", National Women's Commission, 2021, accessed December 31, 2021, https://nwc.gov.np/
[5] "Civil Society Report on Beijing+25, 2020", National Network for Beijing Review and Forum for Law, Women, and Development (FWLD), accessed December 31, 2021, https://fwld.org/wp-content/uploads/2020/02/B25-Report_compressed.pdf
[6] "Nepal Demographic and Health Survey (NDHS) 2016", Ministry of Health, November 2017, accessed December 31, 2021, https://www.dhsprogram.com/pubs/pdf/fr336/fr336.pdf
[7] Ibid.
[8] "महिला, बालबालिका तथा जेष्ठ नागरिक सेवा निर्देशनालय", Crime Information Department, Nepal Police, accessed December 31, 2021, https://cid.nepalpolice.gov.np/cid-wings/women-children-and-senior-citizen-service-directorate/
[9] "NWC Factsheet September 2021", National Women's Commission, accessed December 31, 2021, https://nwc.gov.np/wp-content/uploads/2021/10/NWC-factsheet-September-2021.pdf
[10] NDHS 2016 https://www.dhsprogram.com/pubs/pdf/fr336/fr336.pdf
[11] "Gender Based Violence in the COVID-19 Context in Nepal", United Nations Population Fund, 2020, accessed December 31, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/Gender based Violence in the COVID-19 context in Nepal.pdf
[12] Statistical report received from Nepal Police after an interview, October 2021

Regarding the profile of victims who report the violence they face, the majority are of 26-40 years of age (54%), have secondary degree or lower level of education (58%), of which almost half have only basic literacy skills, and belong to lower castes including *dalits* and *janajatis* (55%). Perpetrators tend to be overwhelmingly male (86%), and the majority have a secondary degree or lower level of education (55%)[13].

1.3. Legal Context & Implementation of Laws

The Constitution of Nepal 2072 (2015)[14] affirms the right to equality of all individuals and criminalizes all forms of discrimination based on sex and gender. It also explicitly outlines several rights of women: protection from physical, mental, sexual, psychological, or other forms of violence; positive discrimination in education, health, employment, and social security; proportional inclusion; equal rights to lineage, property, and family affairs; and the right to safe motherhood and reproductive health[15]. These thus effectively bar gender-based violence against women and provide the right to channels for justice when such instances occur. These constitutionally guaranteed rights are administratively guided by the Country Criminal/Penal Code (2072) which criminalizes and outlines the punishments for gender-based violence, rape, and other exclusionary and discriminatory acts such as *chhaupadi*, discrimination during menstruation, *boksi aarop* (witchcraft allegations), child marriage, forced marriage, and polygamy[16].

As noted, domestic violence is far and away the most commonly reported form of gender-based violence in Nepal[17], particularly physical violence against wives by their husbands[18]. To that end, the Domestic Violence (Offense and Punishment) Act, 2066 (2009) criminalizes it and outlines the rights of the victims – including compensation and access to a service/rehabilitation center[19]. The Crime Victim Protection Act, 2075 (2018) similarly ensures victims' right to justice including a right to an investigation, adjudication, compensation, and rehabilitation[20]. The Gender-based Violence Fund Act, 2076 (2019) makes available immediate legal, medical, and psychosocial aid to victims in the aftermath of violence, and hospital-based One-stop Crisis Management Centers (OCMCs) have been established in all districts[21] to provide medical treatment and counseling, and coordinate with law enforcement and community-based organizations by the Ministry of Health[22]. The MoWCSC also funds short-term rehabilitation

[13] NWC Factsheet September 2021 https://nwc.gov.np/wp-content/uploads/2021/10/NWC-factsheet-September-2021.pdf
[14] 2072 BS in the Nepali calendar is 2015 AD in the Gregorian calendar. The Gregorian calendar is used everywhere in the report except when certain acts and laws have Nepali calendar dates, in which case the Gregorian dates are included in parentheses.
[15] "Constitution of Nepal", Nepal Law Commission, 2015, accessed September 31, 2021, https://www.lawcommission.gov.np/en/archives/category/documents/prevailing-law/constitution/constitution-of-nepal
[16] "National Penal Code, Chapter 10", Ministry of Law, Justice and Parliamentary Affairs, 2017, accessed September 31, 2021, http://www.moljpa.gov.np/en/wp-content/uploads/2018/12/Penal-Code-English-Revised-1.pdf
[17] Civil Society Report on Beijing+25 https://fwld.org/wp-content/uploads/2020/02/B25-Report_compressed.pdf
[18] "FINAL REPORT For Baseline Study of Integrated Platform for Gender-based Violence Prevention and Response (Sambodhan) Project", National Women's Commission, 2018, http://www.careevaluations.org/wp-content/uploads/Final_baseline-report_IPGBVR_2.4.2018.pdf
[19] "Tracking Cases of Gender-Based Violence in Nepal: Individual, institutional, legal and policy analyses", United Nations Population Fund, 2013, accessed December 31, 2021, https://nepal.unfpa.org/sites/default/files/pub-pdf/TrackingCasesofGBV.pdf
[20] Ibid.
[21] Interview with a Ministry of Women, Children, and Senior Citizens (MoWCSC) Under Secretary, July 2021
[22] Civil Society Report on Beijing+25, 2020 https://fwld.org/wp-content/uploads/2020/02/B25-Report_compressed.pdf

centers for victims of gender-based violence at the local level that also provide skills-based training. There is also one long-term rehabilitation center in Kathmandu funded by the MoWCSC, with plans for additional such centers in each province[23]. Since Nepal's transition to federalism in 2017, local wards and municipal offices also have been empowered to make decisions on low-level matters that would have previously required formal proceedings through law enforcement or the judicial system.

Given their recency, however, it is hard to gauge how much of an impact these laws and efforts have had in the daily lives of women in Nepal to date. The recent transition to federalism has added further complications. While the welcome decentralization of governance provides new opportunities for better local reach, it remains to be seen how it affects the implementation and administration of laws protecting and empowering women.

2. Problem Statement

The main objective of this report is to analyze the implementation of, and any gaps in, the existing national laws aimed at countering gender-based violence in Nepal. Despite the recent introduction of new laws and programs promoting and providing new channels for justice and increasing punishment for crimes, gender-based violence has not decreased, and meaningful women's economic empowerment is still a far cry. The issue in focus then is the difference between the *de jure* and *de facto* practice of the national laws relating to women in Nepal.

2.1. Research Questions

Within the overarching guiding question, the following questions and issues will be explored. These are structured into four broad groups, aligned with the MoWCSC's four pillars:

2.1.1. Operational

- Are there issues in the implementation and administration of the laws? If so, how do they manifest, what obstacles do they pose, and for whom?
- Is there enough awareness of existing laws and programs? Are women and other victims aware?
- Is there enough access? Can women and other victims access programs fairly easily?
- Is there meaningful participation in programs? If not, why not?

2.1.2. Economic

- Are the Ministry and other stakeholders allocating enough resources (human, capital, skills, time, and technology) to the problems at hand? If not, what resource needs are not being addressed and are hindering progress?

2.1.3. Legal

- Are the laws working as designed? Are they reaching the right people, and are the people's experiences with the law as was intended?
- Are there blind spots or loopholes that need to be addressed?

[23] Interview with a Ministry of Women, Children, and Senior Citizens (MoWCSC) Under Secretary, July 2021

2.1.4. Structural

- Are there structural barriers or processes that prevent women and other victims from taking advantage of existing laws and programs?
- Are there sociocultural barriers? If so, how do they manifest?

Answers to the above questions, and through them, the identification of problems and issues, will highlight what obstacles need to be tackled, what solutions to pursue, and where and how interventions should be targeted. The research will therefore conclude with specific policy and program recommendations to the MoWCSC, with specific considerations of the new federal structure where relevant.

3. Research Design

The research is qualitative and analyzes the gap between the *de jure* and *de facto* implementation of national laws regarding women in Nepal, particularly those aimed against gender-based violence (GBV). I used a two-pronged approach for data collection with desk review and stakeholder interviews, and then conducted a thematic and content analysis of the data.

The legal and policy analysis within the research utilizes regulatory and administrative lenses to allow a focus on the implementation of the existing laws – especially operations, authority, incentives, resource allocation, and budgets. Where relevant, there is also a note of sociological factors that complicate gender-based violence (GBV) prevention and protection in Nepal, and a special consideration of the new federalist structure of Nepali bureaucracy and the power devolution and participation within.

3.1. Methodology

I began with a desk review to understand the landscape and context of GBV and the efforts to counter it in Nepal. This was primarily to aid in having a baseline level of understanding of GBV and related laws in Nepal and to facilitate the creation of an informed data collection questionnaire before speaking with interviewees about their experiences. The interviews then added crucial context, insights, and perspectives on both the status of GBV in Nepal and the implementation of the laws enacted to counter it.

Specifically, the methodology includes:

- Desk review
  This included a review of:
  - the national laws in question, related policies, and other legal and policy documents;
  - the larger legal & political context;
  - the historical trajectory of the women's movement in Nepal; and
  - the work of interviewed stakeholders;
- Stakeholder Interviews
  These included In-depth Interviews (IDI) with stakeholders working to implement the laws at various levels, and Key Informant (KI) interviews with the staff at the MoWCSC.
  - 1st level (implementing institutions – where law “meets” women):

        - Nepal Police, specifically, "Women's Cells"
        - National Women's Commission – GBV Hotline (1145)
        - Hospital-based One Stop Crisis Management Centers (OCMC)
        - Ward and Municipal offices
    - 2nd level (support service providers):
        - GBV rehabilitation/service centers ("shelters"): NGOs (short-term) and government-run (long-term)
        - Counseling Service: TPO Nepal
        - Advocacy and Women's Rights: Forum for Women, Law, and Development (FWLD)
    - 3rd level (the primary policy advisory and funding entity):
        - Ministry of Women, Children and Senior Citizens (MoWCSC) staff

Given the sensitive nature of the conversations, an informed consent form (as shown in Appendix A) was translated and described to each interviewee in Nepali, and verbal consent was solicited. The core interview protocol and questionnaire that was customized for each of the stakeholders is shown in Appendix B. Again, given the culturally sensitive nature of the topic, the interviews were conducted in Nepali, and notes were translated to English before analysis.

3.2. Scope

Specifically, the study reviews the implementation and impact of the following acts and laws passed on gender-based violence. The focus is heavily on domestic violence given that it is the majority of the GBV reported (and presumably experienced) in Nepal.

- Domestic Violence (Offense and Punishment) Act 2066 (2009)
- Gender-based Violence Fund Act 2076 (2019)

However, given that GBV both influences and is influenced by many other factors, the study also touches on other laws, primarily criminal laws related to rape, polygamy, social violence (such as witchcraft allegations), child marriage, and trafficking.

A quick note on language: I will be using gender-based violence (GBV) throughout the report unless the context demands more specific language. However, since the vast majority of GBV that is reported in Nepal is domestic and the Domestic Violence Act is one of the laws that I am examining the implementation of, most of the findings and analysis tilt towards centering domestic violence, unless specified differently. Next, since much of the report deals with laws, legal recourse, and implementation, I will be using the term "victim" to describe the victims of GBV. In the few cases referring to longer-term social effects of GBV, I will use the term "survivor". Finally, for quotes, I have cited the source in general terms in the footnote except when the quote may reveal the identity of the interviewee.

3.3. Stakeholders

In terms of the implementation of the laws, the primary avenues where the law "meets" victims or the general populace are: 1) law enforcement, or the police (Nepal Police), 2) National Women's Commission, particularly through the GBV hotline, 3) hospital based One Stop Crisis Management Centers (OCMCs), and 4) local ward and municipal offices. Some victims might

also come to find support through service providers like NGOs working against GBV or for women's rights, and gender-based violence rehabilitation/service centers in the community. I have treated these entities as primary stakeholders.

3.3.1. Implementing Institutions

- **Police**

There are a number of police stations in the Kathmandu valley that have Women, Children and Senior Citizen Service Centers (WCSC) (formerly and colloquially known as "Women's Cells") which were piloted in 1996 and are specifically designed to handle matters of women (as well as children and senior citizens), particularly GBV. I interviewed staff in three police stations in the valley – two in Kathmandu, including one that oversees all cases for the valley, and one in Patan.

The Kathmandu police station noted that they typically get about 2-3 cases of GBV per week[24]. Similarly, in Patan, they receive 1-2 cases daily[25]. The larger station that oversees all of the valley sees at least 8-9 cases daily, of which around one typically leads to a lawsuit[26]. In fact, in the last Nepali fiscal year, only 18 out of the 2248 domestic violence complaints in Kathmandu led to a lawsuit, less than 1%[27].

Surveys have found that of the GBV service providers that exist, 92% of individuals in Kathmandu were knowledgeable of the police as a space where they could go to seek legal recourse, and a majority of the respondents saw the police as the most important GBV service provider[28]. As such, for most people, police personnel, especially those at a Women's cell, function essentially as the first line responders to GBV, and are the face of "the law". Given this, the report's findings and recommendations are weighted heavily towards the police typically serving as the primary implementing institution.

- **National Women's Commission (NWC)**

The National Women's Commission, with initial funding from the World Bank, has been running a GBV hotline (*Khabar Garaun;* Dial 1145) since 2017. Since its inception, the helpline has provided services to 15,547 clients as of September 2021[29]. For victims needing and seeking support through the hotline, they also have a psychosocial counselor and legal advisors on staff, alongside referrals to medical assistance and GBV shelters as needed. All services are provided free of charge.

- **One-stop Crisis Management Centers (OCMCs)**

The Government of Nepal, under the Ministry of Health, has established One-stop Crisis Management Centers (OCMC) to provide a central hub of services needed by GBV victims, in multiple hospitals throughout the valley. These OCMCs provide medical examination and collect

[24] Interview with a Women's cell staff at a police station in Kathmandu, October 2021
[25] Interview with a Women's cell staff at a police station in Patan, October 2021
[26] Interview with police personnel at a police station in Kathmandu, October 2021
[27] Statistical report received from Nepal Police after an interview, October 2021
[28] FINAL REPORT For Baseline Study of Integrated Platform for Gender-based Violence Prevention and Response (Sambodhan) Project, 2018 http://www.careevaluations.org/wp-content/uploads/Final_baseline-report_IPGBVR_2.4.2018.pdf
[29] NWC Factsheet September 2021 https://nwc.gov.np/wp-content/uploads/2021/10/NWC-factsheet-September-2021.pdf

evidence, offer medical assistance and physical care, and create referrals to legal services, rehabilitation centers, and psychosocial counselors. Many of the cases at OCMCs tend to be referrals from police personnel, with another small number from the doctors and other attending medical staff in the hospital who have been trained to look for signs of GBV. There are typically very few walk-ins as the OCMCs are still relatively unknown to the general public, with only 5% of individuals knowledgeable of them per a survey in 2018[30].

I visited one OCMC in Kathmandu and one in Patan and interviewed the staff there. They encounter about 1 case per day in Patan and about 2 cases per day in Kathmandu – and almost exclusively victims of sexual violence (80% with the remaining 20% being mostly physical violence)[31]. Perhaps because they are situated within hospitals, victims come in or are brought in mostly for medical examination and evidence collection, and legal help is much less sought out by victims at the OCMCs[32].

- **Local levels (Ward and Municipal Offices)**

Especially post-federalization, local level offices, primarily ward offices serving constituents at the village or neighborhood level and municipal offices serving at the city or municipal level have been authorized to do more, and thus have become more involved in fighting GBV.

I interviewed ward leaders in two wards within the Kathmandu valley, and with staff at the municipal offices of Women, Children, and Senior Citizens' Branch within the Social Development Department, and the Municipal Judicial Committee overseeing cases of GBV and other family legal matters in Kathmandu. At one of the wards in urban Kathmandu city center, they noted that they have not and do not really see cases of GBV coming through from their constituents[33]. In contrast, at the ward in more rural or suburban Kathmandu, the ward leader noted that she sees such cases occasionally – around 5-6 in a year[34], which she then works with the local GBV network (as piloted and funded by donors like Asian Development Bank in many districts[35]) to resolve. At the municipal-level judicial committee, staff noted that they also see some GBV cases on a semi-regular basis (7 over the last year), but that people tend to visit their ward offices first before coming to the municipal judicial committees, if they do at all[36]. The municipal department working on women's issues does not deal with GBV cases directly but runs the GBV Elimination fund at the municipal level; coordinates with local ward offices, GBV network, civil society organizations and NGOs; and conducts public awareness programs[37].

[30] FINAL REPORT For Baseline Study of Integrated Platform for Gender-based Violence Prevention and Response (Sambodhan) Project, 2018 http://www.careevaluations.org/wp-content/uploads/Final_baseline-report_IPGBVR_2.4.2018.pdf
[31] Interview with staff at a OCMC in Kathmandu and Patan, October 2021
[32] Ibid.
[33] Interview with a Ward Secretary for one of the wards in Kathmandu, November 2021
[34] Interview with a Ward Chairperson for one of the wards in Kathmandu valley, November 2021
[35] "Police and Community Partner in Nepal's Effort to Tackle Violence Against Women | Asian Development Bank," April 9, 2019, accessed December 31, 2021, https://www.adb.org/news/videos/police-and-community-partner-nepal-s-effort-tackle-violence-against-women
[36] Interview with staff at the Municipal Judicial Committee in Kathmandu, November 2021
[37] Interview with staff at the Women, Children, and Senior Citizens' branch at the municipal office in Kathmandu, November 2021

3.3.2. Support Service Providers

- **GBV Rehabilitation/Service Centers ("GBV shelters")**

I visited and interviewed staff at one of the NGO-run shelters that houses victims in the short- and medium- term, and one long-term shelter that is funded by the Government of Nepal and run by an NGO. There are also "service centers" that function like GBV shelters at the local level that are funded by the MoWCSC, but these are mostly outside of the Kathmandu valley, with the closest one in Hetauda.

In the six years that the government-run long-term rehabilitation center has been in operation, it has provided services to 55 individuals, including 17 that are housed there currently. Every year they get around 4-5 cases. Majority of the program beneficiaries have mental health issues (12/17 in the shelter currently), complicating the provider's efforts to provide skills and reintegrate victims[38].

In the private NGO-run, short-term rehabilitation center, the yearly intake is anywhere between 55-60, and it has serviced 610 individuals total to date. Currently, there are 20 women and 13 children being assisted by 10-11 part and full-time staff. The typical length of stay for victims in the rehabilitation center is six months, but that timeline is flexible depending on the victim's situation, and some have stayed at the rehabilitation center for up to two years[39].

- **Legal Counseling and Advocacy**

I interviewed staff at the Forum for Women Law and Development (FWLD), an organization that provides legal advice and support to victims, and does policy and legal advocacy for a host of women's rights issues. Aside from individuals reaching out to them independently, they also receive referrals for legal counseling from different NGOs and the National Women's Commission.

- **Psychosocial Counseling**

I interviewed the staff at Transcultural Psychosocial Organization (TPO) Nepal, an organization providing and working on psychosocial counseling in Nepal. TPO works closely with and is a referral partner to the National Women's Commission (NWC). Staff noted that every 3 out of 5 victims they encounter need psychosocial support, and many are confused and in a dilemma about their next steps. Anxiety and depression are the most common psychological issues that present in victims, whereas worry, fear, sad mood, somatic complaints (body aches, medically unexplained pain), guilt, shame, and self-blame are rampant. The most common symptoms of GBV victims as reported by TPO staff are flashbacks, appetite changes, and sleep changes[40].

TPO has served around 730 victims through referrals through the NWC hotline and the numbers have been steadily increasing. In the early days of the hotline in 2016, TPO received about 1-2 cases a month, while these days the numbers can be as high as 11-12 per month. The counselor noted that of the cases they receive, about 2-3% of victims need psychiatric support (beyond

[38] Interview with staff at the long-term GBV shelter in Kathmandu, October 2021
[39] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[40] Interview with staff at TPO Nepal, October 2021

counseling). Most victims receive at least three counseling sessions, which continue if the victim needs more. About 10% of the cases need some form of family counseling, including with the perpetrator, or the victim's maternal/paternal family. TPO even provides separate counseling to just the perpetrator in about 2% of the cases. Since NWC is only directed towards assisting women, if the perpetrator is a man (as is often the case) and needs psychosocial support, TPO covers that from a different budget[41].

3.3.3. Policy Advisory and Funding Entity

- **Ministry of Women, Children, and Senior Citizens (MoWCSC)**

The MoWCSC and its district-level counterparts provide regulations, policy guidance, and budget and coordination support for implementing the laws related to GBV. I spoke with three staff at the Ministry, including the Joint Secretary and one of the Under Secretaries.

Of particular relevance is the GBV Elimination Fund established in 2008, that the MoWCSC operates that can be utilized to provide medical, legal, psychosocial and other support for victims and survivors. The fund, however, seems to be heavily underutilized so far, especially because post-federalization, victims rarely come to seek services from the Ministry directly. Accordingly, the Ministry prepared guidelines in 2020 to establish the fund at all three levels of the new federal structure such that the funding can be provisioned in a decentralized manner through the local levels and can reach victims more easily. That effort is currently underway and the MoWCSC has issued circulars to all local level bodies asking them to set up the GBV fund at their local level, but only 60 out of 753 of them have done so[42].

4. Findings

Before delving into more substantial thematic findings, I will begin by describing the status of and trends in GBV as reported by the stakeholders interviewed.

4.1. Status of and trends in GBV

4.1.1. Violence

- The most reported types of violence are physical (at the police) and sexual (at the OCMCs) but the most commonly occurring types of violence overall are economic (40%) and emotional (30%)[43].
- The most common secondary or underlying reasons for GBV include the victim's economic dependence on the perpetrator (typically the husband), as well as extra marital affairs/polygamy, alcohol use and substance abuse, mental health issues, and patriarchal ideas and norms[44].

[41] Ibid.
[42] "Fighting Gender-Based Violence: GBV Elimination Fund in Rural Nepal," UNESCO, July 6, 2021, accessed December 31, 2021, https://en.unesco.org/news/fighting-gender-based-violence-gbv-elimination-fund-rural-nepal
[43] NWC Factsheet September 2021 https://nwc.gov.np/wp-content/uploads/2021/10/NWC-factsheet-September-2021.pdf
[44] Interview with a psychosocial service provider, October 2021; also shared in interview with staff at the MoWCSC, and interview with a women's rights advocate

- GBV is multi-layered and is also connected to Nepal's socio-economic status. Almost all stakeholders pointed out how the drastic increase in young men leaving the country as migrant laborers over the last two decades, coupled with the recent rise in social media usage, has led to changes in relationship and marriage dynamics, catalyzing GBV, domestic violence in particular.

4.1.2. Laws

- Laws are mostly progressive and have addressed most of the types of GBV in Nepal, including marital rape, *boksi aarop* (witchcraft allegations), acid attacks, and domestic violence outside of spousal violence, but the implementation is faltering at best, and embarrassingly lacking at worst[45].

4.1.3. Awareness

- Awareness about GBV is still mostly lacking in the general public. To the extent that people know about it, they typically know about physical and/or sexual violence, but there is a distinct lack of understanding of emotional and economic violence[46].
- Despite this, stakeholders agreed that the younger generation and more educated individuals are more aware of both GBV, and the services available in the community.

4.1.4. Reporting

- Social stigma towards victims is still a huge hindrance to victims reporting the violence they faced. Fears of victim-blaming and "domestic" issues being known by those outside of the home, and perceptions that domestic violence indicates their failures at perseverance, dampen victims' willingness to come forward.
- Even victims who report typically do not do so for a long time, often until the situation has gotten extreme and they cannot tolerate it anymore. For many victims, therefore, the statutory limits on the crimes committed against them have often passed and certain legal paths to seek justice are closed[47]. This was reported to be the case for both physical and emotional forms of violence.
- There is often a surge in reports of violence after weekends or major holidays[48] as those tend to be the times when most family members are home, and potential for arguments runs high. Similarly, there was a surge of cases reported post-earthquake and post-COVID-19 lockdowns. This increase makes intuitive sense as during lockdowns (and holidays), people are typically stuck together at home in a high-pressure environment. During the pandemic, this was further compounded by economic and emotional instability[49], and rise in negative coping strategies like substance abuse. The NWC hotline received more than double the number of calls during 3 months of the COVID-19 lockdown (April to June 2020) compared to the same period before

[45] Interview with a women's rights advocate, October 2021; also a sentiment shared by legal staff at the NWC, a psychosocial worker, and staff at the long-term and short-term GBV shelters
[46] Interview with staff at a OCMC in Patan, October 2021; also shared in interview with staff at the NWC
[47] Interview with staff at the NWC, October 2021; also shared in interview with staff at a short-term GBV shelter in Kathmandu
[48] Interview with police women at Women's cell in Kathmandu, October 2021; also shared by another policewoman at a different women's cell, and a staff at a OCMC in Kathmandu
[49] Interview with police women at Women's cell in Kathmandu, October 2021; also shared by a psychosocial worker

lockdown.[50] The number of reported incidents at other implementing institutions also rose after the COVID-19 lockdowns because during the lockdowns, transportation access was low or entirely non-existent, so very few were able to seek out help[51].

- Despite the barriers to reporting and seeking justice, there is a huge demand for support services for victims and survivors.

> *"None comes the first time it happens. So, when they come, you know that it has been going on for too long. That they have forgiven and tried to forget for as long as they can – be it for their children's sake or because of society's pressures."*[52]

4.1.5. Intersections with class and urbanity

- Issues of socioeconomic class, and its proximate hierarchies of education, caste and urbanity, intersect GBV in Nepal in a myriad of important ways.
- Types of GBV incidents can often differ by class, as can how the GBV is handled. Victims in upper socioeconomic classes typically face more emotional and mental violence, whereas victims in lower socioeconomic classes often report more physical violence[53].
- Similarly, it is typically the victims in lower-middle socio-economic classes and below who often report GBV in implementing institutions like the police and ward offices[54]. Individuals and victims in the upper middle socio-economic classes and higher are often far more preoccupied with social status and worried about the social stigma of GBV[55] to report it – and insofar as they report it, they go straight through the court system, filing divorce or lawsuits[56].

> *"Rich people do not come to the police; they figure it out amongst themselves."*[57]

- There exists a large urban-rural divide in investments and efforts to counter GBV. Responses, be it from the government or NGOs, are heavily concentrated in the Kathmandu valley and are vastly sparser outside. The NWC hotline for instance, currently only handles calls mostly from the valley, even as there are plans to expand it beyond. Similarly, both short and long-term GBV rehabilitation shelters are substantially lacking further from Kathmandu valley and other urban centers. There is a real and critical need for more efforts and resources to be concentrated outside of the Kathmandu valley where GBV itself might look different as it is even more normalized, and thus might require different approaches to counter it.

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[50] "In Nepal, a Helpline Serves as a Lifeline for Survivors during COVID-19 Lockdown," July 31, 2020 https://blogs.worldbank.org/endpovertyinsouthasia/nepal-helpline-serves-lifeline-survivors-during-covid-19-lockdown
[51] Interview with staff at a OCMC in Patan, October 2021; also shared by a policewoman at Women's cell in Kathmandu
[52] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021
[53] Interview with staff at the Ministry of Women, Children, and Senior Citizens, November 2021
[54] Interview with staff at a OCMC in Patan, October 2021
[55] Interview with staff at a OCMC in Patan, October 2021; also shared by staff at the Ministry of Women, Children, and Senior Citizens
[56] Interview with staff at the Ministry of Women, Children, and Senior Citizens, November 2021
[57] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021

"Does the law only exist for the people of Kathmandu?"[58]

4.2. Thematic findings

For thematic findings, I have grouped them aligning with the same four categories of work that the MoWCSC carries out: Operational, Economic, Legal, and Structural.

4.2.1. Operational

- **"*Mel milaap*" (reconciliation) is the first/default tool in almost all spaces**

The process at each of the four implementing institutions, the first-level stakeholders where victims would go to seek justice, follows a similar pattern. As the victims come in, they are asked about the incident, type of complaint, and their testimony is taken. This is the case even when the victim is referred to the place from another institution that might have already asked for their testimony. Then, in all places except the OCMCs, the perpetrator is then asked to come in – either the same day or some other day. For all GBV besides rape or grave sexual violence, over multiple visits, multiple conversations are held with the victim and perpetrator, both separately and together. The sessions, primarily meditating in nature, are called "counseling sessions;" but, aside from the NWC and at times at the municipal judicial committees, the meetings are not conducted by trained counselors. Depending on whether the violence in question includes rape, or if the victim wants to file a court complaint or not, there might be legal counseling and referrals to the court system. Otherwise, most "counseling" sessions end in reconciliation, or "*mel milaap*". Interviewees at the implementing institutions insisted that they do not force any victim into reconciliation. However, at other times they noted that if the victim is unsure or at times even when the victim is clear that they are not looking for reconciliation, the first solution typically offered is "*mel milaap*". This is usually coupled with a scolding to the perpetrator, and the victim is asked to monitor the perpetrator's behavior for some time (typically 2 weeks to a month) and follow up if they need additional help.

At the NWC, stakeholders estimated that more than 50% of the cases that come through end in reconciliation[59]. At the only police station authorized to start court proceedings, the number stands around 65%[60], but at the Kathmandu and Patan municipal police stations, the number was the highest with 80-90% of cases ending in reconciliation[61]. At the ward level, this number is even higher as the ward officials typically know the victim and the perpetrator. The ward leader interviewed noted that every case that has come forward to her in her 1.5-year tenure has ended in reconciliation, unless the victim specifically asked for divorce or separation which is rare[62]. More surprisingly, even when victims make their way to GBV shelters, almost 30% of the cases at the short-term shelter end up in reconciliation[63]. This is especially the case if a child is involved.

[58] Interview with counseling staff at a short-term GBV shelter in Kathmandu, October 2021
[59] Interview with a staff at the NWC, October 2021
[60] Interview with a high-ranking police personnel at a police station in Kathmandu, October 2021
[61] Interviews with policewomen in two women's cell in Kathmandu and Patan, October 2021
[62] Interview with a Ward Chairperson for one of the wards within the Kathmandu valley, November 2021
[63] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021

This culture of "*mel milaap*" disincentivizes victims from coming forward[64] as even when people do seek justice, the "punishment" doled out is often just a slap on the wrist and monitoring of behavior[65]. When there is an over reliance on "*mel milaap*" as the default or the only answer provided to all victims often regardless of their needs, it stops being a less punitive solution (which some victims might want) and instead serves as a useful copout or delay tactic to not provide justice; and one that has a chilling effect on any victim coming forward, since victims become resigned to the fact that regardless of their trauma, the "justice" often and always looks the same.

Not to mention, besides deterring victims, "*mel milaap*" as a practice, is also ineffective as evidenced by the fact that almost 40% of the time after a "reconciliation", the offenses repeat[66]. Indeed, at the Municipal Judicial Committee, staff noted that on average there are 3-4 mediation sessions (after offenses repeat) taking up to 5-6 months before any other action is taken[67]. Coupled with the reports that even up to 4 or 5 times when victims have reported repeated offenses, the justice served has only resulted in "*mel milaap*"[68], it is evident that the justice system has been failing victims by using "*mel milaap"* as an overly lenient solution. Within this current system then, perpetrators almost always get second (or more) chances.

> *"And then people begin to think, 'even if you go to the police, all they do is mel milaap, so why go?'"*[69]

> *"Once the offenses are repeated 2 or 3 times, then we suggest a lawsuit."*[70]

Additionally, this leniency afforded by "*mel milaap"* becomes particularly cruel when considering that most victims only seek justice when the violence has already gone to extreme levels. As an example, one of the police officers I interviewed showed me a picture of a victim whose face had been heavily bruised and lips were broken, only to tell me later that her case had ended in a reconciliation[71].

The women's rights advocate noted that this culture of reconciliation as the default or typically the only option started after domestic violence became a punishable offense under the domestic violence law passed in 2066 (2009)[72]. Interviews with police officers also made it clear how the implementation of the law incentivizes reconciliation rather than other options like filing a lawsuit (again, rape and grave sexual violence is treated differently, perhaps because it is governed more by the penal code). Reconciliation is all that the police are authorized to do, so that is what they default to and see as the essence of their job[73]. Especially since lawsuits and judicial proceedings take an excruciatingly long time, the choices for victims (and implementing institutions) then becomes either an easy, doable, "solution" like reconciliation, or a tedious,

[64] Interview with a psychosocial service provider, October 2021
[65] Interview with a women's rights advocate, October 2021
[66] Interview with policewoman at a women's cell in Kathmandu, October 2021
[67] Interview with staff at the Municipal Judicial Committee in Kathmandu, November 2021
[68] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[69] Ibid.
[70] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021
[71] Interview with policewoman at a women's cell in Kathmandu, October 2021
[72] Interview with a women's rights advocate, October 2021
[73] Interview with a women's rights advocate, October 2021; also shared in interview with a psychosocial service provider

lengthy, and exhausting process through the court system. Further, if a victim wants to file a lawsuit while at the police station, the case needs to be sent to the courts at which point it is no longer with the police. Most police stations except one in Kathmandu cannot file a lawsuit by themselves, and the one that has the ability to do so has the fewest cases that end in reconciliation compared to the others. The situation at NWC and the local levels is similar[74].

Some hope lies in post-federalization however, as municipal judicial committees have begun to occupy a much-needed in-between space for resolution. Even as they also heavily lean towards reconciliation, they are also able to provide some low-level judicial verdicts like child support and separations, allowing victims to receive some immediate justice beyond defaulting to "*mel milaap*".

> *"If mediation solved this, why would anyone seek out the law?"*[75]

- **Too many and not well-thought-out handoffs lose people in the process**

As noted above, in all implementing institutions, the process regardless of whether the victim is seeking to just register a complaint or file a lawsuit is multi-pronged and multi-step. Victims are often required to come back multiple times or visit external referral partners somewhere else – be it for legal assistance, psychosocial counseling, or medical assistance and evidence collection at the hospital. Very few of these referrals are "warm" handoffs where the referral is provided together with the client and the referral parties. Only at the NWC, the counselor stays at the NWC office on-site to be reachable immediately; and her and the legal officers often do a warm handoff when a victim in counseling also needs legal assistance. Such smooth handoffs make a difference in the victims' experience in feeling supported and can often mean the difference between whether the victim is likely to continue with the process or not. For instance, at the inception of the NWC hotline when the counselor was not on-site at the NWC and victims were referred out to the psychosocial counseling referral partner, TPO Nepal's office, almost no victims would show up to their counseling sessions. After moving the counselor to NWC on-site, the number of beneficiaries that keep their appointments and continue through the process is much higher[76].

Additionally, the victims also go through "intake" at each referral point, and are asked the same questions, most typically for instance, at the police, at the OCMC, and then counseling partner as needed[77]. While some of this is reasonable given that each of these places cater to a slightly different service provision for the victims, having to recount their experiences multiple times can often be re-traumatizing for the victims.

[74] Interview with counseling staff at the NWC, October 2021; Interview with a Ward Chairperson for one of the wards in Kathmandu, 2021
[75] Interview with staff at the long-term GBV shelter, October 2021
[76] Interview with a psychosocial service provider, October 2021
[77] Interview with staff at a OCMC in Patan, October 2021; also shared in the interview with staff at a OCMC in Kathmandu

4.2.2. Economic

- **Resources to support victims are lacking but not always seen as such**

Aside from the OCMCs, in all implementing institutions, the waiting times for victims and beneficiaries were severe. In the valley-wide police station, there were individuals waiting for the staff to be free for 4-5 hours, and at the NWC, it was similarly a 2-3 hour wait time to meet with the staff[78]. As the hotline (within the NWC) establishes itself better in the public awareness and plans to expand it nationally are in the works, there has been a drastic increase in the number of cases reported through the hotline, but the number of staff at the hotline has remained the same since its inception in 2017[79].

Perhaps owing to this high workload, the environment that victims faced in these spaces was not always welcoming, and at times actively ungracious (again, with the OCMCs as an exception). Affirming my observations, service providers who support victims, like staff at the GBV shelters and women's rights advocates, complained that victims often face a hostile environment at the police station or the NWC even to register a complaint[80]. Interestingly, however, when I asked the staff there about resources, all the interviewees noted that they thought they were resourced adequately. A high-level police personnel at a police station said the same – that they were making it work, even as mediation sessions with individuals were happening in the same room as the office spaces of several police officers, and transcription/signing of papers with beneficiaries was happening outside in the public waiting area[81].

In the government-run long-term rehabilitation center, lack of proper infrastructure has caused issues for a long time, and affects the morale and outcomes for the survivors housed there. As an example, because it is housed within a school compound, there are often young boys and men playing in the grounds downstairs. This has meant that the women in the shelter are often limited to their rooms and hallways, instead of being able to play, walk, or roam around on the grounds. The shelter has also had to limit its programming of physical activities for the same reason. A new building in a different location has been "in the works" by the government for many years now[82].

Regarding staffing, many of the first-level staff that work the most with victims at all the stakeholder entities (again, the OCMCs being a notable exception), were fairly new at their job – with tenure of a few months to a year at the police stations and the NWC. In one egregious example, at one institution, the staff person in charge who had been in the position for about a year, noted how this is their first job after their undergraduate degree and they have no prior experience in the field, and recounted how their and their staff's lack of experience had meant that some service elements had fallen through the cracks for some victims: a victim's lawsuit on rape had passed its statutory limit because the staff did not know how long the limit was. The staffing issue continues even at higher levels as some interviewees complained of the high

[78] Author observations at a police station in Kathmandu and the NWC, October 2021
[79] Interview with legal staff at the NWC, October 2021
[80] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[81] Author observation at a police station in Kathmandu, October 2021
[82] Interview with staff at the long-term GBV shelter in Kathmandu, October 2021

turnover of staff in the Ministry and its departments such that even when there are programs that are or could be well-run, the trust and relationship with Ministry staff needs to be built repeatedly, hampering the programs' efficacy.

For the police, even the staff in the women's cells are recruited from the same rotational core police staff, not necessarily anyone who is specialized in GBV or has been provided more specific training on the subject. When asked about training, the police I spoke with noted that the police force were provided training which are initiated and provided by NGOs, not invested in by the police force themselves, and the staff who goes to them is rotated, meaning that not everyone gets to attend. This lack of gender-sensitive training inevitably bleeds into their work and the services that victims receive. As an advocate noted, when they take victims to police stations, many officers often do not even know what they should or should not say to trigger victims[83]. Another service provider further pointed out that because the police spend most of their training in how to handle more straightforward criminal charges such as murders and burglaries (and not been trained on GBV and its complexities), GBV cases (especially if they are not rape) look tamer in comparison to them, and thus more dismissible[84].

> *"We did not have any training, I have just learned on the job."*[85]

> *"They (the police) just don't have the training. They kept saying these very harsh things without thinking about it. One female officer said that 'Women these days make false allegations, how do we know you are not doing that?' in front of the victim herself. With such lack of hospitality or trust, why would the victim feel safe at such institutions?"*[86]

Other related concerns brought up by interviewees noted how efforts were focused only on the short term, often at the expense of long-term outcomes. For instance, the long-term shelter run by the Government of Nepal is run on a yearly contract/tender system which effectively only allows for programmatic planning for about eight months at a time, as opposed to long-term strategizing. Other bureaucratic issues such as budgeting freezes, running on extensions, delays with releasing funds are also rampant within the government[87]. Similarly, the NWC hotline (as it has been fully adopted by the government) is past its contract with at least one of their referral partners, but because the services are still needed, the partner has still been providing them despite not being in a legal contract with the NWC or having any budget anymore. Planning only for the short-term has a pernicious effect on the fight against GBV.

> *"You cannot just show up in a community and "solve GBV" – you need to be working there for a long time to build trust enough for people to open up to you, and to listen to you."*[88]

[83] Interview with a women's rights advocate, October 2021
[84] Interview with a staff at a short-term GBV shelter in Kathmandu, October 2021
[85] Interview with two separate staff at two separate women's cells in police stations in Kathmandu, October 2021
[86] Interview with staff at the long-term GBV shelter, October 2021
[87] Ibid.
[88] Interview with a psychosocial service provider, October 2021

Finally, more resources are also needed at the service provider level. There are currently several rehabilitation shelters in the Kathmandu valley, but they are all fairly small and can only take up to 20 or so individuals at a time and only for 3-6 months, an option that only fits the needs of only a cross-section of victims. None of the government-run short-term rehabilitation shelters are in the valley.

- **Budgets allocated to GBV is not always aligned to the needs of victims**

Relatedly, even when they are invested in countering GBV, resources are not always aligned with the needs of victims. Not all victims' needs are the same. They can differ based on the severity and nature of their trauma, their age, education, and their socio-economic class. Short-term rehabilitation of victims can focus on some counseling, legal help, and then reintegration through skills training. On the other hand, the services for long-term rehabilitation, by definition, require more foundational rehabilitation before reintegration and meaningful skill-building. Currently however, the former and latter do not provide services much distinct from each other. The staff at the long-term rehabilitation center noted that many of their beneficiaries need more counseling, longer term therapy, and legal help, but a lot of the budget that the government sets aside is for skills training. The staff has raised this with the Ministry multiple times to no avail[89].

> *"The focus for most people in this field when thinking of victims is to go straight to their reintegration, and the government budget keeps prioritizing skills training so that victims can be productive and be reintegrated. But what the victims really need often is mental health treatment first. What will a person who cannot brush their teeth do with skills training? But we are running those trainings because that is what is on the budget."*[90]

4.2.3. Legal

- **Legal "document" violence is rampant and hinders gender equity**

The deliberate and inadvertent ways perpetrators make it difficult or impossible for victims to obtain or retain their legal documents is one of the most commonly occurring types of GBV[91] that interviewees noted as rampant but often not registered as violence. The documents most typically withheld from victims include their or their children's citizenship certificate and/or birth certificate[92].

> *"Hiding documents or holding them hostage, and not letting victims get a job is also GBV, but many do not see it as that. It is pervasive and it makes the victim continue to be dependent on the perpetrator."*[93]

[89] Interview with staff at the long-term GBV shelter, October 2021
[90] Ibid.
[91] Interview with a women's rights advocate, October 2021; also shared in interview with staff at a short-term GBV shelter in Kathmandu, and interview with medical staff at a OCMC in Patan
[92] Interview with a women's rights advocate, October 2021; also shared in interview with policewoman at a women's cell in Patan
[93] Interview with a women's rights advocate, October 2021

> *"Many men today know not to put hands on women out of fear of retribution, but these other forms of violence are the loopholes where control is still applied to victims."*[94]

> *"Husbands often hide or do not allow the registration of their marriage because then the women can legally lay claim to property rights. It is another way to keep the woman from having financial independence."*[95]

According to service providers, almost 20-30% of all victims face some level of "document" or economic violence (usually on top of other violence as well). Victims are then either hindered in pursuing lawsuits and economic opportunities because they never created (or were allowed to create) their legal documents and/or are limited in getting them without the support of their perpetrator who often deliberately hide required documents or are uncooperative[96]. Without a citizenship certificate for instance, one cannot get a job, or a passport, or a driving license, or register their property in Nepal. The gender inequity in citizenship obtainment and access in Nepal is well documented: as a married woman if you want to get your citizenship certificate, it is almost impossible to do so without relying on your husband or his family, and having access to your marriage registration certificate. Many husbands (or their families) of domestic violence victims refuse to register (or hide the certificate of) marriage because access to it would allow the victim to have claim to marital property. For GBV victims whose partners are uncooperative or worse then, the law not just allows but also indirectly incentivizes continued control over victims.

> *"To get the citizenship card for instance, if you are married, you need to bring your husband in. This delays and affects a lot of people. If you are creating birth certificates of your child, what do you do say when it is a child of rape or gang rape and there is no father? They often need a DNA test of the father – what if the perpetrator has fled? Also, even though citizenship is supposed to be allowed to pass through the mother now, the ward office says to bring proof that there is no father – now how do you prove that?"*[97]

Even as citizenship can be granted by descent through mothers, the implementation differs at the district-level and many places refuse or make it unnecessarily harder to issue citizenship just through mothers. Not to mention, if the mother is a naturalized citizen (as can be common especially in border towns and provinces), her children cannot claim citizenship by descent just through her. This affects GBV – and intergenerationally – not just because if the victim wants to leave the perpetrator, they might not be able to get a citizenship document for themselves, but they might also not be able to create a birth certificate and/or citizenship document for their children as well.

[94] Interview with staff at a OCMC in Patan, October 2021
[95] Interview with staff at the Ministry of Women, Children, and Senior Citizens, November 2021
[96] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[97] Ibid.

"Yes, sure, despite difficulties, maybe you are able to get citizenship through the mother, but then what about property rights for that woman and/or her child when the child gets the citizenship through their mother?"[98]

- **Loopholes and blind spots in current laws leave victims vulnerable**

While the laws are mostly quite progressive, there are still some loopholes that interviewees noted as leaving victims vulnerable. An oft noted and highly blatant one is how 'rape' is defined legally as only happening to women – Section 219 of the National Penal Code defines 'rape' as when "a man has sexual intercourse with a woman without her consent or with a girl child below the age of eighteen years with her consent"[99], leaving out victims that are men and other genders entirely.

Another recurring blind spot brought up explicitly by 9 out of the 22 interviewees includes the rising phenomenon of "live-in relationships", or de facto relationships, i.e., couples who cohabit but are not married[100]. Since the domestic violence law covers violence happening within the household, but only against familial, kinship, or dependent (servant) relationships, "live-in relationships" or cohabitation falls under a gray area within the current legal structure[101]. As couples moving in together before marriage becomes more common, especially in urban areas, this loophole has already started creating issues when victims of intimate partner violence seek justice. It is also further complicated by the fact that living together before marriage is currently not legally recognized in Nepal[102].

"The laws need to be made with the victim's needs and experiences in mind – it cannot just be possible in theory; it needs to be practical."[103]

A particularly controversial issue among interviewees was one of false rape allegations, which again, according to the data, are negligible. Multiple interviewees discussed the legal clause that the alleger must face half the punishment of the rape allegation if the accusation is judged to be false. Women's rights advocates disagreed vehemently with the clause noting how this disincentivizes victims to come forward and punishes the victim for doing so, "because even if your allegation was not false, how can you be sure of what the judicial outcome will be?"[104] Others, especially staff at the implementing institutions, thought this was a good way to fight false allegations that hurt "real" victims[105].

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[98] Ibid.
[99] National Penal Code, Chapter 18", Ministry of Law, Justice and Parliamentary Affairs, 2017, accessed September 31, 2021, http://www.moljpa.gov.np/en/wp-content/uploads/2018/12/Penal-Code-English-Revised-1.pdf
[100] Interview with legal staff at the NWC, October 2021; also shared in interview with counseling staff at the NWC, interview with a psychosocial service provider, interview with staff at a short-term GBV shelter in Kathmandu, interview with counseling staff at a short-term GBV shelter in Kathmandu, interview with medical staff at a OCMC in Patan, interview with staff at a OCMC in Patan, interview with policewoman at a women's cell in Patan, and interview with high-ranking police personnel at a police station in Kathmandu, 2021
[101] Interview with legal staff at the NWC, October 2021; also shared in interview with counseling staff at the NWC and interview with high-ranking police personnel at a police station in Kathmandu
[102] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021
[103] Ibid.
[104] Interview with a women's rights advocate, October 2021
[105] Interview with a policewoman at a women's cell in Kathmandu, October 2021; also shared in interview with staff at the long-term GBV shelter in Kathmandu

There is also currently no "*thunche*", or detaining of accused perpetrators until court order, for GBV crimes. The Domestic Violence (Offense and Punishment) Act 2066 (2009) allows the court to grant an interim protection order to the victim, however the police do not have the authority to detain the perpetrator until the issuance of such an interim order.[106] Thus, often, a victim can file a report, but they might have to go back home to the perpetrator with an increased risk of intimidation and violence as retribution. If there is a lawsuit filed, the police can then detain the accused for up to 24 hours, but the victim would have to know about it to request it and show evidence of immediate harm[107]. This "gap" in the current infrastructure of GBV law makes it that much harder for victims to come forward, and even when they do, puts them further at risk.

> *"The law itself is inviting violence."*[108]

> *"Even if I complain about his abuse, I still have to go home to him. How is my complaint rendered credible then? Not everyone can go to their maternal home or friends' house or find a GBV shelter for an evening."* [109]

- **High burden of proof and untimely case decisions hurt victims in the court system**

Establishing evidence and the burden of proof for hard to diagnose cases of violence like economic and emotional violence[110] can be very difficult, hampering chances of victims getting justice effectively and efficiently. Not only that, according to service providers, even for physical violence where there might be a better chance at establishing evidence, the police often want to catch the perpetrators "red handed"[111] and often require pictures of bruises. This need for proof and information at the highest and most robust of levels does not align well with how victims experience and report violence as many are too traumatized to seek justice when the violence happens, and report much later – often months if not years later.

> *"Police have literally told one of our victims to only call them once they have the perpetrator "red handed". Police also always need a lot of information that victims are not always able to provide – where it happened, what they or the other person was wearing etc. What if the victim does not know? Then the police yell at you and just make you go round and round for days. So many victims are so traumatized or timid that they do not even know their own name sometimes, and meanwhile, the police keep asking them for three generations of their ancestors' names. The victims sometimes are even more traumatized by the police's behavior."*[112]

[106] Tracking Cases of Gender-Based Violence in Nepal", 2013, https://nepal.unfpa.org/sites/default/files/pub-pdf/TrackingCasesofGBV.pdf
[107] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021
[108] Interview with a women's rights advocate, October 2021
[109] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021
[110] Interview with a psychosocial service provider, October 2021
[111] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[112] Ibid.

Multiple interviewees also complained about how the courts take a long time to dole out verdicts delaying justice for many[113]. This wait also impedes many victims from filing lawsuits or going to the courts. Even after case decisions are made, there is often another significant delay or difficulty in the implementation of the verdict. The compensation that might have been awarded to the victim is also not always provided, or the victim's family might take it, and it is hard to protect victims during that vulnerable time. Coupled together, the current court process to seek justice for GBV makes it often not worth the hassle and re-traumatization for the victims.

> *"What happens by seeking out the law? After who knows how many years you maybe finally hear an answer; even for that, you need a lawyer for a lawsuit which costs a lot of money that you do not have. Even if there are free legal aid services, not everyone knows about them, especially outside of the valley."*[114]

4.2.4. Structural

- **'Sticky' patriarchal thinking persists at implementing institutions – even at places specifically designed to help victims**

Even within spaces specifically designed to help victims, patriarchal and often explicitly misogynist ideas persist at implementing institutions, hindering the service victims can receive. A policewoman at a women's cell noted that GBV is rising today because women have "too many rights", and a 50% stake in the ancestral wealth of their families[115]. At a different women's cell, another police woman posed the question, "If I am the daughter-in-law, should I not tolerate some things? When my husband or my mother-in-law tell me things, it is for my own good."[116]

> *"Women these days do not have the same level of sahane shakti (ability to tolerate) anymore, before was better."*[117]

These individuals are among the first that victims meet and are expected to confide in when seeking justice. They conduct the intake for the victim, documenting their complaint and taking their testimony, and provide mediation and "counseling". When such patriarchal and misogynist ideas underpin the service that victims are getting, it is hard to imagine how victims can feel trust in the legal and judicial systems.

Further, while due process requires each case be given proper investigation and the perpetrator to be innocent until proven guilty, often the conversations regarding victims took on a distinctly victim-blaming tone in all three implementing institutions except the OCMCs. An interviewee at the NWC noted that "sometimes women are victims because of their own fault"[118] and multiple

[113] Interview with legal staff at the NWC, October 2021; also shared in interview with a women's rights advocate, and interview with staff at a short-term GBV shelter in Kathmandu
[114] Interview with staff at the Ministry of Women, Children and Senior Citizens, November 2021
[115] Interview with policewoman at a women's cell in Patan, October 2021
[116] Interview with policewoman at a women's cell in Kathmandu, October 2021
[117] Interview with policewoman at a women's cell in Patan, October 2021
[118] Interview with a staff at the NWC, October 2021

interviewees signaled a pervasive idea that the law had leaned too much towards the women such that "sometimes when you look into it, the man (perpetrator) is the victim"[119].

> *"Women were the victims before, these days it is the men."*[120]

> *"We as women need to be cautious ourselves, these days women are becoming reckless, so why would GBV not increase?"*[121]

> *"It might not always be the fault of the husband, there might be a fault with the woman and that's why the husband has taken these steps. Sometimes, it can be a misunderstanding too, like the woman did not know that her actions were affecting her husband."*[122]

Additionally, many staff at the implementing institutions also believe that there are many false GBV allegations, despite that not being borne in the data.

> *"A woman can have consensual sex but if the relationship sours, they can call it rape. There are lots of fake rape allegations and because of that real rape allegations are also treated suspiciously by the police. We need punishment for false allegations."*[123]

> *"The law is female-centered, and men can get taken advantage of."*[124]

However, this belief that there are too many false reports of GBV seemed at times to be present simultaneously with the belief that if the victims do not report, they are not a real victim – "If they are a real victim, they are determined to find justice"[125]. This hints at a lack of understanding of why victims do not always come forward.

At other spaces, staff often demonstrated patronizing attitudes towards the victims, including some very punitive practices at the GBV shelters in the name of "instilling discipline". For example, in the short-term GBV shelter, individuals could only use their cell phone on Saturdays, and their schedule for the entire day is regimented – from waking up at 6am to counseling sessions and the skills training they partake in[126]. While potentially helpful to distract the victims from their trauma and instill a sense of purpose post-trauma, it is a strict approach that may or may not work for all victims. In the long-term rehabilitation center on the other hand, partly because of the lack of infrastructure, there are often young men playing on the grounds downstairs, and the women in the shelter were locked in to keep them away from the men below [127]. Other times, mediating and counseling staff, in wanting to make sure that the victim

[119] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021; also shared in interview with counseling staff at the NWC, interview with staff at Municipal Judicial Committee in Kathmandu, and in interview with high-ranking police personnel at a police station in Kathmandu
[120] Interview with policewoman at a women's cell in Patan, October 2021
[121] Interview with counseling staff at a short-term GBV shelter in Kathmandu, October 2021
[122] Interview with counseling staff at the NWC, October 2021
[123] Interview with staff at the long-term GBV shelter, October 2021
[124] Interview with staff at Municipal Judicial Committee in Kathmandu, November 2021
[125] Interview with staff at a OCMC in Kathmandu, October 2021
[126] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[127] Interview with staff at the long-term GBV shelter in Kathmandu, October 2021

understood the gravity of their actions should they choose to leave their current unhealthy situations, inadvertently pushed victims to stay in their violent conditions. Combined with the fact that victims rarely come forward or come forward once it gets to be too bad, such questioning, even when done non-maliciously, has further chilling and silencing effects on the reporting of gender-based and domestic violence.

Other patriarchal ideas around gender essentialism and heteronormativity were also present in the interviews, including how "women have a softer heart than men"[128] and the fact that same-sex couples were allowed in the GBV shelter but only if they committed to not being together because "these things are not allowed here"[129].

The fact that the first line of individuals that victims are likely to meet when seeking justice (aside from at the OCMCs) tended to be the ones to hold problematic patriarchal views is not promising. To be clear however, such was not the case everywhere. Auxiliary stakeholders, like non-governmental service providers in general and the higher level of police staff (who might not encounter victims other than in special circumstances) seemed to understand the complexities of GBV and victimhood better. A high-level police officer pointed out the double standards for men and women, and the stronghold of patriarchy in Nepal, for instance.

> *"A man can have four wives and still their home/society will support him but the same cannot be said for women. If a man and woman have sex, both might have removed their clothes but only the woman is considered a "whore". Everyone has sexual desires, men's are welcomed, women's are shunned."*[130]

> *"The messaging we have for men and women is so different – men get to be free from a young age; women are told to be small while men are told to do whatever they want. We need to counter these messages and allow men to unlearn some of the entitlement we have given them."*[131]

Another interviewee at a service provider fought against the idea of women fabricating rape allegations, indicating that even in the rare situations where victims come forward and take back their testimony, it is usually because they are likely being coerced or intimidated into doing so: "They are not telling lies, but because of their circumstances they may sometimes need to take back their truth"[132]. She further elaborated on how the hassle of seeking justice weighs on victims' decisions, because even as places like the NWC provide referrals to free legal aid, victims might not always know about them and there are other expenses and opportunity costs that can still be too much for victims to bear.

> *"The amount of time and energy that needs to be spent going to all these government offices and meeting people and telling and retelling your story – who would lie about the violence they faced? Running around to seek justice is a punishment in itself. And even if you get free counseling or legal aid (which*

[128] Interview with policewoman at a women's cell in Patan, October 2021
[129] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[130] Interview with counseling staff at a short-term GBV shelter in Kathmandu, October 2021
[131] Interview with medical staff at a OCMC in Patan, October 2021
[132] Interview with a women's rights advocate, October 2021

not everyone does), you still need the bus fare, childcare, lunch money, not to mention the opportunity cost of chasing around the courts for months and years?"[133]

- **Systems are woefully inadequate for men and gender minorities**

While the overwhelming majority of the victims in Nepal are women (98% of reported cases are from women victims[134]), male, transgender, gender-nonconforming and non-binary victims exist as well. In fact, gender minorities are usually already at a high risk of violence, given the marginalization and stigma they regularly face. A policewoman described how gender minorities are marginalized and often face much higher levels of violence, including emotional violence from an early age, but the systems in place do not always support them, let alone cater to them.

"If anything, they (gender minorities) suffer from even more violence – from a young age, from friends, from family teasing them and not being supportive – it is all emotional and mental violence. There is also a lot of systemic violence – it is harder for them to find jobs, many are forced into sex work, there is also sexual and physical violence, but they cannot always be open about that. I think they think that the police do not support them, and even as a policewoman I can say that they are not entirely wrong."[135]

The laws and systems for justice accommodating such individuals, let alone targeting their experiences, are woefully inadequate. As noted above, "rape" in the penal code only addresses sexual coercion against women, not men or gender minorities. In fact, there are currently no laws (not just around GBV) for gender minorities in Nepal, often callously lumped together as the "third gender"[136]. Almost all stakeholders at implementing institutions noted that not many LGBTQIA+ individuals come to access their services[137]. Staff at MoWCSC admitted that laws have not been able to accommodate gender minorities so far despite the purview falling within the ministry. The Ministry does provide funding to certain LGBTQIA+ organizations to provide services however[138]. Similarly, multiple stakeholders also noted that they know that there is a need to make more explicit efforts to include LGBTQIA+ individuals in their programming. Currently, victims within the community are not always "visible to the government"[139] as many seek services through LGBTQIA+ organizations themselves, to the extent that they do at all. Multiple stakeholders noted that LGBTQIA+ individuals ``have their own organizations"[140] – an unnecessary separatism that perpetuates the othering and marginalization of LGBTQIA+ individuals in Nepal.

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[133] Ibid.
[134] NWC Factsheet September 2021 https://nwc.gov.np/wp-content/uploads/2021/10/NWC-factsheet-September-2021.pdf
[135] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021
[136] Interview with counseling staff at the NWC, October 2021; also shared in interview with a women's rights advocate, interview with staff at the long-term GBV shelter in Kathmandu, and interview with high-ranking police personnel at a police station in Kathmandu
[137] Interview with policewoman at a women's cell in Patan, October 2021; also shared in interview with high-ranking police personnel at a police station in Kathmandu, and interview with staff at a OCMC in Kathmandu
[138] Interview with staff at the Ministry of Women, Children and Senior Citizens, November 2021
[139] Interview with a psychosocial service provider, October 2021
[140] Interview with a women's rights advocate, October 2021; also shared in interview with staff at the Ministry of Women, Children and Senior Citizens, and interview with counseling staff at the NWC

Similarly, there are no systems or infrastructure in place for men either. No services or counseling is available for men through the NWC[141] and even at other implementing institutions, the processes are still geared as having women as the victim making it even more difficult for male victims to report. The Ministry of Women, Children, and Senior Citizens (MoWCSC) also caters specifically to women only, even as staff noted that if there are other victims, the Ministry helps them as well. However, this is neither widely known, nor advertised, and there are no programs that target male or gender minority victims. As has been noted by others, aside from the omission of gender minorities and men as possible victims of rape, the penal code also does not consider the possibility of women as perpetrators.

Regardless, there is a lot of sympathy within stakeholders for male victims in particular, and a growing acknowledgement that processes need to be changed/expanded to include them – the MoWCSC for instance, has previously utilized the gender-based violence fund to provide support to a male victim of an acid attack who sought help.

> *"If a man is the victim, where can he go? Where would he get justice?"*[142]

- **Most efforts are focused on response and very few on prevention**

Finally, stakeholders also noted how the investments into and efforts to counter GBV have often, if not entirely, been focused on responses to GBV and not necessarily on prevention. The NWC hotline, the legal and psychosocial support, the GBV rehabilitation centers, all are essential and crucial parts of fighting GBV in Nepal, but they all are post-violence support mechanisms. Programming and efforts for prevention are severely lacking, be it programs to spread awareness of GBV and the services available in the community, or education around interpersonal communication and patriarchal norms, or especially programs that target men (as the overwhelming majority of perpetrators) as opposed to women.[143] Without a focus on prevention with concerted efforts to change social norms and mitigate secondary causes, GBV cannot be eliminated.

> *"It is impossible to counter GBV by only providing services to victims. We need to involve their families, their support systems, their communities."*[144]

- **Privacy and confidentiality of victims is not always taken seriously**

Observations at all interview spaces signaled how the privacy and confidentiality of victims is not always prioritized, or often falls by the wayside. Aside from the OCMCs and the GBV shelters, at all implementing institutions (NWC, police stations and ward offices), beneficiaries', including victims' and perpetrators', names and stories were talked about openly and loudly within earshot of other beneficiaries and the general public[145]. This is perhaps related to, or owing in large part to, a lack of resources and infrastructure in the physical spaces of these institutions. For instance, such conversations typically happened in the lobby, and there was often not a separate private

[141] Interview with counseling staff at the NWC, October 2021
[142] Interview with staff at the long-term GBV shelter in Kathmandu, October 2021
[143] Interview with a psychosocial service provider, October 2021
[144] Ibid.
[145] Author observation, October and November 2021

space available for initial conversations before more private discussions with police staff, or legal advisors and psychosocial counselors.

At other times, staff lacked a respect for the privacy of the victims even outside of infrastructural constraints. In one of the offices for instance, during the course of the conversation, the staff member shared details and full names of victims with me and another person without solicitation [146]. Similarly, the staff at the long-term rehabilitation center recounted horror stories of how the police had carelessly and without thinking of the repercussions, given the phone number of the shelter to a perpetrator who then went on to harass and send death threats to the staff and the victims at the shelter[147].

5. Analysis

5.1. GBV and sociological changes

Certain sociological ideas of what constitutes relationships and family have been changing in Nepal over the last two decades, with the drastic increase in migrant labor, and more recently with the ubiquitous use of the internet and social media. However, the laws have not kept pace with them. "Live-in" or de facto relationships, or couples moving in together, as noted above, is a more glaring example. Neither Nepali laws, nor systems and institutions recognize them yet. Additionally, the legal system and the larger society still mostly only acknowledges heteronormative nuclear families, and have not accommodated non-traditional families, including divorced, separated, "broken" or blended ones. While separations and divorces, abortions (including forced ones through emotional violence), and sexual relationships occurring outside of a marital setting, are less stigmatized today; such individual choices are still moralized within legal systems and processes that ought to be objective by the people who administer them. Not to mention, even within the stigma towards sex and sexuality generally, women's sexuality and desires are judged much more harshly. Then, because such social stigma that victims face extends to the police station or the NWC office or the courtroom, victims are still hesitant to come forward.

This social stigma also often plays a part in why many GBV reports end up with reconciliation. Given the economic dependency of many women on their husbands (sometimes compounded by economic violence), victims of domestic violence do not always have anywhere else to go. The staff that help them at implementing institutions understand this, and thus often view the "best" course of action to be one where the victim and perpetrator make up. This belief then bleeds into the services they provide victims, leading to the reality then where less than 1% of reported domestic violence cases end up in a lawsuit[148]. Indeed, especially for a place like Nepal, where there remains an entrenched stigma against seeking any help for mental and emotional health or looking for counseling, including couples' and family counseling, in theory, the "*mel milaap*" practice fills, if inexactly, a somewhat necessary void.

[146] Author observation, November 2021
[147] Interview with staff at the long-term GBV shelter in Kathmandu, October 2021
[148] Statistical report received from Nepal Police after an interview, October 2021

As familial relationships, gender norms, and expectations of partnership have changed, more complex and accountable forms of accommodations surrounding familial structures also need to be set up in society.

5.2. GBV and the making and rule of law

The legal framework for GBV arguably has a two-tiered approach: rape and grave sexual violence are treated differently than other types of violence, perhaps because rape is governed more by the penal code compared to domestic violence which is governed by its own Act. Service providers noted that most of the challenges they often faced with the police not taking victims' complaints seriously did not really apply if the violence involved rape or grave sexual violence, in which case, it was often expedited and went "straight to court"[149]. This two-tiered system is understandable in its attempt to dole out punishment befitting the severity of the crime, and laudable in how seriously it takes rape. However, in doing so, it also incentivizes, and establishes a culture of, dismissal of other types of GBV. Given that domestic violence (excluding marital rape) is the most common GBV reported then, too many reported cases end up being discounted by implementing institutions. This also explains in part why the client services and the environment at the OCMCs are noticeably a notch above and more efficient than other implementing institutions – not only are they well-resourced and well-trained, but they also mostly deal with sexual violence.

Another often discussed and yet forgotten aspect of legislating GBV is the lack of representation of women in legislative and legal spaces. The proportion of lawyers that are female in Nepal is abysmal – only 2%[150].

> *"There is one female Justice, 22 first class officers none of whom are female, and 1 female second class officer out of 120 staff. The Civil Service Act has regulated an increased involvement of women, but this is only happening at junior levels right now."*[151]

When laws are made, they are typically drafted by men – powerful, well-connected men from privileged castes and classes that make up the bulk of Nepali legislature – who are arguably the furthest in their positionality from most victims. In fact, there are plenty of instances where members of parliaments and other lawmakers have made dismissive and patronizing statements about GBV. In 2020, Ram Narayan Bidari from the then ruling party offhandedly said in a televised interview that he believed that 90% of the rape cases in Nepal involving adults "are not rape cases"[152]. Given his background as a lawyer, and as a lawmaker that serves on the committee that oversees the making of criminal laws, he would be considered one of the lawmakers highly knowledgeable on GBV – and yet. Another lawmaker Devendra Raj Kandel has said at another instance that, "families will break down if women are taught about equality"[153]. When lawmakers

[149] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[150] Tracking Cases of Gender-Based Violence in Nepal, 2013
https://nepal.unfpa.org/sites/default/files/pub-pdf/TrackingCasesofGBV.pdf
[151] Ibid.
[152] "How Controversial Statements by Lawmakers on Sensitive Issues Go Unchecked," The Kathmandu Post, September 25, 2020, accessed December 31, 2021
https://kathmandupost.com/national/2020/09/25/how-controversial-statements-by-lawmakers-on-sensitive-issues-go-unchecked
[153] Ibid.

are not just patronizing but actively mistrustful of victims, how could the laws reflect or center victims' experiences? Patriarchal conditioning then does not just rear its ugly head at every checkpoint in a victim's pursuit of and access to justice, it is baked into the law itself by people who make the laws.

> *"Powerful, rich, and well-connected men are making the laws for all of us. How could the law reflect our lives and experiences then?"*[154]

Even when there are women legislators present, their numbers are small and the political pressures they face can often lead their voices to go unheard. There are also women's organizations and human rights groups that often act as watchdogs for laws being discussed or created, but an advocate complained that politicians do not always allow them to review the laws on time – sometimes sharing the draft language after it has already been passed, or so close to the deadline that there is no thorough review possible[155].

Finally, GBV laws are not administered outside of the legal system, and as such, they can only be as effective as the rule of law. In Nepal's context, given that the legal system is largely still slow, inefficient, and at times rife with political pressures and impunity – the GBV legal apparatuses then are no exception.

6. Recommendations

Aligning with the MoWCSC's work and findings, I have categorized my policy recommendations along the same four pillars: operational, economic, legal, and structural.

6.1.1. Operational

- **Provide gender-sensitive training to all staff in implementing institutions, particularly frontline police officers**

Comprehensive gender-sensitive GBV training is required for all staff at implementing institutions who would be handling GBV cases and working with victims. This is most true for the women's cells of police stations. Such training focused on providing staff with a thorough understanding of the complexity and trauma of GBV could help ensure the dignity and respect for victims as they go through legal processes, allowing them to have better trust in the system. Training could also have ripple effects of better customer service in increased privacy and confidentiality, and decreased social stigma overall.

This is hardly a new recommendation. Nepal Police has been well aware of the need for such training for some time. In 2018, a committee formed to investigate police officials handling a high-profile rape case found, among other things, that the police had an "inability to create a victim-friendly environment"[156]. Even as trainings for gender responsive investigations and support are provided, as funded by donors like the Asian Development Bank, they are often

[154] Interview with a women's rights advocate, October 2021
[155] Ibid.
[156] "For Rape Survivors in Nepal, Police Is Not Always Their Friend," The Kathmandu Post, July 17, 2019, accessed December 31, 2021, https://kathmandupost.com/national/2019/07/17/for-rape-survivors-in-nepal-police-is-not-always-their-friend

provided mostly to higher ranking officials and on a rotational basis, and most frontline officers do not always receive them[157].

The situation at other implementing institutions like the NWC is a little better but could still use improvement. A recent study of the NWC hotline and their referral partners provides illustration to this effect, as shown in the table below[158]. Even as only half of the (and none of the hotline and implementing partners') staff had received some GBV training, barely any had received training on gender sensitive approaches to their work.

Trainings/Orientations Received by NWC, Helpline Unit, and Implementing Partners' Staff

	NWC Staff (N = 12)	Helpline Unit Staff (N = 7)	Staff of Implementing Partners (N =12)
Number of staff who had received any trainings, orientations on GBV within the past 12 months	6	0	0
Number of staff who had received any trainings on case management, survivor-centered approach etc. within the past 12 months	2	0	0

On the other hand, the OCMCs are a notable exception. At the OCMCs, the staff are not just well versed in gender sensitivity and fully trained, but at least at one of them, they are the ones facilitating similar training for others working in the field. Indeed, part of the reason the OCMCs are such an exception to many of the operational misgivings pointed out for other implementing institutions above likely comes down to the fact that the staff at the OCMCs comprehend the vulnerabilities and hindrances that victims face, and know how to be sensitive when asking questions and providing services to be the least retraumatizing and most dignifying as possible.

Additionally, the issue of defaulting to reconciliation aside, it is clear that counseling and mediation have a potential role to play in countering GBV in Nepal. However, these counselors should not be the police. The police perform a role separate from counseling and arguably their skill set does not lend itself to the sensitive and delicate role of counseling[159]. Even if the counseling is to happen within police premises and/or by police personnel themselves, the person facilitating it should be a trained counselor. This is already true of the counselors at NWC, and partly even at the Municipal Judicial Committee, however, not yet for the police.

- **Include thorough education on GBV and cover related competencies in the school curriculum**

Six of the interviewees specifically mentioned this as one of their top recommendations[160].

[157] Ibid.
[158] FINAL REPORT For Baseline Study of Integrated Platform for Gender-based Violence Prevention and Response (Sambodhan) Project, 2018 http://www.careevaluations.org/wp-content/uploads/Final_baseline-report_IPGBVR_2.4.2018.pdf
[159] Interview with counseling staff at a short-term GBV shelter in Kathmandu, October 2021
[160] Interview with legal staff at the NWC, October 2021; also shared in interview with a psychosocial service provider, interview with staff at a short-term GBV shelter in Kathmandu, interview with medical staff at a OCMC in Patan, interview with staff at a OCMC in Patan, and interview with staff at a OCMC in Kathmandu

Teaching young people is the most effective and important way to equip the next generation to stop the cycle of violence. Working together with the Ministry/Department of Education especially at local levels, school curriculums need to be updated with a comprehensive understanding of gender-based violence, its ubiquity in Nepal, consent and rape culture, and misogyny. Currently, there are some such awareness programs underway through *baal club* associated with the Kathmandu municipal office, but they tend to be one-off programming on Children's day or International Women's day, and heavily focused on children's rights and trafficking and less on gender-based violence or patriarchy[161].

Additionally, auxiliary competencies like communication and interpersonal skills, including conflict resolution skills, and better sex education also need to be included in the educational system, either within the curriculum or through personal development workshops. For instance, TPO Nepal has been working on an "Alternative to Violence" project working with adolescents in schools that was paused during COVID and is set to be started again[162]. Such efforts are sorely necessary, and at scale.

- **Utilize local level offices and media to increase societal awareness of what services are available for GBV victims**

More awareness is needed among the general public of what services are available to GBV victims[163]. The new federal structure lends itself well to decentralizing this dissemination effort, and should be utilized. Local radio and television public service announcements funded by the Ministry/Department of Women and organized by municipal offices[164]; and outreach at ward offices, schools, local development centers, *aama samuhas,* and hospitals could all provide knowledge of all the services and service providers available to GBV victims in their local area.

Some of these efforts have been and are currently underway at local levels. The NWC has also been involved in awareness and promotion campaigns especially as it has sought to establish the GBV hotline itself in the public consciousness over the last few years and now looks to expand nationally. More can be done to promote the OCMCs however, and their holistic coverage of victims' needs from legal services to psychosocial counseling, free of charge. The OCMCs are perhaps the best equipped to handle victims – they are the most well trained, their entire workloads revolve around GBV victims, and they seem the least overloaded with work. So, if more victims could find their way to the OCMCs, the first communication a victim has with any service provider would be one that is welcoming rather than dismissive, allowing them to continue to seek justice, and perhaps incentivizing more to come forward. Similarly, individuals can be educated more heavily about the fact that many smaller-level GBV related legal matters,

[161] Interview with staff at the municipal office in Kathmandu, November 2021
[162] Interview with a psychosocial service provider staff at TPO Nepal, October 2021
[163] Interview with a women's rights advocate, October 2021; also shared in interview with a psychosocial service provider, interview with legal staff at the NWC, interview with staff at the long-term GBV shelter in Kathmandu, interview with counseling staff at a short-term GBV shelter in Kathmandu, and interview with medical staff at a OCMC in Patan, 2021
[164] Interview with staff at the Kathmandu Municipal Office's Social Development ("Women's Development) Department, November 2021

especially separations and child support, can now be handled at the ward and municipal levels and through the municipal judicial committees, without having to go to the courts.

Other local institutions that can play a big part in community education and awareness, both of GBV and services available in the community to victims, include local mother's or sister's circles, *aama samuhas* and *didi bahini samuhas*. Many women are a part of such groups, and they often function as a safe space for women. In the NWC survey of individuals, some 23% of respondents in Kathmandu and 47% in Patan noted *aama samuhas* as institutions they already think about as GBV service providers. These groups could be readily mobilized into local efforts to fight GBV, including partnering with the local GBV network and better liaising with implementing institutions like ward office, the OCMCs, and the police, and GBV service providers like GBV shelters. Some such efforts are already underway – for instance, the Patan OCMC did an orientation with their local *aama samuha* when they started[165], and many individuals involved in their local *aama samuhas* are also a part of the local and municipal level GBV network[166]. However, a deeper, more explicit relationship and better coordination would be beneficial. Local governments like ward offices could also facilitate such coordination and provide space for these essential linkages between groups like *aama samuhas* that can represent and help victims come forward with implementing institutions and GBV service providers in the community.

6.1.2. Economic

- **Establish more GBV rehabilitation shelters, especially emergency ones, and align the budget to meet victims' needs**

While there are some short- and medium-term rehabilitation centers that are funded by the government, there are none in the Kathmandu valley. This gap is mostly covered by the existence of other NGO-based short- and medium-term rehabilitation centers, but there is a distinct lack of emergency shelters. When victims need emergency or same-day services, there are not many shelters that can accommodate the need. Given that victims of domestic violence often have to fear retribution when they have to go home to their perpetrators, and not everyone has access to other places that they could go, an emergency shelter that works in conjunction with implementing institutions like the police and local ward offices, as well as other short- and medium-term shelters could be really beneficial[167]. The MoWCSC could fund one such institution in the Kathmandu Valley.

Additionally, the budget and resources invested to counter GBV should also be aligned better to fit the actual needs of victims. As pointed above, this became most evident when considering how the victims in the long-term rehabilitation centers have different needs than those that only need short- or medium-term rehabilitation (specifically on psychosocial counseling and legal support), but the Ministry's funding to the long-term shelter does not reflect this distinction yet.

[165] Interview with staff at a OCMC in Patan, October 2021
[166] Interview with staff at the Women, Children, and Senior Citizens' branch at the municipal office in Kathmandu, November 2021
[167] Interview with high-ranking police personnel at a police station in Kathmandu, October 2021

- **Invest more heavily on monitoring and evaluation mechanisms for programs countering GBV**

Proper oversight and a monitoring of the progress and evaluation of outcomes of programs and efforts to counter GBV are sorely needed. So much of what works or does not in the fight against GBV in Nepal remains unknown, or only anecdotally documented. Aligned well with the Nepal Government and the Ministry's move towards more evidence-based policymaking, the Ministry can and should invest in gathering more information about victims' needs, piloting different approaches and programs, and investigating their impact. Currently, there exist mechanisms to document progress and outcomes through reports but there could be a more concerted effort in running evaluations of certain programs. Another huge gap in the literature and knowledge could be filled by commissioning a meta-analysis of promising programs that are run by the Ministry and others in the GBV space (starting from Nepal and then expanding to those in other developing countries) to generate learnings and figure out which programs could be scaled.

Finally, given that the Ministry's work is largely directive and advisory, even symbolic participation in monitoring and evaluation tasks matters. As a service provider noted, if staff from the Ministry and other officials made it a point to visit the work that they have been funding (beyond being updated through progress reports), it would not just boost morale, but also provide an added incentive to the staff to do a better job. She recalled fondly of the time when the MoWCSC Joint Secretary had visited the office last, how the ability to showcase the work that she had been doing added a new level of motivation to her work[168].

6.1.3. Legal

- **Amend the legal definition of "domestic" violence to include all forms of intimate partner violence, and provide clearer guidelines on de facto ("live-in") relationships**

There are some blind spots within the laws governing GBV that create a lot of confusion for staff at implementing institutions, and thus need to be clarified. As noted above, this exists most blatantly around "live-in" or de facto relationships. Such partnerships are not legally recognized, so the MoWCSC has not been able to accommodate them on GBV laws and policies. The Domestic Violence Act needs to be amended to include all forms of intimate partner violence, including among cohabiting individuals without kin-relationships[169]. In the meantime, however, the MoWCSC can provide clearer guidelines to implementing institutions on how to handle cohabitating partners.

Statistics on de facto relationships in Nepal are hard to come by given that they are neither socially nor legally accepted. However, the number of (typically) women wishing to establish kinship certification at the district office can provide a conservative estimate, as these are often filed in an attempt to document the cohabiting relationship, typically after it goes sour. In 2016,

[168] Interview with staff at the long-term GBV shelter in Kathmandu, October 2021
[169] Interview with policewoman at a women's cell in Patan, October 2021; also shared in interview with high-ranking police personnel at a police station in Kathmandu, 2021

there were 818 such cases registered at the Kathmandu District Court[170], and the numbers have only been increasing since then, illustrating an increased urgency and need to legislate on the matter.

Further, the law and the language around GBV in Nepal could also benefit from using terminology that more accurately includes couples that are not married, like intimate partner violence (IPV), as has been the changing parlance in other countries. In fact, currently there is no Nepali equivalent to the phrase "intimate partner violence" and typically GBV is used to refer to the same. The Ministry and other stakeholders working against GBV in Nepal could invest in more programs in shifting the language and culture away from "domestic violence" to "intimate partner violence".

- **Make relatively small changes in legal procedures to help align the law better with the complexities of victims' experiences: adding "*thunche*" for GBV, increasing the statute of limitations, and establishing a fast-track process for GBV cases**

Adding "*thunche*", or detaining of accused perpetrators before trial, for GBV, could allow more victims to come forward and more easily. The Domestic Violence Act could be changed to allow the police the authority to detain the perpetrator until the issuance of an interim protection order by the court.

The statute of limitations for GBV also needs to be extended. It is currently one year, which is better than the absurdly low period of 35 days that it was till 2018, but one year is often still too short to accommodate the reporting of most GBV cases. As noted above, the context in Nepal is such that many victims do not report until much later, and especially with the short statute of limitations, even those who wish to seek justice and pursue lawsuits are not always able to. Making the statute of limitations longer would be a fairly easy fix for more victims to get access to justice.

There are also previous recommendations that have called for a fast-track separate process for GBV cases (as is currently happening for trafficking cases[171]), which could fit well within the new decentralized bureaucratic structure. With the local levels more empowered to provide verdicts on more straightforward court matters already, the municipal judicial committees could be a good place to house a separate expedited process for GBV. Finally, accelerating the longer-term move towards digitization of records and transactions at local and district levels could also help rein in rampant economic and "document" violence.

[170] "Live-in Relationship 'victims' Lament Lack of Law", MyRepublica, February 25, 2017, accessed December 31, 2021, https://myrepublica.nagariknetwork.com/news/live-in-relationship-victims-lament-lack-of-law/
[171] Tracking Cases of Gender-Based Violence in Nepal, 2013 https://nepal.unfpa.org/sites/default/files/pub-pdf/TrackingCasesofGBV.pdf

6.1.4. Structural

- **Shift efforts to incorporate a victim-centric and holistic approach, with streamlined processes and the inclusion of families and other support systems**

Services and efforts to counter GBV in Nepal are still delivered in parts rather than following a holistic and victim-centered approach. A holistic approach to GBV is critical, as even if you lose one of the supporting channels, victims often fall through. The OCMCs are a huge step in the right direction but there are still issues of multiple handoffs and external referrals in the OCMCs as well, and the need to go to multiple places for multiple kinds of support loses people in the process.

Streamlining of processes can include limiting external referrals and where feasible, including a "warm" handoff by making connections instead of asking the victim to go to multiple places on their own, cold. As an example, a service provider also recounted how their practice saw a huge uptick in the number of beneficiaries they were able to serve and more positive outcomes when they housed both legal and psychosocial support in the same place instead just one of them[172]. Further, as noted, as the victim is referred out from one entity to another, they are asked for their testimony every time, and this can be unnecessarily re-traumatizing for the victim. There is a lot to be gained from synergizing the format or record of the data to be collected at each institution such that it limits asking the same questions over and over of the victim[173].

It is also impossible to change the status of women and GBV in Nepal by focusing only on the victim[174]. The support system around them needs to be involved and strengthened, like family. Given the family-centered culture in Nepal, their families are the biggest support nexus for most victims[175]. Indeed, the lack of not just societal but specifically familial support often is a big hindrance to GBV victims seeking justice. The difference between a victim that feels empowered enough to come forward and/or get themselves out of their current situation versus one that often might need to continue to bear out the violence can often be in the support that they have around them. A family-centric approach, as is currently being piloted by VSO[176], is crucial then. Awareness programs on what constitutes GBV and what support is available, and support services like bystander training, targeting older relatives and maternal family members could go a long way not only in helping relieve the burden from victims, but also in providing real and more meaningful support to them. Availability and provision of family counseling (as is already practiced at service providers like TPO Nepal) is also crucial as it allows the victim's family to understand and support the victim better. Even perpetrators could benefit from psychosocial support. They are currently provided at service providers like TPO Nepal and the OCMCs – the OCMC manual notes that perpetrators' psychosocial support (not just the victims') is also financially covered by the OCMC as needed. Such practices are not just beneficial interpersonally but also have wider ripple effects on socio-cultural norms. As such, awareness of such services and their availability should be increased to expand access.

[172] Interview with a psychosocial service provider, October 2021
[173] Interview with staff at a OCMC in Kathmandu, October 2021
[174] Interview with a psychosocial service provider, October 2021
[175] Ibid.
[176] Ibid.

- **Arrange awareness programs targeting, and better systems in place for, men and gender minorities**

A big piece missing from the current efforts to raise awareness of GBV and change 'sticky' socio-cultural norms is a real inclusion of men (who are the overwhelming number of perpetrators at 86% of reported cases[177]) in unlearning misogynist and patriarchal norms, and fighting toxic masculinity[178]. As one stakeholder put it, even to the extent that there is programming on GBV geared towards men, they tend to be short one day workshops and not sustained programming[179]. As such, especially when working at community levels and expecting to shift cultural norms, more time, energy, and resources focused on men are necessary. Also missing from most awareness campaigns and GBV efforts are outreach and inclusion especially of gender minorities who face high risk of violence.

Further, the systems and processes in place for the admittedly smaller but non-negligent number of male victims and victims belonging to marginalized genders are abysmal. Beginning with clearer and more explicit changes in laws to include non-women victims, especially in the "rape" law, the processes at implementing institutions like the police also need a closer inspection to see where adaptations are necessary to accommodate this non-traditional group of victims. Targeted outreach to, and solicitation of their feedback and needs from, individuals of marginalized genders and LGBTQIA+ organizations is crucial to make sure that they are not left out of the justice system going forward.

- **Invest in more efforts towards women's economic empowerment as long-term solutions to GBV**

Given that the vast majority of victims in Nepal are women, an oft-cited reason that indirectly leads to GBV is the economic dependence of many women on men in Nepali society[180]. This plays a role primarily in domestic violence as it allows for a continuation of patriarchal control, and limits the victim's ability to leave the situation they are in. In the long-term, economic empowerment provides the foundation for increased equality between men and women such that more and more women are not just able to stand up for themselves but also do not feel constrained in seeking justice if they experience GBV.

Given that as of 2020, Nepal ranks 110th out of 149 countries in Gender Inequality[181], there is a long way to go to improve the economic empowerment of women in Nepal. While the Ministry already invests in women's economic and social empowerment, more programs and efforts need to be continuously dedicated to them.

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[177] NWC Factsheet September 2021 https://nwc.gov.np/wp-content/uploads/2021/10/NWC-factsheet-September-2021.pdf
[178] Interview with legal staff at the NWC, October 2021; also shared in interview with a psychosocial service provider, and interview with medical staff at a OCMC in Patan
[179] Interview with a psychosocial service provider, October 2021
[180] Interview with a women's rights advocate, October 2021; also shared in interview with policewoman at a women's cell in Kathmandu, interview with staff at a short-term GBV shelter in Kathmandu, interview with counseling staff at a short-term GBV shelter in Kathmandu
[181] "Gender Inequality Index (GII), Human Development Reports", United Nations Development Programme, 2020, accessed December 31, 2021, http://hdr.undp.org/en/content/gender-inequality-index-gii

7. Limitations

- **No input from victims**

Perhaps the biggest limitation of this research is that it does not have any direct input from victims themselves. Given the time constraints, I could not identify interviewees who have been victims of GBV and conduct data collection in a way that would be representative or generalizable. Given the sensitive nature of the topic, there are also ethical issues surrounding the collection of victims' stories without an Institutional Review Board (IRB) present. The findings in this report might have been more nuanced and in depth, if not entirely different, had I been able to include victims' perspectives.

- **Small sample size**

Another limitation of the research is that the sample size of interviewees is fairly small. While it is adequate for the specific sets of questions I focused on, more perspectives from different interviewees, even within similar roles and especially at local levels, might have yielded slightly different findings.

- **Limited to the Kathmandu valley**

Since all of my interviewees were based in or around the Kathmandu valley and their efforts focused mostly within the valley, the findings mostly reflect only the state of GBV law implementation in Kathmandu valley and may not be generalizable to all of Nepal.

- **My positionality**

Even as I conducted my interviews in Nepali to accommodate sensitive socio-cultural nuances, as a foreign-educated Nepali person, some of my ideas of gender and gender-based violence might be different than those of my interviewees. As such, it is possible that I might have missed some context in my interviews.

8. Conclusion

Overall, while this research by design is only focused on what is missing from the current implementation of gender-based violence laws in Nepal and what more needs to be done, there are plenty of promising efforts and reasons to be hopeful as well. Especially in recent years, there have been more concerted and more comprehensive efforts, both at the governmental (and within all levels of the government) and non-governmental levels, to end gender-based violence and improve gender equity in Nepal. These include the establishment of Women and Children Service Centers and local GBV networks, further penetration of the Gender-based Violence Elimination Fund at local levels, and better coordination between organizations involved, be they governmental entities or civil society organizations.

Additionally, for social issues that have sociological roots like gender-based violence, we have previously seen how progressive laws (when implemented) can shift long-term held patriarchal

and antiquated attitudes. For example, as polygamy has been more heavily criminalized over the last decade, the practice has decreased drastically[182].

Further, given the very recent move to federalism in Nepal, the government and the entire bureaucratic structure supporting it has had to redefine itself. As such, institutional processes, power devolutions, and new authorities for provincial and local levels are either still being instituted or in their infancy. The policy recommendations from this report are timely then, as they could be incorporated as new strategies and processes are being operationalized within the Nepali bureaucracy.

For gender-based violence, and domestic violence in particular, then, as more continues to be done and awareness levels increase in the general public, there is a real potential for the laws to live up to their mostly progressive prescriptions and for their implementation to catch up to their ideals. There is space to be hopeful yet.

"GBV is a tree – it has branches, trunk, and roots. Let's say, the branches are the types of violence: assault, physical, economic, etc. and the contributing factors make up the trunk: poverty, lack of education and awareness, substance abuse etc.; but the root is the socio economic condition of women in our patriarchal society. We can chip away at the branches and the trunk, but until our work focuses on the root – the patriarchal norms and gender inequity, we cannot eliminate gender-based violence."[183]

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[182] Interview with staff at a short-term GBV shelter in Kathmandu, October 2021
[183] Interview with staff at a OCMC in Kathmandu, October 2021

Appendix

Appendix A: Certificate of Informed Consent

Certificate of Informed Consent

Overview and Procedure: This is a study about the implementation of laws around gender-based violence (GBV) in Nepal. You will be asked a variety of questions relating to the process of implementation and operation of different programs and services around GBV and what your experiences have been. The interview will last around 1-2 hours. The interview will be tape recorded and then transcribed. Once the transcription is complete, the recording will be deleted. If you do not want the interview to be recorded, the researcher may still take notes.

Risks and Benefits: There are no benefits to you for being interviewed. There is a small chance that the questions and answers will bring up upsetting memories and experiences that you would rather not have included in the study. Please tell the researcher and those will be deleted from the recording as well as erased from all notes.

Confidentiality: Your privacy will be protected. Your real name will not be used, and any identifying information will not be attached to your responses. Any information that you tell the researcher will remain confidential and will be used only for the study purposes. Any audio files will be stored on a password protected personal computer and deleted immediately after they are transcribed. The published report or a web link to the material or information on how to find a printed copy will be provided upon request. The results of this study regardless of publication will also be available to you upon request.

Your Rights: Your participation in this study is completely voluntary. You may stop participating in the study or decline to answer any question at any time, and you may ask that any recorded information be destroyed immediately.

Contact Information: If you have any questions or concerns, please contact the researcher Liza Paudel by phone (USA) at +[redacted], (Nepal) +[redacted] or by email at paudel.liza@gmail.com. You may also contact the organization, Daayitwa Abhiyaan, by phone at +977-1-5544914 or email at contact@daayitwa.org.

I agree to have this interview recorded: Yes ____ No ____

I agree to have my real name used for the research: Yes ____ No ____

By signing/printing below, you are agreeing 1) to participate in this study, and 2) that you have read and understand all of the information provided on this form.

_____	_____
Participant Name (please print)	Researcher Name (please print)
_____	_____

Date Date

Appendix B: Interview Questionnaire

Interview Questionnaire *(further adapted to each participant)*

Interviewee Name:
Position:
Organization:

Role:

1. Could you please describe your job responsibilities, especially as it relates to how you work on GBV or with GBV victims?

Operational Process:

2. Can you outline in detail what the process is when a victim contacts you or comes to your office? (depending on the interviewee, this could be filing police reports or conducting a medical examination, documentation of incident)
    a. How many cases come through on a daily or weekly basis?
    b. Who is involved? How many people and departments – how many handoffs?
    c. What questions are asked and/or what information is collected? Who asks them?
    d. Who can answer, if not just the victim? Who can be/is in the room during this time?
    e. How much/what information do you absolutely need? What happens if they don't know or cannot answer?
    f. How many times do you meet the victims?
    g. What are the next steps?
    h. What information is provided to victims? What are they told about next steps?
    i. What part of the whole process is mandated and what is not?
    j. What are the challenges you face typically while following the process? What is a typical hassle?
3. Who (or what agency) dictates specific requirements within the process, if any?
    a. Who do you report to and at what level (local/provincial/federal)?
4. Who (or what agency/committee) has designed the current process?
    a. Are/were victims consulted in the designing of the process?
    b. Do/did you get and incorporate feedback from the victims on the process?
5. What are the most common issues you face in implementing the process?
6. Are there certain obstacles you face in trying to help victims? Are there any parts of the process where incentives are misaligned?

victim Access and Awareness:

7. What do victims usually come in knowing/seeking?
8. What services are available to victims – e.g., psychosocial support, access to legal aid, training etc.? (It can be outside of the organization as well.)
    a. Which of these services, if any, do victims tend to know about already?
    b. Where are these services advertised? Where do people learn about them? Is there an issue with access?
    c. Is there meaningful participation in these services?
    d. Is it reaching the people it is supposed to?

e. Which services are the most utilized?

Barriers:

9. What do you see as the biggest barriers to GBV prevention and reporting in Nepal?
    a. Are there structural barriers or processes that disallow women from taking advantage of the laws and programs?
    b. Are there sociocultural barriers?
10. What do victims say are the biggest challenges they face?
11. Are there any other implementation issues that you see or face?

Resources:

12. Does your organization or team have enough resources (human resources, time) for the role you perform?
13. Is there a high rate of turnover in your position? What kind of work and/or approach is incentivized/promoted?
14. What is the gender makeup of people in the organization?

Informational:

15. Where did you/do people in your role typically receive training for this work?
16. Do/did you receive sensitivity training? Are most people in the organization sensitivity trained?
    a. How often do you receive additional training?

Data:

17. What data is collected and stored? How and when?
    a. Is it used for any internal or external analysis?
    b. Is it shared with anyone -– like the Ministry, for instance?
18. Is there an issue with the sampling of the data we collect to understand the problem? Are our barometers of progress like certain metrics and benchmarks faulty and/or inadequate?

Laws:

19. Are you aware of these laws?
20. What is your impression of them? What do they provide to victims/victims of GBV, or women in general?
21. Are these laws aligned with the needs of the women that you see? Do these laws address the needs?
    a. Broadly, is the ministry tackling the right problem? How well aligned are the ministry's understanding and efforts with the ground reality and needs of Nepali women?
    b. Are the laws working as designed? Are they reaching the right people, and are the people's experiences with the law as was intended?
22. Have you seen any changes (both good or bad) before and after the law passed –
    a. – in implementation,
    b. – in who comes in and how often they come in,
    c. – in what services are available to them, in ways that you can help or not?
23. Has your role changed? How? Is it a welcome change?
    a. Has it added more work?
24. What are the strengths of the laws?
25. What are the weaknesses of the laws? Are there are blind spots that you see, given your work?

26. What is lacking in the current legal regime surrounding GBV? What would you like there to be that is not currently available or implemented?
    a. Where can the Ministry add or focus more of its work?
        i. Add more programs – what type?
        ii. Pass more laws – what type?
        iii. Provide more funding – to who and through what channels?
    b. What changes would you make if you had the power/authority?

Other:

27. Any other things that you would want me to know that I have not asked specifically about?
28. (If applicable) How have other developing countries, especially regionally at SAARC, dealt with and/or overcome such challenges? What can we learn from their approaches?
29. How has federalization changed the processes or outcomes, if any?
30. How has COVID changed the processes or outcomes, if any?
31. Have you seen LGBTQIA+ individuals seek out your services? If so, how is the process and outcome different for them, if at all?