



**NEPAL**  
**Stakeholder Submission to the United Nations Universal Periodic Review**

**23rd Session of the Working Group on the Universal Periodic Review**  
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**Written Statement submitted by**  
**by THE ADVOCATES FOR HUMAN RIGHTS<sup>1</sup>**

**The Advocates for Human Rights** (The Advocates) is a non-governmental organization established in 1983 that seeks to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world. The Advocates' Women's Human Rights Program documents and reports on violence against women and partners with local NGOs, women's rights advocates, and legal professionals to advance legal reform on this issue. The Advocates has worked extensively in and published 24 reports on violence against women in various countries around the world, including Nepal.<sup>2</sup>

Endorsed by:  
Himal Innovative Development and Research  
Tathagat-Marg, Buddhanager  
10 Kathmandu, Nepal

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<sup>1</sup> The Advocates for Human Rights, 330 2<sup>nd</sup> Ave. So., Suite 800, Minneapolis, MN 55401-2211 USA, Tel: 612.341.3302, Fax: 612.341.3302, Email: [hrights@advrights.org](mailto:hrights@advrights.org) , [www.theadvocatesforhumanrights.org](http://www.theadvocatesforhumanrights.org)

<sup>2</sup> Advocates for Human Rights, "Domestic Violence in Nepal" (September 1998), *available at* [http://www.theadvocatesforhumanrights.org/uploads/nepal\\_2.PDF](http://www.theadvocatesforhumanrights.org/uploads/nepal_2.PDF)

## I. EXECUTIVE SUMMARY

1. Violence against women is a widespread problem in Nepal. The 2011 Nepal Demographic and Health Survey found that 22 percent of women age 15- 49 years reported experiencing physical violence at some point since the age of 15 years.<sup>3</sup> A 2012 survey of 900 women in rural areas of Nepal found that:
  - 48 percent experienced violence at some time in their lives<sup>4</sup>
  - 28 percent experienced violence in the past 12 months<sup>5</sup>
  - Emotional violence (40 percent) was most commonly reported, followed by physical violence (27 percent), sexual violence (15 percent), and economic abuse/violence (8 percent)<sup>6</sup>
  - Of the women who had an intimate partner, 41 percent experienced violence from their intimate partners during their lifetime, and 19 percent suffered violence from their intimate partners during the preceding 12 months.<sup>7</sup>
2. The 2012 study also found that women in Nepal face significant obstacles when seeking help after suffering violence: fear of further violence (37 percent); long distance to services (16 percent); and, lack of knowledge about the law and available services (8 percent).<sup>8</sup> A majority of women (61 percent) were unaware of any laws that address gender-based violence (GBV). Only 9 percent of the 900 women surveyed were aware that rape within marriage is illegal, and only 13 percent were aware of a specific law against domestic violence.<sup>9</sup>
3. According to the Nepal Police, 6,825 cases of DV were reported in 2013/14, compared to 1,800 cases in 2012/13 and 2,250 cases in 2011/12.<sup>10</sup> Nepal's National Women's Commission received 296 reports of DV incidents in 2013/14, 243 reports in 2012/13, and 273 reports in 2011/12.<sup>11</sup> In 2013/14, 372 DV claims were brought at the District Court level,

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<sup>3</sup> Cited by A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal, Government of Nepal, Office of the Prime Minister and Council of Ministers (November 2012) at p. 5.

<sup>4</sup> A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal, Government of Nepal, Office of the Prime Minister and Council of Ministers (November 2012) at p. ix, available at <http://asiafoundation.org/resources/pdfs/OPMCMGECUGBVRsearchFinal.pdf>

<sup>5</sup> A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal, Government of Nepal, Office of the Prime Minister and Council of Ministers (November 2012) at p. ix.

<sup>6</sup> A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal, Government of Nepal, Office of the Prime Minister and Council of Ministers (November 2012) at p. ix.

<sup>7</sup> A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal, Government of Nepal, Office of the Prime Minister and Council of Ministers (November 2012) at pp. 59-60.

<sup>8</sup> A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal, Government of Nepal, Office of the Prime Minister and Council of Ministers (November 2012) at p. 46.

<sup>9</sup> A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal, Government of Nepal, Office of the Prime Minister and Council of Ministers (November 2012) at p. viii.

<sup>10</sup> Nepal Police, Women and Children Service Directorate, [http://cid.nepalpolice.gov.np/index.php?option=com\\_content&view=article&id=134&Itemid=197](http://cid.nepalpolice.gov.np/index.php?option=com_content&view=article&id=134&Itemid=197)

<sup>11</sup> Statistics provided by Indu Tuladhar.

14 DV claims were brought at the Appellate Court level and no DV claims were brought to the Supreme Court.<sup>12</sup>

4. Domestic violence constitutes a violation of human rights. This submission addresses Nepal's compliance with its international human rights obligations in the context of domestic violence. Though Nepal has passed a Domestic Violence Act in 2009, the law does not adequately protect victims of domestic violence. The government of Nepal has also not devoted sufficient resources or training to implementing the law. This submission sets forth for the Human Rights Council the challenges that remain and provides recommendations for further domestic legislative, as well as justice and legal sector, reforms to be considered during the second Universal Periodic Review of Nepal.

## II. LEGAL FRAMEWORK

### A. *Scope of International Obligations*

5. Nepal has ratified a number of treaties relevant to its obligations to prevent and punish acts of domestic violence. Nepal ratified the International Covenant on Civil and Political Rights on 14 May 1991,<sup>13</sup> the Convention on the Elimination of All Forms of Discrimination against Women on 22 April 1991,<sup>14</sup> the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 15 June 2007,<sup>15</sup> and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on 14 May 1991.<sup>16</sup>
6. During its first UPR in January 2011, the following recommendations were examined by Nepal and received its support:

106.4. Introduce comprehensive legislation and more stringent enforcement of existing laws in the areas of domestic violence towards women and human trafficking (Indonesia);

106.8. Continue promoting the work of the National Commission for Women and for Dalit, through the reinforcement of resources that allows them to work in an efficient manner (Bolivia);

106.28. Adopt effective measures to guarantee the protection of victims of gender violence, duly investigate allegations and ensure that those responsible be prosecuted and sanctioned (Spain);

106.29. Continue putting forward intensive efforts in order to eliminate violence against women and boost their participation in political and administrative decision-making (Azerbaijan);

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<sup>12</sup> Statistics provided by Indu Tuladhar.

<sup>13</sup> International Covenant on Civil and Political Rights (entered into force 1976). *Available at*

[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en)

<sup>14</sup> The Convention on the Elimination of Discrimination Against Women (entered into force 1981). *Available at*

[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en)

<sup>15</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8-b&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&lang=en)

<sup>16</sup> The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), *available at* <http://www2.ohchr.org/english/law/cat.htm>

106.31. [. . .] further strengthen law enforcement and the judicial system in the efforts to address impunity, prevent domestic violence, and to protect women and children from trafficking as well as physical and sexual exploitation (Malaysia) [. . .].

7. During its first Universal Periodic Review in January 2011, the following recommendations received the support of Nepal. Nepal considers that the following recommendations are already implemented or in the process of implementation:

107.6. Provide the National Dalit Commission and the National Women's Commission with sufficient resources to effectively realize their mandate (Slovenia);

107.8. Develop a National Action Plan on ending violence against women and children (Australia);

107.22. Ensure that the cases of violence against women and girls are duly investigated (Thailand);

107.23. Take measures to guarantee effective access to justice and protection for women victims of gender based violence (Brazil);

107.26. Develop the necessary tools to ensure education and human rights training, notably for law enforcement officials (Morocco); provide mandatory human rights training for its police force (New Zealand);

108.20. Regarding human trafficking and violence against women and children, take further legislative steps, where necessary, and accelerate efforts for their effective implementation (Japan).<sup>17</sup>

8. The Committee on the Elimination of Discrimination against Women ("CEDAW Committee"), in its Concluding observations dated 11 August 2011, expressed its concern about the "continued prevalence" of domestic violence in Nepal, and its related concerns about the lack of statistical data about domestic violence and the weak penalty for marital rape.<sup>18</sup>

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<sup>17</sup> In the Addendum, Nepal's responded to recommendations 108.20 and 108.21 ["Develop a comprehensive legal framework to protect children from trafficking (Austria)"] by citing the Human Trafficking and Transportation (Control) Act 2007 and the 2001 national action plan against the sale of women and children for sexual and labor exploitation.

<sup>18</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women—Nepal, Committee on the Elimination of Discrimination against Women, para. 19, CEDAW/C/NPL/CO/4-5 (11 August 2011), available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fCO%2f4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fCO%2f4-5&Lang=en). The CEDAW Committee recommended that Nepal "(a) Ensure the effective implementation of the Domestic Violence Act, 2009 and other existing legislation and the proper prosecution and punishment of perpetrators of such violence; (b) Develop a nationwide data collection programme on cases of violence against women; (c) Take immediate measures to abolish the statute of limitations on the registration of sexual violence cases, to ensure women's effective access to courts for the crime of rape and other sexual offences; (d) Continue to provide the police, public prosecutors, the judiciary and other relevant Government bodies, as well as health-care providers, with the necessary training in domestic and sexual violence and undertake wider awareness-raising programmes in all communities, including the Dalit community, specifically targeting men and boys; (e) Adopt and enact without delay the draft law, currently under preparation, which significantly increases the punishment for marital rape, as mentioned during the dialogue, and undertake an awareness-raising campaign on the new provisions in this regard." Concluding observations of the Committee on the Elimination of Discrimination against Women—

9. Nepal's sixth periodic report to the CEDAW Committee is due in July 2015.

### ***B. Domestic Legislative Framework***

10. Nepal enacted the Domestic Violence (Offence and Punishment) Act, 2066 ("DV Act") in 2009, but weaknesses in several provisions of the law as well as in implementation of the law are hindering victim safety and perpetrator accountability.
11. The most critical weakness is that the DV Act treats domestic violence as an offense against an individual rather than as an offense against the State. A victim must file her own complaint with the National Women's Commission, the police, or a district court or local body. The role of police is limited to facilitating a compromise between the victim and the perpetrator instead of investigating the incident for purposes of potential criminal proceedings. Incarceration is not a mandatory punishment, and prosecution is not the government's responsibility under Schedule 1 of the State Cases Act, 1992.
12. The definitions in the DV Act both fail to protect women from the full range of intimate partner violence while simultaneously exposing them to potential harm if they choose to report a violation. The DV Act also fails to provide sufficient emergency protection to victims.
13. For a full list of issues with the current DV Act, see the proposed amendments listed under Recommendations.

## **III. COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS:**

### ***A. Positive Practices in Addressing Domestic Violence***

14. The Advocates for Human Rights commends the government of Nepal for taking steps to address the problem of violence against women. The government of Nepal has developed two national action plans to combat violence against women: <sup>19</sup>the National Action Plan Against Gender-based Violence [2010] and the Sex and Gender Based Violence and Gender Empowerment Strategy and Work Plan (2069/70-2073/74) [2012/13—2016/2017].<sup>20</sup> The government of Nepal has also established a gender-based violence unit in the Prime Minister's Office.<sup>21</sup> In addition, Nepal's National Women's Commission (NWC) developed a Five-Year Strategic Plan (2009-2014) aimed at fighting VAW. Provisions include: establishing mechanisms to accept, monitor, and investigate complaints of violence; developing a network between the NWC (central) level and the local level to improve the

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Nepal, Committee on the Elimination of Discrimination against Women, para. 20, CEDAW/C//NPL/CO/4-5 (11 August 2011).

<sup>19</sup> Tuladhar, Indu and Basnet, Bikita, "Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)" at Chapter 2.1, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>20</sup> Mid-Term Report on the Implementation status of Conclusions and Recommendations of the Universal Periodic Review of Nepal, National Human Rights Commission-Nepal (Sept. 2013), p. 18, *available at* [http://www.nhrcnepal.org/nhrc\\_new/doc/newsletter/UPR%20Report%202013%20English.pdf](http://www.nhrcnepal.org/nhrc_new/doc/newsletter/UPR%20Report%202013%20English.pdf)

<sup>21</sup> Office of the Prime Minister and Council of Ministers, <http://www.opmcm.gov.np/en/>

monitoring and reporting of VAW; and, building a referral service.<sup>22</sup> To improve gender equality overall, the Nepal Law Commission has been reviewing the laws related to women.<sup>23</sup>

15. In a further positive development, the Ministry of Health and Population has set up 16 hospital-based One-Stop Crisis Management Centers to help female victims of GBV.<sup>24</sup>

## ***B. Challenges in Addressing Domestic Violence***

### *i. Women's rights not well protected*

16. Women's rights should receive constitutional protection, but efforts to enact a new constitution are stalled, given the Nepal's Constituent Assembly failure to meet its self-imposed January 22, 2015 deadline.<sup>25</sup>
17. Following the decision of the Government of Nepal to not renew the mandate of the Office of the High Commissioner for Human Rights' (OHCHR) Country Office in Nepal, OHCHR's field presence formally closed operations on 31 March 2012.<sup>26</sup>

### *ii. Lack of resources for implementation*

18. Though the 2009 DV Act established several complaint mechanisms, officials and advocates report that they have received very little training and do not have the resources to effectively carry out their responsibilities.
19. In a 2014 study, police officials interviewed noted that there are "very limited" resources for conducting DV training at the district levels, and they rely on NGOs and the UN for resources.<sup>27</sup> Court officials have also not received systematic training on implementation of the DV Act.<sup>28</sup>

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<sup>22</sup> Tuladhar, Indu and Basnet, Bikita, "Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)" at Chapter 3.2, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme). An English translation of the NWC's Second Five Year Strategic Plan (2014-2019) is available at <http://www.nwc.gov.np/mainStory/showActivity/20>

<sup>23</sup> Mid-Term Report on the Implementation status of Conclusions and Recommendations of the Universal Periodic Review of Nepal, National Human Rights Commission-Nepal, p. 19; Information about the Nepal Law Commission is available at <http://www.lawcommission.gov.np/>

<sup>24</sup> Tuladhar, Indu and Basnet, Bikita, "Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)" at Chapter 3.5, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>25</sup> Michael Vurens van Es, Nepal's Constitutional Standoff Threatens Its Transition, *World Politics Review* (Jan. 26, 2015), <http://www.worldpoliticsreview.com/articles/14924/nepal-s-constitutional-standoff-threatens-its-transition>

<sup>26</sup> <http://www.ohchr.org/EN/countries/AsiaRegion/Pages/NPIndex.aspx>

<sup>27</sup> Tuladhar, Indu and Basnet, Bikita, "Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)" at Chapter 3.1, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>28</sup> Tuladhar, Indu and Basnet, Bikita, "Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)" at Chapter 3.3, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

20. The DV Act (section 4) provides that a complaint may be lodged with a “local body,” which refers to a Village Development Committee (VDC). However, the VDCs lack the infrastructure needed to manage DV Act complaints.<sup>29</sup>
21. The National Women’s Commission’s legal aid unit, which is responsible for DV complaints filed with the NWC, lacks the human resources and physical infrastructure to address all of the complaints. NWC officials treat DV cases by attempting mediation and then referring the cases to district legal aid committees if not resolved through mediation.<sup>30</sup>
22. Section 4(11) of the DV Act gives district courts the jurisdiction to hear DV cases referred by police and local bodies, but court officials interviewed for a 2014 study on implementation of the DV Act stated that district courts have not received any DV cases referred by police or local bodies, and only a handful of individual complaints.<sup>31</sup>
23. Section 7 of the DV Act provides for in-camera proceedings at the victim’s request, but a 2014 study on implementation of the DV Act found that courts lack the infrastructure to hold such hearings.<sup>32</sup>
24. Section 8 of the DV Act provides that cases shall follow the procedures of the Summary Procedure Act, 1971, which calls for adjudication within 90 days. However, a 2014 study on implementation of the DV Act found that, in practice, cases are taking two years or more to be decided.<sup>33</sup>

*iii. Lack of victim services*

25. Section 11 of the DV Act provides that the Government of Nepal (GON) “may establish” Service Centers for the purpose of “immediate protection” and “separate accommodation” of the victim. The GON has established Service Centers in only 17 out of 75 districts, and the existing Service Centers are not adequately equipped to serve DV victims. Service Centers typically provide food, accommodation and medical care, but lack capacity to offer legal aid and mental health/social services.<sup>34</sup>

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<sup>29</sup> Tuladhar, Indu and Basnet, Bikita, “Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)” at Chapter 3.4, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>30</sup> Tuladhar, Indu and Basnet, Bikita, “Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)” at Chapter 3.2, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>31</sup> Tuladhar, Indu and Basnet, Bikita, “Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)” at Chapter 3.3, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>32</sup> Tuladhar, Indu and Basnet, Bikita, “Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)” at Chapter 3.3, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>33</sup> Tuladhar, Indu and Basnet, Bikita, “Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)” at Chapter 3.3, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>34</sup> Tuladhar, Indu and Basnet, Bikita, “Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)” at Chapter 3.5, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

26. Section 12 of the DV Act provides that the GON “shall establish” a Service Fund for the operation of Service Centers, but the GON has not yet established this fund.<sup>35</sup>

#### IV. RECOMMENDATIONS

27. The government of Nepal should work both to strengthen the existing Domestic Violence Act through legal reform and to provide the funding and training necessary to effectively implement the DV Act. The Advocates makes the following recommendations:

##### A. *Changes to Domestic Legislation*

- The government of Nepal should examine related laws (family laws, civil laws and criminal laws) and amend provisions that discriminate against women.
- Nepal should develop a National Plan of Action on implementing the DV Act.
- The government of Nepal should require periodic monitoring of the implementation of the DV Act.
- The government of Nepal should consider the following amendments to the DV Act:<sup>36</sup>
  - Amend the preamble to clearly state that domestic violence is a breach of human rights.
  - Remove the focus on facilitating reconciliation. Mediation and reconciliation assume equality in bargaining power. In a relationship marked by domestic violence, the partners are not equal and the basic premise of mediation and reconciliation is non-existent. Moreover, reconciliation diminishes the criminality of the behavior and undermines the stated purpose of the 2009 Act to punish domestic violence in Nepal.
  - Broaden definition of “domestic violence” to include the threat of physical harm or violence.
  - Physical harm under Nepal’s law excludes breaking limbs. The reason for the exclusion is unclear but should be eliminated. Breaking bones is a serious form of physical violence that should be included as domestic violence.
  - Mental harm is a significant injury suffered by domestic violence victims. However, the definition in Nepal’s law is too broad. The term “coercive control” should be substituted. That phrase is defined as “an act or pattern of acts of assault, sexual coercion, threats, humiliation, and intimidation or other abuse that is used to harm, punish, or frighten a victim. This control includes a range of acts designed to make resources and capacities for personal gain,

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<sup>35</sup> Tuladhar, Indu and Basnet, Bikita, “Study on Implementation Status of Domestic Violence (Offence & Punishment) Act, 2066 (2009)” at Chapter 3.5, April 30, 2014 (submitted to the Rule of Law and Human Rights Protection System in Nepal Programme).

<sup>36</sup> Additional information on drafting legislation on domestic violence and other forms of violence against women can be found at UN Women’s Global Knowledge Centre on Ending Violence Against Women and Girls, *available at*, <http://www.endvawnow.org/en/articles/393-core-elements-of-legislation-on-domestic-violence.html>; see also, Drafting Domestic Violence Laws, StopVaw, The Advocates for Human Rights, *available at*, [http://stopvaw.org/drafting\\_law\\_on\\_domestic\\_violence.html](http://stopvaw.org/drafting_law_on_domestic_violence.html).



depriving victims of the means needed for independence, resistance, and escape, and regulation the victim's everyday behavior.”

- The definition of “domestic relationship” should be broadened to include former intimate partners, individuals involved in a sexual or significant romantic relationship, and individuals who have a child in common.
- The law should recognize sexual assault, including sexual assault within a marriage, as an act of domestic violence.
- The definition of “economic harm” can be more effectively defined by including a specific definition.<sup>37</sup>
- Clarify the applicable penalties that relate to the gravity of the conduct; ensuring that perpetrators in like circumstances will receive like sentences and leaving less sentencing discretion with judges.
- The definition of “perpetrator” is too narrow. It should be rewritten to include all intimate partners and former intimate partners.
- Current law allows any person to file a complaint of domestic violence. Third party intervention should be limited to domestic violence directed at children or people vulnerable because of age or disability. The most dangerous time for a victim is when she decides to leave a batterer. It is critical that the decision about whether to report abuse be left to the victim. A report by a third party should be made only with the victim's consent.
- 24-hour availability of reporting resources should be available to all victims. Reporting should not be limited to business hours.
- Provide for emergency services.
- DV cases should be placed under Annex I of the State Cases Act, 1992, so that DV is recognized and treated as a crime against the State.
- Strengthen the provisions regarding protective orders (section 6 of the DV Act). This includes emergency protective measures. Current law requires a preliminary investigation into the complaint of abuse. Not providing immediate protective measures when a credible report is received places victims in danger of acts of new violence.
- There must be provision for an emergency protective order that can be obtained without the presence of the perpetrator (“ex parte”). A protective order must be available even if a criminal complaint is not filed. If requested by a perpetrator, a hearing can be held but the effectiveness of a protective order must be immediate.

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<sup>37</sup> A suggested definition for “economic violence” is “(a) deprivation of all or any economic or financial resources to which the victim is entitled under any law or custom whether payable under an order of a court or otherwise or which the victim requires out of necessity including, but not limited to, household necessities for the victim and dependent children, if any, property, jointly or separately owned by the victim, payment of rent related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the victim has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the victim or her children or any other property jointly or separately held by the victim;

(c) prohibition to, or restriction on, continued access to resources or facilities which the victim is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household; and

(d) damaging or destroying personal property in which the victim has an interest.”

- Violations of protective orders must be criminal offenses. Additional violations should result in increased penalties.
- The protected period should be 2 years. The victim should have the power to request modification or cancellation of the order.
- Give police authority to arrest perpetrators and investigate DV claims. This must include the ability to arrest immediately. Current law allows for 24 hours which can place victims in grave danger. Arrest should be allowed based upon a credible report.
- Whether a victim seeks medical attention should be a decision the victim is allowed to make, except in extraordinary circumstances. Victims should be provided with transportation, if needed, for medical care.
- The law should include anti-stalking provisions (in the DV Act or in a separate law).
- The law should require that the Government establish service centers to assist victims as opposed to making the centers optional. Using NGO service providers who are trained to assist victims of domestic violence is recommended.

***B. Justice and Legal Sectors***

- Nepal should ensure that the State adequately and consistently supports and funds NGOs to continue regular trainings on women's human rights, domestic violence and implementation of the DV Act for police, prosecutors, judges, social services, and child protection authorities.
- Nepal should continue working to increase the integrated interagency responses among NGOs, police, courts, social workers, and health care providers.
- Provide the Village Development Committees (VDCs) with the resources and training necessary to enable them to carry out their responsibility to receive and manage DV Act complaints.
- Provide training and capacity building to police officers, judges, court officials, VDC officials, protection officials, and NWC officials.

***C. Funding***

- The government of Nepal should establish a Service Fund in the amount necessary to establish and operate, in each of Nepal's 75 districts, Service Centers that have resources of the quality and quantity necessary to assist DV victims.
- Nepal should provide NGOs with sufficient and regular funding.