

A critical evaluation of the operation of Nepal's Judicial Committees in relation to women's access to justice

**An evaluation of a best practice
system that acts as a bridge between
formal and traditional justice systems**

April 2023

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Introduction

The global trend of victims of human rights violations and abuses turning towards alternative dispute resolution methods over formal justice mechanisms is on the rise. This is often driven by multiple barriers such as a lack of political will to address abuses by governments, limited capacity or competency of justice system actors, lengthy and complex judicial procedures or the physical inaccessibility of courts. Consequently, many states are now either establishing or reverting back to informal, semi-formal, or quasi-judicial bodies, including traditional or customary justice systems, to provide effective redress. The International Commission of Jurists (ICJ), in this in-depth analysis, seeks to examine the factors behind this trend and its impact on Nepali women's access to justice and human rights.

Access to justice, which includes the provision of effective remedies for human rights violations, is a fundamental principle of the rule of law. Without access to justice, individuals are unable to express their views, exercise their human rights, challenge discrimination, or hold decision-makers accountable¹, thereby undermining the very essence of a democratic society.

The obligation of States to ensure access to justice is a core requirement of international human rights law. In particular, the International Covenant on Civil and Political Rights (ICCPR), encompasses the right to an effective remedy (article 2(3)), the right to a fair hearing or trial (article 14) and the right to non-discrimination, equality and equal protection of the law (articles 2(2) and 26). It is likewise reflected in the United Nations Sustainable Development Goal 16 (Peace, justice and strong institutions) on developing 'effective, accountable and transparent institutions at all levels'.² Particular to women is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which obligates States to ensure access to justice for all women.

In order to provide clarity on the nature and scope of access to justice under CEDAW, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) has issued General Recommendation No. 33 on Women's Access to Justice³, highlighting various obstacles and restrictions that impede women from realizing their rights to access justice. The CEDAW Committee has recommended that States Parties take necessary measures to fulfill their obligation for the enjoyment of rights guaranteed under the CEDAW. To this end, the establishment of courts and administrative bodies along with their adequate maintenance and funding, are essential components of access to justice.⁴ The CEDAW Committee has called upon States Parties to ensure the creation, maintenance and development of courts, tribunals and other complementary authorities that are competent to enforce guarantees related to the right of access to justice without discrimination, across the entire territory of the State, including in remote, rural and isolated areas.⁵

Furthermore, the CEDAW Committee has recognized the role of "plural justice systems" in some States, where formal laws, regulations, procedures and decisions coexist with religious, customary, indigenous or community laws and practices. These plural justice systems include multiple sources of laws, whether formal or informal, whether State, non-state or mixed, that women may encounter when seeking to exercise their right of access to justice.⁶ The CEDAW Committee has urged States Parties to ensure that all forms of plural justice systems are consistent with the principles of non-discrimination, equality, and the rule of law, and that they respect, protect, and fulfill women's human rights. States Parties should also provide women with adequate information on their rights and the remedies available to them in all forms of justice systems, including the plural justice systems.

1 International Commission of Jurists, The Tunis Declaration on Reinforcing the Rule of Law and Human Rights, March 2019, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2019/04/Universal-ICJ-The-Tunis-Declaration-Advocacy-2019-ENG.pdf>.

2 United Nations Sustainable Development Goals (SDGs), adopted by the United Nation member states in 2015.

3 Committee on the Elimination of Discrimination Against Women, General Recommendation No 33, UN Doc. CEDAW/C/GC/33, (23 July 2015), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/241/90/PDF/N1524190.pdf?OpenElement>

4 *Ibid*, para 14 (b).

5 *Ibid*, Para 16 (a).

6 *Ibid*, Para 5.

The ICJ's Principles on Indigenous and other Customary or Traditional Justice Systems, Human Rights, and the Rule of Law, which were developed through extensive global and regional consultations, also elaborate on this.⁷ Principle 4 emphasizes the importance of acknowledging and formally recognizing the role of the indigenous justice systems and other traditional or customary justice systems within the national legal order. Such systems can contribute to equal access to justice and the legal protection of human rights while upholding the rule of law. The principle also highlights the critical need for these systems to comply with internationally recognized human rights and rule of law standards. Similarly, Principle 7 underscores that indigenous and other traditional or customary justice systems must operate in harmony with internationally recognized human rights laws and principles and with the broadest sense of the rule of law, especially in proceedings that constitute, or are analogous to, criminal adjudication and punishment or otherwise affect fundamental interests of the parties involved.

Following Nepal's adoption of a new Constitution in 2015, the country underwent significant changes in its governance structure, transitioning from a unitary to a federal state which resulted in, among others, the administration of justice being conducted at federal and municipal levels, depending on subject matter. While ordinary courts maintain jurisdiction over matters falling under federal jurisdiction, judicial committees were established in every municipality and rural municipality to handle certain municipal matters, as mandated by Article 217 of Nepal's 2015 Constitution. The Local Government Operation Act (LGOA) was subsequently enacted in 2017 to implement this provision of the Constitution.

The LGOA of Nepal grants the judicial committees two options for adjudicating cases:

- i) settling the disputes (in cases listed under section 47(1) of the LGOA); and
- ii) settling disputes through mediation (in cases listed under section 47 (2) of the LGOA).

The first judicial committees, which ran from 2017 to 2022, faced significant challenges in fulfilling their mandate. In June 2019, the ICJ conducted an assessment visit to *Jhapa, Morang, Sunsari* and *Dhankuta* districts of Province One, which comprised 10 municipalities. The assessment visits revealed that the judicial committees were struggling due to a lack of technical assistance and expertise on legal matters, including issues concerning women. The ICJ emphasized the importance of providing the judicial committees with the necessary knowledge and expertise to handle cases that disproportionately impact women, as the vast majority of cases brought before the judicial committees fall under this category.

Some of the major barriers faced by the judicial committees were further highlighted in a workshop organized by the ICJ in 2019 for judicial committee members from the ten municipalities of *Jhapa, Morang, Sunsari* and *Dhankuta* on the elimination of gender stereotypes and gender discriminatory attitudes and behaviour of justice sector actors.⁸

In light of the 2019 field mission and other studies on judicial committees, the ICJ conducted this comprehensive analysis of the Constitutional and legal provisions related to judicial committees, as well as the major challenges they face.

The ICJ recommends that the government of Nepal immediately adopt legislative and policy guidelines for the independent functioning of the judicial committees, to ensure effective access to justice for women. Furthermore, the ICJ emphasizes the importance of providing gender-sensitive training to judicial committee members and officials assisting judicial committees, including gender stereotypes, to enable them to handle various gender issues and to educate them on gender sensitive investigation techniques and interrogation procedures in gender-based violence cases. These recommendations were drafted as the tenure of the first judicial committee was ended, and the second judicial committee started their tenure in May 2022.

7 International Commission of Jurists, Principles on Indigenous and other Customary or Traditional Justice System, human Rights, and the Rule of Law, March 2021, available at: https://www.icj.org/wp-content/uploads/2022/06/Principles-and-Commentary_Eng_March-2021.pdf

8 International Commission of Jurists, Workshop for the Judicial Committee Members on Eliminating Discriminatory Attitudes against Women, 7 and 8 December 2019, available at: <https://www.icj.org/nepal-icj-holds-workshop-for-judicial-committee-members-on-enhancing-access-to-justice-for-women/>

Nepal's Constitutional Arrangements

The 2015 Constitution of Nepal⁹ established Nepal as a federal State with three levels of governance: federal, provincial and local.¹⁰ The federal governance structure includes a federal level, seven provincial levels, and 753 local level governments. All three tiers of government were elected in phases between May and September 2017.

The Constitution upholds the separation of powers among the executive, legislative, and judicial branches of the State,¹¹ with each level of government possessing executive, legislative and judicial authority. The Constitution mandates the establishment of judicial committees in urban and rural municipalities, which exercises judicial power at the local level and are led by the deputy-mayor of a municipality or vice-chair of a rural municipality.

Article 217 of the 2015 Constitution requires a three – member judicial committee to be coordinated by its Vice- Chairperson in the case of village body and by its Deputy Mayor in the case of a Municipality, to settle disputes under their respective jurisdictions in accordance with law.¹² Further, Schedule 8 and 9 of the 2015 Constitution also grant local level governments the power to enact legislation related to local courts and the management of mediation and arbitration.

Local Elections in 2017 and 2022

In 2017, the first local elections following the promulgation of the 2015 Constitution were held, resulting in an unprecedented 40.79 percent women's representation across all three levels of the State.¹³ Of the 753 jurisdictions, 18 women were elected as mayors of a municipality or chair of a rural municipality, and 700 were elected as deputy mayors of a municipality or vice chair of a rural municipality. Thus, the majority of the judicial committees at the local level were headed by women.¹⁴ This marked a significant increase in representation compared to previous governments.

The second local level election held in 2022 resulted in a slight dip in the number of women deputies. Overall, 564 women were elected in deputy position in municipalities and 25 women were elected as chair / mayor of a municipality or rural municipality.¹⁵

The Nature of Judicial Committees

It is important to emphasize that despite their name, judicial committees do not possess the character of actual judicial bodies. Rather, they are comprised of members of the executive carrying out administrative functions and not judicial functions. However, the 2015 Constitutional framework has delegated certain functions to these committees that were formerly reserved for the judiciary.

9 The Constitution of Nepal, 2015, available at: <https://www.lawcommission.gov.np/en/wp-content/uploads/2021/01/Constitution-of-Nepal.pdf>

10 *Ibid.* Article 56.

11 *Ibid.*, Article 57.

12 *Ibid.*, Article 217.

13 Election Commission of Nepal, Record of Elected Representatives according to their gender, Election 2018, available at: <http://result.election.gov.np>

14 The situation of women's political participation and challenges on performing their mandate in the context of judicial committee is explored in more detail in the ICJ's briefing paper, Nepal: Supporting Women Human rights Defenders in Pursuing a Human Rights Agenda as Political Actors", published in February 2018, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2018/02/Nepal-WHRD-Advocacy-Analysis-brief-2018-ENG.pdf>

15 Women's participation in Election in Nepal, My Republica, published on 12 April 2022, available at: <https://myrepublica.nagariknetwork.com/news/women-s-participation-in-elections-in-nepal/>

This arrangement presents certain advantages but also inherent risks. On the one hand, judicial committees are generally perceived by some stakeholders as offering a more accessible and effective avenue for individuals from marginalized or disadvantaged communities, especially women, who have encountered significant obstacles in accessing justice through formal justice mechanisms. These obstacles include physical inaccessibility due to the distance of many from court locations; high costs; protracted court proceedings; and gender-insensitive infrastructure and procedures. The judicial committees were envisaged as providing these individuals improved access to justice. Nonetheless, because the judicial committees are typically composed of individuals without legal background and come from within the political branch of government, they lack independence, and the condition arises for conflicts of interests. Additionally, they may lack the legal expertise necessary to handle more complex cases.

Nepal has a long history of utilizing traditional dispute resolution through local bodies and local representatives, with many people choosing these mechanisms to settle their disputes. These practices have their origins in a longstanding tradition of local communities seeking the counsel of village elders who would resolve disputes through consultation with the conflicting parties. The concept of alternative dispute resolution through mediation or arbitration was formally introduced by the Local Self Governance Act 1999, which was enacted subsequent to the establishment of the 1990 Constitution.¹⁶

Alternative dispute resolution mechanisms were perceived by many as a more expeditious, equitable, and unbiased means of attaining justice. Owing to a general lack of confidence and other barriers in formal mechanisms, these alternative dispute resolution mechanisms were widely embraced. Nevertheless, these mechanisms were also criticized for perpetuating the interests of influential elites. Moreover, the alternative dispute resolution procedure lacked the foundation of law and jurisprudence and was largely guided by religious traditions and customary practices that tend to be discriminatory against women and marginalized communities.

A 2017 study published by the National Judicial Academy (NJA) identified several barriers to accessing justice, including discriminatory legal provisions, prolonged and slow legal procedures, language difficulties, extensive long time for dispute resolution by formal justice structures, high legal costs and the gender-insensitive attitude and behavior of courts officials towards individuals seeking justice.¹⁷ Additionally, a lack of general knowledge about legal provisions, legal rights and the mechanisms to seek justice has frequently led people to resort to alternative dispute resolution mechanisms.

Similarly, a survey conducted in 2018 by the Asia Foundation revealed that Nepalis are more inclined to approach the police, traditional justice mechanisms and ward members as their avenues for dispute resolution, including for domestic violence cases, rather than the courts.¹⁸

The judicial committee is regarded as an opportunity to implement and uphold the notion that "*local disputes should be locally settled*". However, it remains to be seen whether they can accomplish this objective in compliance with international standards of fairness, impartiality, non-discrimination, and due process.¹⁹

A 2020 high-level mission of the ICJ concluded that the judicial committees faced significant human rights challenges, as it was not clear whether they could effectively apply international laws and standards concerning the right to due process and a fair trial.²⁰ It has also become evident that judicial committees

16 The Local Self Governance Act, 1999 had incorporated a range of matters including land disputes, forced labour, trespassing, and paupers, that would be heard and settled either by mediation or 3-person arbitration boards, appointed by the then VDC "as agreed upon between the parties to a case."

17 National Judicial Academy (NJA), Study Report on Women's Access to Justice 2017 (2072 B.S.), available at: <https://njanepal.org.np/public/reports/21021154555-Women%20access%20to%20justice.pdf> (Nepali version)

18 The Asia Foundation, A Survey of Nepali People in 2018, available at: <https://asiafoundation.org/wp-content/uploads/2019/05/A-Survey-of-the-Nepali-People-2018-revised-8132019.pdf>

19 International Commission of Jurists, Indigenous and other Traditional or Customary Justice Systems in the Asia – Pacific Region, Report of the 2018 Geneva Forum of Judges and Lawyers, available at: <https://www.icj.org/wp-content/uploads/2019/06/Universal-Trad-Custom-Justice-GF-2018-Publications-Thematic-reports-2019-ENG.pdf>

20 International Commission of Jurists, Human Rights and the Rule of Law in a Federal Nepal: Recommendation from an ICJ High Level Mission, July 2020, available at: <https://icj2.wenginepowered.com/wp-content/uploads/2020/08/Nepal-High-level->

encounter many challenges in performing the duties prescribed by the Constitution and the enabling legislation.

Applicable domestic legislation

Article 217 of the Constitution provides that the judicial committee is the mechanism at first instance with the responsibility to settle certain disputes under its jurisdiction as provided by law. The Constitution states that the judicial committee shall consist of three members, headed by the deputy mayor of the municipality or vice-chair of the rural municipality.²¹ Article 148 of the Constitution provides that these judicial committees shall operate under the supervision of the responsible District Court.²²

The Local Government Operation Act (LGOA) provides direction for the effective operation of judicial committees. Section 46 of the LGOA provides that there shall be a judicial committee in every municipality and rural municipality in accordance with Article 217 of the Constitution. According to section 47 (1) and (2) of LGOA, judicial committees have jurisdiction over disputes related to the 13 specific matters and may refer other cases to either the District Court for formal adjudication or to community mediation centers for mediation.

Section 47 (1) – Jurisdiction of judicial Committee to settle the disputes:

According to section 47 (1) of the LGOA, the judicial committee has the authority to settle disputes related to the following 13 specific matters:

- (a) Conflicts over land borders, dams, ditches or distribution and use of water;
- (b) Damage to other crops;
- (c) Conflicts over pastureland, green fodder, fuel wood;
- (d) Unpaid wages;
- (e) Lost or found of domestic animals and birds;
- (f) Neglect of elderly citizens;
- (g) Remission of duty to provide decent food and clothing or education to minor children, or spouse;
- (h) House rent and house rent facility agreements up to twenty-five hundred thousand annually;
- (i) Planting trees that affect other's house, land or property;
- (j) Throwing water from one's house or verandah onto others' houses, land or public road,
- (k) Construction of a house with a window towards the land of the immediate neighbour without leaving the necessary land easement as provided by law,
- (l) Not allowing the use of or causing the obstruction of a road being used publicly since ancient times, even if it is under the right or ownership of any individual, as well as obstructing the use of any public location such as a way out for cattle, pasture for grazing cattle, drain, canal, pond, rest place, cremation site, religious site; and
- (m) Other disputes designated by the federal or provincial law to be resolved at the local level.

mission-Publications-Reports-mission-reports-2020-ENG.pdf

21 Article 217 (1) There shall be a three-member judicial committee to be coordinated by its vice-chairperson in case of Rural Municipality and by deputy-mayor in case of a Municipality, in order to settle disputes under their respective jurisdiction in accordance with law. (2) The judicial committee referred to in clause (1) shall consist of two members elected by the Rural Municipal Assembly or Municipal Assembly from amongst themselves.

22 Article 148 (2) states, "the Local Level judicial institutions established in accordance with the provincial law shall be subordinate to the District Court. The District Court may inspect as well as supervise and give necessary direction to its subordinate judicial institutions."

Section 47 (2) of the LGOA outlines the subject matter jurisdiction of the judicial committee, specifying that certain disputes must be resolved through mediation, and should be referred to the district court for adjudication if mediation is unsuccessful. The judicial committees are responsible to resolve the disputes through mediation in the following eleven specific areas:

Section 47 (2) – Jurisdiction of judicial Committee to settle disputes through mediation:
According to section 47 (2) of the LGOA, the judicial committee can mediate the disputes related to the following 11 specific matters:

- (a) Encroachment of private land by a private third party;
- (b) Construction of house or any structure on land that is not government, public or community land, and does not belong to the person introducing improvements;
- (c) Divorce;
- (d) Physical assault punishable with imprisonment of a maximum of one year other than those leading to dismemberment;
- (e) Defamation,
- (f) Looting and assault;
- (g) Leaving cattle stray or affecting others due to negligence in keeping animals and birds,
- (h) Unauthorized entry to other’s residence;
- (i) Cultivating or possessing land that is in other’s possession;
- (j) Affecting neighbour with sound pollution or throwing solid waste;
- (k) Other civil disputes filed by an individual as claimant which could be mediated as per prevalent law and criminal disputes that could lead to up to one year’s imprisonment.

The LGOA allows a party to the dispute to choose either the judicial committee or the district court to file a case listed in section 47(2) of the Act.²³ Similarly, section 51 of the LGOA protects the right of a party, dissatisfied with the decision of the judicial committee, to file an appeal at the relevant district court within 90 days of the committee’s decision.

The procedure for handling a particular dispute is also expressly set out in the LGOA, and many judicial committees have established further guidelines for their operation. According to the LGOA, judicial committees shall attempt mediation in all cases listed in section 47 (1) and (2) brought before the committee. If the mediation process fails, such cases must be sent to courts for adjudication. The LGOA mandates the judicial committee to encourage mediation by consensus of the parties,²⁴ This provision clearly indicates the role of the judicial committee is to prioritize mediation²⁵ in all cases registered before them.

Section 49(10) of the LGOA authorizes the judicial committees to establish mediation centers in every ward for the purpose of facilitating mediation of disputes listed in section 47. Section 49 (3) of the Act requires the judicial committee to carry out mediation through particular mediators enlisted by the Committee. Although Section 22 of the Mediation Act has prescribed qualifications for a mediator, including completion of a mediation training for a certain period, it is unclear if the same qualifications apply to mediators of the judicial committee due to lack of local legislation. Additionally, the LGOA is silent on whether the members of the judicial committee can themselves act as mediators in the cases that fall within their jurisdiction. The ICJ has observed that, in many judicial committees, the heads of the committee have been involved in the discussion and mediation process. For instance, deputy mayor of *Damak* Municipality expressed to the ICJ that as she had been elected deputy mayor, there had been a popular desire for her to be involved in the mediation process in all cases brought before the judicial committee.

23 LGOA, Section 47 (3) states, *"In case of the disputes relating to section 47(2), it shall not be regarded to have obstructed to file a case directly at the court if the concerned party wishes."*

24 LGOA, Section 49.

25 The Mediation Act, 2011 of Nepal describes the mandate of mediators to facilitate negotiations between conflicting parties. Section 2 (I) of the Act states that *"Mediator"* means a mediator appointed pursuant to this Act who facilitates for negotiation between the mediation parties and motivates them in arriving at a voluntary agreement.

In the field mission, it was also observed that some judicial committees had prepared a roster of mediators who had already received training from different organizations, including the mediation council. In such cases, parties to the case were able to choose a mediator from among the roster. Other judicial committees, rather than provide a roster of mediators, instead referred cases to the “mediation centers” established at ward level. Section 49 (10) of the LGOA gives a mandate to the judicial committee to establish a mediation center in each ward to facilitate mediation in cases filed in accordance with the section 47 of the LGOA.²⁶ Similarly, in almost all places, ward-level mediation centers were already in place and were primarily responsible for facilitating mediation at the ward level in cases brought to the local level pursuant to section 47 of the LGOA. If the mediation is unsuccessful at ward level, the case reverted to the judicial committee, which could settle the case or refer the case to the concerned court in the cases provided for section 47 (2) of the LGOA.²⁷

The Constitution grants power to local bodies to enact local legislation for mediation. However, many judicial committees have yet to enact such legislation. Hence, there seems to be some confusion as to whether the local bodies, which do not have local legislation relating to mediation, must abide by the Federal Mediation Act, 2011. Furthermore, many provisions of the LGOA do not comply with the Mediation Act. For instance, the Mediation Act ensures the confidentiality of the mediation proceedings in any subsequent adjudication related to the same case.²⁸ In contrast, the LGOA provides for a disclosure of mediation proceedings to the District Court if a party to case opts to go to court.²⁹

Provision to ensure gender - responsive justice

The judicial committee holds jurisdiction over some cases involving women, including cases of divorce, alimony, and domestic violence. The LGOA mandates the judicial committees to either settle disputes or mediate between conflicting parties in the cases listed in section 47 (1) and (2) of the Act. The judicial committees also have authority to preside over certain civil cases and criminal cases with a maximum sentence of one-year imprisonment.³⁰

In cases related to the protection of senior citizen or disputes between husbands and wives, the judicial committee may issue an interim order for the protection of a victim, children, or other persons dependent on a party to a dispute.³¹ The interim protection order is aimed at providing immediate arrangements for the protection of, and provision of health care services and/or shelter to the victim and their family. This authority is a crucial and significant protective mechanism against violence towards women and children, addressing their immediate needs. In such a case, the judicial committee is required to coordinate with relevant agencies for the efficient implementation of its orders.

26 LGOA, Section 49 (2) and (4).

27 LGOA, Section 49 (2) and (4).

28 Mediation Act, Section 37 states, “Except as otherwise provided by the parties or the prevailing law, all process relating to mediation shall remain confidential.”

29 LGOA, Section 49.

30 *Ibid*, Section 47 (1) and (2).

31 *Ibid*, Section 49 (8).

Section 49 (8) – Provision of Interim protection order:

As per section 49 (8) of the LGOA, the interim protection order can be issued making the following orders:

- (a) To allow the victim to continue living in the house he/she has been staying, provide food and clothing, refrain from physical assault and to behave in a decent and civilized manner;
- (b) To carry out medical treatment if the victim has suffered physical or mental injury;
- (c) To make arrangements for separate accommodations if it is deemed necessary for the victim and to make proper arrangements of subsistence in such separate accommodation;
- (d) To not slur, threaten or behave in an uncivilized way towards the victim; and
- (e) To carry out other necessary and appropriate matters for the interest and security of the victim.

The judicial committees also have the authority to mediate divorce cases,³² and try to settle disputes between spouses. If the mediation attempts fail, the committee must refer the case to a district court for adjudication. Alternatively, the parties, if they wish, can directly file for a divorce case at a district court, as stipulated by the law.³³

The judicial committees may also hear and mediate certain domestic violence cases. The Domestic Violence (Offence and Punishment) Act, 2009³⁴ has mandated that a “local body” is to register and hear domestic violence cases.³⁵ Although, the Domestic Violence Act does not explicitly mention the judicial committee as the local body responsible for administering justice in domestic violence cases, section 47(2)(d) of LGOA mandates that the judicial committees may hear and mediate cases related to physical assault that could carry a maximum sentence of one year imprisonment. The Domestic Violence Act penalizes the perpetrator with a term of imprisonment of up to six months in domestic violence cases, except in cases which include physical mutilation, acid attacks and sexual violence.³⁶ This provision should be interpreted to provide jurisdiction to the judicial committee to hear and mediate cases of domestic violence with a maximum sentence of up to one year imprisonment. However, they cannot hear cases involving physical mutilation, acid attacks and sexual violence. If these cases are presented before a judicial committee, the committee must advise these parties to file a first information report (FIR) at a police office.³⁷

This provision of LGOA is ambiguous and problematic, as domestic violence is a serious and violent crime occurring within the family or intimate relationship. Domestic violence, even if it does not involve physical mutilation, acid attacks and sexual violence, should be adjudicated by a judicial body to ensure fair trial and due process standards.

It was reported that mandate of the judicial committee to mediate cases listed in section 47(2) of the LGOA had been misused by some judicial committees, including the settlement of disputes through mediation of cases involving rape and gender-based violence. For instance, *Gaumul* Rural Municipality of *Bajura* District settled a rape case by awarding some amount of money to the victim.³⁸

32 Civil Code, Section 96 states that the matters relating to divorce needs to be settled by courts.

33 LGOA, Section 47 (3).

34 Domestic Violence (Offence and Punishment) Act, 2009 Available at: <https://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/domestic-violence-crime-and-punishment-act-2066-2009.pdf>

35 Domestic Violence (Offence and Punishment) Act, 2009, Section 4, states that, “A person who has knowledge of an act of domestic violence has been committed, or is being committed, or likely to be committed, may lodge a written or oral complaint setting out the details thereof, with the Police Office, National Women Commission or Local body”.

36 *Ibid*, Section 13 (1a).

37 *Ibid*, Section 5a and 12c.

38 VAW cases settled out of court in Bajura, *The Himalayan Times*, published on 29 September 2018, available at: https://thehimalayantimes.com/ampArticle/236619?fbclid=IwAR3VsdZxATWW7hdT12DgWfXTAuOi4QzQ87Xy0B_OHVjjQO2P39jgovilM0s

Positive practices and ongoing challenges faced by the judicial committees:

The establishment of judicial committees by the Constitution was intended to localize the administration of justice, while also providing individuals with prompt, effective, and cost-efficient access to justice. The judicial committees were put in place to ensure that justice is not only accessible but also efficient. By creating localized committees, the judicial process could be streamlined, allowing for quicker resolutions to legal disputes.

The committees were designed to mitigate the obstacles people face when seeking justice through formal mechanisms and to ensure that the legal system is accessible to all individuals, regardless of their location, financial means, age, gender, economic status and other disadvantageous circumstances.

The first judicial committees' tenure ended in May 2022. During its tenure, certain positive gender-responsive justice practices emerged, at least in some areas and in certain localities. However, these committees by the end of their operations, had failed to meet these expectations due to lack of coherent policies, implementation guidelines, capacity and a clear understanding of their role. As the term of the second judicial committees commences, they continue to face these challenges in the implementation of their mandate.

Major challenges faced by the judicial committees:

There continues to be a lack of clarity as to the mandate of the judicial committees under the terms of the LGOA. As provided by law, serious crimes must be adjudicated through a regular court to guarantee that the right to a fair trial under international and domestic laws and standards is upheld. This is guaranteed by the Constitution³⁹ and by the Article 14 (1) of the ICCPR.⁴⁰

The difficulty is that the judicial committees, led by a politically appointed local representative who is often not a legal professional, may be competent to administer petty cases at the local level, but lack the capacity, competence, expertise and independence to adjudicate serious crimes. As a result, they fail to ensure impartiality, due process and fair trial standards. This is compounded by the unclarity of the scope of their jurisdiction of judicial committees. To illustrate, some judicial committees had wrongly settled cases concerning violence against women, including rape, out of court.⁴¹ This exercise of jurisdiction has only served to diminish trust in the judicial committee.⁴²

In order to ensure that judicial committees can serve as an effective means for women to access justice in appropriate cases, in a manner compliant with Nepali and international law and standards, there is a critical need to address the following matters:

39 Constitution of Nepal, 2015, Article 20 (9) provides: "Every person shall have the right to a fair trial by an independent, impartial and competent court or judicial body."

40 Article 14 (1) of the International Covenant on Civil and Political Rights, provides: "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law."

41 VAW cases settled out of court in *Bajura*, The Himalayan Times, published on 29 September 2018, available at: https://thehimalayantimes.com/ampArticle/236619?fbclid=IwAR3VsdZxATWW7hdT12DgWFxTAuOi4QzQ87Xy0B_OHVjjQO2P39jgovilM0s

42 Victims of domestic violence prefer police to judicial committee for justice, the Kathmandu Post, published on 29 January 2020, available at: https://kathmandupost.com/sudurpaschim-province/2020/01/29/victims-of-domestic-violence-prefer-police-to-judicial-committee-for-justice?fbclid=IwAR1WzNJ0tAQ8VIPONt8m5qq2YzcXPw88v_erFLJE9uQ14INTvNSgfCL_qJs

1) A lack of clarity about the jurisdiction and mandate of judicial committees

Article 217 of the Constitution has given competency to the judicial committees to settle disputes under their respective jurisdiction while Section 47 (1) and (2) of the LGOA has mandated to the judicial committees to mediate and settle disputes in a certain category of cases.

However, the ambiguity in the role and of the mandate of judicial committees have led to confusion in applying the law. The absence of authoritative policy and guidelines has resulted in significant inconsistencies among the roles and work performed by different members of the judicial committee. In some instances, this inconsistency has led to overbroad application of responsibilities. For instance, certain judicial committees have taken on the role of a formal judicial body, while others function more as mediation centers or referral mechanisms.

During its consultations, the ICJ found stark differences in the implementation and understanding of the role of judicial committees. Majority of judicial committee chairpersons considered themselves to be the decision-makers in cases specified under the LGOA – essentially functioning like a judge of a court of first instance. Meanwhile, there are members of judicial committees primarily focused on mediation in each case. Some judicial committees referred cases to a ward-level mediation center, while others prepared a roster of mediators. In some instances, individual judicial committee members conducted the mediation themselves.

To clarify the mandate of the judicial committee, a writ challenging the mandate of the judicial committee is currently pending before the Supreme Court of Nepal.⁴³

The ICJ has noted a stark difference of opinions among judicial committees with respect to the types of cases they are authorized to handle. Some committee members have asserted that they must strictly adhere to the list of cases specified under sections 47 (1) and (2) of the LGOA. Conversely, others have maintained that as local representatives, they possess the competence to hear all disputes brought before them, as they are not empowered to determine the scope of their own jurisdiction. Consequently, there exists a significant disparity in the total number of cases handled by each judicial committee. For instance, while the judicial committee of *Inaruwa* municipality in the *Sunsari* district registered only 31 cases, the judicial committee of *Damak* municipality in the *Jhapa* district processed over 450 cases.

2) An absence of clear procedures and implementation guidelines

Schedule 8 of the Constitution grants power to the local government to enact local legislation and formulate policies for the management of mediation, arbitration and local courts. Section 102 of the LGOA allows municipalities and rural municipalities to legislate on matters under their jurisdiction. The local executive has a mandate to promulgate regulations, guidelines, procedures and other standards as required.

Moreover, the LGOA stipulates that the executive shall execute, or cause to be executed, the mediation or decision made by the judicial committee. The provision related to the enforcement of the mediation or decision made by the judicial committee shall be as prescribed by the local law.⁴⁴ This provision mandates the enactment of local laws by local bodies to implement the mediation process and decisions made by the judicial committee. However, many judicial committees function without such legislation, leading to the non-implementation of decisions and agreements reached by parties through mediation.

Despite the Constitutional and legislative stipulations, many local level bodies have failed to enact local legislation, including community mediation legislation, procedures and guidelines to hear the cases and enforcing decisions made by the judicial committee. Due to a lack of clear policies, guidelines and operating procedures, judicial committees are facing significant difficulties and uncertainties in their

⁴³ Brijendra Lal Joshi v. House of Representative of Nepal, a writ of mandamus order was filed on 26 December 2018 (*Sub-judice*).

⁴⁴ LGOA, Section 52.

operations. Additionally, it is unclear whether Nepali federal law applies in the absence of appropriate local law.

3) Inadequate resources

The lack of adequate financial, technical and administrative resources poses a significant challenge for judicial committees in carrying out their mandate effectively. At the outset of the tenure of the first judicial committee (2017-2022), several judicial committee members reported difficulties in conducting hearings due to a shortage of suitable venues to conduct hearings. Initially, some judicial committees even lacked a separate room for counseling, giving rise to serious concerns about the privacy of the parties involved and the risk of threats or harms to the victims seeking justice.⁴⁵ The committees have stressed the importance of having a separate room to perform their adjudicative functions effectively and ensure the privacy and safety of the parties involved.

Beyond the challenges related to inadequate amenities, the more significant issue is the inadequate capacity and training among the members of the judicial committees who are elected political appointees and may not have the necessary legal knowledge to effectively handle cases. During visits to many judicial committees, the ICJ observed that there were insufficient numbers of legal officers and office assistants to support the judicial committee in administering cases, including registering cases and record keeping. Legal advisers provided support to judicial committees in some municipalities, including *Biratnagar* sub-metropolitan city, *Damak* municipality, *Bhadrapur* municipality and the *Ithahi* municipality, and offered legal assistance in cases. In contrast, judicial committees in rural municipalities typically had no legal adviser. For instance, the chair of the judicial committee of the *Chhathar Jorpati* Rural Municipality in *Dhankuta* district indicated that they had no legal adviser and, if they had any confusion or needed any advice about the law or legal practice in a particular case, would contact lawyers with whom they had personal relations.

The ICJ observed in some judicial committees that staff members without any legal training or background were working in the judicial committee, which resulted in significant problem in managing cases. For instance, the chair of the judicial committee of the *Pakhribas* municipality in *Dhankuta* district reported that they did not have any staff with a legal background, and that only the staff of the municipality office worked in the judicial committee. This has led to shortcomings in record-keeping, following procedural rules, and managing the case register at the judicial committee.

As a general observation, the ICJ noted that in jurisdictions where no legal adviser or legal officer had been appointed, judicial committee members themselves lacked the necessary legal expertise to administer justice. Judicial Committee members typically relied on ad hoc advice and support from lawyers who they knew personally. They acknowledged that this arrangement was viable in the long run and strongly recommended that legal staff be appointed to serve all judicial committees. Majority of the judicial committees consulted by the ICJ confirmed that the lack of inadequately qualified support staff posed a serious hindrance to their effective performance.

The shortcomings in judicial infrastructure and the limited legal knowledge of judicial committee members are further exacerbated by the absence of accessible legal aid or legal assistance service for parties involved, particularly the indigent people. The ICJ noted that parties appearing before judicial committees usually prepared their own applications or hire a lawyer at their own expense, which presented a significant barrier to justice for those who were unable to afford lawyers' fees. However, some municipalities did provide limited legal assistance and legal aid services. For instance, the judicial committee of *Inaruwa* municipality in *Sunsari* district had made some arrangement to assist service seekers to fill up forms or write applications.

⁴⁵ Judicial committees lack separate rooms in Jhapa, *The Himalayan Times*, published on 6 November 2018, available at: <https://thehimalayantimes.com/nepal/judicial-committees-lack-separate-rooms-in-jhapa>

The LGOA envisioned a local level plan and budget formulation committee headed by the vice chair of rural municipality or deputy mayor of municipality.⁴⁶ The Local Level Plan and Budget Formulation Guideline, 2017 requires the local government to allocate budget by thematic area, including education, health and agriculture. However, many local governments had failed to allocate budget by thematic area. Furthermore, most of the local governments prioritized infrastructure development, including roads and other physical infrastructure, over other needs.⁴⁷

Most of the judicial committees the ICJ consulted revealed that the lack of adequate financial resources posed a major barrier to their independent and effective operation. The judicial committees indicated that they faced challenges in appointing legal advisers, providing suitable physical infrastructure and support systems to women victims of violence due to insufficient budgetary allocations for operations. For instance, the deputy mayor of *Inaruwa* municipality noted that the judicial committee lacked adequate funds and needed a separate and sufficient budget allocation to function effectively.

4) Poor coordination between training initiatives

After the establishment of judicial committees, the federal and local government, civil society organizations and donor agencies have provided numerous trainings aimed at enhancing the capacity of the members of the judicial committees. However, there appeared to be little coordination among these agencies, which has resulted in the duplication of training initiatives. The ICJ noted that most of the training sessions were one-time events which focused on the heads of judicial committees, and little effort was made to capacitate and train other staff and members of the judicial committees.

Interviews with the judicial committee members revealed that mediation training, particularly community mediation training, had been provided to most of the judicial committee members. However, the judicial committee members highlighted a need for training on relevant laws applicable to their day-to-day work as well as other capacity enhancement trainings. They said that such training should be provided to all members of the judicial committees, including the officials assigned to support the judicial committees. The majority of the judicial committee members recommended training on civil and criminal codes to equip members with knowledge of the legal provisions that may be relevant in cases that come before them. In addition, they recommended the need for ongoing legal training so that they could receive updates on new developments and emerging practices.

The ICJ considered that there was a need for a coordinated strategy between the various interlocutors who currently provided training to the judicial committees. It would be useful for a coordinated approach in which a comprehensive training programme could be devised and rolled out systematically to all the judicial committees, taking into consideration the specific recommendations made in this paper.

5) Lack of gender-sensitive approach in their work

Article 18 (2) of the Constitution states that "*No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, disability, condition of health, marital status, pregnancy, economic condition, language or region, ideological conviction or on similar other grounds*".⁴⁸ However, people are facing inequality and discrimination on various grounds, which has resulted in the exclusion of certain individuals based on their status or group. Gender stereotypes and discriminatory attitudes and behaviors towards women is deeply rooted in Nepalese society. The gender - stereotypical attitude and behaviours of justice providers towards women is a major hurdle for women to be able to access justice.

46 LGOA, Section 67.

47 Budget Allocation and Implementation by Local Governments in the federal structure, September 2019, Democracy Resource Center, available at: <https://www.democracyresource.org/wp-content/uploads/2019/09/DRCN-report-6-English-3Oct2019.pdf>

48 Constitution of Nepal, 2015, Article 18 (2).

A 2017 report published by the National Judicial Academy (NJA) revealed that formal justice mechanisms lacked gender sensitivity. The report recommended that the infrastructure of justice mechanisms should be made more women-friendly, and that justice officials should receive gender sensitivity training.⁴⁹ The CEDAW Committee, in its concluding observation on Nepal's 6th periodic report in 2018, recommended that the NJA conduct mandatory training to the judicial committees about women's rights, as well as on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women.⁵⁰ The ICJ notes that no such training is currently being undertaken by the NJA.

During its field visits, the ICJ noted that the majority of cases filed at the judicial committees, such as alimony, partition of property, divorce and domestic violence, involved women. The judicial committee members explained that when a case was registered, their primary focus was on mediation, although they often encountered difficulties getting both parties to attend the mediation. If mediation was not successful, they either made a unilateral decision to refer the matter to a court or decided on it themselves. The judicial committee members added that in the case of failed mediations, their preference was to refer a matter to the court for adjudication.

The ICJ observed that the judicial committee members were heavily involved in the mediation and settlement of disputes involving women. Given this, it is imperative to provide intensive gender-sensitivity training to them. However, the ICJ found that none of the judicial committee members had received any gender-sensitivity training. It is crucial to provide such trainings to ensure that judicial committee members have the necessary knowledge and skills to handle cases involving women in a sensitive and unbiased manner.

6) Lack of coordination with concerned stakeholders

Coordination between various agencies, both governmental and civil society, is key to ensuring access to justice for victims of human rights violations and abuses. This is particularly important in cases relating to domestic and other gender-based violence, where survivors typically need immediate health care support, psychosocial counselling, shelter and free or low-cost legal assistance. Hence, local level coordination with all engaged agencies is imperative for judicial committees to provide holistic support for victims.

To ensure speedy and efficient service to those in need, judicial committees should conduct a mapping of the organizations providing these services and create a directory of available services and guidelines on referrals. This would enable judicial committees to establish relationships and networks with the concerned agencies. Some judicial committees who have already established good practices that should be extended across the country. During the ICJ's visit, the deputy mayor of Biratnagar sub-metropolitan city informed the ICJ that they were working in coordination with other organizations to provide safe houses to survivors of domestic violence. Such a collaboration among agencies can play a crucial role in providing effective support to those in need.

7) Insufficient time to focus on the Judicial Committees work

Section 16 of the LGOA provides that in addition to serving as a coordinator of the judicial committee, the deputy-mayor or vice-chair is responsible for heading the different committees, including local tax deliberation committee, the monitoring of NGO activities, the coordination of works relating to the protection of consumer interests, the facilitation and coordination of the work of the committees constituted by the assembly and executive, and monitoring and supervision of plans and programs. Given the substantial time, expertise and knowledge required for these various responsibilities, the ICJ observed significant time management challenges faced by almost all judicial committee. For instance, deputy

⁴⁹ National Judicial Academy (NJA), Study Report on Women's Access to Justice 2017 (2072 B.S.), , available at: <https://njanepal.org.np/public/reports/21021154555-Women%20access%20to%20justice.pdf> (Nepali version)

⁵⁰ Committee on Elimination of Discrimination Against Women, Concluding observation on the sixth periodic report of Nepal, 14 November 2018, para 11 (d), CEDW/C/NPL/CO/6.

mayor of *Gauradaha* municipality in *Jhapa* District told the ICJ of the difficulties in ensuring that the judicial committees could fully listen to the stories of affected persons.

The various roles of these officials and coordinators of the judicial committee require a considerable amount of time as they need to hear the stories of the victims, visit specific locations and sit in hearings. During the field mission, members of judicial committees indicated that time management for the judicial role continued to be a major challenge for them. For example, deputy mayor of *Damak* municipality in *Jhapa* District mentioned that all affected people wanted to meet and share their stories with the deputy mayor, and it was difficult to attend to discussion and mediation of all of these cases.

Conclusion and recommendations:

Even though tenure of second judicial committees have started in May 2022, there continues to be a lack of common understanding or vision among the individual committee members regarding the mandate and scope of their roles and jurisdiction. There are substantial gaps in the legislation that gives effect to the Constitutional provisions establishing the judicial committees, such as the LGOA. In addition, there is an absence of rules and adequate policy guidelines coupled with insufficient technical, physical and financial resources. Moreover, many judicial committees appear to have insufficient legal knowledge or training, even though they are effectively assuming a judicial role at the local level. This inevitably leads to an administration that is unpredictable, arbitrary and therefore ultimately unfair.

In order to ensure fair, effective, and available access to justice for women, the judicial committees must be equipped with the necessary resources and training which will enhance their capacity to be able to administer justice equally for all. Legal and operation reforms, and enhanced training on the mandate, role and responsibility of the committees is necessary in order to avoid inconsistency and arbitrariness in the operation of judicial committees.

The LGOA mandates judicial committees to settle disputes listed in section 47(1) and mediate disputes listed in section 47(2). However, the committees are legally required to encourage mediation in all cases registered before them. This provision demonstrates that the spirit of the LGOA, in line with Nepal's Constitution, is to prioritize mediation and create "win-win" situations between parties to a dispute. Hence, the judicial committees should be used for robust mediation or, where mediation is impossible or inappropriate to the subject matter of the dispute, refer cases to the district court for adjudication. This approach would help to ensure that disputes are resolved in a timely and effective manner, while also promoting community cohesion and strengthening the justice system as a whole.

The ICJ and many individuals contacted during field missions share serious concerns regarding the fairness of the overall system, as judicial committee members have taken on overlapping administrative, policy, and adjudicative roles. Given that members of the judicial committee are political party appointees, there is likelihood of undue influence from their respective political parties, which could compromise their quasi-judicial functions. The adjudicative role of judicial committees could potentially weaken constitutional rights of individuals to a fair hearing from an impartial, independent, and competent judicial authority.⁵¹

The ICJ, in its 2020 high level mission report, recommended that Nepal's parliament should "amend the LGOA and other relevant laws to...clarify the jurisdiction of judicial committees, unambiguously guarantee due process rights including the right to appeal to courts in all cases, and ensure that decisions are properly documented and transparent." The ICJ also called on the Supreme Court to exercise its mandate "to supervise and give necessary direction to ... judicial committees."

These recommendations were prompted by a number of problematic or unclear features of the judicial committee and its processes. There are many ambiguities in the LGOA itself. For example, a statute of

51 Constitution of Nepal, 2015 Article 20 (9).

limitation to file a complaint is applicable in all cases, the length of which varies according to prescription or will be 35 days where no time has been prescribed. The judicial committee can settle the dispute through mediation within three months of the appearance of both parties of the dispute to the judicial committee. If mediation fails during this period, the concerned parties to the dispute listed in section 47(2) of the LGOA must be advised to pursue a judicial remedy. However, the law is silent on what happens if a case which is filed at the judicial committee within the limitation period, but the mediation process fails, and one party wants to proceed to court to settle the dispute, and the statute of limitation has been exceeded. It is unclear whether the time taken up in mediation processes before the judicial committee suspends the time period allowed for filing of a case before court.

The ICJ considers it crucial that judicial committees adopt a gender-sensitive approach while handling cases involving women. Officials and members of judicial committees must have a clear understanding of women's rights, including knowledge of gender stereotypical attitudes and discriminatory behaviors directed towards women. Additionally, they must adopt a gender-sensitive manner of working with women to ensure that their rights are protected and that they are treated with dignity and respect. Judicial committees must be equipped with the necessary resources, including financial and human resources, and establish relationships with various actors in order to provide holistic support to women. This support should include free legal assistance, psychosocial counselling and support, medical treatment, food, shelter and protection, particularly to women victims of domestic and gender-based violence.

The ICJ is also concerned that some committees may extend the scope of their jurisdiction to matters that should only be adjudicated by a competent, independent and impartial judicial body, such as cases involving sexual and gender-based violence.

In light of the foregoing, the ICJ makes the following recommendations:

1. The federal government should adopt effective measures to develop conceptual clarity among the members of judicial committees regarding their mandate, roles, responsibilities and working procedures;
2. As one such measure, the parliament of Nepal should amend the LGOA in order to clarify confusion and remove ambiguities for the effective functioning of the judicial committees, particularly by providing for due process and fair trial standards consistent with international and domestic law, to be applied when adjudicating cases that are criminal in nature;
3. The local legislature, village assembly and municipal assembly, should take immediate steps to enact necessary local legislation, regulations, and guidelines on mediation, execution of decisions, and mediation contemplated by the judicial committee. Additionally, guidelines on case management and referrals, should be established to ensure non-discrimination and equal protection and access to justice for all persons;
4. The federal government and local government, particularly engaged with governmental and non-governmental agencies, should provide dedicated training to judicial committee members and officials on gender issues, including gender stereotypes and gender discriminatory attitudes towards women. These trainings should include gender sensitive investigation techniques and interrogation procedures in cases of sexual and gender-based violence, as well as relevant laws applicable to their day-to-day work and other capacity-enhancement training;
5. The federal, provincial and local governments should take strong action to ensure that adequate and fair budget allocations are made for the delivery of essential public services, including for the administration of justice by judicial committees;

6. In particular, the federal, provincial and local government should allocate a sufficient and separate budget specifically for recruiting adequate human resources, including legal officials, and covering other necessary expenses required for the effective functioning of the judicial committees;
7. Similarly, the federal, provincial and local governments should allocate sufficient budget to ensure the necessary physical infrastructure, including separate rooms for counseling and for conducting hearings and mediation, in order to maintain confidentiality and avoid re-victimization of the survivors of abuses, especially that which is gender based. Furthermore, specific needs of women, including well-maintained and hygienic separate toilets, sanitary napkin dispensers and breast-feeding rooms, need to be guaranteed in order to create conducive environment for women service seekers;
8. The government should allocate sufficient budgetary provision to establish shelters and safe houses at the local level for victims and survivors who are at high risk, especially for women victims of domestic and other gender-based violence;
9. The local government should establish a coordination framework among relevant stakeholders and develop referral guideline in order to ensure comprehensive support for victims who seek justice through the judicial committees;
10. The federal government, in collaboration with municipalities, should develop a multi-stakeholder network that includes governmental and non-governmental agencies, UN and other intergovernmental agencies and civil society organizations to promote coordination between key stakeholders. This will help to avoid duplication of training, build a common understanding on the conceptual and procedural frameworks of the judicial committee, and develop a comprehensive training curriculum;
11. Local judicial committees should initiate a mapping of the policies that need to be amended or introduced and draft guidelines and procedures to guide the operation of the judicial committees;
12. Municipalities or rural-municipalities should initiate the mapping of local-level organizations and agencies that provide assistance to victims to assist judicial committees in referring cases and victims for holistic support including legal aid, psychological support, medical treatment, and shelter; and
13. Local government associations, including the Municipal Association of Nepal (MuAN) and the National Association of Rural Municipalities in Nepal (NARMIN) should take the lead in establishing a network of judicial committees where they can exchange ideas, sharing of knowledge and discussion of challenges faced while performing their mandates.

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