

Gender Equality and Social Inclusion (GESI) Strategy for the Judiciary (2021/2022 to 2025/2026)



National Judicial Academy, Nepal
Manamaiju, Kathmandu, Nepal

Gender Equality and Social Inclusion (GESI) Strategy for the Judiciary (2021/2022 - 2025/2026)



**National Judicial Academy, Nepal
Manamaiju, Kathmandu**

Advisory Committee

Hon'ble Ms. Sapana Pradhan Malla, Justice, Supreme Court	Coordinator
Mr. Nripa Dhowj Niraula, Chief Registrar [*] , Supreme Court	Member
Mr. Dilli Raj Ghimire, Secretary [#] , Office of the Prime Minister and Council of Ministers	Member
Hon'ble Mr. Kedar Paudel, Deputy Executive Director, NJA	Member
Mr. Shyam Kumar Bhattarai, Joint Attorney ^{\$} , Office of the Attorney General	Member
Mr. Man Bahadur Karki, Joint Secretary, Judicial Council Secretariat	Member
Mr. Dharma Raj Kuikel, Joint Secretary, Public Service Commission	Member
Ms. Aruna Joshi, Under Secretary, Ministry of Law, Justice and Parliamentary Affairs	Member
Ms. Kalpana Kumari Khatiwada, Under Secretary, Nepal Law Commission	Member
Ms. Sarita Rayamajhi, Under Secretary, Ministry of Women, Children and Senior Citizen	Member
Ms. Dipti Karki, Deputy Superintendent of Police, Nepal Police	Member
Ms. Rakshya Basyal, Advocate, Vice President, Nepal Bar Association	Member
Ms. Subha Ghale, Program Analyst, Access to Justice, UN Women	Member

Review Team of Experts

Mr. Dilli Raj Ghimire, Secretary [#] , Office of the Prime Minister and Council of Ministers
Mr. Lal Bahadur Kunwar, Registrar [@] , Supreme Court
Mr. Yam Bahadur Buda Magar, Registrar ^{&} , National Judicial Academy
Mr. Hum Bahadur K.C., Joint Secretary, Ministry of Law, Justice and Parliamentary Affairs
Ms. Mamata Khanal, Joint Registrar [%] , Supreme Court

^{*} Presently Chief Judge of the High Court

[#] Presently Chairperson of the Administrative Court

^{\$} Presently Secretary of the Commission of Investigation on Enforced Disappeared Person Nepal (CIEDP) .

[@] Presently Chief Registrar of the Supreme Court

[&] Presently Registrar of the High Court

[%] Presently Judge of the High Court

Translator : Mr. Sundeep Bista
Content Editor : Hon. Dr. Diwakar Bhatta
No. of Copies : 300 Copies
Publisher : National Judicial Academy
Date of Publication : December 2021
Printing : Naba Print Solution

Support by



On the basis of recommendations and opinions provided by the concerned stakeholders, this Gender Equality and Social Inclusion (GESI) Strategy for the Judiciary (2021/2022 to 2025/2026) has been published by the National Judicial Academy with support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

Message

The goal of the Constitution of Nepal, 2015, is to uphold the principles of non-discrimination and equality by ensuring representation of people belonging to different gender, caste/ethnicity, religion, language, geographic locations. To achieve this constitutional goal, formal equality alone cannot ensure equality in results. Therefore, it is imperative to ensure inclusion of marginalized groups through special measures. The obligations of the State enshrined in the Constitution of Nepal can only be brought to life through laws, strategies, and programme. In view of the gender gap prevalent in the judicial field, the judiciary of Nepal had prepared the strategy relating to gender equality and social inclusion in 2018.

The same GESI Strategy has been revised and developed in the current context. The **“Gender Equality and Social Inclusion Strategy for the Judiciary (2020/021-2025/026)”** has been reviewed, revised and developed in line with the 15th Periodic Plan of the National Planning Commission, 4th Five-year Strategic Plan of the Judiciary, recent Acts made for the implementation of the fundamental rights, the Concluding Observations, 2018, by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee on the sixth periodic report of Nepal.

Education should be seen as an entry point for establishing an inclusive judicial structure. In the same vein, it is also vital to retain the remarkable representation of women in legal education in the legal profession. Women and groups that have been lagging behind due to the social mindset, traditional roles and gender biased system should be motivated and inspired to ensure adequate and meaningful representation. The distinct and different reproductive health needs of women that arise in their professional lives should be addressed, and this Strategy can also be instrumental in addressing such distinct needs of women, thereby ensuring equality.

The three main goals of the GESI Strategy for the Judiciary are to: 1) increase access to legal education among women and target groups; 2) create a conducive environment that enables the capacity enhancement and continuity of service among women and target groups involved in the judiciary and judicial service, and ensure meaningful and substantive representation of women and target groups in the judiciary and judicial service. Several specific strategies have also been determined to align with the goals. The GESI Strategy has been developed with the overall goal of making the judiciary more gender and inclusion friendly. I expect leadership,

coordination, and effective programming from all the responsible stakeholders for implementing this Strategy.

Finally, I would like to extend sincere gratitude to the then Steering Committee, current Advisory Committee, the then Working Committee, all representatives in the current Revision Committee, all officials and individuals, including institutions and agencies, who have directly or indirectly provided their support for the development of the GESI Strategy.

I would also like to extend gratitude to the National Judicial Academy for giving me the responsibility of the Convener of the then Steering Committee and also the Convener of the current Advisory Committee constituted for reviewing this Strategy.

2021 December

S/d
Sapana Pradhan Mall
Justice, Supreme Court

Message

The Office of the Attorney General and subordinate Government Attorney Offices, which are among the main bodies administering criminal justice, have been discharging their own duties and responsibilities in accordance with constitutional and legal provisions. However, the common people of Nepal have expressed grievances that the application of law has not been effective despite the codification of law in making criminal law scientific, together with building up the institutional structure and launching various programmes for human resources development.

As such, there has been a lack of access to justice among economically and socially-excluded groups. Although there are various reasons for this, a lack of inclusion and gender-friendly setting in law-implementing agencies and agencies responsible for judicial administration is one reason. There also seems to be little reflection about diversity among the citizens of Nepal. If the state agencies are gender-friendly and inclusive, people's faith in these institutions will increase and bolster the tasks discharged by such agencies. Ownership is increased in these institutions, resulting in a stronger and more effective service delivery as well. By undertaking this step, some barriers that exist for target groups can be reduced. Therefore, gender equality and inclusion has been accepted as one of the fundamental elements of good governance.

Since the Preamble of the Constitution commits to building an egalitarian society founded on proportional inclusion and participatory principles to ensure economic equality, prosperity and social justice, Article 42 of the Constitution accordingly guarantees the right to social justice, which encompasses the right of participation founded on proportional inclusion and participatory principles for targeted groups in the state agencies. In accordance with this constitutional provision, the law has been implemented in a way to enhance the participation of persons from targets group in state machineries. Likewise, some state agencies have also formulated policies on gender equality and inclusion in the respective fields, with a view to effectively implement the mentioned provisions. Although these types of policies have yet to be framed in the judicial sector, it is a great pleasure to know that National Judicial Academy is going to publish the "Gender Equality and Social Inclusion (GESI) Strategy (2021/2022 - 2025/2026)" with the participation of dignified personalities and the leadership of the honourable justice of the Supreme Court and concerned stakeholder agencies.

I believe that this proposed Strategy shall be an important resource for the concerned agencies in the field of law and justice because it aims at making appointments in various posts of the Nepal Judicial Service and Judges on a basis of gender equality and social inclusion. It accomplishes this by identifying areas of interventions, objectives and preparing the strategies to be adopted and programmes to be launched by the responsible implementing agencies.

I feel that all the concerned agencies' programmes should effectively implementat this Strategy relating to gender equality and social inclusion, and that the National Judicial Academy should take the lead in coordinating this task. Likewise, I would like to express my heartfelt gratitude to the Justice of the Supreme Court, who a tremendous effort to prepare the Strategy; the representatives of concerned agencies; and UN Women and the National Judicial Academy for providing assistance in formulating and publishing this Strategy. Finally. I would extend my best wishes for the success of this Strategy.

December 2021

S/d
Khamma Bahadur Khati
Attorney General

Message

The Judicial Council has been provisioned to make recommendations or give advice in various matters, such as the appointment, transfer and removal of judges. As such, it also is tasked with making recommendation or giving advice in matters like appointment, promotion, transfer of and departmental action of the gazetted officers in judicial services. The Judicial Council is also mandated to prepare and update records about eligible candidates for the post of Justice of the Supreme Court, Chief Judge of High Court and Judges of High Court and District Courts. The Judicial Council follows the principle of inclusion while making its recommendation of eligible candidates to be appointed in the post of all tiers of Courts.

The Gender Equality and Social Inclusion (GESI) Strategy (2021/2022 - 2025/2026) has been prepared by a team of experts constituted under the honourable Justice of the Supreme Court, comprising honourable justices, high-level senior officers of stakeholders agencies, ministries and representatives of civil society, including the secretaries of the Government of Nepal. This Strategy will serve as a guideline while making recommendations for the appointment, transfer or placement of respective candidates. Implementing the Strategy through its adoption by the Supreme Court, Judicial Council and the Judicial Service Commission, including the concerned agencies and stakeholders, can contribute to an inclusive and egalitarian society and to establish a free, impartial and competent judiciary.

It is necessary to have adequate coordination and coordination among all the concerned stakeholders and agencies of the judiciary to achieve the objectives of this Strategy. The Judicial Council Secretariat, a joint Secretariat of the Judicial Council and Judicial Service Commission, would like to give assurance about its active role to achieve the objectives of the Strategy.

S/d
Devendra Raj Dhakal
Secretary
Judicial Council

Two Words

Democracy is complete only when there is participation of all groups of society in state agencies. Thus, the Constitution of Nepal recognizes the multi-ethnic, multilingual and diverse geographic characteristics, and pledges to build an egalitarian society founded on the proportional inclusive and participatory principles. It guarantees the right to equality and social justice as the fundamental rights. in the spirit of the Constitution. There are various laws formulated on the basis of principles of proportional inclusion to ensure participation in political and administrative areas in all areas of state agencies in the spirit of the Constitution. The recommendations to be made by the Public Service Commission, which includes human resources recruitment in the judiciary, have been made in accordance with laws and rules. The appointment and recommendation of employees in judicial service posts have been made with the provision of inclusiveness under the Civil Servants Act. As a result, the country has notably progressed towards gender equality and social inclusion. Against this backdrop, it is a matter of pleasure to know that the National Judicial Academy is publishing the Gender Equality and Social Inclusion (GESI) Strategy for the Judiciary (2021/2022 - 2025/2026) with its preparation on the subject matter of strategies to be followed in appointing candidates for various posts and judges in the judiciary.

I hope that these strategies shall help all concerned judicial agencies, like the Courts; the Office of the Attorney General; the Ministry of Law, Justice and Parliamentary Affairs; and the Nepal Bar Association to achieve meaningful gender equality and social inclusion through the implementation of the commitments envisioned by the Constitution. .

I hope that Nepal Bar Association will receive institutional and administrative support responsibilities for the Strategy, to carry out its functions and activities of the Nepal Bar Association and achieving gender equality and social inclusion for the Strategy.

I would expect that the Strategy shall be helpful for realizing the functions and activities of the Nepal Bar Association and fulfilling its institutional and administrative responsibilities by achieving gender equality and social inclusion. I hope that Nepal Bar Association will receive support while carrying out its institutional and administrative responsibilities with regard to the implementation of Strategy.

Finally, I hope that the GESI Strategy, which can serve as a great resource for implementing the spirit of the Constitution, can become a common document for the entire judiciary. I would like to extend my best wishes for the implementation of the Strategy.

Thank you.

Chandeshwor Shrestha
President
Nepal Bar Association

Message

National Judicial Academy is an autonomous institution with perpetual succession established with the objective of enhancing the capacity and professional capabilities of the human resource involved in judicial sector, to conduct study and research in the field of law and justice, and to disseminate judicial information. For the effective implementation of the provisions relating to gender equality and social inclusion envisaged by the Constitution, all the three organs, seven provinces of the country, and almost all the agencies have prepared the strategy and are at the implementation stage. Although the five-year Strategic Plan of the Judiciary has some provisions on this, the dignitaries of the judicial sector have realized the need for a separate strategy.

As a result, the **Gender Equality and Social Inclusion Strategy for the Judiciary (2021/022-2025/026)** has been prepared. With the implementation of this Strategy, it is believed that the process of appointment of the human resources in the justice, law and government attorney group under the judicial service and judges will be more gender friendly and inclusive. In addition, we believe that it will play a catalytic role to make the service delivery of the judiciary more inclusive and gender friendly, to make the physical infrastructure of the judiciary gender friendly and friendly for persons with disability, and also help the concerned agencies minimize language barriers, to a large extent event, though it may not be possible to end it immediately. This Strategy was required to be published two years ago. However, due to the COVID-19 pandemic and other technical reasons, it could not be published in due time. Ultimately, we have been successful in publishing this Strategy by overcoming various difficulties and obstacles. It gives us immense pleasure to be finally able to bring out this Strategy with you.

We would like to express our gratitude to the Steering Committee constituted under the convenorship of Hon. Sapana Pradhan Malla, Justice of the Supreme Court, in the process of formulating the GESI Strategy, including distinguished individuals from various institutions who were in the Steering Committee, Working Group, Advisory Committee, Review Team of Experts comprising distinguished individuals and experts, respectively, for their support in preparing the Strategy.

Thus, NJA would like to extend a heartfelt gratitude to all the responsible institutions and concerned experts, and in particular, all the Hon. Justices of the Supreme Court and senior officials of the Supreme Court for the contribution they made by providing valuable suggestions on the final draft of the GESI Strategy during the consultative meetings organized to give the final shape to the Strategy. NJA would also express my sincere gratitude to high level officers of the Supreme Court for their contribution and assistance for reviewing the final draft the Strategy. Likewise, NJA would also like to thank Mr. Shreekrishna Mulmi, Director, Mr. Rajan Kumar K.C, Business Development Manager, and

Ms. Pratikshya Shrestha, Publication Assistant of this Academy for their contribution to prepare this strategy.

Finally, NJA would like to express its gratitude to Ms. Navanita Sinha Head of Office, ai, UN Women, and Ms. Subha Ghale, Program Analyst from the Access to Justice Programme, UN Women, for providing technical and financial support in the course of the preparation of the strategy. Similarly, we also have expectation from all concerned responsible agencies for their positive views to implementation of this Strategy.

2021 December

National Judicial Academy, Nepal

Executive Summary

The Constitution of Nepal, 2015, has adopted the principles of gender equality and social inclusion to create a more egalitarian society founded on proportional and inclusive principles that ensure the participation of women, Dalits, indigenous peoples (Adivasi/Janajati), Madhesis, and other communities across Nepal. A constitutional basis has been created by the Constitution wherein appointment to constitutional and other posts should be pursuant to the principles of inclusion. In order to make the civil service and other services gender-friendly and socially inclusive, the Government of Nepal later adopted policies and legal provisions that have enabled inclusion in such services. To effectively implement these provisions, various bodies have been formulating and implementing strategies relating to gender equality and social inclusion.

Against this backdrop, the GESI Strategy has been formulated to make the nomination of judges and other posts under the judicial service more gender-friendly and socially inclusive.

This GESI Strategy has been prepared not only to make the judiciary more gender-friendly and inclusive but also to provide strategic interventions at various levels and make the appointing bodies inclusive. With the aim of enhancing human resources in the judiciary, the Strategy also adopts interventions to motivate students to study and teach legal education and enter the judicial service. Likewise, an action plan with a timeframe has been outlined and it is envisaged that the Strategy will be executed in a timely manner.

The primary objective of the Strategy is to prepare a goals, action plan and activities to make the judiciary more gender-friendly and socially inclusive. The Strategy describes the background, objective, scope and limitations, as well as a procedure for formulating the plan. Problems and challenges were also taken into consideration while reviewing the legal provisions and policies relating to gender equality and social inclusion, the national legal provisions, international practices, policies of various non-governmental organizations (NGOs), policy structures, development plan, fourth Strategic Plan of the judiciary, policies of various Ministries of Nepal Government, targets of sustainable development goals, efforts made by the judiciary and barriers to gender and social inclusion within the judiciary. To achieve the goals, institutional infrastructure and legal reforms, a monitoring and evaluation process has also been taken into consideration.

Goals and strategies to achieve those goals in this Strategy are as follows:

Objective: Enhance gender equality and social inclusion by ensuring the proper representation and participation of women and target groups in the judiciary and judicial service.

Goals

Goal 1: Increase access to legal education among women and target groups.

- Goal 2: Ensure meaningful and substantive representation of women and target groups in the judiciary and judicial service.
- Goal 3: Create an environment that enables the capacity enhancement and continuity of service among women and target groups involved in the judiciary and judicial service.

3.6 Strategies to Be Adopted to Achieve the Goals

In order to achieve these goals and make the judiciary gender-friendly and socially inclusive, the following strategies should be adopted:

Goal 1: Increase access to legal education among women and target groups.

- Strategy 1: Encourage women and target groups to study law.
- Strategy 2: Collaborate with schools, colleges and universities to provide opportunities for women and target groups to study law at the secondary level (classes 11 and 12).
- Strategy 3: Coordinate with schools, colleges and universities to ensure and secure admission seats for women and target groups for legal education.
- Strategy 4: Initiate and provide scholarships and subsidized education loan to disadvantaged women and target groups to study legal education.
- Strategy 5: Make the practice of internships in courts, judicial bodies and other concerned entities for students studying legal education effective.
- Strategy 6: Conduct preparatory classes for competitive examinations among women and target groups.
- Strategy 7: Prepare a record of women and target groups who work as officers, legal practitioners and in the judicial sector in general, who are qualified and interested in being appointed to vacant posts of justices in the courts.

Goal 2: Ensure meaningful and substantial representation of women and target groups in the judiciary and judicial service.

- Strategy 1: Adopt a policy for reserving a minimum of 50 per cent of posts of Justices at the Supreme Court and High Court from qualified women and target groups.
- Strategy 2: Adopt a policy for appointing a minimum of 50 per cent posts of judges at the District Court from the qualified women and target groups.

- Strategy 3: Adopt a policy for appointing women and target groups as members of specialized courts, judicial bodies or tribunals, pursuant to Article 152 of the Constitution of Nepal.
- Strategy 4: Adopt a policy to ensure the representation of women and target groups in 45 per cent of the total vacant posts to be filled through open competition in the Nepal judicial service.
- Strategy 5: Adopt a policy to make the appointment of advocates among court-paid lawyers (*Baitanik*) and in the District Legal Aid Committee gender-friendly and inclusive.

Goal 3: Create an environment that promotes and ensures capacity enhancement and continuity of service among women and target groups in the judiciary and judicial service.

- Strategy 1: Adopt a policy to enhance the career development of women and target groups by conducting programmes relating to capacity building.
- Strategy 2: Conduct programmes on law, justice and leadership for women and target groups appointed to the post of judges.
- Strategy 3: Ensure the inclusion of women and target groups while nominating people for in-country and foreign studies, tours, visits and trainings.
- Strategy 4: Ensure the meaningful participation of women and target groups while developing projects for the judiciary and justice sector; framing and implementing policies and programmes; and conducting monitoring and evaluation.
- Strategy 5: Establish an effective network and information system to empower women and target groups in the judiciary and justice sector.
- Strategy 6: Create a conducive environment for women and people from the target groups to continue their judiciary service.

Table of Contents

Chapter - One Introduction

1.1	Background	1
1.2	Objective of the GESI Strategy	2
1.3	Scope and Limitation of the GESI Strategy	2
1.4	Methodology	4
1.5	Structure of the Strategy	6

Chapter - Two Review of Legal Provisions and Policies relating to Gender Equality and Social Inclusion

2.1	Background	7
2.2	National Legal Provisions	8
2.3	International Practices and Context of Nepal	18
2.4	Policy Framework	25

Chapter - Three Situation Analysis and Development of the Gender Equality and Social Inclusion Strategy in the Judiciary

3.1	Situation Analysis of Gender Equality and Social Inclusion	36
3.2	Obstacles Regarding Gender Equality and Social Inclusion in the Judiciary	61
3.3	Obstacles in the Continuity of Service and Career Development of Women and Targeted Groups	64
3.4	Need for the Strategy	65
3.5	Objective and Goals of the Strategy	66
3.6	Strategies to be Adopted to Achieve the Goals	66

Chapter - Four

Action Plan on Implementing the Gender Equality and Social Inclusion Strategy

4.1	Action Plan on Implementing the Strategy	69
-----	--	----

Chapter - Five

Miscellaneous

5.1	Problems and Challenges	103
5.2	Monitoring and Evaluation	104
5.3	Risks in Implementing the Strategy	105

Table (s)

Table No. 1:	Candidates from Targeted Groups Recommended through Various Advertisements	37
Table No. 2:	Advertisements and Application for Target Groups in Fiscal Year 2018/2019	38
Table No. 3:	No. of Candidates Recommended Through Inclusive and Open Advertisements	39
Table No. 4:	Description of Officers in the Judicial Group of Nepal Judicial Service	41
Table No. 5:	Description of Officers in the Government Attorney Group of Nepal Judicial Service	42
Table No. 6:	Description of Officers in the Legal Groups of Nepal Judicial Service	44
Table No. 7:	Quantitative Description of Honourable Justices and Judges	46
Table No. 8:	Description of Legal Practitioners	47
Table No. 9:	Description of Students Admitted in LLM Courses in Campuses Fully and Partially Affiliated with Tribhuvan University	49

Table No. 10:	Description of Students Admitted for Three-Year LLB and Five-Year B.A. LLB in Colleges Fully and Partially Affiliated with Tribhuvan University	49
Table No. 11:	Description of Students Admitted for Three-Year LLB Courses with Colleges Fully and Partially Affiliated with Tribhuvan University	50
Table No. 12:	Description of Students Admitted for Five-Year BA, LLB and LLM Degree in Colleges Fully and Partially Affiliated with Purvanchal University	51
Table No. 13:	Description of Students Admitted for Five-Year BA, LLB in Colleges Fully and Partially Affiliated with Kathmandu University	52
Table No. 14:	Description of Students Admitted in Colleges or Higher Secondary Schools for Study Law	53

Annex(es)

Annex 1:	Steering Committee for Developing the GESI Strategy	107
Annex 2:	Working Group	108
Annex 3:	Participants of Consultation Meeting on Draft GESI Strategy	108
Annex 4:	Advisory Committee	109
Annex 5:	Review Team of Expert	110
Annex 6:	Strategy Reviewer	111

Chapter - One

Introduction

1.1 Background

The Constitution of Nepal, 2015, has adopted the principles of gender equality and social inclusion to create a more egalitarian society founded on proportional and inclusive principles that ensure the participation of women, Dalits, indigenous peoples (Adivasi/Janajati), Madhesis, and other communities across Nepal. A constitutional basis has been created by the Constitution wherein appointment to constitutional and other posts should be pursuant to the principles of inclusion. In order to make the civil service and other services gender-friendly and socially inclusive, the Government of Nepal later adopted policies and legal provisions that have enabled inclusion in such services. A positive impact can be witnessed at various levels and in various posts within the judicial service. The participation of women and Adivasi/Janajati, Madhesi, Dalit, persons with disability (PWDs), and people from other “backward class”¹ (hereinafter referred to as “**target groups**”) has increased in competitive examinations conducted by the Public Service Commission for those interested in joining the civil service.

In order to make the justice system accessible, the Third Five-Year Strategic Plan of the Judiciary (2014/2015-2018/2019), in coordination with the Judicial Council, included policies and strategic interventions to implement programmes that fulfil human resources, help develop careers and ensure the appointment of judges to make the judiciary more inclusive.

Enhancing access to justice has been made as an important target of the Fourth Five-Year Strategic Plan of the Judiciary (2019/2020 - 2023/2024). This plan included important strategic interventions, such as enhancing access to justice within the jurisdiction of the courts, addressing barriers, providing quality and effective services in the courts, improving effectiveness of legal aid,

¹ These terms, including ‘backward classes and backward regions’ are used in Article 42 on Social Justice of the Constitution.

disseminating information about the judicial process and system and strengthening victim-centred justice system.

The recruitment and appointment of employees in the judiciary was carried out in line with the inclusion policy of the state. However, there were no clear legal provisions regarding the appointment of persons to the post of judges based on the principle of proportional inclusion. Although efforts were undertaken to make appointments more inclusive, the judiciary could not achieve the desired results due to the lack of mandatory policies and legal provisions. In order to determine and ensure the availability and representation of candidates from various sectors, groups and communities to the post of District Court judges as envisaged in Article 149 (2) of the Constitution of Nepal, it is imperative to ensure inclusion in legal education. It is also important to encourage target groups, communities and sectors to pursue their career in judicial service.

In order to reflect the diversity of Nepali society in the judiciary, it is necessary to motivate women, Dalits, Adivasis/Janajatis, Madhesis, Tharus, Muslims, backward classes, minorities, persons with disability (PWDs) and people from other marginalized groups² to study law and enter the judicial service. This Strategy contains interventions for appointing justices and employees to make the judiciary gender-friendly and socially inclusive

1.2 Objective of the Strategy

Various agencies of the state have formulated and implemented strategies on gender equality and social inclusion (GESI). Gender-friendly and socially inclusive strategy is a primary necessity today. In order to make the judiciary gender-friendly and socially inclusive, this Strategy has been formulated by identifying various strategies and adopting an action plan to implement them.

1.3 Scope and Limitation of the Strategy

In order to make the judiciary and the justice sector gender-friendly and socially inclusive, it is imperative to make various levels within the judicial service,

² These terms are used in Article 42 of the Constitution.

appointments of judges in judiciary and quasi-judicial bodies and various bodies within the judicial administration, the Nepal Police, the Government Attorney, as well as legal practitioners' gender-friendly and socially inclusive. Apart from increased representation within the three groups under the Nepal Judicial Service - Justice, Law and Government Attorney -it is equally important to make the entire legal professions more inclusive. In order to achieve gender equality and social inclusion, the target groups and people from concerned communities should be motivated to pursue education in law. Likewise, in order to enhance access to justice for all communities, it is necessary to make the services provided by the judiciary more inclusive and gender-friendly. Similarly, it is necessary to make the physical infrastructure of the judiciary gender friendly and PWDs-friendly, and persons with disabilities. Furthermore, all linguistic barriers should be removed.

In this Strategy, different strategies have been identified to make the appointment system for judges and other posts in the judicial service inclusive. To accomplish this, strategies and programmes about inclusion have been identified and adopted, which include providing legal education and strengthening appointments and continuity in service. The present Strategy is limited to making the appointment to the post of judges and various other groups inclusive within the judicial service and does not include other sectors or subject matter.

The scope and limitation of this Strategy are as follows:

- The Access to Justice Commission undertook a study and developed strategies deemed necessary to make services and facilities provided by the judiciary and its infrastructures more gender-friendly and socially inclusive and to enhance access among women and target groups. Hence, this Strategy is focused on the participation, empowerment and capacity enhancement of women and target groups.
- Different issues, such as gender equality and social inclusion in the appointment of the key entities involved in the dispensation of justice, such as the Office of the Attorney General, Nepal Police and quasi-judicial bodies, shall be addressed

through the laws related to their services. The strategic interventions of the concerned entities shall be made through these laws, as well. Therefore, this issue has not been addressed and included in this Strategy.

- Social inclusion is a vast concept, encompassing many different groups and sectors of society. As a result, there are many limitations. Hence, its definition and scope in this report covers the judicial service and appointment in the justice sector.

1.4 Methodology

This Strategy has been formulated in accordance with the spirit of inclusiveness and prepared so that it could be practically implemented in the judiciary. The Strategy fundamentally deals with a description of the prevailing laws and its practical condition. It also provides an analysis and the strategic interventions to be followed, as well as an action plan to implement the interventions. In this regard, the Strategy had been finalized during discussions and interactions held with legal units of Nepal's universities, the Nepal Bar Council, the Judicial Council, the Secretariat and other concerned stakeholder entities, and on the basis of the data, recommendations and information received from these entities.

An analytical study on gender equality and social inclusion in the judiciary was conducted by the National Judicial Academy and published in 2013. The study entitled "Gender Equality and Social Inclusion Analysis of the Nepali Judiciary (Research Report) May 2013" showed that among the 4,908 human resources in the judicial service, 77.6 per cent of the employees were Brahmins and Chhetris and the number of males was 86.1 per cent. Likewise, among the judges, 87.1 per cent represented Brahmins and Chhetris, whereas 9.4 per cent represented Janajatis. With regard to the number of legal practitioners, 90.6 per cent were male and 18.3 per cent were Janajati. From among the students admitted for studying law, 23.9 per cent were women, 14.6 per cent were Janajati and 83.4 per cent were Brahmins or Chhetris. Likewise, the study showed that in order to make the judiciary gender-friendly and socially inclusive, there had to be institutional and procedural reforms. The study recommended reforms to be made in law schools, the legal profession, the Nepal Judicial Service and in the judiciary. It

suggested that these reform programmes should be included in the Strategy of the judiciary. The study also identified the status of gender equality within the judiciary and its subsequent barriers, as well as specific measures that should be adopted in order to address those barriers. This Strategy has been prepared on the basis of the 2013 study's findings and recommendations. The findings of the study report and relevant policies, data and descriptions it detailed were taken as the primary source of this Strategy.

Likewise, a Steering Committee was constituted under the convenorship of Hon. Sapana Pradhan Malla, Justice of the Supreme Court (**Annex 1**), and Strategy preparation Working Group was also constituted in the convenorship of Hon. Tek Prasad Dhungana, Judge of High Court Patan in 2017 (2074) (**Annex 2**). A Draft Strategy thus prepared by the Working Group was given final shape on the basis of the views, suggestions and recommendations of the experts (**Annex 3**) presented in the consultation meeting.

This strategy was required to be prepared two years ago. However, due to the COVID-19 pandemic and some other technical reasons, it could not be published in due time. Then, as per the decision held on 19 September 2019, an Advisory Committee (**Annex 4**) was constituted in the convenorship of Hon. Sapana Pradhan Malla, Justice, Supreme Court to refine and up-date the strategy on the basis of the Fifth Plan of the country, Acts and laws made for the implementation of the fundamental rights and national and international instruments concluded later days in related subject. Likewise, a Review Team of Experts (**Annex 5**) was also constituted in the convenorship of Mr. Dilli Raj Ghimire, the then Secretary of the Office of the Prime Minister and Council of Ministers to review and update the said strategy.

In course of giving final shape to this strategy, institutional views of the stakeholder agencies involved in its implementation were also taken into account. And, before to bring this draft strategy into publication, it has been reviewed by the responsible agencies, experts concerned, and in specific by Hon. Justices of

the Supreme Court and also by the senior officials (**Annex 6**) of the Supreme Court of Nepal as its reviewers.

1.5 Structure of the Strategy

This Strategy has been divided into five Chapters. Chapter One includes the objectives of the study, areas, limitations, strategy and methodology. Chapter Two provides an analysis of Nepal's prevailing laws and policies on gender equality and social inclusion. This includes constitutional and legal provisions, commitments made by the Government of Nepal at the international level, efforts made by other countries, the need for new policies and challenges. Chapter Three discusses gender equality and the goal of social inclusion in the judiciary, strategies that must be adopted to achieve those targets, institutional provisions, legal reforms and monitoring and evaluation. Chapter Four presents an action plan for bringing this into implementation. Chapter Five deals with problems and challenges, as well as an analysis of the risks in implementing the Strategy.

Chapter – Two

Review of Legal Provisions and Policies Relating to Gender Equality and Social Inclusion

2.1 Background

The deeply entrenched inequality between men and women in the society could not be addressed merely through formal equality, i.e., formal equality which prescribes that equality exists where the law treats people the same. Various concepts/approaches for gender equality have emerged due to feminist movements calling for the rights of women. One of the approaches to gender equality is the ‘protectionist approach’ in which women are seen as vulnerable who are in need to protection due to their gender. In the name of protecting women, this approach placed women in a secondary role and as such, there was no equality between women and men. In the ‘sameness approach’ men and women are treated as same. Its principal aim is to achieve ‘equal treatment’ rather than equality of outcomes. In failing to recognize gender difference, the sameness approach perpetuates the unequal status of women in the long run. Thereafter, the concept of the ‘corrective approach’ or the ‘substantive equality’ which is also envisioned by the international human rights Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), places an emphasis on the longstanding discrimination faced by women and seeks to eliminate discrimination through corrective and positive measures including enabling conditions and affirmative action for women. In line with this approach, provisions for substantive equality should be enshrined in the constitution, laws and policies, and women should be entitled to certain privileges and facilities until they attain the same status as men. This approach can enable more women to participate in various sectors and lead to empowerment. Substantive equality looks at the actual condition of women’s lives as the measure of whether equality has been achieved.

Social inclusion is an important tool for creating an environment to bring groups that have been socially excluded into the mainstream. To attain inclusive rights, special attention should be placed on areas where there can be interventions in the economic, social, political and legal sectors. There should also be reservations, priorities, capacity enhancement and concessions to remove gender inequality. Special attention should be given to create a conducive environment for this to take place. To ensure inclusive rights, there should be reforms on the current conditions and policies pertaining to the rights of women and target groups who have been socially excluded, A work plan and special strategy needs to be formulated and implemented to address this issue.

This chapter deals with the constitutional and legal provisions and international practices relating to gender equality and social inclusion. In the context of constitutional and legal provisions, this chapter discusses the provisions of the Constitution of Nepal, acts, regulations and provisions on gender equality and social inclusion as prescribed in the Conventions.

2.2 National Legal Provision

2.2.1 Constitutional Provision

Article 11 of the Constitution of the Kingdom of Nepal, 1990 prescribes the right to equality and special provisions for the protection and advancement of the interest of groups that are economically and socially backward. Under the Directive Principles and Policies of the State, Article 27 (10) of the Constitution states that the state shall pursue policies that will help promote the interests of economically and socially backward groups by making special provisions with regard to their education, health and employment. To implement those principles and policies during the annual budget of the Fiscal Year 2002/2003, the Government of Nepal decided to adopt a policy of active participation in the economic and administrative sector. Pursuant to the policy, all colleges and universities operating under government's grant had to provide reservations in each academic semester. This included admission for 10 per cent Dalit, 15 per cent Janajati and 20 per cent women.

The Interim Constitution of Nepal, 2007 had provisioned for the right to equality and right to social justice. It directed that the policy of gender equality and social inclusion should be the policy of the state.

Pursuant to the directives promised by the Constitution, the Government of Nepal made amendments in the Regulation relating to Scholarship, 2002 wherein the government adopted a policy of inclusiveness while distributing scholarships to women, Dalits, persons with disabilities, Adivasis/Janajatis and students from backward classes. Likewise, in the Civil Service Act, 2009, the second amendment (2007) contained legal provisions deemed necessary to make the civil service inclusive.

With the objective of making public entities and posts proportional and inclusive, the Government of Nepal issued the Ordinance relating to Inclusiveness, 2008 on 2065/10/28 (10 February 2009). Through this Ordinance, the provision for reservations in the Development Committee Act and other Acts were provided, wherein reservations were made for women, Madhesis, Dalits, persons with disabilities, Adivasi/Janajati and people from backward classes. However, the provision of the Act did not allow for a continuity of the provision made in the Ordinance.

The Preamble of the Constitution of Nepal deals with eliminating all forms of discrimination based on class, caste, class, language, religion and gender and all forms of caste-based untouchability. It ensures economic equality, prosperity and social justice through proportional inclusiveness and participatory principles, thereby building an egalitarian society. It recognizes inclusiveness as the basic structure of the Constitution; Article 4 of the Constitution defines Nepal as an inclusive state.

Part 3 of the Constitution of Nepal prescribes fundamental rights and duties. Article 18 provides the right to equality and states that all citizens are equal before the law; it guarantees that no citizen shall be denied equal protection under the

law. Likewise, it also states that no discrimination shall be made in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical or health conditions, disability, marital status, pregnancy, economic status, language or class, ideology or on other similar grounds. The Constitution also provides that no discrimination shall be made on the grounds of gender with regard to remuneration and social security for the same work, and that all offspring shall have an equal right to ancestral property without discrimination on the grounds of gender.

The Constitution also provides for positive discrimination, which gives the state the power to make special provisions by law for the protection, empowerment or development of citizens, including socially or culturally backward women, Adivasis/Janajatis, Madhesis, Tharus, Muslims, oppressed classes, backward classes, minorities, the marginalized, farmers, labourers, youth, children, senior citizens, gender and sexual minorities, persons with disabilities, pregnant people, the incapacitated or helpless, people from backward class and Khas Arya communities who are economically poor and indigent.

Article 24 of the Constitution prescribes the right against untouchability and discrimination; it states that no person shall be subjected to any form of untouchability or discrimination in his or her workplace. Likewise, Article 29 prescribes the right against exploitation wherein no person can be exploited in any manner on the grounds of religion, customs, traditions, practices, or on any other grounds. Article 31 provides for education rights, wherein persons with disabilities and economically indigent persons are guaranteed the right to free education up to the secondary level. Similarly, visually impaired citizens are entitled to free education through the Braille script and citizens with hearing or speaking impairment are guaranteed free education in sign language.

Article 38 of the Constitution guarantees every woman equal lineage rights without gender-based discrimination. It guarantees that no woman shall be subjected to any form of violence or exploitation and that women have the right to participate in all bodies of the state on the basis of proportional inclusiveness.

Outlining the principle of positive discrimination, the Article also guarantees women the right to obtain special opportunities in education, health, employment and social security and that spouses shall have equal rights to property and family affairs.

Article 40 guarantees Dalit people the right to participate in all bodies of the state on the basis of proportional inclusiveness. It prescribes special provisions for the empowerment, representation and participation of the Dalit community in public services, as well as other sectors of public employment. The Article also guarantees Dalit students free education through scholarships from primary to higher education and prescribes special provisions for technical and vocational education.

Article 42 guarantees different communities who have been historically marginalized the right to participate in state bodies on the basis of proportional inclusiveness. This includes economically, socially or educationally backward women, Dalits, Adivasis/Janajatis, Madhesis, Tharus, Muslims, backward classes, minorities, persons with disabilities, gender and sexual minorities, farmers, labourers, or citizens of backward classes and economically indigent Khas Arya communities.

Article 50 (1) of the Constitution lays down the directive principles and policies of the state wherein the state guarantees the establishment of a welfare system of governance on the basis of gender equality, proportional inclusiveness, participation and social justice. The Article also guarantees that relations between Federal Units shall be maintained on the basis of cooperative federalism and that they should also incorporate the principle of proportional inclusiveness into their system of governance on the basis of local autonomy and decentralization. Article 51 (j) prescribes policies relating to social justice and inclusion, wherein special provisions would be made by the state for indigenous and minority communities. The state shall also make special provisions for the equal distribution of economic, social and cultural opportunities and benefits to the Madhesi

community, Muslims and backward classes. Furthermore, the state shall follow the policy of implementing special provisions for the protection, upliftment, empowerment and development of indigent citizens who fall within that community.

2.2.2 Legal Provision

a) Legal Provision under Civil Service

In order to ensure gender equality and social inclusiveness in the public service sector, many legal provisions have been made in the Act and Regulation. Amendment to the Civil Service Act, 1993 was made in 1999, wherein the Act adopted the principles of gender equality and social inclusion. The age for entrance to the civil service for women was maintained at 40 years old, whereas the probation period was limited to six months and the promotion of one year of service was also reduced. This was an effort made to encourage women's participation.

The Civil Service Act was amended in 2007 and in order to make the civil service sector more inclusive through the number of postings in the open competition, 45 percent of posts were set aside, out of which 33 percent were provided to women, 27 percent to indigenous people, 22 per cent to Madhesis, 9 percent to Dalits, 5 percent to persons with disabilities and 4 percent to backward classes. Positions were also filled through a competition held among the candidates from concerned groups. Similar provisions were made in Section 17 of the Act Relating to the Federal Parliament Secretariat, 2008 and Section 8 of Nepal Health Service Act, 1997. In order to make the teachers service inclusive, Rule 11 (a) the Teachers Service Commission Rules, 2000, underlines that from among the postings approved by the government for community schools to be filled through open competitions, 45 per cent of the posts had been secured, out of which 33 per cent have to be secured for women. Among the number of posts secured for women, 3 per cent went to women from the Dalit community and 2 per cent to Muslim women.

With the aim of making the military service inclusive, Rule 5 of the Army Service Rule, 2012 has prescribed that among the posts that must be filled through open competitions, 45 per cent of the posts were secured, out of which 20 per cent were women, 32 per cent were indigenous, 28 per cent were Madhesi, 15 per cent were Dalit and 5 per cent were for people from backward classes. Positions were also filled through a competition among the candidates from the concerned groups. Rule 9 of the Police Rule, 2014 and Rule 9 of the Armed Police Rule, 2015 also contain the same provisions.

The Army Act, 2006 prescribes for a General Court Martial consisting of five officers: one General, two Colonels or Lieutenant Colonels and two Majors. Likewise, it also prescribes for a Summary General Court Martial comprising of three officers, which must include at least two officers of the rank of Major. Similarly, the Act also prescribes for a District Court Martial comprising of three officers who have completed three years of a commissioner term. The Act prescribes that the Summary Court Martial shall go to one officer who commands the Department, Formation or unit of the Nepal Army. Appeals against the decision shall be heard by the Army Special Court Martial, which is chaired by a judge of the High Court nominated by the government on the recommendation of the Judicial Council, Secretary of Ministry of Defence and the Chief of the Judge Advocate General Department as Member.

b) Legal Provisions under the Judicial Council and other Acts Relating to the Courts

Section 10 of the Judicial Service Commission Act, 2016 stipulates that the Commission shall perform its work pursuant to the principle of proportional inclusion as prescribed by the Constitution. The Judicial Council Act, 2016, pursuant to the Constitution, is vested with the authority of preparing records of Nepali citizens who are qualified and eligible to be appointed to the posts of justices. Section 5 (1) of the Judicial Council Act, 2016 stipulates that the Council, under the Constitution and in accordance with the principle of proportional inclusion, shall make recommendations for appointment judges.

The Judicial Council Rule, 2017 also prescribes that the Council, pursuant to Section 5 of the Act, shall recommend justices for nomination to the Supreme Court, High Court and District Court. Likewise, Rule 6 stipulates that while filling the post of district judges, the Council, pursuant to Section 149 (2) (c) of the Constitution, shall allocate to segregate 45 per cent of the posts. Among those seats, 33 per cent shall be secured for women, 27 per cent for indigenous people, 22 per cent for Madhesis, 9 per cent for Dalits, 5 per cent for persons with disabilities and 4 per cent for backward classes. As such, a separate competition on the basis of proportional inclusion shall be conducted among the candidates and the posts shall be filled.

Other than the principles of inclusion as provisioned in the Constitution of Nepal and Judicial Council Rule, 2017, no mandatory provisions regarding the application of the principles of inclusion are prescribed in any other laws regarding the appointment of persons in courts and other judicial bodies. For example, the Revenue Tribunal Act, 1974, prescribes for a three-member tribunal consisting of persons from the law, revenue and accounts. Likewise, the Special Court Act, 2002 provides that the Government of Nepal create a Special Court by publishing a notice in the Nepal Gazette and that the Government of Nepal, in consultation with the Judicial Council, shall designate the Chairperson and Member of the Special Court from among the judges of the High Court.

The Foreign Employment Act, 2007 also prescribes for the constitution of a Foreign Employment Tribunal, wherein the Government of Nepal (through a notification in the Nepal Gazette) shall form a three-member Foreign Employment Tribunal chaired by a judge of the High Court. It shall also comprise of an officer adjudicating cases at the Labour Court and a first-class officer from the judicial service recommended by the Judicial Service Commission. Likewise, in the Recovery of Debts of Banks and Financial Institutions Act, 2002, the Act prescribes for the constitution of a three-member Loan Recovery Tribunal comprising a law member, banking member and accounts member. Likewise, any person who is an incumbent judge or has already become eligible to become a

judge of the High Court shall be nominated to the post of the appeal-hearing authority of the Appellate Tribunal.

The positive discrimination that has been provided in constitutional and legal provisions has increased the number of female employees in the civil service. However, the representation of women and target groups as envisioned by the Constitution and the principles adopted by it have not been fulfilled in the District Court, High Court and Supreme Court. Unlike the civil service, in which people from different classes and communities can enter the service, there are no clear legal provisions regarding such appointments in the Supreme Court and High Court.

c) Other Legal Provisions

I. Acts made for Execution of Fundamental Rights

The Acts that have been formulated for the execution of the fundamental rights guaranteed by the Constitution of Nepal have provisions relating to social inclusion. The Right to Safe Motherhood and Reproductive Health Act, 2018 gives any woman working in a governmental, non-governmental or private organization or institution a minimum of 98 days paid leave. If the leave is not sufficient, the woman is entitled to get leave without pay for a maximum period of one year if she has the recommendation of a doctor. Likewise, the Act also prescribes local governments to appropriate necessary budgets for motherhood and reproductive health services.

The Public Health Service Act, 2018 provides that service seekers should be treated with respect and that special provisions should be made for women, children, Dalits and target groups as prescribed by the Government of Nepal. Similarly, the Right to Housing Act, 2075 stipulates that the housing rights of citizens should be respected; no citizens should be discriminated against and the Government of Nepal should provide housing facilities to homeless people on a priority basis. The Right to Food and Food Sovereignty Act, 2018 stipulates that if any household faces the risk of food insecurity because of geographical

remoteness, disasters or any other reasons, the government shall provide food for free or at a concessional price.

The Compulsory and Free Education Act, 2018 underlines that it is the responsibility of the state to provide education. The Act also provides that any backward class or person who is economically poor with an annual income less than that prescribed, or citizens who have disabilities, shall be provided with scholarships. The Act also provides for day meals and education in sign language for people with hearing impairment and special provisions for Dalit citizens. Likewise, the Right to Employment Act, 2018 states that if the federal, provincial or local governments conduct any employment programmes, priority should be given to women, Dalits, people who are economically poor, families of martyrs and families whose members have been forcibly disappeared. Similarly, the Social Security Act, 2018, stipulates that the state should provide social security allowances to people who are economically poor or incapacitated, single women, persons with disabilities, children and indigenous tribes facing the possibility of cultural or linguistic extinction.

II. Judicial Responses on GESI

Pradhosh Chhetri, et al. v. the Office of the Prime Minister and Council of Ministers [Writ No. 3059 of Year 2061, Decision Date: 29 October, 2004, (2061/07/13)]. The decision to provide reservations to Tribhuvan University employees without making a law seems to be against the Constitution.

Advocate Prakash Mani Sharma, et al. v. the Ministry of Women, Children and Social Welfare et al. (NLR 2062, Writ No ...69 Issue 1, Decision No. 7634). This provision cannot be immediately declared unconstitutional merely on the ground and logic that the Civil Service Act, (2049) 1993 provides a six-month probationary period for female employees as there is not a separate legal provision for females.

Rupak Dhakal, et al. v. the Prime Minister and Office of Council of Ministers et al (NLR 2004, Issue 4, Decision No. 7678 Special Writ No. 55 of the Year 2004). It shall not be substantial equality and also be a cause of reversed discrimination in treatment while providing protection to entire group without considering the specific backward community on a distinct basis and reason.

Sambhu Prasad Sanjel, et al. v. the Ministry of Culture, Tourism and Civil Aviation et al. and Shreeram Tamang et al. v. the Ministry of Culture, Tourism and Civil Aviation, (Writ No. WS- 0036 of the Year 2006 NLR 2007, Issue 9, Decision. No. 7876). The particular law shall be considered inconsistent with the right to equality as enshrined by the Constitution if it provides special facilities or protection to an individual of equal status, in comparison to the facilities and protection to another individual or deprives him/her from them.

Advocate Narayan Jha v. Tribhuvan University Assembly, Kirtipur et. al. (Writ No. WS-0033 of the Year 2010 NLR 2010, Issue 2, Decision. No. 8765, 2 February 2012). In the context of considering women as a separate group, a 33 per cent reservation has been ensured and provided to women. It shall be consistent with the provision of clause (b) of the Rule 6.3(8) on the ground of substantial equality if, further, 33 per cent of seats are also reserved for women within other groups (indigenous/ethnic communities, Madhesi, Dalit, disabled, backward areas). The provision made in this form, if continued in the future, shall create inequality and discrimination to other groups who are under deprivation and exclusion like that of women.

Shanti Balampaki v. the Government of Nepal, Ministry of Health, Ramshah Path, Kathmandu and Others (Writ No. WO-0484 of the Year 2015 Certiorari/Mandamus NLR 2018, Issue 3, Decision No. 9974). As women conceive and give birth to children, it is necessary to make a special provision for breastfeeding women who bear infants. Therefore, it is not justified to transfer female employees who have small babies without their consent. In this way, transferring a female employee who has a child under the age of two without her

consent is not only a violation of natural and social values about giving respect to women, but it also seems a violation of the right to safe motherhood and reproductive health enshrined in Article 38 (2) of the Constitution.

III. COVID 19 and Judiciary

The first known infection from SARS-CoV-2 was discovered in Wuhan, China in 2019 and has now spread all over the world. Known by the name COVID-19, this infectious disease has now become a global pandemic. All individuals can be infected as it is easily transmitted through respiration from one individual to another. To be safe from transmission of this disease, almost all countries declared a lockdown. Nepal has also tried to prevent COVID-19 from spreading by declaring lockdown several times since 24 March 2020.

The pandemic and the imposition of lockdowns have severely affected nearly every educational, social and economic sector in Nepal. During this period, some writ petitions concerning COVID-19 were invoked in the Supreme Court, with the goal of immediately addressing the legal rights of individuals during the pandemic. The writ petition filed by Advocate Roshani Poudyal et al. wherein five demands were invoked as objective, inter alia, to make services professional and seek institutional strengthening, was ascertained as the sixth demand as invoked therein. To achieve these objectives, a number of strategies have been undertaken through different programmes.

2.3. International Practices and Context of Nepal

2.3.1 Practices in Other Countries

The aim of gender equality is to implement women's rights-related laws, build public trust and remove any barriers that prevent women from accessing justice. Therefore, an emphasis has been laid on gender equality and social inclusion. Based on the qualification and skills, reservations have been made wherein women justices have been appointed for certain periods of time. The Organization for the Economic Cooperation and Development (OECD) and other countries have made efforts to make the judicial service and judiciary more gender-friendly and inclusive.

In order to increase women's participation in the political, economic and social spheres, Kosovo has adopted progressive laws and policies. Provisions have been made for 55 per cent representation of women and men in government bodies. In order to increase participation in the study of law and bar examinations, the government of Kosovo provides trainings to young legal practitioners and conducts programmes relating to their capacity enhancement.

In Bosnia and Herzegovina, the laws provide for gender equality and representation in all levels of the state governance. Further, 60 per cent of the nation's judges and prosecutors are women.

Across Africa, there has been an increase in the number of female justices from 2010 to 2015. Female justices have been appointed even at the highest level of the court and in some African countries, female justices have held the position of Chief Justice. In many African countries, emphasis has been placed on the appointment of female justices even in the lower courts. In Tanzania, women make up approximately 56 per cent of justices at the Appellate and High Court level. Likewise, the nation's National Assembly and local level bodies have reservations for women. There is also an eight-member tribunal and out of the eight members, three members are women.

In Kenya, there is a high level of representation of women in the judiciary. The Kenyan Constitution provides that there cannot be more than two thirds of the same sex in the appointment of justices in the judiciary or in the entities that are subject to election. Kenya has a constitutional provision for a minimum of three female members in the 11-member Judicial Service Commission. This provision has made a positive impact in the sector of gender equality. The government's effort is directed towards maintaining gender equality.

Efforts to maintain gender equality have been made by high-level political leadership in Uganda. In Uganda, if the Chief Justice is a man, the Deputy Chief Justice should be a woman and if the Chief Judge is a man, the Chief Registrar

should be a woman. The Constitution provides women with political and economic rights equal to that of men. A study conducted in 2012 stated that among the total justices, 39 per cent of the justices were female and that 33 per cent of the justices in Uganda's Supreme Court and High Court were women respectively. Out of ten members in the Judicial Service Commission, two members have to be female.

A study conducted in 2011 also shows that out of the total justices in Jordan, 12.5 per cent of the justices are female. In order to increase the number of women, there is a provision to admit 15 per cent women in the Institute of Judicial Studies. Likewise, in Tunisia, from among the total number of justices, 30 per cent are women.

It is not only developing countries that are making such efforts. Developed countries such as England have also made efforts to diversify its judiciary. The judiciary and private education sector are mostly comprised of whites. In order to diversify the sector, studies and efforts have been made to increase the representation of women, blacks, Asians and minority communities. For the purpose of managing diversity, a conducive environment has been created to attract people towards the judiciary. The same thing has also been made in building skills. A working policy to increase the representation of women, blacks, Asians and minority communities in the early stage of service is underway.

To increase diversity, England has prepared and implemented an action plan. This action plan adopts four aspects. First, programmes are conducted to encourage women, blacks, Asian and minority communities to enter the service, such as workshops, the dissemination of information and online programmes on capacity development. Second, efforts to provide feedback and information to prospective judiciary members are emphasized. Third, development activities such as trainings, coaching and establishing networks are held. Last, an evaluation of the academic qualification of justices and their backgrounds was carried out.

Overall, there are approximately 25 per cent women in the judicial service in England. In many countries, this number may be considered high or low. Owing to religious and social norms, there is a lack of confidence that women can work as judges, which might contribute to a lack of interest among women in entering this field. Training and programmes relating to capacity development and legal education should be conducted and the judiciary should be gender-friendly. Coordination and collaboration with the media should be enhanced.

There is not much of a difference between India and Nepal with regard to the participation of women in the judiciary. In India, the concerned High Court has the responsibility of hiring employees for the judiciary. However, there is no uniformity in all provinces with regard to hiring employees in the judiciary. Voices have been raised that the judicial service of India should be established as the All-India Judicial Service like that of other entities, and that reservations should also be provided to women and scheduled tribes, scheduled castes and other backward classes.

In India, the posts of justices in the Supreme Court and High Court are constitutional. Article 124 and 127 of the Indian Constitution do not prescribe any special provision for the appointment to the post of justices of the Supreme Court and High Court. In this context, a report from one of the committee members of the Lok Sabha was presented before the House on April 2001, and had recommended the government to take stringent steps. It made a request to the government to amend Article 124 and 127 so as to make the justices of the Supreme Court and the High Court and employees of the judiciary inclusive. A report submitted by the National Commission on scheduled castes before the Legislative Parliament in 2014 underlines that there is nominal representation from the scheduled castes and scheduled tribes in the judiciary.

Efforts have been made by the Pakistan government to increase the representation of women justices in the judiciary. The National Human Rights Commission submitted a report in 2016 that stated that out of the total number of justices, 5.8

percent of women were justices at the high level and recommended the government to initiate necessary actions to increase the number of female justices.

2.3.2 United Nations Efforts Regarding Sustainable Development

In September 2015, the United Nations General Assembly, in the presence of 193 member states, formally adopted the Agenda for Sustainable Development, which became effective beginning on 1 January 2016. From among the 17 goals, goal 4, 5 and 16 are worth mentioning in the context of inclusiveness. Goal 4 ensures inclusive, equitable and quality education and promotes lifelong learning opportunities for all. Goal 5 ensures the achievement of gender equality and empowerment of all women and girls. In order to achieve this goal, various cooperating goals have also been identified. The cooperating goals identified are effective leadership, participation and equal treatment for women in the political, economic and public life and in all decision-making levels. Goal 16 ensures the promotion of peaceful and inclusive societies for sustainable development, provides access to justice for all and builds effective, accountable and inclusive institutions at all levels.

2.3.3 Covenants to Which Nepal is a Party and Nepal's Legal Obligations

a) International Covenant on Civil and Political Rights, 1966

Article 2 (1) of the Covenant stipulates that discrimination shall not be made based on race, colour, sex, language, religion, political opinions or other opinions, national or social origin, property, birth or other status. Likewise, Article 1 states that all people have the right to self-determination and are free to determine their political status and freely pursue their economic, social and cultural development.

b) International Covenant on Economic, Social and Cultural Rights, 1966

Article 3 of the Covenant ensures the equal right of men and women to enjoy all economic, social and cultural rights. Article 10 (2) ensures special protection to mothers during a reasonable period before and after birth and also ensures that working mothers should be provided paid leave or leave with adequate social security benefits. Similarly, Article 13 (2) ensures that higher education shall be made equally accessible to all on a capacity-basis by every appropriate means.

c) Convention on the Elimination of all Forms of Discrimination Against Women, 1979

The Convention on the Elimination of all Forms of Discrimination Against Women, 1979 ensures that women shall not be discriminated against in political, economic, social and cultural sectors or any other sector. Article 7 of the Convention stipulates that the state parties shall take all appropriate measures to eliminate discrimination against women in political and public life. This ensures and allows women to participate in the formulation and implementation of government policies and to hold public office and perform public functions at all levels of government.

d) Convention on the Political Rights of Women, 1952

The Convention on the Political Rights of Women, 1952, ensures women's participation in elections and also allows them to be candidates, get elected and hold public posts equal to men.

e) Beijing Declaration and Platform for Action, 1995

The Beijing Declaration and Platform for Action, 1995 provides the same, equal rights to female justices, lawyers and officers that are provided to male justices, lawyers and other officers of the court. The declaration identified goals and sought to make a balanced judiciary, with equal representation and the substantial participation of female justices.

f) Concluding Observations on the Sixth Periodic Report of Nepal on CEDAW, 2018

The Concluding Observations made by the Sixth Periodic Report of Nepal on CEDAW issued the following recommendations and statements:

- Nepal must provide target financial support and legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination, such as women belonging to religious minority groups, women with disabilities, women living in remote areas, lesbian, bisexual, transgender women and intersex persons and displaced and migrant women.

- Nepal must provide mandatory training through the National Judicial Academy to all members of the judiciary, including members of the local Judicial Committees, and law enforcement officers, on women's rights and gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women, in line with commitments made in the context of the second review cycle of the state party under the universal periodic review mechanism of the UN Human Rights Council.
- The adoption of a national gender equality policy remains pending and there is insufficient coordination between the National Women's Rights Commission, the Ministry of Women, Children and Senior Citizens, the Ministry of Federal Affairs and Local Development and the Ministry for Social Development in their efforts to promote gender equality and emphasize effective coordination.
- Nepal must strengthen the mandate and capacities of local governments to address women's rights and gender equality and reintroduce the allocation of target budgets at the local level for women's leadership.
- Nepal must reinforce actions to promote equality and inclusion in education, including enhancing support systems, scholarships and incentives for girls from poor households, girls living in remote areas, girls belonging to "lower castes," indigenous groups and religious and linguistic minority groups and girls with disabilities, by training teachers on inclusive schools and by monitoring the implementation of those measures in the framework of the state party's school sector reform plan.
- Nepal must ensure that schools are girl and disabled-friendly, exist within a reasonable distance of communities and have safe drinking water and separate hygienic toilets for girls.
- Nepal must increase the proportion of female teachers at the primary and secondary levels by increasing the enrolment of women in teacher training centres and colleges.
- Nepal must adopt temporary special measures with clear timelines, in line with the constitutional provisions on "special opportunities," to enhance access for women to health services, education, safe water and sanitation services, food, fertile land, natural resources, housing, credit and income-generating opportunities, including through the presidential programme to uplift women,

especially for women facing intersecting and multiple forms of discrimination, including indigenous, Dalit women, rural women, women with disabilities and widows in the Hindu community, as well as women affected by conflict and natural disasters,.

2.3.4 Donor Agencies and Other Non-Governmental Entities

A Common Framework for Gender Equality and Social Inclusion for International Development Partners Group, 2017 has been issued for donor agencies involved in Nepal. In this common framework, it has been pointed out that the policy of gender equality and social inclusion is important to achieving the goals of sustainable development in Nepal. The framework deals with issues, such as identifying mechanisms at the local, district and central level, identifying class and communities that need to be help implement the policy, monitoring, reporting and evaluation.

Likewise, many non-governmental entities have developed and implemented policies regarding gender equality and social inclusion. Strengthening the Rule of Law and Human Rights Protection System in Nepal Program (RoLHR) has adopted a gender equality and social inclusion mainstreaming strategy in its program. Likewise, a gender equality and social inclusion mainstreaming strategy has also been adopted in the 'Hariyo Ban' programme conducted by NGOs.

2.4 Policy Framework

2.4.1 Periodic Development Plan of the National Planning Commission

With the commencement of planned development, the first plan commenced in 1956. Six decades have passed since the commencement of planned development in Nepal. Owing to various political developments and the establishment of civil rights, the creation of social justice along with economic development and a welfare society has been the priority of the state. With the intent of managing the impact of globalization, addressing the development needs of the people and determining and ensuring inclusiveness and balanced development, priorities have been identified and plans have been formulated and implemented.

Every periodic plan gives priority to the demands and needs of society, and many plans have been formulated and implemented. For example, the sector of priority of the First Plan was agriculture and irrigation, whereas the Second Plan's priority was transportation and communication. The Third Plan's priority was to eliminate social discrimination and build a fair and clean society and the Fourth Plan re-prioritized transportation and communication.

The Fifth Plan prioritized an increase in the production of food and the development of agriculture and also appointed female teachers and institutional training for women. The first priority of the Sixth Plan was agriculture and the second priority was social service. Further, the Sixth Plan embraced a policy to increase opportunities for employment among women.

Seventh Development Plan (1985-1990): The issue of gender equality in Nepal was introduced and included for the first time in this plan. This plan envisaged the development of women through their participation and also adopted a policy of providing opportunities in education. The **Eighth Periodic Plan** (1992-1997) also adopted a policy of increased participation in the development of women in the education and health sectors. This plan also included the concept of disbursing the budget to address the issue of gender development. The **Ninth Plan (1997-2002)** adopted a policy of eliminating all discrimination and establishing an equitable system, eliminating economic and social discrimination between women and men, organizing awareness programmes and bringing reforms in the law so that women's access to economic, political and social sectors could be enhanced.

The **Tenth Plan (2002-2007)** provided strategies, policies and programmes deemed necessary for gender equality and mainstreaming. The plan adopted the policy of bringing reforms in the law, increasing awareness and implementing laws, creating a gender-friendly budget, establishing contact points and establishing the National Women Commission, which works to eliminate all kinds of discrimination.

The **Eleventh (Three Year) Interim Plan (2007/2008-2009/2010)** adopted a policy and action policy of ensuring a minimum of 33 per cent representation of women in local and national-level bodies that concern gender mainstreaming and inclusiveness. It also ensured that 33 per cent of women would benefit from the programmes conducted by the ministries and ensured that a minimum of 33 per cent of women – based on caste structure – would represent the state mechanism, operation of legal remedies and aid committees.

The **Twelfth Plan (2000-2013)** ensured the social, economic and political empowerment of women of all classes and sectors and also ensured the role of women in sustainable peace and development and ensured the elimination of all forms of gender-based violence and discrimination against women.

The **Thirteenth Plan (2013-2016)** ensured women's equal rights for the purpose of gender equality, inclusiveness and mainstreaming, and set the goal of creating a gender-inclusive and egalitarian nation. This plan adopted a strategy to spur meaningful participation of women in every stage and development process within the governance system. The plan also adopted an action plan to increase women's representation to 33 per cent in state machineries, conduct programmes for employment and self-employment, and conduct preparatory classes for examinations to be conducted by the Public Service Commission.

The **Fourteenth Plan (2016/2017-2018/2019)** had the following goals: increase easy access to education, health and opportunities for employment by eliminating all forms of discrimination based on disabilities and reform the lives of persons with disabilities. The plan also adopted a strategy to increase the participation of women in every level of governance, development and decision-making processes. The plan also embraced the following action policy to increase the representation of women and target groups in the civil service and in various other units of the state: vocational and skill-based training, the provision of scholarships, access to basic health services, the operation of target programmes and special preparatory classes.

The **Fifteenth Plan (2019/020-2023/024)** envisaged the creation of a gender-friendly and egalitarian nation. It also set a goal of equal and meaningful participation of women and maintained substantial equality. The plan adopted the policy of gender equality at the federal, provincial and local level so as to ascertain opportunities, access and benefits on an equal footing. It also adopted an action policy of maintaining 50 per cent participation of women in all levels, machineries and development processes of the state. The plan gave special priority to people who were economically and socially backward and adopted a strategy of economic empowerment and social transformation. It also set a goal of providing equal access to justice for everyone. With regard to inclusion, the plan envisaged inclusive development, with the presence and meaningful participation of all citizens. The plan also ascertained proportional, inclusive access for target groups who did not have the opportunity to participate in the economic, social and political affairs of the state. It further ensured the participation in the governance and decision-making process of all sectors of development. It also adopted an action policy of providing positive discrimination to citizens who were economically, socially and geographically backward and, through reservations, ensured their meaningful participation in the political, social and administrative sector.

2.4.2 Strategy and Efforts Made by Stakeholders

Various efforts have been made by the judiciary to secure easy access to justice for Nepal's citizens. Some important aspects include provisions for court-paid lawyers (*Baitanik*) and efforts made towards making those services effective, as well as legal provisions made in that regard. Likewise, the Supreme Court constituted an Access to Justice Commission, wherein an action plan for the Commission had been prepared and the Commission continuously worked to enhance access to justice. The courts have been assisting in filling the forms relating to court proceedings, and the presence of interpreters in the courts has enhanced access to justice for the general public in a meaningful way. According to the positive discrimination made in the civil service, the posts for the judicial service have been fulfilled by women, Adivasi/Janajati, Madhesi and Dalit communities. Likewise, in order to attract women and target groups towards legal

education and the legal sector, provisions for scholarships have been provided by the Rule of Law and Protection of Human Rights Programme. Based on their selection, internship programmes have also been provided to new legal practitioners. This has not only diversified the judicial service and the legal sector but has also contributed towards creating a sense of ownership and cultivating a sense of trust and faith in the judiciary and government.

(a) Five-Year Strategic Plan of the Judiciary

The **Third Five-Year Strategic Plan of the Judiciary (2013/2014-2018/2019)** set the following four goals: to provide quick and speedy dispensation of justice, make the justice system accessible and build public trust and faith in the judiciary. Approximately 72.27 per cent of all the goals set by the Third Strategic Plan have been achieved.

The **Fourth Five-Year Strategic Plan Strategy of the Judiciary (2019/2020-2023/2024)** set the following five goals: generate a speedy and quality dispensation of justice, enhance access to justice, promote judicial good governance, strengthen court management and enhance people's trust and faith towards the judiciary. In order to achieve these goals, 23 strategic interventions were identified. Some of the interventions were as follows: strengthen legal aid, disseminate information regarding the judicial process and procedure, strengthen the victim-centred justice system, fortify the management of human resources and improve the cooperation of stakeholders involved in the courts.

The annual action plan of the Fiscal Year 2017/2018 of the **Access to Justice Commission** was centred on service seekers, with the goal of increasing their access to justice. It sought to provide information about rights to service seekers, prepare a legal basis for them, identify obstacles, expand free legal aid, make the court-paid lawyer's service and pro-bono services effective, increase the monitoring system and provision for translators and properly implement intra-entities coordination. The plan also had programmes reform access to justice, make the services of the employees friendly and publish and distribute

informative booklets. For the Fiscal Year 2018/2019, the Access to Justice Commission set the following goals: identify and address elements of barriers to access to justice, increase access to justice for target groups, develop a legal basis for empowerment and expand effective cooperating mechanisms to enhance access to justice.

The Directives Relating to the Appointment of Court-Paid Lawyers and Conditions of Service, 2015, which was issued by the Supreme Court, prescribes and determines various grounds for selecting court-paid lawyers. Among those grounds, 10 points have been provided to Janajati and candidates from the backward classes. Likewise, a provision has also been made to appoint a female court-paid lawyer at the Supreme Court.

(b) The Five-Year Strategic Plan of the Office of the Attorney General (2021/2022-2025/2026)

The main objectives of this plan include: making the prosecution objective and based on scientific evidence, creating an effective defence of cases and writs, adequately discharging constitutional and legal responsibilities, making the service of government attorneys professional and seeking institutional strengthening by ascertaining the rule of law by establishing the OAG as the professional institution to carry out effective and scientific evidence-based prosecution.

(c) Nepal Bar Association

Nepal Bar Association prepared its Periodic Strategic Plan 2020-2024 for the first time. By prioritizing accessible, quality legal services for justice, this strategic plan envisions three four main expected results as follows. Such expected results are mentioned below:

- a) Enhance the competency of the legal professional and legal professionals.
- b) Protect and promote the rule of law, constitutional supremacy, justice and human rights.

- c) Promote confidence within the legal community by collecting the support of people in legal professions to discharge their own roles with a high level of honesty and integrity.
- d) Achieve an institutional restructure and help develop the physical infrastructure of the Nepal Bar.

(d) Nepal Bar Council

Nepal Bar Council formally issued its **first Five-Year Strategic Plan (2021/2022-2025/2026)** with a vision to promote the rule of law through competent and dignified legal professionals who can effectively discharge the functions and duties of the council pursuant to Section 8 of Nepal Bar Council Act, 1993, 28 years after its establishment. The vision of this plan is to promote the rule of law through competent and dignified legal professionals, whereas its mission is to establish the Bar Council as the supervisory institution of a professionally competent and ethically profound legal professional for ascertaining the rule of law and access to justice. The values accepted by the Nepal Bar Council are fair trials, fairness in discharging functions, equality and non-discrimination, good conduct and integrity, dignity and respect, professional representation, quality service, participation and proportional inclusiveness, commitment towards democracy and independent judiciary, access to justice and continuous learning. Creating a gender-friendly and inclusive environment has been incorporated as one of the strategies stipulated in strategy number 5.4 under the strategy number 5 of the plan, which is related to enhancing access to justice out of the 6 objectives deemed to achieve the vision and mission as outlined in the plan. The first activity of this strategy is “to prepare a policy to enable a gender and inclusion-friendly environment to enhance substantive participation of legal professionals of Dalit minorities and marginalized communities,” whereas the second strategy is “to conduct orientation programme every year in every province on the issue of gender equality and social inclusion.”

2.4.3 Sectoral Policies of Nepal Government

The Ministry of Women, Children and Senior Citizens has been making an effort to issue a national policy regarding gender equality. This policy adopts gender equality and inclusion, and the policy is in its final stage. The draft includes the drafting of the laws for framing programmes and implementing them, along with providing monitoring and evaluation. Gender equality has been included as an important element. Various ministries of Nepal's government have framed and implemented policies, strategies or standards regarding gender equality and social inclusion. From among the policies and standards issued by the ministries, the policy and standards of some ministries are as follows:

The **Ministry of Federal Affairs and Local Development** issued a policy on gender equality and social inclusion in 2008. The principle objective of the policy is as follows: To orient the Division, Department, , Section, Unit and Commission under the Ministry, as well as the institutional structure and its program, towards achieving gender and social inclusion, pursue those same goals through the programme and budget at the local level, enhance the capacity of concerned stakeholders and make arrangements for the participation of women, children and the poor in the local development process. The main provisions outlined in that policy are as follows:

- Prioritize and pursue development, along with proportional inclusiveness, participation and gender equality in the development, empowerment and implementation of international legal obligations.
- Create an institutional mechanism, representative system and reforms in the working area.
- Commence the inclusive development process, along with promoting awareness and empowerment, increasing access to economic resources, enhancing institutional capacity and human resources, creating an institutional mechanism at the local level, ensuring a representative system and working area while determining the conditions therein and prescribing provisions for inclusive representations in the institutional structure.
- Increase knowledge through awareness-oriented programmes, disseminating information, sensitizing the public on matters relating to gender and social

inclusion, formulating a programme and budget, enhancing monitoring capacity, creating an institutional network, and enhancing the capacity of federations.

- Ensure that there is a minimum of 33 per cent women's participation in the programmes conducted by the ministry and department, which will help determine, ensure and increase the participation of Dalit, Adivasi/Janajati, backward classes, Madhesi, Muslim and persons with disabilities, and set up an implementation and monitoring mechanism for achieving this goal.

The **Ministry of Health and Population**, through its **Gender Equality and Social Inclusion Strategy, 2008**, provided definitions of gender equality, social inclusion, equality, equity and oppressed classes in Nepal. The plan has a policy, strategy and programmes to create a conducive environment for gender equality and social inclusion, enhance the capacity of service providers, increase access of health services among target groups, and develop a procedure to help communities seek health services based on their rights. The plan has adopted the following strategies:

- Conduct an analysis of the prevailing policy, rules and directives so as to ensure gender equality and social inclusion in strategy, plan and standards, as well as a budget for the health sector to make policy-level provisions for gender equality and social inclusion.
- Prioritize gender equality and social inclusion in the formulation, monitoring and evaluation of local level projects and the programme budget, which will help increase the availability and access of health services.
- Embrace a gender equality and social inclusion lens while conducting projects and programmes, formulating the budget and during monitoring and evaluation.
- Integrate matters of gender equality and social inclusion into health service programmes.
- Coordinate and develop participation with different institutions for gender equality and social inclusion.
- Establish social service unit in hospitals and establish gender equality and social inclusion desk in the Ministry of Health. Make reforms in the service providing

institutions so as to enhance the capacity of health service providers and make them liable towards services.

- Conduct free health programmes to increase access to services and conduct free maternity programmes, as well as special target programmes, for the target groups.
- Make provisions for a female doctor in the district hospital.
- Raise awareness about a provision for health workers translated into local languages, manage a policy and social testing at the local level, conduct awareness programmes for empowerment, and make provisions for a separate branch at the ministry, a unit under the department and establish a service unit at the hospital under institutional management.
- Create a social network at the regional level and make the management committee of the health institutions at the community level more inclusive.
- Monitor at the central, regional, department and district community level so as to make the monitoring and reporting system effective.
- Follow a participatory monitoring process during monitoring and reporting, when service seekers reach out and during meetings and periodic reviews.

The **Guidelines on Gender Equality and Social Inclusion, 2013** were issued by the **Ministry of Urban Development and Housing**. The Guidelines provide definitions for impoverished, excluded groups, groups under risk, gender equity, equality, and social inclusion. The following provisions have been made:

1. Implement and monitor, in an integrated manner, the activities relating to gender equality and social inclusion conducted by the ministry and entities under the ministry and appropriately address the programme and project.
2. Establish social a coordination, gender equality and social inclusion section at the ministry, establish a gender equity and social inclusion unit in the project and other units, establish a separate section at the department level and set up units at the regional, divisional and sub-divisional levels.

3. Analyse and include, from a gender equality and social inclusion perspective, the various stages of identification of the projects, analysis, preparation, pre-evaluation, implementation and monitoring and evaluation.
4. Make institutional provisions for monitoring and evaluation during the project for gender equality and social inclusion.

The Government of Nepal recently issued an **Integrated National Legal Aid Policy, 2018**. The policy outlines a coordinated and integrated approach for legal aid provided by the Government of Nepal and non-governmental bodies. The policy proposes the following matters: provide legal aid at all stages of civil and criminal cases for people who are economically poor, as well as legal aid to people who, owing to social reasons, are not able to protect their rights; develop a social legal aid system; expand legal aid in judicial and quasi-judicial sectors; simplify the process of obtaining the service; appoint court-paid lawyers on the basis of inclusion; prepare a roster of legal aid lawyers on the basis of inclusion; provide free legal aid from female lawyers as far as possible for women who are victims of gender-based violence or domestic violence.

The **Nepal Police** has undertaken efforts to create a gender-friendly work environment and gender-friendly physical infrastructure. In order to ensure gender sensitivity, maintain peace and security, effectively address gender issues outside the organization and enhance the capacity of female police, Nepal Police issued the **Nepal Police Gender Policy, 2012**. The policy embraced the creation of programmes and projects about gender equality and gender justice. It seeks to provide justice to women and attempts to address discriminatory behaviour against women.

Chapter - Three

Situation Analysis and Development of the Gender Equality and Social Inclusion Strategy in the Judiciary

3.1 Situation Analysis of Gender Equality and Social Inclusion

3.1.1 Situation Analysis of Inclusion in Civil Service

This section presents a comparative analysis of the selection of candidates from target groups through open and internal competitive advertisements in addition to giving information about advertisements for target groups. Since 2063 B.S (2007 A.D.), a provision relating to recruitment on the basis of inclusion has been implemented. Studies on the status of the policies on inclusion and its impact have shown that the implementation of the inclusion policy in the civil service has led to an increase in the number of women in the civil service and at the policy level in the last seven years. Prior to the implementation of a policy in the civil service, the number of women in the civil service was 9 per cent, whereas the number rose to 23.17 per cent after the implementation of the policy. After the implementation of an inclusion policy, the participation of Adivasi/Janajati, Madhesi, Dalit, people with disabilities and communities from backward classes increased substantially.

During the fiscal year 2018/2019, the total number of recommended posts was 4,574, in addition to 297 through internal competition. There were 4,277 posts announced for open and inclusive competition. Out of these posts, 32 per cent of the posts were recommended for women, 19 per cent for Adivasi/Janajati, 18 per cent for Madhesi, 7 per cent for backward class, 5 per cent for Dalits and 3 per cent for persons with disabilities. A detailed description of it is shown in Table 1.

Table No. 1
Candidates from Target Groups Recommended through
Various Advertisements

Advertisements and Applications among Target Groups

Recommended Group	No. of Candidates Recommended Based on Groups						
	Women	Adivasi/ Janajati	Madhesi	Dalit	Person with Disability (PWD)	Backward Area	Total
Internal Competition	32 (26%)	34 (27%)	31 (25%)	10 (8%)	7 (6%)	11 (9%)	125 (100%)
Open	546 (40%)	237 (17%)	343 (25%)	41 (3%)	36 (3%)	172 (13%)	1,375 (100%)
Women	625 (77%)	97 (12%)	51 (6%)	10 (1%)	1 (0%)	31 (4%)	815 (100%)
Adivasi / Janajati	123 (19%)	509 (78%)	0 (0%)	0 (0%)	9 (1%)	12 (2%)	653 (100%)
Madhesi	61 (13%)	0 (0%)	409 (86%)	0 (0%)	5 (1%)	0 (0%)	475 (100%)
Dalit	36 (16%)	0 (0%)	0 (0%)	168 (73%)	3 (1%)	22 (10%)	229 (100%)
Person with Disability (PWD)	15 (11%)	7 (5%)	8 (6%)	0 (0%)	95 (67%)	17 (12%)	142 (100%)
Backward Areas	10 (11%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)	77 (88%)	88 (100%)
Total	1,448	884	842	229	157	342	3,902
Percentage	(32%)	(19%)	(18%)	(5%)	(3%)	(7%)	

Source: 60th Annual Report of Public Service Commission 2017/2018

Advertisements and Applications among Target Groups:

During the reporting period, there were a total of 138 advertisements in the civil service, excluding promotion notices and internal competitive advertisements. Out of the total number of advertisements, 102 advertisements (i.e. 74 per cent of the advertisements) were made for six target groups. The advertisement had 326 posts for candidates from the six target groups. There were 63,984 applications made in response to the advertisement, which is approximately 48.6 per cent of the total number of applications. If we are to look at the per-post application of various inclusive groups, women stand at 277 and disability groups stand at 80. A description of the posts and the numbers of applications have been provided in Table No. 2.

Table No. 2

Advertisement and Application for Target Groups (on the basis of inclusion) in Fiscal Year 2018/2019

Inclusive Group	Women	Adivasi/ Janajati	Madhesi	Dalit	Person with Disability (PWD)	Backward Class	Total
No. of Advertisement	25 (25%)	24 (23%)	23 (22%)	16 (16%)	8 (7%)	6 (7%)	102 (100%)
No. of Positions	109 (33%)	90 (28%)	71 (22%)	31 (10%)	14 (4%)	10 (3%)	326 (100%)
No. of Applications	30,164 (33%)	12,939 (28%)	15,391 (22%)	3,028 (10%)	1,932 (4%)	1,330 (3%)	63,984 100%)
Per-Post Application	277 (47%)	144 (20%)	217 (24%)	95 (5%)	81 (2%)	133 (2%)	196 (100%)

Source: 60th Annual Report of Public Service Commission

Nature of Filling Inclusive Posts: Table No. 3 presents the recommended number of posts from six different target groups and the recommended number of posts from open advertisements during the Fiscal Years of 2008/2009 to 2018/2019, which was

the fiscal year when the fulfilment of an inclusive post was applied. During that period, a total of 21,546 candidates were recommended through the inclusive advertisement. From the open advertisement, a total of 31,671 candidates were recommended during that period.

Table No. 3

No. of Candidates Recommended Through Inclusive and Open Advertisements

Fiscal Year	Recommended Through Inclusive Advertisement							Open Recommendation
	Women	Adivasi/Janajati	Madhesi	Dalit	Person with Disability (PWD)	Backward Class	Total	
2018/2019	625 (33%)	509 (27%)	409 (22%)	168 (9%)	95 (5%)	77 (4%)	1,883 (100%)	2,394
2017/2018	1,088 (34%)	858 (26%)	711 (22%)	292 (9%)	163 (5%)	132 (4%)	3,244 (100%)	4,007
2016/2017	1,383 (34%)	1,026 (25%)	901 (26%)	385 (9%)	189 (5%)	142 (4%)	4,026 (100%)	5,273
2015/2016	797 (34%)	629 (27%)	503 (22%)	213 (9%)	101 (4%)	95 (4%)	2,338 (100%)	3,300
2014/2015	639 (32%)	547 (28%)	454 (23%)	168 (8%)	95 (5%)	76 (4%)	1,979 (100%)	2,783
2013/2014	626 (34%)	509 (27%)	384 (21%)	173 (9%)	91 (5%)	71 (4%)	1,845 (100%)	2,767
2012/2013	372 (34%)	318 (28%)	254 (22%)	106 (9%)	51 (4%)	35 (4%)	1,126 (100%)	1,707
2011/2012	352 (34%)	280 (28%)	212 (21%)	99 (10%)	40 (4%)	30 (3%)	1,013 (100%)	1,805

2010/2011	471 (35%)	371 (28%)	300 (22%)	105 (8%)	59 (4%)	43 (3%)	1,349 (100%)	2,487
2009/2010	495 (35%)	368 (26%)	319 (22%)	142 (10%)	64 (4%)	43 (3%)	1,431 (100%)	2,080
2008/2009	117 (32%)	94 (26%)	91 (25%)	36 (10%)	15 (4%)	12 (3%)	365 (100%)	840
2007/2008	366 (39%)	245 (26%)	183 (20%)	84 (9%)	33 (4%)	17 (2%)	928 (100%)	2,228
Total	7,331 (34%)	5,754 (26%)	4,721 (22%)	1,971 (9%)	996 (5%)	773 (4%)	21,546 (100%)	31,671

Source: 60th Annual Report of Public Service Commission

3.1.2 Situation Analysis Relating to Inclusiveness in Judicial Service

(a) Justice Group: Under the justice group of Nepal Judicial Service, there were a total of 789 officers during the fiscal year 2018/2019 in all levels (the special, first, second and third class). Of the 789 officers, there have been 152 women representatives (19 per cent). There were 89 representatives comprising of Adivasi/Janajati (11 per cent), 40 Madhesi (5 per cent), 18 Dalit (2 per cent), 6 (1 per cent) and 19 from backward groups (2 per cent). Likewise, during the fiscal year 2019/2020, there were 1,028 officers in all levels (the special, first, second and third class) and among these officers' women comprised 242 officers (24 per cent). Adivasi/Janajati comprised 113 (11 per cent), Madhesi comprised 51 (5 per cent), Dalit comprised 24 (2 per cent), person with disability comprised 12 (1 per cent) and backward class comprised 22 (2 per cent). There has been a nominal amount of representation on the basis of gender equality and social inclusion at the higher level, whereas there has been more representation at the lower level. A description of officers in the justice groups of the Nepal Judicial Service is provided in Table No. 4.

Table No. 4**Description of Officers in the Judicial Group of Nepal Judicial Service**

S. N.	Employees	Female	Male	Total	Adivasi/ Janajati	Madhesi	Dalit	Person with Disability (PWD)	Backward Class
a.	Special Class								
	2019 / 2020	1 (25%)	3 (75%)	4 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
	2018 / 2019	0 (0%)	4 (100%)	4 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
b.	Gazetted First Class								
	2019 / 2020	0 (0%)	20 (100%)	20 (100%)	2 (10%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
	2018 / 2019	2 (10%)	19 (90%)	21 (100%)	2 (10%)	0 (0%)	0 (0%)	0 (0%)	1 (0%)
c.	Gazetted Second Class								
	2019 / 2020	21 (10%)	190 (90%)	211 (100%)	13 (6%)	8 (4%)	1 (0.5%)	2 (1%)	3 (1%)
	2018 / 2019	18 (11%)	153 (89%)	171 (100%)	14 (8%)	4 (2%)	3 (2%)	1 (1%)	2 (1%)
d.	Gazetted Third Class								
	2019 / 2020	132 (22%)	461 (78%)	493 (100%)	73 (12%)	36 (6%)	15 (3%)	5 (1%)	17 (3%)
	2018 / 2019	132 (22%)	461 (78%)	593 (100%)	73 (12%)	36 (6%)	15 (3%)	5 (1%)	17 (3%)
Total									
2019 / 2020		242 (24%)	786 (76%)	1028 (100%)	113 (11%)	51 (5%)	24 (2%)	12 (1%)	22 (2%)
2018 / 2019		152 (19%)	637 (81%)	789 (100%)	89 (11%)	40 (5%)	18 (2%)	6 (1%)	19 (2%)

**Source: Annual Report of Judicial Council and Judicial Service Commission
2019/2020 and 2018/2019**

(b) Government Attorney Group: During the Fiscal Year 2018/2019 under the Nepal Judicial Service, Government Attorney Group, there were a total of 413 officers in all levels (the special, first, second and third class). From among the total officers, 65 (16 per cent) were comprised of females. Furthermore, Adivasi/Janajati comprised 35 people (8 per cent), Madhesi comprised 13 people (3 per cent), Dalit comprised 4 people (1 per cent), PWDs comprised of 3 officers (1 per cent) and backward class comprised of 17 (4 per cent). Likewise, during Fiscal Year 2019/2020, there were a total of 426 officers in all levels (the special, first, second and third class). Out of the total number of officers, women represented 62 (15 per cent). Out of these, Adivasi/Janajati represented 32 (8 per cent), Madhesi represented 18 (4 per cent), Dalits represented 4 people (1 per cent), persons with disabilities represented 2 (0.50 per cent) and backward class represented 17 people (4 per cent). There is a nominal representation on the basis of gender equality and inclusion in the higher posts, whereas there is a positive representation on the basis of gender equality and social inclusion in the lower posts. A description of the officers of the Nepal Judicial Service, Government Attorney Group is provided in Table No. 5.

Table No. 5

Description of Officers in the Government Attorney Group of Nepal Judicial Service

S N	Employees	Female	Male	Total	Adivasi/ Janajati	Madhesi	Dalit	Person with Disability (PWD)	Backward Class
a.	Special Class								
	2019 / 2020	0 (0%)	4 (100%)	4 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
	2018 / 2019	0 (0%)	5 (100%)	5 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
	Gazetted First Class								
	2019 / 2020	1	33	34	1	1	0	0	1

b.		(3%)	(97%)	(100%)	(3%)	(3%)	(0%)	(0%)	(4%)
	2018 / 2019	1 (4%)	27 (96%)	28 (100%)	1 (4%)	0 (0%)	0 (0%)	0 (0%)	1 (4%)
c.	Gazetted Second Class								
	2019 / 2020	12 (8%)	148 (92%)	160 (100%)	12 (8%)	4 (3%)	1 (1%)	0 (0%)	6 (4%)
	2018 / 2019	8 (5%)	140 (95%)	148 (100%)	9 (6%)	3 (2%)	0 (0%)	1 (1%)	3 (2%)
d.	Gazetted Third Class								
	2019 / 2020	49 (21%)	179 (79%)	228 (100%)	19 (11%)	9 (4%)	3 (2%)	2 (1%)	10 (6%)
	2018 / 2019	56 (24%)	176 (76%)	232 (100%)	25 (11%)	10 (4%)	4 (2%)	2 (1%)	13 (6%)
Total									
2019 / 2020		62 (15%)	364 (85%)	426 (100%)	32 (8%)	18 (4%)	4 (1%)	2 (0.50%)	17 (4%)
2018 / 2019		65 (16%)	348 (84%)	413 (100%)	35 (8%)	13 (3%)	4 (1%)	3 (1%)	17 (4%)

Source: Annual Report of Judicial Council and Judicial Service Commission 2019/2020 and 2018/2019

(b) Legal Group: During the Fiscal Year of 2018/019, there were a total of 178 officers in all posts (the special, first, second and third class) in the Legal Service Group under the Nepal Judicial Service. Among 241 officers, women represented 60 (25 per cent). Among these, Adivasi/Janajati represented 31 (13 per cent), Madhesi represented 12 (5 per cent), Dalits represented four (2 per cent) persons with disabilities represented two (1 per cent) and people from backward class represented 6 (2 per cent). Likewise, during the Fiscal Year 2019/2020, there were a total of 269 officers at all levels (the special, first, second and third class). Within this group, 69 were represented by women (26 per cent). Among these 269

officers, Adivasi/Janajati represented 30 (11 per cent), Madhesi represented 14 (5 per cent), Dalit represented seven (3 per cent), people with disabilities represented three (1 per cent) and backward class represented six (2 per cent). There is a nominal representation on the basis of gender equality and social inclusion in the higher post, whereas there is a positive representation on the basis of gender and inclusiveness in the lower posts. The description of the officers of the legal group under the Nepal Judicial Service is provided in Table No. 6.

Table No. 6
Description of Officers in the Legal Group of the Nepal Judicial Service

S. N.	Employees	Female	Male	Total	Adivasi/ Janajati	Madhesi	Dalit	Person with Disability (PWD)	Backward Class
a.	Special Class								
	2019 / 2020	1 (25%)	3 (75%)	4 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
	2018 / 2019	0 (0%)	5 (100%)	5 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
b.	Gazette First Class								
	2019 / 2020	2 (8%)	23 (92%)	25 (100%)	2 (8%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
	2018 / 2019	3 (12%)	23 (88%)	26 (100%)	2 (8%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
c.	Gazetted Second Class								
	2019 / 2020	20 (22%)	71 (78%)	91 (100%)	10 (12%)	4 (4%)	1 (1%)	1 (1%)	1 (1%)
	2018 / 2019	8 (9%)	78 (91%)	86 (100%)	12 (14%)	5 (6%)	0 (0%)	1 (1%)	1 (1%)

d.	Gazetted Third Class								
	2019 / 2020	46 (31%)	103 (69%)	149 (100%)	18 (16%)	10 (5%)	6 (4%)	2 (1%)	5 (4%)
	2018 / 2019	49 (40%)	75 (60%)	124 (100%)	17 (14%)	7 (6%)	4 (3%)	1 (1%)	5 (4%)
Total									
2019 / 2020									
2018 / 2019									

Source: Annual Report of Judicial Council and Judicial Service Commission 2019/2020 and 2018/2019

3.1.3 Situation Analysis of Inclusiveness among Judges

There are 20 justices on the Supreme Court and among them, only three are women (15 per cent). Among the total number of judges on the High Court, 21 are women (14 per cent). Likewise, among the total number of judges at the District Court, 11 are women (4 per cent).

Article 149 (2) (c) of the Constitution provides that the Judicial Council, pursuant to the Judicial Council Rule, 2017, shall segregate 45 per cent of the total posts, and consider that to be 100 per cent. According to the principle of inclusion, a separate competition shall be conducted to fulfil these posts from the categories of women, Adivasi/Janajati, Madhesi, Dalit, people with disabilities and candidates from backward group.

During the Fiscal Year 2018/2019, there were a total of 409 judges at all judicial levels (the Supreme Court, High Court and District Court), and out of the total number of judges, there were only 28 women (7 per cent). Among the judges, 34 were Adivasi/Janajati, (8 per cent), 16 were Madhesi (4 per cent) and Dalits represented four judges (1 per cent). There was no representation of persons with

disability. While people from backward class was represented by five judges (1 per cent).

During the Fiscal Year 2019/2020, there were a total of 417 judges at all levels (the Supreme Court, High Court and District Court), and out of the total number of judges, women represented 35 (8 per cent). Among these judges, Adivasi/Janajati represented 42 (10 per cent), Madhesi 18 (4 per cent) and Dalit 5 (1 per cent). There was one judge with disabilities (representing 0.20 per cent) and five from backward class (1 per cent). There is a nominal representation on the basis of gender equality and social inclusion on the Supreme Court, whereas there is a positive representation at the High and District Court. A quantitative description of the judges has been provided in Table No. 7.

Table No. 7
Quantitative Description of Honourable Justices and Judges

S. N.	Court	Female	Male	Total	Adivasi/Janajati	Madhesi	Dalit	Persons with Disability (PWD)	Backward Class
1.	Supreme Court								
	2019/2020	3 (15%)	17 (85%)	20 (100%)	5 (25%)	1 (5%)	0 (0%)	0 (0%)	0 (0%)
	2018/2019	3 (15%)	17 (85%)	17 (100%)					
2.	High Court								
	2019/2020	21 (14%)	130 (86%)	151 (100%)	19 (12%)	13 (9%)	3 (2%)	0 (0%)	3 (2%)
	2018/2019	17 (11%)	143 (89%)	160 (100%)	17 (11%)	14 (9%)	3 (2%)	0 (0%)	3 (2%)

3.	District Court								
	2019/ 2020	11 (4%)	235 (96%)	246 (100%)	18 (7%)	4 (2%)	2 (1%)	1 (0.4%)	2 (1%)
	2018/ 2019	8 (4%)	221 (96%)	229 (100%)	17 (7%)	2 (1%)	1 (0.5%)	0 (0%)	2 (1%)
Total									
2019/2020		35 (8%)	382 (92%)	417 (100%)	42 (10%)	18 (4%)	5 (1%)	1 (0.2%)	5 (1%)
2018/2019		28 (7%)	381 (93%)	409 (100%)	34 (8%)	16 (4%)	4 (1%)	0 (0%)	5 (1%)

Source: Annual Report of Judicial Council and Judicial Service Commission 2018/2019 and 2017/2018

3.1.4 Situation Analysis of Inclusiveness among Legal Practitioners

The representation of female lawyers in the legal field also seems very nominal. By the time the Nepal Bar Council conducted its 28th (Special) examination in 2018, there were a total of 30,459 legal practitioners; among this number, there were 3,707 female lawyers (12 per cent). In order to boost women's representation to 33 per cent, women should be motivated to study law and enter this service. The description of legal practitioners has been provided in Table No. 8.

Table No. 8
Description of Legal Practitioners

S. N.	Legal Practitioners	Until 2019/2020			Until 28th (Special) Examination		
		Female	Male	Total	Female	Male	Total
1.	Senior Advocate	28 (6%)	420 (94%)	448 (100%)	28 (6%)	420 (94%)	448 (100%)
2.	Advocate	2,138 (13%)	14,440 (87%)	16,578 (100%)	2,960 (16%)	15,984 (84%)	18,944 (100%)

3.	Pleader	714 (7%)	9,260 (93%)	9,974 (100%)	714 (7%)	9,260 (93%)	9,974 (100%)
4.	Agent	5 (.5%)	1,088 (99.5%)	1,093 (100%)	5 (5.5%)	1,088 (99.5%)	1,093 (100%)
	Total	2,885 (10%)	25,208 (90%)	28,093 (100%)	3,707 (12%)	26,752 (88%)	30,459 (100%)

Source: First Strategic Plan of the Nepal Bar Council 2021/2022-2025/2026

3.1.5 Situation Analysis of Inclusion among Students Admitted for Legal Education

There are currently three universities in Nepal that provide three and five-year LLB and two-year LLM courses, as well as a PhD in the subject of law. These are Tribhuvan University, Purvanchal University and Kathmandu University. A description of students studying at universities and/or 10+2 colleges or higher secondary schools is outlined below.

(a) Campuses that have a full and partial affiliation with Tribhuvan University

Tribhuvan University is one of the oldest and largest universities catering towards higher education. This is a government-owned institution and there are eight partially affiliated colleges under this university that provide LLB, five-year Bachelor's degrees, LLM and PhD courses. A description of the students admitted in colleges that are fully affiliated and partially affiliated with this university is provided in Table numbers 9, 10 and 11.

Table No. 9

Description of Students Admitted in LLM Courses in Colleges Fully and Partially Affiliated with Tribhuvan University

S. N.	Name of College	Two-Year LLM			Three-Year LL		
		Female	Male	Total	Female	Male	Total
1.	Nepal Law Campus, Kathmandu (Bagmati Province)						
	2018 / 2019	21 (42%)	29 (58%)	50 (100%)	17 (49%)	18 (51%)	35 (100%)
	2017 / 2018	21 (42%)	29 (58%)	50 (100%)	19 (54%)	16 (46%)	35 (100%)
2.	National Law College, Lalitpur (Bagmati Province)						
	2018 / 2019	27 (54%)	23 (46%)	50 (100%)	Course Not Available		
	2017 / 2018	22 (54%)	28 (56%)	50 (100%)	Course Not Available		

Table No. 10

Description of Students Admitted for Three-Year LLB and Five-Years B.A. LLB in Colleges Fully and Partially Affiliated with Tribhuvan University

S. N.	Name of College	Three-Year LLB			Five-Year LLB		
		Female	Male	Total	Female	Male	Total
1.	Nepal Law Campus, Kathmandu (Bagmati Province)						
	2018 / 2019	2,568 (24%)	8,295 (76%)	10,863 (100%)	72 (71%)	29 (29%)	101 (100%)
	2017 / 2018	2,046 (23%)	6,784 (77%)	8,830 (100%)	72 (71%)	29 (29%)	101 (100%)

2.	Prithivinarayan Campus, Pokhara (Gandaki Province)						
	2018 / 2019	No Admission			50 (71%)	20 (29%)	70 (100%)
	2017 / 2018	175 (28%)	449 (72%)	624 (100%)	46 (66%)	24 (34%)	70 (100%)
3.	National Law College, Lalitpur (Bagmati Province)						
	2018 / 2019	Course Not Available			88 (53%)	77 (47%)	165 (100%)
	2017 / 2018	Course Not Available			71 (68%)	34 (32%)	105 (100%)

Table No. 11

**Description of Students Admitted for Three-Year LLB Courses with Colleges
Fully and Partially Affiliated with Tribhuvan University**

S. N.	Name of College	Female	Male	Total
1.	Mahendra Bahumukhi Campus, Banke (Lumbini Province)			
	2018 / 2019	No Admission		
	2017 / 2018	272 (23%)	916 (77%)	1,188 (100%)
2.	Mahendra Bahumukhi Campus, Sunsari, (Province 1)			
	2018 / 2019	No Admission		
	2017 / 2018	311 (31%)	710 (69%)	1,012 (100%)
3.	Mahendra Bindeswori Bahumukhi Campus, Saptari (Province 2)			
	2018 / 2019	No Admission		
	2017 / 2018	267 (18%)	1,189 (83%)	1,456 (100%)
4.	Butwal Bahumukhi Campus, Rupandehi, (Lumbini Province)			
	2018 / 2019	No Admission		
	2017 / 2018	163 (27%)	438 (73%)	601 (100%)

5.	Hari Khetan Campus, Parsa (Province 2)			
	2018 / 2019	No Admission		
	2017 / 2018	73 (25%)	214 (75%)	287 (100%)

Source: Information received from fully and partially affiliated colleges under Tribhuvan University (February 4, 2020)

(b) Colleges Fully and Partially Affiliated with Purvanchal University

The Purvanchal University was established in 1993 for providing quality education in Nepal. This University provides higher-level education in law. A description of students admitted in colleges fully and partially affiliated with Purvanchal University is provided in Table No. 12.

Table No. 12

Description of Students Admitted for Five-Year B.A. LLB and LLM Degrees in Colleges Fully and Partially Affiliated with Purvanchal University

S. N.	Name of College	Five-Year B.A. LLB			LLM		
		Female	Male	Total	Female	Male	Total
1	Chakrabarti Habi Academy, Kathmandu (Province 3)						
	2018 / 2019	53 (53%)	47 (47%)	100 (100%)	26 (26%)	73 (74%)	99 (100%)
	2017 / 2018	54 (54%)	46 (47%)	100 (100%)	31 (32%)	67 (68%)	98 (100%)
2	Bright Vision College, Kathmandu (Province 3)						
	2018 / 2019	35 (60%)	23 (40%)	58 (100%)	3 (23%)	10 (77%)	13 (100%)
	2017 / 2018	32 (68%)	15 (32%)	47 (100%)	4 (24%)	13 (76%)	17 (100%)

3	Kathmandu School of Law, Bhaktapur (Province 3)						
	2018 / 2019	128 (78%)	37 (22%)	165 (100%)	23 (58%)	17 (42%)	40 (100%)
	2017 / 2018	117 (40%)	92 (60%)	295 (100%)	17 (58%)	19 (42%)	36 (100%)

Source: Purvanchal University Examination Control Office (4 February 2020)

(c) Colleges Fully and Partially Affiliated with Kathmandu University

Kathmandu University was established in December 1991. The university provides education in the humanities, management, commerce, science, medicine, engineering and law. In 2013, this university commenced a BBM and five-year LLB programme. A description of students admitted in these programmes is provided in Table No. 13.

Table No. 13

Description of Students Admitted for Five-Year B.A. LLB in Colleges Fully and Partially Affiliated with Kathmandu University

S. N.	Name of College	Five-Year B.A. LLB		
		Female	Male	Total
1	Kathmandu University (Province 3)			
	2018 / 2019	34 (77%)	10 (23%)	44 (100%)
	2017 / 2018	34 (76%)	11 (24%)	45 (100%)

Source: Information received from Kathmandu University (7 January 2020)

(d) Learning and Teaching the Subject of Law in Higher Secondary School Level

The eighth amendment of the Education Act, 1971 repealed the Higher Secondary Education Council, which was replaced by the National Examination Board. The Board is responsible for managing and regulating secondary education. This provision has resulted in an increase in the number of schools providing legal education, as well as an increase in the number of students studying law. Colleges or higher secondary schools that provide education in law and have received affiliation from the National Examination Board have, to some extent, filled the vacuum that was created by discontinuing the study of the Proficiency Certificate Level in colleges. For the purpose of providing legal education, 45 higher secondary schools have received approval to provide legal education for classes 11 and 12. The descriptions of students admitted in those schools are provided in Table No. 14.

Table No. 14
Description of Students Admitted in Colleges or
Higher Secondary Schools to Study Law

S. N.	Code	Name of School	Address	2018			2019		
				Male	Female	Total	Male	Female	Total
1	0544	Shree Satyanarayan Secondary School (Province 1)	Biratnagar, Morang	21	19	40	30	32	62
2	2501	Shree National Institute of Science (Bagmati Province)	Patan, Lalitpur	2	4	6	6	7	13

3	2533	Shree Kathmandu Model Secondary School (Bagmati Province)	Imadol, Lalitpur	7	24	31	9	33	42
4	3822	Shree Nirmal Secondary School (Gandaki Province)	Badagaon, Tanahu	6	14	20	15	29	44
5	8337	Shree Paragon Academy Secondary School (Province 1)	Biratnagar – 3, Morang	0	0	0	17	14	31
6	3474	Shree City School of Birgunj Secondary School (Province 2)	Birgunj – 13, Parsa	0	0	0	19	5	24
7	1778	Shree Sarvodaya Boarding Secondary School (Province 2)	Janakpurdham – 8 Dhanusha	0	0	0	4	6	10
8	3402	Shree Hari Khetan Bahumukhi Campus (Province 2)	Birgunj, Parsa	0	0	0	12	7	19

9	3432	Shree Holy Land English Secondary School (Province 2)	Shreepur, Birgunj, Parsa	0	0	0	39	14	53
10	2418	Shree Banepa Nist Secondary School (Bagmati Province)	Naya Basti, Banepa, Kavre	0	0	0	9	17	26
11	2550	Shree Oxbridge International Secondary School (Bagmati Province)	Lagankhel, Lalitpur	0	0	0	0	9	9
12	2623	Shree Modern Boarding Secondary School (Bagmati Province)	Dadhikot– 7, Bhaktapur	9	22	31	15	27	42
13	2646	Shree Bhaktapur Nist Secondary School (Bagmati Province)	Bhaktapur, Thimi, Bhaktapur	0	0	0	10	9	19
14	2732	Shree Gyan Kunj Residential Secondary	Ravi Bhavan, Kathmandu	13	21	34	8	15	23

		School (Bagmati Province)							
15	2750	Shree Xavier International Secondary School (Bagmati Province)	Kalopool, Kathmandu	0	0	0	2	7	9
16	2764	Shree Himalaya English Boarding Secondary School (Bagmati Province)	Koteshwor, Kathmandu	0	0	0	8	17	25
17	2765	Shree Arunima Secondary School (Bagmati Province)	Boudha, Kathmandu	0	0	0	7	13	20
18	2791	Shree Active Academy Secondary School (Bagmati Province)	Basundhara Kathmandu	0	0	0	7	22	29
19	3016	Shree Dhading Boarding Secondary School (Bagmati Province)	Dhading Besi, Dhading	0	0	0	18	15	33

20	3058	Shree Advance Academy Secondary School (Bagmati Province)	Nilkanta – 3 Dhading	0	0	0	17	24	41
21		Shree Siddhartha Secondary School (Bagmati Province)	Hetauda, Makwanpur	0	0	0	14	49	63
22	7615	Shree Navodit Vidhya Kunja Secondary School (Bagmati Province)	Mhepi Kathmandu	0	0	0	9	12	21
23	7644	Shree Nepalaya Education Foundation Secondary School (Bagmati Province)	Kalanki, Kathmandu	0	0	0	10	18	28
24	7652	Shree Kathmandu School of Central State (Bagmati Province)	Soalteemode, Kalimati, Kathmandu	0	0	0	21	38	59

25	7690	Shree Budhanilkant ha Secondary School (Bagmati Province)	Narayanthan, Kathmandu	0	0	0	4	8	12
26	7738	Shree Pushpalal Memorial Secondary School (Bagmati Province)	Kapan, Kathmandu	0	0	0	12	13	25
27	7751	Shree Kamana International Secondary School (Bagmati Province)	Swoyambhu, Kathmandu	0	0	0	11	20	31
28	7779	Shree Mahendra Rastriya Secondary School (Bagmati Province)	Baluwatar, Kathmandu	0	0	0	7	11	18
29	7798	Shree Hrit Academy Secondary School (Bagmati Province)	Balaju, Kathmandu	24	50	74	32	59	91
30	7829	Shree Riviera International Secondary	Maijubahal, Chabhil , Kathmandu	0	0	0	9	14	23

		School (Bagmati Province)							
39	7845	Shree Jugal English Medium Secondary School (Bagmati Province)	Kapan, Kathmandu	0	0	0	10	32	42
32	4442	Shree Limithana Secondary School (Gandaki Province)	Phalebas – 7, Limithana, Parbat	0	0	0	7	4	11
33	4508	Shree Amrit Aadarsha Secondary School (Gandaki Province)	Mahendapath, Baglung	0	0	0	2	3	5
34	5668	Shree Himat Academy (Lumbini Province)	Tulsiapur – 6, Dang	0	0	0	21	30	51
35	5718	Shree Dhambojhi Secondary School (Lumbini Province)	Nepalgunj, Banke	5	2	7	13	11	24
36	4808	Shree Mahadev Devkota Secondary	Sunwal, Nawalparasi	0	0	0	27	23	50

		School (Lumbini Province)							
37	4919	Shree Annapurna Secondary School (Lumbini Province)	Butwal, Rupandehi	11	16	27	15	13	28
38	4947	Shree Kalika Maanbigyan Secondary School (Lumbini Province)	Butwal, Rupandehi	29	41	70	15	44	59
39	4966	Shree Shanti Namuna Secondary School (Lumbini Province)	Anandba – 3, Manigram	7	23	30	20	36	56
40	8411	Shree Jan Kalyan Secondary School (Lumbini Province)	Sainamaina – 6, Rupandehi	10	20	30	11	32	43
41	8425	Shree Pamir International Academy (Lumbini Province)	Tilottama – 2, Rupandehi	0	0	0	2	4	6
42	5444	Shree New Moonlight Secondary Boarding School	Musikot, Rukum	0	0	0	6	9	15

		(Karnali Province)							
43	5968	Shree Public Academy (Karnali Province)	Birendranagar – 2, Surkhet	0	0	0	15	18	33
44	5969	Shree Advance W.E.M. Secondary School (Karnali Province)	Birendranagar – 3, Surkhet	0	0	0	34	52	86
45	5971	Shree Siddhapaila E.M. Secondary School (Karnali Province)	Birendranagar – 10, Surkhet	0	0	0	18	28	46
Total				144	256	400	597	913	1,510

Source: Information received from the National Examination Board through email on 22 January 2020

3.2 Obstacles Regarding Gender Equality and Social Inclusion in the Judiciary

Based on the situation analysis and review of the prevailing policies made in the chapters above, there are several obstacles faced by the judiciary for making it gender-friendly and socially inclusive.

An analytical study on the situation of gender equality and social inclusion in the judiciary was conducted by the National Judicial Academy in 2013. The study showed that out of the 3,908 human resources in the judicial service, people from Brahmin Chhetri castes occupied 77.6 per cent of all posts and that men made up 86.1 per cent. Likewise, among the judges, 87.1 per cent were Brahmins and

Chhetris, while Janajatis represented 9.4 per cent. With regard to legal practitioners, men occupied 90.6 per cent and Janajatis occupied 18.3 per cent. Female students admitted to study law represented 23.9 per cent, Janajatis 14.6 per cent and Brahmin and Chhetris represented 83.4 per cent. The study recommended that there should be institutional, systemic and procedural reforms to make the judiciary equal, gender-friendly and socially inclusive. It also recommended that similar reforms be made in colleges and in the judicial service and the judiciary.

In order to make the judiciary gender-friendly and socially inclusive, the 2013 study identified legal, procedural, institutional and social barriers, which will be discussed below.

3.2.1 Obstacles in Obtaining Legal Education

Often, students and parents have not been properly informed about the importance of legal education and the opportunities that could be obtained by studying law. This has resulted in many women and target groups not being drawn to pursue an education in this sector. There is also no curriculum in schools that provides basic legal knowledge to young students.

The 2013 study also identified that studying law was expensive and that admission to receive a Bachelor's degree in law was only possible after completing a three-year Bachelor's degree in any other discipline. There were limited colleges and universities that provided education in law and there were no opportunities for students to study law at the local level. Fees were comparatively higher than those of other institutions, wherein additional expenses had to be borne and as a result, target groups were often not financially able to enter this sector. Likewise, there were no reservations and scholarships for students in the target groups. Similarly, the legal curriculum demands for study and analysis. For this, students must expend additional effort and investment in their education, which can lead to difficulty in continuing one's studies.

Furthermore, traditional mindset has also been identified as obstacles for women to pursue law. The social practice of continuing or entering the same traditional profession of the family (rather than exploring new areas like law), and the practice of preventing women from studying outside of their hometowns are both social hurdles.

3.2.2 Obstacles in Service Entry

There are legal and procedural hurdles in service entry. The competitive examination that is conducted for service entry is held in limited areas and therefore, candidates from target groups who are economically disadvantaged often cannot participate in those examinations. The time and expenses incurred for coaching classes present more hurdles because they often prevent candidates from target groups from taking examinations.

The gap in the implementation of protection measures is another obstacle for students. The required vacancies have not been fulfilled despite the provision of reservations secured for target groups for judicial service and avoiding the entrance examination and the first paper for the preliminary examination of Class III Gazetted Officer. The entrance examination for posts secured for the target groups in the judicial service could be contributing to the lack of competition and as such, the posts have not been fulfilled. Likewise, there is a lack of socially inclusive and friendly environment for persons who have entered the services. There are also few professional development trainings for women and people from the target groups who have entered the service.

3.2.3 Obstacles in the Appointment of Justices

There are policies in place to make the appointment of justices more inclusive. However, there are gaps in the implementation of the reservation requirements for civil service posts. Due to the prevailing social and economic context, women and the target groups have not been appointed to the post of judges.

3.2.4 Obstacles in the Field of Legal Practitioners

The legal practitioners need to invest a great deal of time, attention and finances to commence their practice, which can be a barrier for starting their practice. The new entrant practitioner either has to work as an intern in the law firm of another legal practitioner or has to establish his or her own law firm. They have no other alternatives. The expenses incurred in establishing his or her own firm or working at another law firm while managing living expenses is high. This can prevent new entrant law practitioners from continuing.

Likewise, female students and students from the target groups do not get the opportunities to make themselves competitive and to enhance their capacity after completing their education. Some are reluctant to enter the profession for the reasons listed above. Further, a lack of legal industry contacts and work experience presents other hurdles for these groups.

There are additional social challenges for women. They have to actively engage in their profession from morning to evening, while managing household chores and family responsibilities due to social norms. The heavy load of responsibilities women are expected to bear, including lack of support from family in many instances, are some of the barriers women face. The legal professional sector as a whole as well as the bench are yet to provide sufficient encouragement for new female legal professionals, as well as legal professionals from the target groups.

3.3 Obstacles in the Continuity of Service and Career Development of Women and Target Groups

There are other obstacles in the judiciary that prevent certain students from continuing this profession and developing their careers. In order to qualify for promotions, women and people from the target groups need to acquire marks in lieu of their services performed in certain geographical areas. Hence, it is imperative for them to go work for a certain period of time in remote areas. Furthermore, they often lack opportunities for domestic and foreign studies and visits, which can enhance their careers. They lack nominal representation in framing policies, as well as positions leadership posts. There is also a lack of

appropriate physical infrastructure for women and the target groups in many work places. These challenges cause hindrances in the career development and continuity of their service. Overall, there is a lack of an enabling environment for legal practitioners desirous to enter into this profession and continue in this field. In order to remove such hurdles, coordination should be made with concerned stakeholder entities and short-term and long-term policies should be framed and implemented.

3.4 Need for the Strategy

The Constitution of Nepal has declared to end all forms of discrimination based on class, caste, class, language, religion, gender and all forms of caste-based untouchability. The Constitution is based on principles of proportional inclusion and participation and it envisages ways to build economic equality, prosperity and social justice, thus creating an egalitarian society. In order to fulfil the goals of the Constitution, the judiciary has to be gender-friendly and socially inclusive; hence, there is a need for a Strategy for the judiciary.

Nepal has endorsed various covenants, international conventions, conclusions, recommendations, declarations and action plans of the committees of the United Nations, which, inter alia, have expressed Nepal's obligations and commitments at the international level. In order to make the Nepali judiciary realize the importance of gender equality and socially inclusive, this Strategy has been formulated.

Likewise, based on the principle of proportional inclusion, Nepal's government guarantees women's participation in all machineries of the state. Similarly, special provisions have been made in the areas of education, health, employment and social security on the basis of principle of positive discrimination. All entities of the state, based on the principles of proportional inclusion, guarantee the enforcement of the fundamental rights of women and Dalits and guarantee their participation in the entities of the state. Therefore, in this regard, it is imperative

to ensure inclusion and diversity in Nepali judiciary. The Strategy also seeks to enhance public trust towards the judiciary.

3.5 Objectives and Goals of the Strategy

Objective:

Enhance gender equality and social inclusion by ensuring the proper representation and participation of women and target groups in the judiciary and judicial service.

Goals

- Goal 1: Increase access to legal education among women and target groups.
- Goal 2: Ensure meaningful and substantive representation of women and target groups in the judiciary and judicial service.
- Goal 3: Create an environment that enables the capacity enhancement and continuity of service among women and target groups involved in the judiciary and judicial service.

3.6 Strategies to Be Adopted to Achieve the Goals

In order to achieve these goals and make the judiciary gender-friendly and socially inclusive, the following strategies should be adopted:

Goal 1: Increase access to legal education among women and target groups.

- Strategy 1: Encourage women and target groups to study law.
- Strategy 2: Collaborate with schools, colleges and universities to provide opportunities for women and target groups to study law at the secondary level (classes 11 and 12).
- Strategy 3: Coordinate with schools, colleges and universities to ensure and secure admission seats for women and target groups for legal education.
- Strategy 4: Initiate and provide scholarships and subsidized education loan to disadvantaged women and target groups to study legal education.
- Strategy 5: Make the practice of internships in courts, judicial bodies and other concerned entities for students studying legal education effective.

Strategy 6: Conduct preparatory classes for competitive examinations among women and target groups.

Strategy 7: Prepare a record of women and target groups who work as officers, legal practitioners and in the judicial sector in general, who are qualified and interested in being appointed to vacant posts of justices in the courts.

Goal 2: Ensure meaningful and substantial representation of women and target groups in the judiciary and judicial service.

Strategy 1: Adopt a policy for reserving a minimum of 50 per cent of posts of Justices at the Supreme Court and High Court from qualified women and target groups.

Strategy 2: Adopt a policy for appointing a minimum of 50 per cent posts of judges at the District Court from the qualified women and target groups.

Strategy 3: Adopt a policy of appointing women and target groups as members of specialized courts, judicial bodies or tribunals, pursuant to Article 152 of the Constitution of Nepal.

Strategy 4: Adopt a policy to ensure the representation of women and target groups in 45 per cent of the total vacant posts to be filled through open competition in the Nepal judicial service.

Strategy 5: Adopt a policy to make the appointment of advocates among court-paid lawyers (*Baitanik*) and in the District Legal Aid Committee gender-friendly and inclusive.

Goal 3: Create an environment that promotes and ensures capacity enhancement and continuity of service among women and target groups in the judiciary and judicial service.

Strategy 1: Adopt a policy to enhance the career development of women and target groups by conducting programmes relating to capacity building.

Strategy 2: Conduct programmes on law, justice and leadership for women and target groups appointed to the post of judges.

- Strategy 3: Ensure the inclusion of women and target groups while nominating people for in-country and foreign studies, tours, visits and trainings.
- Strategy 4: Ensure the meaningful participation of women and target groups while developing projects for the judiciary and justice sector; framing and implementing policies and programmes; and conducting monitoring and evaluation.
- Strategy 5: Establish an effective network and information system to empower women and target groups in the judiciary and justice sector.
- Strategy 6: Create a conducive environment for women and people from the target groups to continue their judiciary service.

Chapter - Four

Action Plan on Implementing the Gender Equality and Social Inclusion Strategy

4.1 Action Plan on Implementing the Strategy

The responsible agencies and cooperating agencies, and a timeframe for implementing the strategy has been determined. Some of the activities in the action plan below are of a continuous nature. The action plan proposes strategies that should be immediately implemented. A time frame to complete those activities has also been proposed, which was determined based on examining the preparation for executing those programmes and the general nature of the programmes.

The names of the responsible and cooperating agencies, as well as specific indicators and time frames for obtaining the goals adopted by the action plan are provided in the table below.

Goal 1: Increase access to legal education among women and target groups.

Strategy 1: Encourage women and target groups to study law.

S. N.	Activity	Responsible Agency	Cooperating Agencies	Time Frame	Performance Indicator	Expected Result
1.	Conduct and perform informative programmes in schools on opportunities in studying law.	Supreme Court, High Court and District Courts, Office of the Attorney General	Ministry of Law, Justice and Parliamentary Affairs; Ministry of Finance; Ministry of Education, Science and Technology	Continuous	No. of programmes conducted annually.	Women and students from the target groups are encouraged to study law.

2.	Coordinate for inclusion of basic information about law and justice in the curriculums of classes 9 and 10.	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs	Ministry of Education, Science and Technology	End of December 2022	Subject matters to be included in the determined curriculum.	Subject matters relating to law and justice are included in the curriculums of classes 9 and 10.
----	---	---	---	----------------------	--	--

Strategy 2: Collaborate with schools, colleges and universities to provide opportunities for women and target groups to study law at the secondary level (classes 11 and 12).

S. N.	Activity	Responsible Agency	Cooperating Agencies	Time Frame	Performance Indicator	Expected Result
1.	Coordinate and conduct a feasibility study to establish 10 legal education programmes in schools in every province.	Ministry of Law, Justice and Parliamentary Affairs	Ministry of Education, Science and Technology, the Ministries of Law of Provincial Governments; local-level governments	End of January 2024	Feasibility study	A study on establishing legal subjects in more schools.
2.	Facilitate the modification and reform of curriculums on legal subjects for classes 11 and 12 from the	Ministry of Law, Justice and Parliamentary Affairs; Supreme Court; Office of the	Ministry of Education, Science and Technology	End of January 2023	Coordination meetings and discussions about modifying the curriculum.	A new curriculum is prepared.

	perspective of for women and target groups.	Attorney General				
3.	Facilitate the management of seats in a minimum of two colleges in each province for students who seek to pursue a Bachelor of Law.	Ministry of Law, Justice and Parliamentary Affairs; Supreme Court; Office of the Attorney General	Ministry of Education, Science and Technology, the Ministry of Law of Provincial Governments	End of July 2023	Coordination meeting	Colleges are identified to provide education in law.
4.	Facilitate the establishment of a Bachelor of Law programme at a minimum of one university or college under a university in every province.	Ministry of Law, Justice and Parliamentary Affairs; Supreme Court; Office of the Attorney General	Ministry of Education, Science and Technology, University Grants Commission, various universities	End of July 2024	Coordination meeting	A university or college for studying law is identified.
5.	Initiate the establishment of one law library in each province.	Ministry of Law, Justice and Parliamentary Affairs	Supreme Court, Ministry of Federal Education,	End of August 2025	Correspondence and discussions in coordination meetings.	A library is established.

			Provincial Governments, Central Law Library			
--	--	--	--	--	--	--

Strategy 3: Coordinate with schools, colleges and universities to ensure and secure admission seats for women and target groups for legal education.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1.	Coordinate to secure 50 % of seats for women and target groups at schools, colleges and universities that provide educations in law.	Ministry of Law, Justice and Parliamentary Affairs	Supreme Court, Ministry of Education, Science and Technology, Office of the Attorney General	End of August 2022	Coordination meetings	Coordination is made.
2.	Formulate a policy to reserve a minimum 50% of admission seats for women and target groups.	Ministry of Federal Education, Provincial Ministry of Education, Science and Technology	University Grants Commission	End of December 2022	Decisions and policies	Seats are secured.

Strategy 4: Initiate and provide scholarships and subsidized education loans for disadvantaged women and target group to study legal education.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Coordinate and facilitate the provision of seats for students representing disadvantaged women and target groups seeking to study law and facilitate the provision of scholarships at all level of education.	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Ministry of Finance, Ministry of Education, Science and Technology, University Grants Commission	Continuous	Coordination meetings on scholarships	Scholarships are made available.
2.	Facilitate full subsidized education loans for women and target groups studying law.	Supreme Court, Office of the Attorney General, various universities and colleges	Ministry of Finance; Ministry of Law, Justice and Parliamentary Affairs; Nepal Rastra Bank; Ministry of	Continuous	Provision of educational loans	Women and students from target groups are encouraged to study law.

			Education, Science and Technology, various banks and financial institutions			
3.	Enter into an agreement with students who have scholarships to ensure their participation the area of justice and law in Nepal.	Concerned universities and colleges	Ministry of Education, Science and Technology, various universities; University Grants Commission	Continuous	Letter of agreement	There is an increase in the number of disadvantaged women and target groups in the legal and justice sector.
4.	Conduct a feasibility study of hostels for women and target groups and facilitate to make these facilities available.	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Ministry of Finance, Ministry of Education, Science and Technology, University Grants Commission, concerned educational institutions	Continuous	A feasibility study report on the availability of hostels	A policy regarding hostel facilities is implemented

Strategy 5: Strengthen effectiveness of internships at courts, judicial bodies and other concerned entities for law students.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1.	Make the practice of providing internships in courts, judicial bodies and other entities effective and purposeful for law students.	Ministry of Law, Justice and Parliamentary Affairs; Supreme Court; Office of the Attorney General; various universities and colleges	Ministry of Education, Science and Technology	By the end of September 2022	Guidelines relating to curriculums and internships	Law students receive practical knowledge and experience, which inspires them to continue their work in the judicial service.
2.	Modify curriculums to address the need of access to justice among law students, women and target groups, and include community-based activities to attract such groups towards legal education.	Ministry of Education, Science and Technology, various universities	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	End of December 2023	Modified curriculums	Legal aid is made available for women and target groups, which attracts them to pursuing a career in law.

Strategy 6: Conduct preparatory classes for competitive examinations among women and target groups.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1.	Disseminate information on organizing preparatory classes for women and target groups seeking admission to study law in schools, colleges and universities.	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	National Judicial Academy, Judicial Service Training Center, Federal Ministry of Education, Science and Technology and Provincial Ministry of Education, Science and Technology	Continuous	Information published and disseminated electronically and through various newspapers	Information on this subject is widely disseminated .
2.	Conduct preparatory classes for women and target groups seeking to study law.	Provincial Law Ministry, National Judicial Academy, Judicial Service Training Center	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General; various colleges and universities	Continuous	The number and quality of preparatory classes conducted	There is an increase in the number of admissions of women and students from target groups.

3.	Make arrangements to conduct preparatory classes for students who will be taking their examination to become lawyers through the Nepal Bar Council.	Ministry of Law, Justice and Parliamentary Affairs; National Judicial Academy; Nepal Bar Council	Supreme Court, Nepal Bar Association, various universities imparting legal education	Continuous	Preparatory classes conducted and the number of participants in those classes.	Successful increase in the number of women and target groups who take examinations to become advocates.
4.	Conduct and manage preparatory classes for officer-level examinations conducted by Public Service Commission.	Ministry of Law, Justice and Parliamentary Affairs; National Judicial Academy; Judicial Service Training Center; Ministry of General Administration	Supreme Court; Office of the Attorney General; Judicial Service Commission; Ministry of Women, Children and Senior Citizens	Continuous	Preparatory classes conducted and the number of participants in those classes.	There is a successful increase in the number of women and target groups in the competitive examination held by the Public Service Commission.
5.	Make provisions to conduct preparatory classes for examinations	Ministry of Law, Justice and Parliamentary Affairs;	Judicial Council; Ministry of Finance; Ministry of Women,	Continuous	Preparatory classes conducted and the number of participants	There is a successful increase in the number of women and target

	for District Court Justices through Judicial Service Commission.	Supreme Court; Office of the Attorney General; National Judicial Academy	Children and Senior Citizens; Nepal Bar Association; Nepal Bar Council		in those classes.	groups in the competitive examinations held by the Judicial Service Commission for District Court Judges.
--	--	--	--	--	-------------------	---

Strategy 7: Prepare a record of women and target groups who work as officers, legal practitioners and in the judicial sector in general, who are qualified and interested in being appointed to vacant post of justices in the courts.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1.	Maintain and update a record of judges, officers, legal practitioners and persons involved in the legal and justice sector qualified to be appointed as justices to the Supreme Court and High Court.	Judicial Council, Judicial Service Commission	Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General; Nepal Bar Council; various colleges of universities that offer law degrees	Continuous	Collection of description and updates	There is an updated record of people who are qualified to be appointed as justices in various levels of the court.

2.	Prepare a separate roster (based on records prepared by the Judicial Council) of people serving as judges, officers or legal practitioners who are women or represent target groups.	Judicial Council, Judicial Service Commission	Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General; Nepal Bar Council; various colleges of universities that offer law degrees	Continuous	Roster prepared	An updated roster of people qualified to be nominated in various courts is prepared.
----	--	--	---	------------	-----------------	--

Goal 2: Ensure meaningful and substantive representation of women and target groups in the judiciary and judicial service.

Strategy 1: Adopt a policy for reserving a minimum of 50 per cent of posts of Justices at the Supreme Court and High Court from qualified women and target groups.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1.	Determine the number of posts of judges at the Supreme Court and High Court and adopt a policy of nominating	Judicial Council	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney	End of April 2023	Policy preparation meeting and approval of policy	Representation of women and target groups is ensured.

	a minimum of 50% qualified women and target groups to the post of judges.		General; Nepal Bar Council; Nepal Bar Association; legal units of universities			
2.	Determine the number of posts of judges at the Supreme Court and High Court and reserve 50% of posts for qualified women and target groups.	Judicial Council	Supreme Court; Ministry of Law, Justice & Parliamentary Affairs; Office of the Attorney General; Nepal Bar Council; Nepal Bar Association; legal units of universities	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.

Strategy 2: Adopt a policy for appointing a minimum of 50 per cent posts of judges at the District Court from the qualified women and target groups.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1.	Adopt a policy of considering	Judicial Council	Supreme Court;	End of December	Approval of policy	Representation of women and

	the number of posts that need nominations as 100%, which is pursuant to Article 149 (2) of the Constitution, and from among the considered posts nominate women and people from the target groups to 50% of these posts.		Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	2022		target groups is ensured.
2.	Nominate qualified officers who are women and appoint target group to vacant posts, ensuring that they comprise 50% of these posts, which is pursuant to Article 149 (2) (a) of the Constitution.	Judicial Council	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.

3.	Appoint qualified officers who represent women or target groups to 50% of vacant posts, pursuant to Article 149 (2) (b) of the Constitution.	Judicial Council	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Continuous	Appointment of women and target groups. women and target groups.	There is an increase in the number of women and target groups.
4.	Appoint qualified officers, lawyers and other legal practitioners who are women or target groups to 50% of vacant posts, pursuant to Article 149 (2) (c) of the Constitution.	Judicial Council	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.

Strategy 3: Adopt a policy for representation of women and target group as members of specialized courts, judicial entities or tribunals, pursuant to Article 152 of the Constitution of Nepal.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Adopt a policy of appointing one women	Judicial Council, Nepal	Supreme Court;	End of December	Policy approved	Representation of women and

	and one person from a target group as representatives to the following bodies: Special Court, Administrative Court, Revenue Tribunal, Loan Recovery Tribunal, Foreign Employment Tribunal, Labour Court, Information Technology Tribunal, Information Technology Appellate Tribunal, Drinking Water Tariff Review Commission, Public Purchase Appellate Committee, Armed Police Special Court, Military Special Court, National	Government Council of Ministers	Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	2022		target groups is ensured.
--	--	--	---	------	--	---------------------------

	Reconstruction Authority Appellate Committee, Town Development Committee and the Kathmandu Valley Development Authority Development Committee.					
2.	Constitute a Special Court with one woman or representative from a target group serving as a chairperson or Member.	Judicial Council, Nepal Government Council of Ministers	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs	End of December 2022	Appointment of women and target groups	There is an increase in the number of women and target groups.
3.	Constitute an Administrative Court with one women or representative from a target group serving as a chairperson or Member.	Nepal Government Council of Ministers; Ministry of Law, Justice and Parliamentary Affairs	Ministry of General Administration	Continuous	Policy adopted	Representation of women and target groups is ensured.
4.	Appoint one woman or	Nepal Government	Ministry of	Continuous	Appointment of women	There is an increase in

	representative from a target group to serve as a Member of the Revenue Tribunal; this representative should be chosen among law members, revenue members or account members. target	Council of Ministers; Ministry of Law, Justice and Parliamentary Affairs; Judicial Council	Finance		and target groups	the number of women and target groups.
5.	Appoint at least one woman or representative from a target group to serve as a Member of the Loan Recovery Tribunal; this representative should be chosen among law members, banking members or account members.	Nepal Government Council of Ministers	Ministry of Finance; Ministry of Law, Justice and Parliamentary Affairs; Nepal Central Bank (NRB); Judicial Service Commission	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
6.	Appoint at least one woman or representative	Nepal Government Council of	Judicial Service Commission, Ministry of	Continuous	Appointment of women and target	There is an increase in the number of women

	from a target group to serve as a chairperson or Member in the Foreign Employment Tribunal.	Ministers	Labor and Employment		groups	and target groups.
7.	Nominate an officer to hear cases at the Labour Court who is a woman or representative from a target group or other classes, according to the roster.	Supreme Court Judicial Service Commission	Ministry of Law, Justice and Parliamentary Affairs	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
8.	Appoint at least one woman or representative from a target group to serve as a Member of the Information Technology Tribunal; this representative should be chosen among law members, information technology members or	Judicial Council, Nepal Government Council of Ministers	Ministry of Law, Justice and Parliamentary Affairs; Ministry of Science and Technology	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.

	commerce members. target					
9.	Appoint at least one women or representative from a target group to serve as a Member of the Information Technology Appellate Tribunal; this representative should be chosen among law members, information technology members and commerce members. target	Judicial Council, Nepal Government Council of Ministers	Ministry of Law, Justice and Parliamentary Affairs; Ministry of Science and Technology	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
10	Appoint, at least one woman or representative from a target group to serve as a chairperson or Member of the Tariff Review Commission.	Nepal Government Council of Ministers, Ministry of Drinking Water and Sanitation	Ministry of Law, Justice and Parliamentary Affairs	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.

11.	Nominate at least one woman and representative from a target group to serve as a chairperson or Member of the Public Purchase Review Committee.	Nepal Government Council of Ministers	Public Purchase Monitoring Office; Ministry of Law, Justice and Parliamentary Affairs	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
12.	Nominate at least one woman or representative from a target group as a Chairperson or Member of the Military Special Court.	Judicial Council, Nepal Government Council of Ministers	Ministry of Law, Justice and Parliamentary Affairs; Ministry of Defense	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
14.	Nominate one woman or representative from a target group to serve as a chairperson or of the Armed Police Special Court.	Nepal Government Council of Ministers, Judicial Service Commission, Ministry of Home Affairs	Ministry of Law, Justice and Parliamentary Affairs; Armed Police Force, Nepal	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.

14.	Nominate at least one woman or representative from a target group to serve as a chairperson or Member of the National Reconstruction Authority Appellate Committee.	Nepal Government Council of Ministers, Judicial Council	Office of the Prime Minister and Council of Ministers	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
15.	Nominate at least one woman or representative from a target group to serve as Chairperson or Member of the Appellate Committee constituted to hear appeal petitions against decisions made by the Town Development Committee.	Judicial Council, Nepal Government Council of Ministers	Ministry of Law, Justice and Parliamentary Affairs, Ministry of Urban Development	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
16.	Nominate at least one woman or representative	Judicial Council, Nepal	Ministry of Law, Justice and Parliamentary	Continuous	Appointment of women and target	There is an increase in the number of women

	from a target group to serve as a chairperson or Member in the Appellate Committee constituted to hear appeal petitions against decisions made by the Kathmandu Valley Development Authority.	Government, Council of Ministers	Affairs; Ministry of Urban Development		groups	and target groups.
--	---	----------------------------------	--	--	--------	--------------------

Strategy 4: Adopt a policy to ensure the representation of women and target groups in 45 per cent of the total vacant posts to be filled through open competition in the judicial service.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Secure a 45% reservation for women and target groups while drafting laws relating to conditions of service for judicial service, as well as for government attorneys and	Judicial Service Commission; Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Office of the Council of Ministers, Secretariat of Legislative Parliament	End of April 2023	A law relating to conditions of service is drafted.	Representation of women and target group is ensured.

	employees subordinate to the Office of the Attorney General.					
2.	Nominate, through advertisements , women and representatives from target groups to 45% of vacant posts in the judicial service, as well as government attorney posts and posts under the Office of the Attorney General.	Judicial Service Commission, Public Service Commission, Office of the Attorney General	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Ministry of General Administration	Continuous	Percentage determined to fill posts, advertisements and appointments	There is an increase in the number of women and target groups.

Strategy 5: Adopt a policy to make the appointment of advocates among court-paid lawyers (*Baitanik*) and in the District Legal Aid Committee gender-friendly and inclusive.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Nominate women and representatives from target groups and other classes while	Supreme Court, concerned courts	Nepal Bar Association	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.

	nominating court-appointed lawyers (<i>Baitanik</i>); women and lawyers from target groups should be nominated to 50% of posts, provided there is more than one post in a court.					
2	Prioritize and appoint women and lawyers from target groups to posts in the District Legal Aid Committee.	Ministry of Law, Justice and Parliamentary Affairs; Central Legal Aid Committee; Nepal Bar Association; Office of the Attorney General	District Legal Aid Committee	Continuous	Appointment of women and target groups	There is an increase in the number of women and target groups.
3	Include the names of women and legal practitioners from target groups in the roster prepared by the District Legal Aid Committee.	District Legal Aid Committee, Central Legal Aid Committee	Nepal Bar Association	Continuous	The names of women and legal practitioners from target groups are included in the roster.	There is an increase in the number of women and target groups.

Goal 3: Create an environment that promotes and ensures capacity enhancement and continuity of service among women and target group in the judiciary and judicial service.

Strategy 1: Adopt a policy to enhance the career development of women and target groups by conducting programmes relating to capacity building.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Coordinate with concerned stakeholders to draft and implement short and long-term policies to develop the careers and provide continuity of services to women and representatives from target groups.	Supreme Court; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Ministry of Finance, National Planning Commission, National Judicial Academy, Judicial Service Training Center, Public Service Commission, Ministry of General Administration and Federal Affairs	End of January 2024	Approval of policy	Representation of women and target groups in the judiciary is ensured.
2	Conduct capacity enhancement	Supreme Court,	Judicial Council;	Continuous	Number of programmes relating to	The competitive capacity of

	programmes among female officers and officers from target groups who work in the judicial service, based on the curriculum designed for the Undersecretary, Joint Secretary and District Court Judges. target	National Judicial Academy, Judicial Service Training Center	Judicial Service Commission; Ministry of Finance; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General		capacity enhancement	women and target groups in the judicial service is enhanced.
3	Conduct capacity development programmes for women and lawyers from the target group on drafting skills, pleading cases and new concepts developed in the legal and justice sector.	Nepal Bar Council, Nepal Bar Association, National Judicial Academy	Ministry of Finance; Ministry of Law, Justice and Parliamentary Affairs	Continuous	Number of capacity enhancement programmes	The competitive capacity of women and target groups in the judicial service is enhanced and increases in number.
4	Conduct programmes deemed necessary to enhance the professional capacity of new	Nepal Bar Council, National Judicial Academy	Ministry of Finance; Ministry of Law, Justice and Parliamentary	Continuous	Number of capacity development programmes	The professional capacity of women and legal practitio-

	entrants who represent women and target groups and assist them in getting started in their careers.		Affairs; Nepal Bar Association			ners from target groups is enhanced.
5	Conduct capacity development programmes on justice dispensation, legal professions and teaching to women and target groups who teach law at universities.	Concerned universities, Nepal Bar Council, National Judicial Academy	Supreme Court; Ministry of Finance; Ministry of Law, Justice and Parliamentary Affairs; Nepal Bar Association	Continuous	Number of capacity enhancement programmes	The professional development of women and target groups who work as teachers is enhanced.

Strategy 2: Conduct programmes on law, justice and leadership for women and target groups appointed to the post of judges

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Formulate and conduct, programmes on challenges relating to justice dispensation, leadership development and new concepts	Supreme Court, National Judicial Academy, Judicial Council	Ministry of Finance; Ministry of Law, Justice and Parliamentary Affairs	On a periodic basis	Programmes formulated and conducted and number of programmes	The multi-dimensional capacity of women and target groups is enhanced.

	developed in the field of law and justice sector to women and justices from target groups; these should be conducted in addition to the capacity enhancement programmes conducted for judges.					
--	---	--	--	--	--	--

Strategy 3: Ensure the inclusion of women and target groups while nominating people for in-country and foreign studies, tours, visits and trainings.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Prioritize women and individuals from target groups while nominating candidates for higher education in domestic and foreign universities.	Supreme Court; Judicial Council; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Ministry of Finance, National Planning Commission, Office of the Prime Minister and Council of Ministers, Ministry of General Administration	Continuous	Number of nominations of women and target groups	There is an increase in opportunities for women and target groups.
2	Ensure the participation	Supreme	Ministry of	Continuous	Number of nominations	The participation

	of women and target groups in domestic and foreign studies, exposure visits and trainings held in the legal and justice sectors.	Court; National Judicial Academy; Judicial Council; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General	Finance		of women and target groups	of women and target groups is increased.
--	--	--	---------	--	----------------------------	--

Strategy 4: Ensure the meaningful participation of women and target groups while developing project for the judiciary and justice sector; framing and implementing policies and programmes; and conducting monitoring and evaluation.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Ensure the participation of women and target groups in the structure and mechanism established for formulating projects, policies and	Supreme Court; National Judicial Academy; Ministry of Law, Justice and Parliamentary	Concerned courts, Nepal Bar Association, various universities	Continuous	The number of women and target groups participating increases.	The participation of women and target groups is increased.

	programmes in the judiciary and justice sector and its subsequent implementation, monitoring and evaluation.	Affairs; Office of the Attorney General				
--	--	--	--	--	--	--

Strategy 5: Establish an effective network and information system to empower women and target groups in the judiciary and justice sector.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	Assist in establishing an appropriate information system to maintain continuous contact and coordination between women and target groups working in the judiciary and justice sector.	Supreme Court, National Judicial Academy, Nepal Bar Council	Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General; Nepal Bar Association; various universities	Continuous	Coordination meetings and the dissemination of information	Cooperation and coordination between women and target groups is enhanced.
2	Conduct interaction programmes between women and target groups working in the judiciary and	Supreme Court, National Judicial Academy, Nepal Bar	Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General;	Periodic basis	Number of interaction programmes	Experiences are shared and concerns are raised.

	justice sector for the purpose of sharing experiences.	Council	Nepal Bar Association; various universities			
3	Conduct high-level interaction programmes with high-level officers (in the leadership class) of agencies responsible for implementing the Strategy.	Supreme Court, National Judicial Academy, Judicial Service Commission, Nepal Bar Council	National Judicial Academy	Periodic basis	Number of interaction programmes	There is an increase in the cooperation and coordination of high-level officers (through leadership classes) in the effective implementation of the plan.

Strategy 6: Create a conducive environment for women and people from target groups to continue their judiciary service.

S. N.	Activity	Responsible Agency	Cooperating Agency	Time Frame	Performance Indicator	Expected Result
1	<p>Create an environment to prevent any kind of gender or social discrimination for women and target groups in the workplace. This can be accomplished by:</p> <ul style="list-style-type: none"> * Creating and holding programmes on preventing and committing to ending gender and other forms of social discrimination. * Creating and holding programmes on preventing and committing to ending sexual misconduct. 	<p>Supreme Court,</p> <p>Nepal Bar Council,</p> <p>Judicial Council,</p> <p>Ministry of Law, Justice and Parliamentary Affairs,</p> <p>Office of the Attorney General,</p> <p>National Judicial Academy,</p> <p>Nepal Bar Association</p>	<p>Supreme Court,</p> <p>Nepal Bar Council,</p> <p>Judicial Council,</p> <p>Ministry of Law, Justice and Parliamentary Affairs,</p> <p>Office of the Attorney General,</p> <p>National Judicial Academy,</p> <p>Nepal Bar Association</p>	Continuous	A policy on gender or social discrimination in workplaces is prepared.	Women and people from target groups do not face any kind of gender or social discrimination.
2	Prepare physical infrastructure	<p>Supreme Court;</p> <p>Nepal Bar</p>	<p>Supreme Court;</p> <p>Nepal Bar</p>	Continuous	Physical infrastructure appropriate	Physical infrastructure that is

	<p>appropriate for women and people from target groups. This can be accomplished by creating provisions for:</p> <ul style="list-style-type: none"> *Breastfeeding rooms * Child care centres * Separate restrooms for female employees * Disability-friendly restrooms * Disability-friendly or obstacle-free workrooms or working environments 	<p>Council; Judicial Council; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General; National Judicial Academy; Nepal Bar Association</p>	<p>Council; Judicial Council; Ministry of Law, Justice and Parliamentary Affairs; Office of the Attorney General; National Judicial Academy; Nepal Bar Association</p>		for women and persons from target groups is constructed.	appropriate for women and target groups is prepared.
3	Adopt a policy of appointing, posting or transferring women and people from target groups in the service or profession to	<p>Supreme Court, Nepal Bar Council, Judicial Council, Ministry of</p>	<p>Supreme Court, Nepal Bar Council, Judicial Council, Ministry of</p>	Continuous	Appointment or postings of women and persons from target groups are put up in appropriate locations.	There is a reduction in the number of women and persons from target groups leaving

	appropriate workplaces based on their maternal needs	Law, Justice and Parliamentary Affairs, Office of the Attorney General	Law, Justice and Parliamentary Affairs, Office of the Attorney General			their service or profession.
--	--	--	--	--	--	------------------------------

Chapter – Five

Miscellaneous

5.1 Problems and Challenges

If the legal and justice sector can be made more diverse and inclusive, with sufficient, qualified and capable human resources who are motivated to join legal profession, judicial work could become more effective. This could ultimately result in more public trust in the judiciary. Although there are opportunities in the legal and justice sector, there is a lack of sufficient human resources in legal education, and human resources who are interested to join the judicial service and legal sector as professionals. Likewise, the status of inclusion has to be made more encouraging. The Public Service Commission posts vacancies for officers in the judicial service through advertisement; however, the number of vacancies that are advertised has never been fully filled. Similarly, the number of universities and colleges imparting legal education is still not adequate enough to admit all prospective students. This creates an additional challenge for prospective law student from entering this field. Although there are opportunities the legal and justice field, this sector still lacks sufficient human resource.

The discontinuing of proficiency certificate level in law has contributed towards a dearth of sufficient human resources. Non-gazetted staff members are an integral part of the judicial service; therefore, efforts should be made to generate and develop mid-level human resources for the judicial service. Law subjects should be introduced in classes 11 and 12 to generate and develop these mid-level human resources, which would likely increase the number of students. The management of skilled teachers is another challenge in the legal sector.

The inclusive provision made in the Civil Service Act, 1993, for gazette and non-gazetted level opportunities to women and target groups in the judicial sector had a positive impact. However, the full number of seats demanded under the inclusive group has not yet been filled. In order to fill the posts sought, the

number of candidates selected from target groups should be increased, which would likely result in more women and students from target groups becoming motivated to study law. Since the legal sector faces a dearth of sufficient human resource, it is difficult to make the legal and justice sector more gender-friendly and inclusive. There should not be any compromise in terms of enhancing the capacity and quality of those working in the justice sector; hence, there must be an emphasis on providing quality education to develop skilled and capable legal professionals.

5.2 Monitoring and Evaluation

The implementation of this Strategy has to be periodically monitored, analysed and evaluated. A Monitoring and Evaluation Framework has to be developed for monitoring the Strategy. For evaluation of this Strategy, a Monitoring and Evaluation mechanism can be established at the Supreme Court. During the implementation phase, the Strategy has to be periodically analysed and the concerned agencies should be given recommendations and feedback as deemed necessary. The responsibility of monitoring the implementation process of this Strategy has to be assigned to the Access to Justice Commission. Likewise, an independent evaluation by a third party and other appropriate evaluation procedures should be carried out. Regular monitoring of the progress of the implementation phase has to be carried out by other responsible agencies entrusted, and a reporting system has also be developed. The issue of gender equality and social inclusion in the judiciary should also be included in the annual report of the Supreme Court, as well as the annual reports or progress reports of other agencies.

Efforts will be made to establish a ‘gender and social inclusion branch’ at the Supreme Court, and ‘gender and social inclusion units’ in the High Court, District Court and other concerned agencies. Experts qualified in the area of gender and social inclusion will be arranged in those branches and units. The National Judicial Academy will be authorized to provide training deemed necessary to generate and produce such qualified human resources.

With regard to the overall situation of gender equality and social inclusion, the aforementioned branches and units will be made responsible for monitoring the implementation of this Strategy and will be responsible for collecting necessary data regarding gender and social inclusion. Suitable arrangements will be made to provide the data to the branch established at the Supreme Court on a timely basis. Likewise, a separate branch will be established at the Judicial Council to monitor whether the appointment of judges to the Nepal Judicial Service and Judicial Service Commission has been inclusive, and an integrated data collection system, involving record, study and research will be developed. The data mentioned in Chapter Three can be the basis for evaluation of this Strategy. The goals embraced by this Strategy and the results achieved within the timeframe set by it should also form the basis of reviewing the Strategy.

5.3 Risks in Implementing the Strategy

There are some aspects of risk in the implementation of this Strategy. Various ministries of the Government of Nepal and the Periodic Development Plan have issued policies relating to gender equality and social inclusion that have not been fully implemented. Against this backdrop, it may be a challenge for the judiciary to implement this plan and its strategies within the stipulated time period. Although gender equality and social inclusion have been addressed and endorsed by the Constitution of Nepal and through various laws, many of these policies have not been fully implemented by various agencies and bodies at the time of appointment. Officers and agencies that are responsible for making appointments and disbursing and managing the resources deemed necessary must make a firm commitment to implement this Strategy. Successful implementation and execution of the Strategy will have an impact, provided there is a lack of positive collaboration and support from other sectors.

Compared to the provisions made by Civil Service Act, 2049 (1993 AD), and various laws, the provision for inclusion, including the categories of target groups (based on class and social groups), in the Constitution of Nepal, 2015, is much broader and comprehensive. There may be differences in carrying out the policy

of inclusion by the Government of Nepal pursuant to the provision of inclusion as envisaged by the Constitution to determine the groups and communities. Further there may be differences in the opportunities to be obtained by current groups and communities in the current pace of society. The challenges may be there to implement inclusion in line with the provisions of the Constitution.

It is necessary to craft new policies and legal provisions to successfully implement this Strategy. Therefore, the involvement and cooperation of more all the agencies is needed. If there is a lack of proper coordination and cooperation, or the implementation of the Strategy is not prioritized by all the agencies, the Strategy could face risks. Programmes on enhancing capacity development and increasing access to opportunities have been included in this Strategy, and garnering the sufficient resources for these programmes is an additional challenge. It is therefore critical to make provisions for a sufficient and adequate budget for the Strategy. In the absence of this, many of the strategies in this plan may not be implemented. The proper implementation of the Strategy might also be affected by the current COVID-19 pandemic.

Annex 1

Steering Committee for Developing the GESI Strategy

S. N.	Name	Designation	Office	
1	Hon. Sapana Pradhan Malla	Justice	Supreme Court	Coordinator
2	Hon. Keshari Raj Pandit	Executive Director	National Judicial Academy	Member
3	Mr. Tulasi Ram Sedai	Secretary	National Women Commission	Member
4	Mr. Yam Bahadur Budhamagar	Joint Secretary	Judicial Council Secretariate	Member
5	Mr. Ramesh Dhakal	Joint Secretary	Ministry of Law, Justice and Parliamentary Affairs	Member
6	Ms. Radhika Aryal	Joint Secretary	Ministry of Women, Children and Social Welfare	Member
7	Ms. Durga Khadka	Deputy Government Attorney	Office of the Attorney General	Member
8	Ms. Durga Singh	Superintendent of Police	Women and Children Service Directorate	Member
9	Ms. Usha Malla Pathak	Vice President	Nepal Bar Association	Member
10	Ms. Meera Dhungana	Chairperson	Forum for Women, Law and Development	Member
11	Ms. Gitanjali Singh	Deputy Representative	UN Women	Member
12	Ms. Sarita Gyawali	GESI Chief	National Human Rights Commission	Member
13	Mr. Tej Sunar	GESI Officer	UNDP/RoLHR	Member
14	Hon. Binod Prasad Sharma	Faculty/High Court Judge	National Judicial Academy	Member/Secretary

Annex 2

Working Group

S. N.	Name	Designation	Office	
1	Hon. Tek Prasad Dhungana	Judge	High Court, Patan	Coordinator
2	Hon. Yamuna Bhattarai	Judge	High Court, Patan	Member
3	Mr. Dilli Raj Ghimire	Joint Secretary	Ministry of Law, Justice and Parliamentary Affairs	Member
4	Dr. Shashi Adhikari	Professor	Civil Society	Member
5	Ms. Mamata Khanal	Registrar	Administrative Court	Member
6	Mr. Hum Bahadur K.C.	Undersecretary	Ministry of Law, Justice and Parliamentary Affairs	Member
7	Mr. Rajan Kumar K.C.	Programme Manager	National Judicial Academy	Member

Annex 3

Participants of Consultation Meeting on Draft GESI Strategy

S. N.	Name	Designation	Office
1	Hon. Dr. Diwakar Bhatta	Faculty/District Court Judge	National Judicial Academy
2	Mr. Dharmaraj Kuikel	Joint Secretary	Public Service Commission
3	Mr. Khadgaraj Adhikari	Joint Secretary	Judicial Council Secretariate
4	Mr. Shreekrishna Mulmi	Director	National Judicial Academy
5	Ms. Meera Sherchan	Undersecretary	National Women Commission
6	Ms. Rampyari Sunuwar	Undersecretary	Ministry of Law, Justice and Parliamentary Affairs
7	Mr. Keshab Sharma	Undersecretary	Public Service Commission
8	Mr. Badri Tiwari	Undersecretary	Office of the Prime Minister and Council of Ministers

9	Mr. Shaugar Chalise	Undersecretary	High Court, Patan
10	Ms. Bina Dahal	Deputy Government Attorney	Office of the Attorney General
11	Ms. Roshani Paudyal	Associate Professor	Nepal Law Campus, Tribhuvan University
12	Mr. Bidur Prasad Sapkota	Senior Administrative Officer	Nepal Bar Council
13	Ms. Sarswati Neupane Bashyal	Section Officer	Judicial Service Training Center
14	Ms. Deepika Thapa Magar	Section Officer	Supreme Court
15	Ms. Sarita Gautam	Section Officer	Kathmandu District Court

Annex 4

Advisory Committee

S. N.	Name	Designation	Office	
1	Hon. Sapana Pradhan Malla	Justice	Supreme Court	Coordinator
2	Mr. Nripa Dhwoj Niraula	Chief Registrar	Supreme Court	Member
3	Mr. Dilli Raj Ghimire	Secretary	Office of the Prime Minister and Council of Ministers	Member
4	Mr. Kedar Paudel	Deputy Executive Director	National Judicial Academy	Member
5	Mr. Shyam Kumar Bhattarai	Joint Government Attorney	Office of the Attorney General	Member
6	Mr. Man Bahadur Karki	Joint Secretary	Judicial Council Secretariate	Member

7	Mr. Dharmaraj Kuikel	Joint Secretary	Public Service Commission	Member
8	Ms. Aruna Joshi	Undersecretary	Ministry of Law, Justice and Parliamentary Affairs	Member
9	Ms. Kalpana Kumari Khadka	Undersecretary	Nepal Law Commission	Member
10	Ms. Sarita Rayamajhi	Undersecretary	Ministry of Women, Children and Senior Citizens	Member
11	Ms. Deepti Karki	Deputy Superintendent of Police	Nepal Police	Member
12	Ms. Rakshya Bashyal	Vice Chairperson	Nepal Bar Association	Member
13	Ms. Subha Ghale	Programme Analyst	Access to Justice, UN Women Nepal	Member

Annex 5

Review Team of Expert

S. N.	Name	Designation	Office	
1	Mr. Dilli Raj Ghimire	Secretary	Office of the Prime Minister and Council of Ministers	Coordinator
2	Mr. Lal Bahadur Kunwar	Registrar	Supreme Court	Member
3	Mr. Yam Bahadur Budhamagar	Registrar	National Judicial Academy	Member
4	Ms. Mamata Khanal	Joint Registrar	Supreme Court	Member
5	Mr. Hum Bahadur K.C.	Joint Secretary	Ministry of Law, Justice and Parliamentary Affairs	Member

6	Hon. Geeta Shrestha	Judge	Kathmandu District Court	Member
7	Mr. Rajan Kumar K.C.	Programme Manager	National Judicial Academy	Member

Annex 6

Strategy Reviewer

S. N.	Name	Designation	Office
1	Hon. Deepak Kumar Karki	Senior Most Justice	Supreme Court
2	Hon. Mira Khadka	Justice	Supreme Court
3	Hon. Hari Krishna Karki	Justice	Supreme Court
4	Hon. Bishowambhar Prasad Shrestha	Justice	Supreme Court
5	Hon. Ishwar Prasad Khatiwada	Justice	Supreme Court
6	Hon. Dr. Ananda Mohan Bhattarai	Justice	Supreme Court
7	Hon. Anil Kumar Sinha	Justice	Supreme Court
8	Hon. Prakash Man Singh Raut	Justice	Supreme Court
9	Hon. Sapana Pradhan Malla	Justice	Supreme Court
10	Hon. Tej Bahadur K.C.	Justice	Supreme Court
11	Hon. Bam Kumar Shrestha	Justice	Supreme Court
12	Hon. Tanka Bahadur Moktan	Justice	Supreme Court
13	Hon. Prakash Kumar Dhungana	Justice	Supreme Court
14	Hon. Sushmalata Mathema	Justice	Supreme Court
15	Hon. Hari Prasad Phuyal	Justice	Supreme Court
16	Hon. Dr. Manoj Kumar Sharma	Justice	Supreme Court
17	Hon. Dr. Kumar Chudal	Justice	Supreme Court
18	Hon. Nahakul Subedi	Justice	Supreme Court
19	Mr. Lal Bahadur Kunwar	Chief Registrar	Supreme Court

20	Mr. Narayan Prasad Panthee	Registrar	Supreme Court
21	Mr. Devendra Raj Dhakal	Secretary	Judicial Council Secretariat
22	Ms. Nirmala Poudel	Registrar	Supreme Court
23	Ms. Rama Parajuli	Joint Government Attorney	Office of the Attorney General

Serial No 105

National Judicial Academy, Nepal
Manamaiju, Nepal

Phone No. 977-1-4027449/4027451, Fax No. 977-1-4027140
Post Box No. 24865
Email: info@njanepal.org.np
URL: www.njanepal.org.np