

ADDRESSING DOMESTIC VIOLENCE AGAINST WOMEN IN NEPAL: LEGAL FRAMEWORKS AND IMPLEMENTATION CHALLENGES

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GLOBAL
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INTRODUCTION

Domestic violence against women remains one of Nepal's most pervasive human rights violations, deeply embedded within social, cultural, and institutional structures. According to Nepal's 2022 Demographic and Health Survey, nearly 33 percent of women have experienced physical or sexual violence in their lifetime, with domestic violence being the most prevalent form. Despite increased legal protections, including Nepal's ratification of international human rights treaties and the establishment of national laws such as the Domestic Violence (Crime and Punishment) Act 2009, implementation gaps continue to allow perpetrators to act with impunity. Many cases go unreported due to fear of retaliation, social stigma, or lack of faith in law enforcement, leaving victims without recourse. The justice system is further hindered by weak enforcement mechanisms, a lack of institutional support, and minimal rehabilitation services for survivors.

Compounding the issue is Nepal's patriarchal social structure, which reinforces male dominance and discourages women from seeking help. Many survivors are financially dependent on their abusers, and societal pressure often compels them to remain silent rather than pursue legal action. The COVID-19 pandemic exacerbated domestic violence, as lockdowns confined victims with their abusers while restricting access to reporting mechanisms and support services. Even in cases where women do report abuse, prosecution rates remain low due to corruption, lack of trained personnel, and lengthy legal proceedings that discourage victims from following through with complaints.

This report provides an in-depth analysis of Nepal's legal framework on domestic violence, examining both national and international commitments. It highlights the significant implementation challenges that hinder the effectiveness of these legal protections and proposes solutions to improve access to justice and survivor support services. Without urgent reforms, Nepal risks failing to protect its women from violence, thereby perpetuating gender-based inequality and systemic injustice.

1. LEGAL FRAMEWORK

1.1. NATIONAL LAWS

Nepal's legal response to domestic violence comprises national laws, constitutional guarantees, and international obligations that aim to provide protection and justice for survivors.

The Domestic Violence (Crime and Punishment) Act 2009, serves as the cornerstone of Nepal's legal framework against domestic violence. It defines domestic violence to include physical, psychological, sexual, and economic abuse within the household.¹ The law provides for restraining orders, protection orders, and penalties for perpetrators. However, its punishments remain relatively weak compared to the severity of the crime. Offenders face a maximum of six months' imprisonment or a fine of NPR 25,000 (approximately \$190), a penalty that many legal experts argue does not effectively deter repeat offenses.²

The National Penal Code 2017, further strengthens legal provisions by criminalising acts of violence, including marital rape, which had long been excluded from legal scrutiny.³ The Constitution of Nepal (2015) guarantees gender equality under Article 38 and explicitly states that women have the right to live free from all forms of violence.⁴ Additionally, the Legal Aid Act (1997) seeks to provide free legal assistance to survivors; however, many women, particularly in rural areas, struggle to access these services due to bureaucratic inefficiencies and geographical barriers.⁵

The Muluki Civil Code (2017) also provides legal recourse for survivors, particularly concerning financial restitution and divorce proceedings in cases of abuse.⁶ While these legal provisions reflect progress, implementation remains inconsistent, often failing to hold perpetrators accountable.

1.2. INTERNATIONAL COMMITMENTS

Nepal is a signatory to several key international treaties aimed at combating gender-based violence.⁷ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified in 1991, legally obligates Nepal to take proactive measures to prevent domestic violence and protect victims.⁸ The International Covenant on Civil and Political Rights (ICCPR) ensures protection from violence, while the Beijing Declaration and Platform for Action (1995) calls for comprehensive legal and policy interventions to eliminate gender-based violence. Despite these commitments, Nepal has faced criticism from the CEDAW Committee for its failure to fully implement protections for domestic violence victims, particularly in rural areas where cultural and logistical barriers persist.⁹

¹ Domestic Violence (Crime and Punishment) Act 2066 (2009) (Nepal).

² Amnesty International, 'Nepal: Systemic failure leaves survivors of domestic violence without protection' (2021).

³ Human Rights Watch, 'World Report 2022: Nepal' (2022)

<<https://www.hrw.org/world-report/2022/country-chapters/nepal>> accessed 10 June 2025.

⁴ UN Women, 'Constitutional Database: Nepal 2015, as amended to 2020' (8 December 2023)

<<https://constitutions.unwomen.org/en/countries/asia/nepal>> accessed 10 June 2025.

⁵ OHCHR, 'Legal Aid for Vulnerable Populations in Nepal' (2020).

⁶ US Department of State, '2022 Country Reports on Human Rights Practices: Nepal' (2023)

<<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nepal>> accessed 10 June 2025.

⁷ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

⁸ The Fourth World conference on Women, 'Beijing Declaration and Platform for Action' (15 September 1995).

⁹ Committee on the Elimination of Discrimination against Women, 'Concluding Observations on the Sixth Periodic Report of Nepal' (14 November 2018) CEDAW/C/NPL/CO/6.

2. CHALLENGES IN IMPLEMENTATION

Despite the existence of a robust legal framework, enforcement remains a significant challenge due to systemic inefficiencies, societal norms, and institutional constraints.

2.1. WEAK ENFORCEMENT MECHANISMS

While Nepal's laws criminalise domestic violence, weak enforcement mechanisms hinder their effectiveness. Police officers often fail to take reports seriously, with some dismissing domestic violence as a "private family matter".¹⁰ Survivors frequently encounter pressure from both law enforcement and their own families to withdraw complaints.¹¹ Many cases never reach prosecution due to bribery, political influence, or intimidation tactics used by perpetrators.

Judicial backlogs further delay justice, with domestic violence cases often taking years to reach a verdict.¹² A lack of gender-sensitive training among police officers and judicial personnel exacerbates the problem, leading to insensitive handling of survivors' testimonies and reluctance to issue restraining orders.

2.2. SOCIAL AND CULTURAL BARRIERS

Nepal's deeply rooted patriarchal norms discourage women from reporting abuse.¹³ Many victims fear social ostracisation or economic repercussions if they leave abusive relationships. Family members and community leaders often prioritise maintaining family honour over seeking justice, pushing survivors toward informal mediation rather than legal action.¹⁴ These mediations typically result in reconciliation efforts that favour the abuser, leaving the survivor vulnerable to further violence.

2.3. LIMITED LEGAL AWARENESS AND ACCESSIBILITY

Legal literacy remains low, particularly among women in rural and marginalised communities.¹⁵ Many are unaware of their rights under national and international law. Furthermore, legal aid services are concentrated in urban areas, leaving survivors in remote regions with limited access to support.¹⁶

¹⁰ Human Rights Watch, 'World Report 2022: Nepal' (n 3).

¹¹ US Department of State, '2022 Country Reports on Human Rights Practices: Nepal' (n 6).

¹² OHCHR, 'Legal Aid for Vulnerable Populations in Nepal' (n 5).

¹³ Amnesty International, 'Nepal: Systemic failure leaves survivors of domestic violence without protection' (2021).

¹⁴ UN Women, 'Social Norms and Gender-Based Violence in Nepal' (2020).

¹⁵ UNDP, 'Access to Justice: Legal Awareness in Rural Nepal' (2020).

¹⁶ OHCHR, 'Legal Aid for Vulnerable Populations in Nepal' (n 5).

2.4. INADEQUATE INSTITUTIONAL SUPPORT

The lack of state-funded shelters, counselling services, and financial support programmes forces many survivors to remain with their abusers.¹⁷ Nepal has only a handful of government-run safe houses, leaving NGOs to fill the gap. However, these organisations struggle with funding constraints and bureaucratic hurdles, limiting their ability to provide sustained assistance.¹⁸

3. RECOMMENDATIONS FOR STRENGTHENING IMPLEMENTATION

Addressing domestic violence in Nepal requires a multi-pronged approach that combines legal reforms with social interventions.

- a. **Enhancing Law Enforcement Training:** Police and judicial personnel should undergo gender-sensitive training to improve their handling of domestic violence cases.¹⁹ Establishing dedicated units within police stations to deal with gender-based violence can ensure better responses.
- b. **Strengthening Legal Awareness Campaigns:** The government and NGOs should collaborate to launch nationwide legal literacy programmes, ensuring that women know their rights and available legal protections.²⁰
- c. **Expanding Support Services:** More safe shelters, crisis centres, and psychological support services must be established to assist survivors.²¹ The government should also offer financial aid and vocational training programmes to help survivors regain independence.
- d. **Improving Accountability and Monitoring:** Independent oversight mechanisms should be established to track domestic violence case outcomes and law enforcement responses.²² Increased data collection and research will help identify gaps in implementation and inform policy changes.

¹⁷ Human Rights Watch, 'World Report 2022: Nepal' (n 3).

¹⁸ OHCHR, 'Legal Aid for Vulnerable Populations in Nepal' (n 5).

¹⁹ Amnesty International, 'Nepal: Systemic failure leaves survivors of domestic violence without protection' (2021).

²⁰ UNDP, 'Access to Justice: Legal Awareness in Rural Nepal' (2020).

²¹ UN Women, 'Social Norms and Gender-Based Violence in Nepal' (2020).

²² Human Rights Watch, 'World Report 2022: Nepal' (n 3).

CONCLUSION

Despite Nepal's legal advancements in addressing domestic violence, systemic challenges continue to hinder meaningful progress. Laws remain under-enforced, cultural norms prioritise family honour over justice, and survivors often lack access to essential support services. The low prosecution rates and lengthy legal proceedings discourage many victims from seeking justice, leaving them vulnerable to continued abuse. While Nepal's commitments under international treaties provide a strong foundation for addressing domestic violence, the gap between legislation and implementation remains significant.

To effectively combat domestic violence, Nepal must prioritise strengthening law enforcement, expanding victim support services, and increasing public awareness. Sustainable reforms—such as gender-sensitive training for law enforcement, improved legal aid access, and increased government oversight—are essential to ensuring that domestic violence laws translate into real protection for survivors. By addressing these systemic barriers, Nepal can move toward a more just and equitable society where women are no longer forced to suffer in silence but are empowered to seek justice and rebuild their lives free from violence.

LEGISLATION

Committee on the Elimination of Discrimination against Women, ‘Concluding Observations on the Sixth Periodic Report of Nepal’ (14 November 2018) CEDAW/C/NPL/CO/6.

Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

Domestic Violence (Crime and Punishment) Act 2066 (2009) (Nepal).

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

Legal Aid Act 1997 (Nepal).

Muluki Civil Code 2017 (Nepal).

The Constitution of Nepal 2015.

The Fourth World conference on Women, ‘Beijing Declaration and Platform for Action’ (15 September 1995).

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