



Pathways to Justice:

Learning from the past, charting the future in Asia

Nepal (1991 - 2024)

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Parshuram Upadhyaya

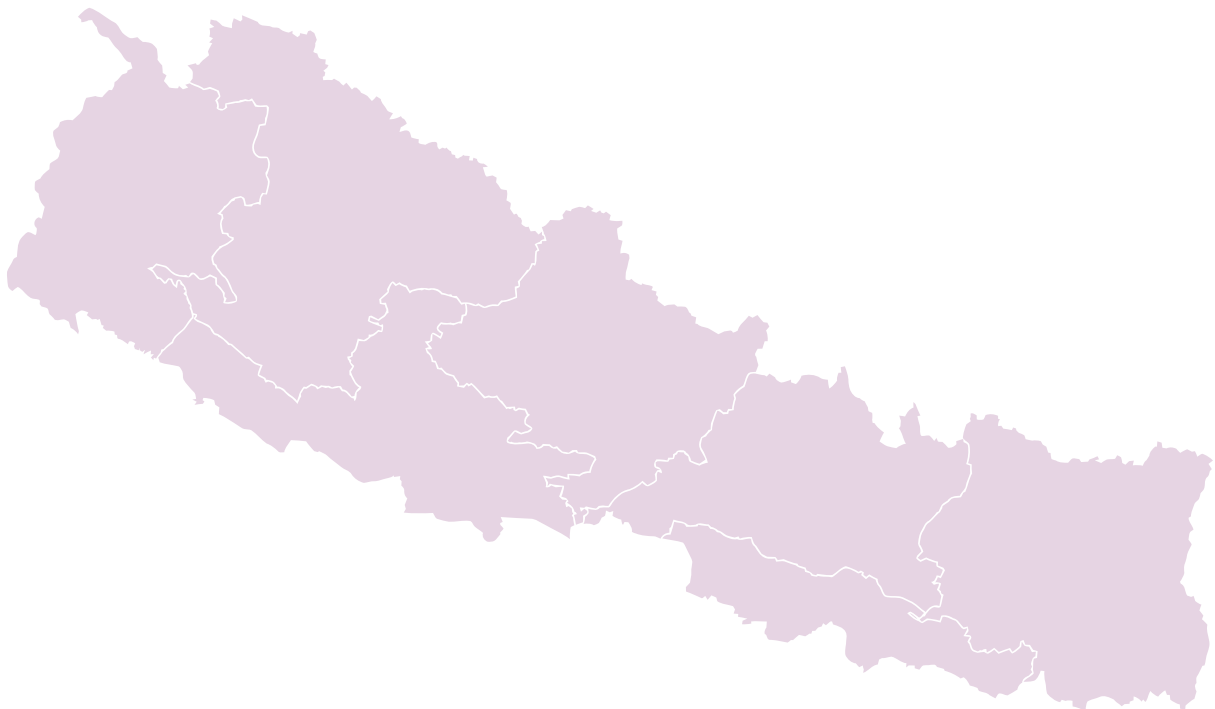


The Asia Foundation

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In 2023 and 2024, The Asia Foundation (TAF), conducted a historical analysis of its justice sector work in seven countries—Bangladesh, Indonesia, Laos, Nepal, the Philippines, Sri Lanka, and Timor-Leste. In some of the countries, TAF has carried out justice sector work for more than five decades, providing an extensive body of work to study. There are successes and failures, and the purpose of this analysis is to learn from those experiences. By assessing what we got right and wrong, what variables we anticipated and accounted for and which we didn't, we are better equipped to identify future justice sector needs and provide effective support and solutions. Each study is presented in a separate paper summarizing TAF's programming, key findings and lessons, and recommendations and opportunities for future justice sector reforms and programs in the country.

Series editors: *Nicola Nixon and Lisa Denney*



Courts and Communities: Lessons from Three Decades of Justice Sector Reform in Nepal

(1991–2024)

Suswopna Rimal, Ojashwi KC, Preeti Thapa, Parshuram Upadhyaya

Executive Summary

Over the last four decades, Nepal has shifted from a centralized monarchy to a federal democratic republic in which a pluralistic justice architecture blends formal courts with local judicial committees and community mediation. The 1990 Constitution established judicial independence and fundamental rights; the 2006 Comprehensive Peace Agreement and 2007 Interim Constitution opened pathways for accountability; and the 2015 Constitution decentralized power, bringing the delivery of justice services closer to communities. These reforms expanded opportunity but also exposed persistent gaps in capacity, access, and inclusion, especially for women and members of marginalized communities.

Since 1991, The Asia Foundation (TAF) has been a steady partner through political transitions and conflict in Nepal. Its approach combines system-strengthening (courts, procedures, and law-making) with access-to-justice initiatives (legal literacy, mediation, legal aid), anchored in human rights, gender equality, and social inclusion. TAF supported the Supreme Court and lower courts to professionalize case management, nurtured collaboration between bar associations and the judiciary, and convened coalitions of local organizations to train judges, government attorneys (public prosecutors), and court staff. It also invested in the next generation of reformers—supporting clinical legal education with Kathmandu School of Law and ensuring women could enter and advance in the profession.

Throughout, TAF contributed to deliberative law-making and constitutional processes, working with the Parliamentary Secretariat and the Ministry of Law, Justice, and Parliamentary Affairs to open parliamentary procedures to public input and map the passage of several priority laws. In parallel, large-scale legal-literacy efforts—especially on women’s property rights—translated constitutional promises into practice. Public interest litigation, in partnership with organizations such as ProPublic and Forum for Women, Law and Development (FWLD), secured landmark rulings on survivor support and continuous hearings in trafficking and sexual-violence cases, and advanced environmental and social protections.

A signature contribution has been the institutionalization of community mediation. From 2010, TAF supported the creation of a nationwide network—now more than 8,000 mediators across 20 districts—helped pass the Mediation Act (2011), supported the Supreme Court of Nepal in the establishment and rollout of the Mediation Council, and backed the constitutional recognition of local judicial committees. To date, TAF has trained more than 15,000 mediators, with about 40 percent being women and/or individuals from marginalized communities, and supported the establishment of close to 900 centers, which have resolved more than 40,000 cases with an 82 percent settlement rate, all of which

reduced court backlogs, increased public trust in the local justice system, and elevated women and people from marginalized groups as trainers and mediators.

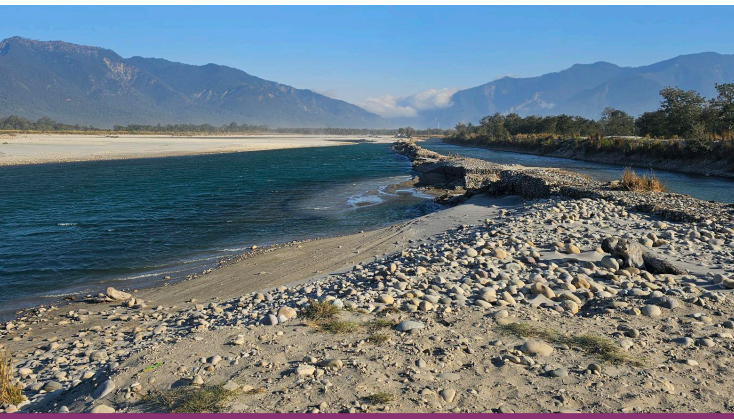
Yet many, many challenges remain. Transitional justice efforts are stalled, there is weak coordination between key actors in government and civil society, bureaucratic churn slows down reform, and laws are implemented unevenly. Looking forward, and building on its network and experience in Nepal, TAF is focused on strengthening intergovernmental coordination under federalism; sustaining quality in judicial committees and mediation; increasing the use of digital tools (case management, e-dispute resolution, e-learning, public legal awareness); and deepening evidence-based, participatory law-making with rigorous follow-through on implementation. TAF's role as convener, catalyst, and critical friend¹—bridging formal and informal systems and amplifying marginalized voices—positions it well to continue contributing to building a Nepalese justice system that is resilient, equitable, and people-centered.

This report, based on historical project documentation, evaluations, interviews with long-term and former TAF staff, and several long-term partners, tells the story of roughly 40 years of TAF's work on justice system strengthening in Nepal. It looks at the breadth and depth of that work and the partners who accompanied TAF on that journey and delves into some of the approaches and lessons learned during that time, with a view to the insights this offers for the future of the country's justice system and its role in democratic development.



Victim groups of the armed civil conflict

1 Here, critical friend refers to a trusted partner who knows the program and its context well, has a shared commitment to its outcome and is able to provide candid and constructive feedback.



Multistakeholder dialogue on natural resource dispute of the Karnali river

Introduction

Nepal's justice sector has undergone profound transformation over the past four decades, shaped by constitutional change, conflict, and transition to federalism. From a highly centralized, monarchical system in the 1980s, the country has moved toward a complex justice architecture that combines formal courts, local judicial committees, and a community mediation system. These shifts have created both opportunities to expand rights and persistent challenges around capacity, access, and inclusion.

The 1990 Constitution reflected a decisive break from autocracy. It established an independent judiciary and, for the first time, enshrined fundamental rights, laying the foundation for modern justice institutions. Yet the promise of equality often outpaced practice, as discrimination and entrenched hierarchies continued to limit access to justice. The decade-long armed conflict (1996–2006) further strained institutions, but the Comprehensive Peace Agreement (2006) and Interim Constitution (2007) opened the door to political restructuring and transitional justice. These frameworks created public expectations for greater government accountability while redefining the justice sector's role in peacebuilding and the future state.

The promulgation of the 2015 Constitution represented a second watershed moment. By establishing a federal democratic republic with three tiers of government, it redistributed power and brought justice services closer to communities.² Judicial committees at the local level, operationalized through the 2017 Local Government Operation Act, were tasked with mediation and adjudication of minor disputes—designed to ease court backlogs, enhance accessibility, and embed deliberation at subnational levels. Parallel reforms—including the Local Self-Governance Act (1999), Legal Aid Act (1997), and Mediation Act (2011)—further diversified justice delivery, institutionalizing some community-based mechanisms alongside the formal judiciary.

² In the absence of specific evidence, it is of course an open question as to whether bringing services closer to citizens necessarily improves their quality.

Since 1991, TAF has supported Nepal's justice sector to contribute to the consolidation of democracy through federalism while expanding rights and opportunities and enhancing the inclusion of women and marginalized groups in state and society. TAF's overarching theory of change is that by working across the justice sector as a whole (both formal and informal), by supporting incremental improvements in the quality of its effectiveness and inclusivity, by connecting its different parts, by encouraging greater acceptance of informal justice systems and innovative justice theories and practices, and by enhancing its engagement with and openness to citizens and civil society, Nepal will be more likely to have a justice system that contributes to its stability and democratic development. TAF's interventions over the years have ranged from strengthening the Supreme Court and supporting constitutional reform to pioneering community mediation and promoting restorative justice. Across three decades, TAF's approach has emphasized human rights, gender equality, and inclusion—seeking not only to reinforce formal justice institutions but also to make justice more responsive, accessible, and equitable.



Orientation of anti-trafficking program and training



Constituent Assembly elections (2008)



Areas of Work

Supporting the Formal Legal Systems

Since 1991, TAF has worked closely with Nepal's Supreme Court to build a more transparent and effective judiciary. In the 1990s, this meant training judges and staff, improving case management, and fostering collaboration between the legal profession and the judiciary—vital for protecting rights, ensuring consistent legal interpretation, and reducing backlogs. After federalization, TAF continued to support coherent rulings across levels of government and helped manage disputes arising from Nepal's new federal structure.

In 2008, TAF convened a coalition of nine local organizations, spanning civil society, academia, and professional forums, to advance systemic reform. Together, they trained judges, attorneys, and court staff; introduced case management systems in appellate courts; strengthened higher courts' oversight of district courts; and expanded legal aid for marginalized groups.

Expanding Legal Literacy and Education

The 1990 Constitution, which first declared all citizens equal before the law, provided a critical entry point for advancing women's rights. TAF worked with thousands of women across 22 districts to improve legal literacy—particularly regarding property rights—ensuring that new constitutional guarantees were understood and claimed in practice.

TAF also invested in future legal leadership. Beginning in 1991, it partnered with the Nepal Law Campus to launch internships and paralegal programs, preparing around 60 students for careers in law. When female candidates disproportionately failed Nepal's first bar exam in 1994, TAF organized intensive preparation programs, enabling all participants to pass and strengthening women's representation in the legal profession.

Encouraging Deliberative Law-Making

TAF supported Nepal's constitution-making by increasing public awareness, participation and accountability in the constituent assembly process. It convened diverse stakeholders, generated evidence with local partners, and helped shape the environment for the Comprehensive Peace Accord (2006) and ultimately the 2015 Constitution.

Working with the Parliamentary Secretariat and Ministry of Law, Justice, and Parliamentary Affairs, TAF introduced and reformed standard operating procedures to expand citizen participation in parliamentary deliberations with special emphasis on women and marginalized groups. It also mapped procedures for 60 key laws to accelerate constitutional implementation and trained parliamentary staff in law drafting, media engagement, and public policy.

Promoting Inclusive and Community–based Mediation

A hallmark of TAF’s work has been the development of community mediation as a trusted, accessible complement to the formal justice system. Beginning in 2002, TAF supported the Ministry of Local Development in piloting community-based dispute resolution. When elections stalled progress, TAF shifted to working with civil society partners, leading to the creation of the Community Mediation Society—today a nationwide network of more than 8,000 mediators.

TAF’s advocacy and practice informed the Mediation Act (2011) and its constitutional recognition in 2015, which institutionalized mediation councils and empowered local judicial committees. Since 2004, TAF has trained mediators, supported judicial committees, and established endowment funds to sustain services, bridging community and formal systems to expand inclusive access to justice.

“Mediators are people of sound character, good behavior, and have an impartial attitude towards solving the dispute. They wish to serve society. Before entering into the mediation process, I had thought that they would not listen to a minority Dalit woman like me, and I might not get justice, but my fears turned out to be unfounded. Nothing like that happened. Rather, they heard my side of the story and tried to understand my point of view. That is how I got full justice. This method and process was very good and well managed. I was not under any pressure from any quarter as used to happen before. In addition, I did not have to spend a single rupee. Had I gone to court with this dispute, probably my 15 kaththa (local land measurement unit of Nepal, equivalent to 338.63 square meters) of land would have been squandered away, and I would have been separated from this village.”

– Shanti Devi Pariyar, Participant in TAF’s Community Mediation Support

Advancing Rights through Public Interest Litigation

In partnership with CSOs, TAF has used public interest litigation to drive systemic change. With ProPublic (1994–2009), it supported more than 100 cases and filed new litigation on issues such as disability rights, migrant women’s protections, and environmental health, a significant proportion of which were upheld. From 2010 through 2017, TAF collaborated with the FWLD to strengthen protections for trafficking and sexual violence survivors, securing Supreme Court rulings that mandated budget allocations for victim support and continuous hearings to prevent trial delays.

Championing Transitional Justice Approaches

Since 2015, TAF has championed restorative justice principles, organizing exposure visits, curricula, and training that have influenced Nepal’s legal profession and judiciary. Restorative justice has been applied in juvenile cases and to address conflict-related harms, offering survivors and offenders avenues for healing and accountability.

TAF also sought to extend transitional justice beyond federal institutions by supporting subnational frameworks and dialogues in collaboration with the National Forum for Restorative Justice. These efforts helped broaden participation in addressing conflict-era injustices and increased the use of locally grounded approaches to truth and reconciliation.

Supporting the Transition to Federalism

Following the 2015 Constitution, TAF has supported Nepal’s transition to federalism by helping draft legislation, develop standard operating procedures, and strengthen intergovernmental coordination. It has empowered provincial and local leaders through technical assistance and platforms for inclusive deliberation, ensuring that law-making is participatory and aligned across all three tiers of government.

Key Partners

The Asia Foundation has built long-term partnerships across Nepal's justice ecosystem to ensure its work remains relevant, effective, and locally grounded. At the government level, TAF engages with all three branches. In the legislature, it works with parliamentarians and committees to draft inclusive laws that amplify the voices of women and marginalized groups. Within the executive branch, it partners with ministries such as the Ministry of Home Affairs, the Ministry of Law, Justice, and Parliamentary Affairs, and the Ministry of Women, Children, and Senior Citizens to support policy and legislative reform—including the Mediation Act of 2011. In the judiciary, TAF collaborates with the Supreme Court, high courts, district courts, and bar associations to enhance judicial independence and strengthen the capacity of judges and lawyers. These partnerships have helped foster ownership of reforms and systemic change.

TAF also works with quasi-judicial institutions, notably the National Judicial Academy and the Mediation Council, to embed mediation and restorative justice within Nepal's formal justice system. Since 2017, it has partnered with local-level judicial committees, adopting a citizen-centered approach that aims to bring justice closer to communities.

Beyond government, TAF has been instrumental in establishing and strengthening civil society organizations that are now recognized leaders in rights and inclusion. These include the National Forum for Restorative Justice, the Forum for Women, Law, and Development, the Nepal Council of Arbitration, the Legal Aid and Consultancy Centre, and the Center for Legal Research and Resource Development.

Through resources, training, and institutional development, TAF has been a long-term partner, supporting these organizations in professionalizing management, strengthening safeguarding practices, and qualifying for foreign grants. As a result, they have become pioneers in advancing human rights, gender equality, and innovative justice practices.

Finally, TAF has forged strong links with academic institutions, including the Kathmandu School of Law, the National Law College, and the Kathmandu University School of Law, Nepal Law Campus, Tribhuvan University. These partnerships have trained future legal professionals, developed clinical legal education, and strengthened the pipeline of reform-minded lawyers and judges. By engaging across government, civil society, and academia, TAF has helped build a justice system that is more inclusive, resilient, and forward-looking.



Meeting with conflict survivors during conflict analysis at Tikapur



Mediation session

Areas of Impact

TAF's long-term engagement in the law and justice sector is widely recognized by both the judiciary and civil society. Its contributions span constitution-making, legislative reform, legal literacy, and capacity building for practitioners. By embedding human rights, equality, and inclusion into justice reform, TAF has helped make the system more responsive to citizens—especially women and marginalized groups. At the same time, it has introduced innovative practices such as community mediation and restorative justice, reshaping public perceptions of justice and expanding access to fair and efficient dispute resolution. These efforts have driven institutional change, strengthening policies, procedures, and systems to make justice delivery more informed, human-centric, and inclusive.

Institutionalizing Alternative Justice Mechanisms

One of TAF's most enduring impacts has been in ensuring the sustainability of community mediation by embedding it within the formal justice system. In the postconflict years, when courts were overwhelmed and public trust in state institutions was low, mediation offered an accessible, rights-based mechanism for resolving disputes. TAF supported the training of more than 15,000 mediators and the establishment of nearly 900 mediation centers, achieving an 82 percent resolution rate across more than 40,000 cases. Its advocacy helped secure passage of the Mediation Act (2011) and creation of the Mediation Council, standardizing training and monitoring while ensuring women's participation. The 2015 Constitution further mandated local judicial committees to oversee mediation, with TAF training elected leaders and mediators to strengthen delivery. Mediation now plays a recognized role in easing court backlogs, empowering communities, and decentralizing access to justice. By bridging community mechanisms with the formal justice system, TAF has helped expand access to fair, affordable, and inclusive dispute resolution across Nepal.

Advancing Rights and Inclusion

TAF has consistently amplified the voices of women, youth, and marginalized groups in constitutional and policy reform. It played a pivotal role in embedding inclusion in the Comprehensive Peace Agreement and subsequent constitutions, ensuring protections for women, Dalits, Janajatis, and Madhesis. Its facilitation of policy dialogues and legal literacy initiatives helped translate constitutional rights into practice. Public perception surveys underscore these achievements, with nearly two-thirds of Nepalis reporting improved inter-group relations in part due to stronger recognition of civil rights.

Strengthening Civil Society and Collaboration with the Judiciary

TAF has nurtured leading civil society organizations—including Forum for Women, Law, and Development, the Center for Legal Research and Resource Development, the Legal Aid and Consultancy Centre, and the National Forum for Restorative Justice—transforming them into nationally recognized champions of rights and accountability. By supporting organizational capacity, safeguarding practices, and donor readiness, TAF enabled these civil society organizations to influence reforms and sustain advocacy independently. Equally important has been TAF's role in bridging civil society and the judiciary. Partnerships with the Supreme Court and law schools expanded legal aid, clinical legal education, and professional development for lawyers, judges, and even non-gazetted court staff, making justice institutions more responsive to citizens' needs and building the next generation of justice leaders.

Legal Precedents and Normative Change

TAF-supported public interest litigation has generated landmark rulings that outlawed harmful practices such as menstrual seclusion and corporal punishment, strengthened environmental protections, and secured support for survivors of trafficking and sexual violence. These legal precedents have not only protected vulnerable groups but also contributed to shifting norms on gender equality and human rights. Community mediation, meanwhile, has challenged entrenched caste and gender hierarchies by elevating women and marginalized individuals as mediators and local leaders. Beyond resolving disputes, this has helped reshape social norms, giving communities greater ownership of justice processes and fostering reconciliation.



Community mediation awareness raising through street drama

Ways of Working

A Holistic Approach to the Justice Sector

TAF approaches justice reform as a system-wide challenge rather than a set of isolated interventions targeting individual organisations. Its work recognizes and engages with diverse justice pathways and spans legal literacy for citizens, inclusive law-making, and leadership development for practitioners, while also strengthening enabling institutions such as the National Human Rights Commission. At the same time, TAF has invested in civil society organizations that advance transparency, accountability, and innovation in areas such as restorative justice, arbitration, legal aid, and women’s rights. A dual focus—on both the demand and supply sides of justice, both formal and informal—seeks to engage the entire system of justice people experience, rather than assuming that strengthening formal institutions will result in improved justice outcomes.

Leveraging Small Openings for Breakthroughs

A hallmark of TAF’s method is acting during windows of opportunity—small, context-specific openings that can catalyze systemic change. From early technical assistance such as computerization of Supreme Court systems and leadership training for young lawyers, to politically sensitive interventions in peace building and transitional justice, TAF has built credibility step by step. Its approach is catalytic rather than prescriptive: convening stakeholders, piloting solutions, and iterating in response to local dynamics. For example, amplifying women’s voices in constitutional debates translated into stronger protections for gender equality and fundamental rights in law.

Building Bridges Between Stakeholders

TAF has forged a role as a convener and “critical friend,” creating safe spaces for dialogue among the government, the judiciary, civil society, and marginalized groups. Its emphasis on inclusion and power-sharing ensures that women, minorities, and people from disadvantaged communities are increasingly represented in multi-stakeholder processes, helping to shift policy debates and redistribute influence. This bridge-building role has been critical in advancing laws and practices that are both technically sound and socially legitimate.

Grounded Understanding of Change

With decades of experience and a deeply rooted local presence, TAF has developed a firm grasp of the drivers of reform in a politically complex context. Long-serving local staff, strong ties with Nepali experts, and sustained partnerships with organizations such as the Center for Legal Research and Resource Development and FWLD allow TAF to adapt programming with sensitivity to shifting incentives and power dynamics.

Institutional Strengthening for Sustainability

Beyond working with partners to deliver programs, TAF invests in the long-term institutional health of its partners—government and civil society alike. This includes supporting them to meet due diligence requirements and safeguarding measures, undertake their own organizational capacity assessments, and co-create programs and initiatives. The aim is to create stronger institutions (be they government or civil society) that can sustain reforms beyond project cycles. While working with various civil society organizations, TAF invested in increasing their organizational capacity and technical expertise through mentorship, accompaniment, and endowment funds, equipping them to negotiate and access further funding to continue their work after donor support ended. This is one example of how TAF has sought to build local ownership and sustainability into its work.

“TAF’s support has been instrumental for FWLD to establish itself as an institution. It has been equally critical to learn about strategies, tools, and techniques to be used in the adoption of international instruments against human trafficking in Nepal. Several years ago, TAF supported FWLD to advocate for the ratification of South Asian Association for Regional Cooperation convention against human trafficking, which Nepal managed to ratify after series of engagement. The learning from the [South Asian Association for Regional Cooperation] convention was applied to support the government with the ratification of the Palermo Protocol in 2020.”

–Advocate Sabin Shrestha, Executive Director, FWLD

Innovation and Risk-Taking

TAF has not shied away from working in uncharted spaces, including its engagement in the peace process and early support to transitional justice, including early support to the Ministry of Peace and Reconstruction to conduct a series of multi-stakeholder consultative processes to inform the draft of the Truth and Reconciliation Act and in operationalizing the local peace committees. By taking calculated risks, TAF has been able to pioneer approaches later adopted nationally, while also creating room for experimentation and innovation in justice delivery. TAF's ability to do so is supported by the grounded understanding of change mentioned above.

"We found that in courts, only higher-level staff received training, but the junior/non-gazette staff were excluded from this opportunity, when in fact, they are the first responders and need it the most. TAF saw potential in engaging with these individuals, which helped court staff be more responsive to people's needs when they came to courts."

–Kishor Silwal, Honorable Commissioner, Commission for the Investigation of Abuse of Authority, Nepal

Nurturing the Next Generation

Finally, TAF has invested heavily in young professionals through internships, training, and pilot initiatives. Many of these individuals have since become leading lawyers, judges, and reform advocates, shaping Nepal's justice discourse today. By nurturing future leaders, TAF ensures that its contribution to improved justice extends beyond immediate program cycles and deliverables to a legacy of future Nepalese justice advocates.



Community Mediators

Challenges and Lessons Learned

Government Instability and Weak Institutional Memory

Frequent political changes and high turnover among bureaucrats—especially in the judiciary, ministries, and law enforcement—make sustained reform difficult. New officials often bring shifting priorities, slowing momentum and undermining continuity. Limited institutional memory within government agencies further exacerbates duplication, weak accountability, and delays. Even in more stable agencies, bureaucratic hurdles, corruption, and poor communication reduce the effectiveness of justice-sector reforms.

Governance Cycles and Continuity in Justice Reform

At the local level, the institutional setup today places judicial service delivery around the executive, making reform efforts closely tied to electoral cycles. With each election, changes in leadership, priorities, and administrative capacity reshape implementation conditions, affecting continuity and long-term sustainability. At other levels, frequent political transitions and personnel rotation, particularly across judicial administration, ministries, and law enforcement, require reforms to adapt to evolving priorities. These dynamics are compounded by a culture in which institutional knowledge is not systematically documented or transferred, leading to duplication, coordination gaps, and implementation delays. Bureaucratic hurdles, corruption, and weak inter-agency communication further constrain reform effectiveness.

Fragmentation Among Implementing Agencies

Numerous actors operate in Nepal's justice sector, and coordination is weak. Lack of collaboration leads to duplication of effort, wasted resources, and lost opportunities for cross-learning. This fragmentation also fuels public perceptions of incoherence in development initiatives. Greater harmonization among implementing partners—and stronger alignment with government plans—remains critical for scaling best practices and ensuring value for money.

Weak Evaluation of Laws and Policies

While Nepal has adopted many laws and policies to operationalize constitutional rights, systematic evaluation of their implementation, relevance, and inclusivity is lacking. Without feedback loops, gaps go unaddressed, and opportunities for amendment are missed. This undermines accountability, risks corruption, and erodes citizens' trust in the justice system—particularly among marginalized communities who are already vulnerable to exclusion.

Unresolved Transitional Justice

Nearly two decades after the Comprehensive Peace Accord, transitional justice remains stalled. Victims of conflict-era abuses still await redress, raising questions about the state's commitment to the rule of law and reconciliation. Limited dialogue among government, political parties, victims, and civil society has left the process fragmented and mistrusted. Prolonged delay threatens social cohesion and risks entrenching divisions rather than healing them.

Sustainability and Demonstrating Impact

TAF's justice sector initiatives often depend on short-term funding and the need to sustain long-term programs across successive and multiple donor grants, making sustainability a persistent challenge and limiting the space for innovation. While efforts have been made to embed practices in government systems and local organizations, many reforms require continued external support. The complexity of justice reform also makes its impact hard to quantify. On-the-ground stories of change are not always captured in reports, limiting TAF's ability to showcase outcomes to donors and mobilize future resources. For many years, this was compounded by limited TAF investment in monitoring, evaluation, and learning in some cases.



Participants at leadership training program



Constituent Assembly elections (2008)

Future Directions

The shift to federalism provided the momentum for significant reforms in Nepal’s justice sector to decentralize power, dismantle historic patterns of exclusion, and deliver more responsive and accessible justice for all. Yet while federalism held out this promise, its implementation continues to be contested in terms of the distribution of resources, authority, and pace.

The shift to federalism provided the momentum for significant reforms in Nepal’s justice sector to decentralize power, dismantle historic patterns of exclusion, and deliver more responsive and accessible justice for all. Yet while federalism held out this promise, its implementation continues to be contested in terms of the distribution of resources, authority, and pace.

The youth protests in September 2025, which resulted in the overthrow of the government, illustrated just how fragile the federalist system is and the state-society relations on which it is situated. Many young people in Nepal see the federal system as weak or failing to deliver accountability, inclusion, and effective governance, with protesters calling for systemic reform, including constitutional amendments and changes to federal structures. They see the system as riddled with corruption and perpetuating inequalities. At the same time, ethnic minority groups that once saw federalism as a vehicle for voice and empowerment voiced concerns that the system’s design and implementation have failed to address historic marginalization.

Future efforts to continue reforming the justice system in Nepal to be more accountable, inclusive, and innovative must contend with these fundamental, structural challenges. Nepal’s justice sector will not be effectively supported on that journey through capacity building or technical innovation, but rather through understanding and navigating the underlying political incentives and controversies, and by fostering the coalitions that can engage effectively in key decision-making processes.

Transitional and restorative approaches to justice will likely be important in working toward these goals—allowing both the response to past conflict-related abuses while fostering longer-term dialogue and reconciliation. At the same time, Nepal’s unique foundation of a community-based justice system provides an important anchor, contributing to dispute resolution and social cohesion in turbulent times.

References:

Chapagain, Bidhya. "Judicial Trust in Nepal: Demand- and Supply-Side Perspectives." *International Journal for Court Administration* 16, no. 2 (2025): 1–23. <https://doi.org/10.36745/ijca.592>.

International Commission of Jurists. *Authority without accountability: The struggle for justice in Nepal*. Geneva: International Commission of Jurists, 2017. <https://www.icj.org/wp-content/uploads/2013/10/ICJ-AUTHORITY-WITHOUT-ACCOUNTABILITY-final-1.pdf>

Supreme Court of Nepal. *Annual Report on Judicial Administration*. Supreme Court of Nepal, various years. <https://supremecourt.gov.np/web/yearlyreps>

