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Acronyms

AIGP -	Additional Inspector General of Police
CA -	Constituent Assembly
CPA -	Comprehensive Peace Accord
CSO -	Civil Society Organization
DIGP -	Deputy Inspector General of Police
DSP -	Deputy Superintendent of Police
FY -	Fiscal Year
GBV -	Gender Based Violence
GoN -	Government of Nepal

IGP -	Inspector General of Police
LPCs -	Local Peace Committees
MoPR -	Ministry of Peace and Reconstruction
NAP -	National Action Plan
NGO -	Non Government Organization
NPTF -	Nepal Peace Trust Fund
SGBV -	Sexual and Gender Based Violence
SP -	Superintendent of Police
SSP -	Senior Superintendent of Police
TF -	Task Force
TRC -	Truth and Reconciliation Commission
UNSCR -	United Nations Security Council Resolution
WPS -	Women, Peace and Security

I. Women, Peace and Security Profile

A. Nature of the Conflict

The ten-year long rebel insurgency in Nepal, launched on 13 February 1996, reached formal conclusion when the Government of Nepal (GoN) and Maoists signed the Comprehensive Peace Accord (CPA) on 21 November 2006. The conflict remained a low-grade insurgency until 2002 when it escalated and began disrupting daily lives, especially in the countryside. Structural inequality, exclusion and discrimination (gender, caste, class, geographical), concentration and abuse of power, poverty and unemployment, lack of access to opportunities, failure of state governing system, and varying ideologies were key factors behind the insurgency. During this period, Nepal, once a peaceful nation, witnessed damages of lives, infrastructure and development activities unparalleled in its history. More than 13,000 men, women and children are estimated to have died during the conflict, between 100,000 to 200,000 people were displaced,¹ while even now the whereabouts of more than 1,000 people remains unknown. Infrastructure worth billions was destroyed due to the conflict. Of the total 3,915 Village Development Committees (VDCs), more than 1,772 VDC buildings² were destroyed by the conflict, and some 2,646 development structures damaged. These are yet to be reconstructed and restored.

Post Conflict Situation: The conclusion of the conflict brought Nepal at the crossroads of redefining itself as a country and nation. However, despite the damages and destruction the conflict also paved the way for multiple transitions:

from monarchy to a republic;

from authoritarianism to democracy and human rights;

from a hegemonic to an inclusive and participatory system of governance;

from a state pervaded by one religion to secularism; and

from a heavily centralized unitary system to one characterized by decentralization and autonomy at the regional and local levels.³

Nevertheless, the initial hype and expectations of people following the CPA, the 2006 April Janaandolan (people's movement) and the downfall of monarchy remain far from being attained. Inter and intra-political party conflicts, power sharing, security sector restructuring, reconstruction and rehabilitation of former People's Liberation Army personnel, addressing

¹ (2009) Keeping the Beijing Commitment Alive...Nepal NGO Report on Beijing +15. National Network for Beijing Review, Nepal. SAATHI.

² Ibid

³ (2009) Nepal Human Development Report 2009. State Transformation and Human Development. UNDP. Kathmandu, Nepal

Tarai-Madhesh⁴ issues, providing peace dividends, addressing root causes of conflict, addressing transitional security and justices, addressing concerns of other identity, deciding federal structures of the country, inability to make a Constitution, deteriorating rule of law and increasing impunity have become bones of contention towards the peace path. Subsequently, Nepal is currently in a fragile transition phase.

B. Impact of Conflict on Women

The armed conflict between 1996 and 2006 was deeply gendered, not only concerning its consequences, but also involving its origin – as verified by a study conducted for Gender and Social Exclusion Assessment in 2005 which revealed 176 provisions in 83 pieces of legislation that discriminate against women - the ideologies underlying it and the dialogues surrounding it, both by parties confronting one another and the analyses carried out in politics and in academic research.

However, the impacts of conflict have dealt even more unexpected and far-reaching blows. The conflict impacted Nepali women tremendously, irrespective of whether it is women who joined as combatants, were related to men taking part in it, due to their residing in particular conflict affected areas, their own or their male members' political beliefs or due to their ethnic and economic backgrounds. Socially and economically girls and women became overburdened with responsibilities. Women became heads of households and solely responsible for their families because men and young people were compelled to leave their villages for fear of being caught in the conflict between state security forces and the Maoists. Women began taking up work traditionally restricted to men – such as ploughing and performing funeral rites. With increasing insecurity of food supply, women and girl's health were threatened by inequitable food distribution resulting in malnutrition and severe anemia. Girls' educational opportunities, already fewer than those of boys, further diminished due to displacement, fear of kidnapping, forced induction and being caught in cross fires. With little education and no skills girls were often forced into exploitative jobs.

Abduction and torture, rape and sexual abuse by both warring sides became widespread; forceful induction within the insurgent party increased; intimidation, murder, terror and forced displacement, number of widows, as well as women "forced to lead the family and sometimes become the sole caretakers of children and elders during conflict situations"⁵ soared. More than 4,000 women lost their husbands, and hundreds of women were raped by parties in conflict.⁶ Even today many internally displaced people, many of whom are women, have not been able to return to their homes, and thousands are facing mental distress and physical torture. More than 13,347 people had been killed by the end of 2006, approximately 8 per cent of them women; and more than 3 per cent children. In addition, 50,356 people were displaced by the end of 2004, the greatest number in Mid-Western Development Region. Even after the signing of the CPA in November 2006, another 551 people were killed in 2007 and 541 in 2008. Of the total 13,344 people killed during the period of Maoist insurgency, 10,297 were men and 1,013 were women while the gender of 2,034 people were not verified, as they were killed during the clashes and were buried or taken by the conflicting parties in an attempt to hide the identity of the deceased. Of the total 1,013 women killed during the period, 193 were killed by

⁴ The current Madhesi protests began to surface in late 2006. The interim constitution became the rallying point, which Madhesi claim, failed to address issues related to their rights. The trouble soon took a different turn when the country's draft interim constitution came into effect on 15 January. Key demands made by various Madhesi groups are amendments to the interim constitution to include provisions for ethnic and regional autonomy with the right to self-determination and proportional representation based on ethnic population for the elections to CA; an autonomous and separate independent Terai state; equal participation of Madhesi in government security forces; fresh delimitation of electoral constituencies based on populations; and eviction of non-Terai officials and administrators from Terai region

⁵ Deuba, A. R. (2005) Changing Roles of Nepali Women Due to Ongoing Conflict and Its Impact - A National Study. SAMANATA-Institute for Social and Gender Equality. Kathmandu.

⁶ (2009) Keeping the Beijing Commitment Alive...Nepal NGO Report on Beijing +15. National Network for Beijing Review, Nepal. NNBN/SAATHI.

the Maoist while others were killed at the hands of state security forces. Similarly, of the 84,969 people abducted 2,087 were women, while the identity of 69,403 people abducted during the period was not known.⁷ To date, there has been no accountability for the thousands of crimes of sexual violence or other appalling human rights abuses committed during the Maoist insurgency in Nepal. Splinter groups arising across the nation are worsening the situation. One such impact is on women in the Tarai region, where hundreds are reportedly facing rape and abuse. A report on the Human Rights Situation by INSEC, an NGO working for human rights and social justice, shows that within the period of three months from January-March 2011 alone there were 29 people killed including three women, 28 people abducted, and 79 women and 62 children had their rights violated.

Nevertheless, the changing roles of empowerment fast-forwarded by conflict such as inclusion of women in the Nepal Army, involvement in non-traditional roles, increased decision making powers cannot be overlooked. Conflict may be attributed to have indirectly increased women's rights.

Nevertheless, the changing roles of empowerment fast-forwarded by conflict such as inclusion of women in the Nepal Army, involvement in non-traditional roles, increased decision making powers cannot be overlooked. Conflict may be attributed to have indirectly increased women's rights. The provision of 33 per cent quota for women in the Constituent Assembly (CA) 2008, significantly overcame the dismally low female participation in past parliamentary representations. Changes in gender roles and the growing acceptance by Nepali men is evidenced by increasing number of migrating women workers, more vocal demands for women's rights and legal provisions guaranteeing inheritance rights and others. But a notable issue is the significant absence of women in the peace process, particularly in the context of including women to deal with gender issues. As a result, gender-based persecution and violence have been rendered trivial and invisible in peace agreements; they have not been taken into account either in the interpretation or implementation of the agreements.

C. Relevant Policies

Nepal is party to 16 international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (1996), the International Covenant on Civil and Political Rights (1966), the Second Optional Protocol to the International Covenant on Civil and Political Rights (1989), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)(1979).

Other relevant policies which have recently come up are:

The GoN has formulated a national response for prevention of Gender Based Violence (GBV) with special focus on its prevention and the protection of women and girls. It declared 2010 as the Year to End Gender Based Violence (GBV). Recently it has established a **gender violence prevention fund** and **gender violence coordination committee** in every district of the country. The **2010 Action Plan against GBV**, focusing on prosecution, protection and prevention, highlights the need for a special commission to investigate cases of violence against women. A free hot-line number (1111), directly connecting to the Prime Minister's

⁷ www.inseconline.org

Office is available. The government has also expressed commitment to establish **women's and children's service centres** in police stations across the country for the expeditious investigation and prosecution of sexual and gender related violence cases.

Adoption of National Action Plan on UNSCR 1325 and 1820 on 1st February 2011, the first resolution on women, peace and security. The National Action Plan covers five pillars, namely, Participation – aimed to promote equal, proportional and meaningful participation of women in all decision making levels of conflict transformation and peace building process, Protection and Prevention – aimed at “protecting the rights of women and girls and preventing the violation of these rights during the conflict and the post conflict period,” Promotion- aimed to “promote the rights of women and girls and to mainstream the gender perspective in all phases and stages of the conflict transformation and peace building process,” Relief and Recovery- aimed to “address the special needs of women and girls and to ensure their participation in the formulation and implementation of all programs related to relief and recovery,” and Resource Mobilisation and Monitoring and Evaluation – aimed to guarantee means and resources required in the implementation of the National Action Plan, to institutionalize the monitoring and evaluation system and to maintain collaboration and coordination with concerned stakeholders.⁸

Setup of **Local Peace Committees** in every district – empowered to address conflict at the local level and to mediate between conflicting parties- with at least 33 percent participation of women.

The **Interim Constitution of Nepal**, 2007 prohibits physical, mental or any other form of Violence against Women. Women's reproductive rights are recognized as fundamental.

The **Comprehensive Peace Accord (CPA)** includes a prohibitory provision on GBV to be abided by both parties to the agreement.

The Legislature Parliament of Nepal passed the **Domestic Violence (Crime and Punishment) Bill** (On 5 May, 2009). It defines physical, mental, sexual, financial as well as behavioral violence as domestic violence. Gender Equality Act, passed in 2006, repeals and amends 56 discriminatory provisions of various previous Acts and incorporates provisions to ensure women's rights.

Human Trafficking Act, 2007 extends definition of trafficking to include offense of transportation for trafficking purposes. The new Act affords support and care for victims.

The Supreme Court issued **orders at prohibiting malpractices that contribute to GBV**.

Tenth Five Year Plan includes gender and human rights as crosscutting sectoral issues. Gender Focal Points established in sectoral ministries and Task Forces at central and district levels to check trafficking.

Adoption of policy representation of 33 percent women in government and political sectors.

II. Data Presentation and Analysis

In spite of noteworthy policies and provisions which have come about, factual data with regards to their implementation present a different picture. Effective implementation of policies has always remained a concern plaguing the country in diverse sectors, and more so in relation to women's rights and empowerment issues, as well as peace and security issues.

A. Participation

Indicator 1 - Index of women's participation in governance (% of women in senior positions in cabinet/council of ministers, parliament, local governance)

A major component of the CPA is the political and socio-economic transformation, which demands state restructuring in an “inclusive, democratic, and forward looking” manner for ending all forms of discrimination. It also envisaged an inclusive, democratic and progressive state restructuring wherein the needs and concerns of women, amongst others, are taken into account. All these led to the promulgation of an Interim Constitution - to cover the transition period prior to the Constituent Assembly drafting of the new Constitution.

Nepal continues to remain in the transition period given its inability to draft the new constitution within the stipulated time period. So far the tenure of the Constituent Assembly has been extended three times since it was elected for two years in May 28, 2008 and the present tenure expires next month in November 2011. Inter and intra-political party conflict and the issues of power sharing, security sector restructuring, reconstruction and rehabilitation of former People's Liberation Army Personnel constrain the political scenario of Nepal. Hence, there is no progress towards the peace process and drafting the new constitution - the main responsibility of the National Politics.

Legislative and Parliamentary Level

Compared to the 2010, the status of women's participation in legislative and parliamentary level, constitution and bureaucratic level has remained the same, except for a few minor changes. At legislative and parliamentary level, a slight decrease in the total number of female CA members has subsequently resulted in decrease in the percentage of women CA Members. Out of the total 601 CA members, eight seats have remained vacant while CA membership of two male lawmakers was scrapped on recommendation of their respective parties, hence leaving the number of CA Members to a reduced 591. The current percentage of women CA members is 31.97 percent as of September 2011.

The political situation of Nepal has remained highly unstable with the change in government having occurred twice within the span of one year. An examination of women's participation in the cabinet, constituted and reconstituted during the period 6 February 2011 – 1 August 2011, reveals a slight increase in the percentage of women. Nevertheless, the allocation of the key ministerial portfolios such as defense, foreign, finance, home affairs have been predominantly male dominated as indicated by Table 1. However, in the new cabinet constituted and reconstituted in August/September 2011, the percentage of women has significantly dropped to 7.6.

Table 1: Total Number of Council of Ministers

Total Council of Ministers	Male	Female	Percentage of Female
Year 2011			
35	28	7 (Ministers: 4; State Ministers: 3)	20% Source: http://www.opmcm.gov.np/
		Ministers: 4 Peace & Reconstruction: 1 Land Reform & Management: 1 Local Development: 1 Women, Children & Social Welfare: 1	
		State Ministers: 3 Forest & Soil Conservation: 1 Physical Planning & Works: 1 Health & Population: 1	
Cabinet constituted and reconstituted in August 30/ September 4, 2011	12	1 (Ministry of Youth and Sports)	7.6% Source: Republica, English Daily dated 5th Sept 2011
Year 2010			
43	38	5 Defence Minister: 1 Deputy PM: 1 State Minister: 1 Assistant Ministers: 2	11.62% Source: http://www.can.gov.np/

Bureaucratic Level

Compared to 2010 the civil service currently holds 79,515 personnel of which women comprise 10,895 i.e. 13.70 percent, a slight increase to the previous year. There are only 790 women out of a total of 12,163 senior positions in the Nepal Civil Service. The presence of women at decision making level within the bureaucracy remains dismally low as evidenced by Table 2 figures.

Table 2: Total Number of Women in Senior Positions in Civil Service

Description	Male	Female	Total	Percentage of Female
Secretary	73	4	77	5.19
Joint Secretary	484	9	493	1.83
Under Secretary	2671	97	2768	3.5
Program Officer	8145	680	8825	7.71
Total	11373	790	12,163	6.49

Source: Ministry of General Administration, August 2011

The scenario at local governance level with regard to women's representation is no different from last year. Each of the 75 districts in Nepal has a Chief District Administration Office and a Local Development Office. All 75 Chief District Officers (CDO) are male and there is only one female Local Development Officer (LDO) out of 71. In the remaining 4 districts the position of LDO is vacant and those acting as LDOs are male. The total absence of women's presence as Chief District Officers and negligible representation in Local Development Offices underscores

the lack of attention towards this concern. Such a discrepancy is bound to impact gender sensitive decision making at district and community level.

Women's Representation in Major Political Parties

The Nepali political parties are far ahead of any other institution in making verbal commitments for ensuring women's representation. However, reality speaks differently. None of the parties have any special provisions to increase women's participation within their constitution and regulations. Political parties have not even been able to secure 33 percent women's participation within their central committees. For those women who are present, patriarchal norms and values within the parties prevent many of them from meaningful participation and voicing of opinions during decision making processes.

Table 3: Women's Representation in Major Political Parties

Political Party	Total No. of Central Committee Members	Male	Female	Percentage of Female
United Nepal Communist Party (Marxist)	148	134	14	9.46
Nepali Congress (only elected in 12th Assembly)	65	51	14	21.54
Nepal Communist Party (United Marxist-Leninist) including alternate central members	116	95	21	18.10
Madhesi People Rights Forum, Nepal (Democratic)	51	45	6	11.76
Tarai Madhes Democratic Party	55	43	12	21.82
National Democratic Party (including invited members)	65	57	8	12.31
Nepal Communist Party (Marxist-Leninist) including alternate central members	35	30	5	14.29

Source: Jagaran Nepal: Collected from central office of concerned party from 8th December 2010 to 20th February 2011

Indicator 2 - Percentage of women in peace negotiating teams

Despite women's involvement in the revolution, the end of the monarchical regime, and in the course of the conflict and its consequences women have remained virtually absent in all peace negotiating teams with the exception of Ms. Anuradha Koirala in 2003, the then Minister who was a member of the peace negotiating team during the ceasefire between the government and the Maoists (January 2, 2003). However, her role was limited to rapporteuring/ taking minutes of the meeting. Special Representative of the UN Secretary General and head of UNMIN, Ian Martin, stated: "At all the political negotiating tables I have seen in Nepal during the peace process, not once have I seen a woman at the table. So far in the peace process, decisions are being made by men for women [...]"⁹.

However, a slight presence of women was visible in political dialogues and institutions established to address the peace process. The National Monitoring Committee, in which only two of the 31 members were women, and the Interim Constitution Drafting Committee, initially made up of six men and subsequently expanded after a campaign led by women's

organizations to include six women as well as representatives of the Dalit community.¹⁰ The Local Peace Committees also saw a one third presence of women, though the extent of their meaningful participation remains uncertain.

Numerous women's organizations have raised their voices demanding a greater presence in peace talks. Such organisations tried to increase women's participation in the peace negotiations by pressurizing the government, the political parties and the Maoists. UNSCR 1325 was used as an instrument to support demands for greater presence of women in the political sphere, and establish wide-ranging gender agendas. The desire for involvement of women in the peace process led to a number of alliances between organizations which, before the peace process, had worked in areas such as human rights, education, women's rights, the rights of the Dalit communities and women's participation in the media. Common platforms were established to influence the process. Moreover, women's organisations tried to influence the process and act as a bridge between the political class and unorganised society, as there was a general feeling that the needs and demands of the latter were not being addressed.

Although the low percentage of women in the peace negotiation teams and the slight increase in the post CPA (Comprehensive Peace Accord) committees fail to recognise women's actual contribution in the conflict and the overall peace process, subsequent committees are endeavouring to reflect it. Nevertheless, it can be concluded that the low percentage may be a result of women's participation not being viewed as essential towards peace building process. General ignorance, absence of women at policy level, inadequate and timely lobbying for inclusion of women in negotiation teams may be some of the other explanations.

Indicator 3 - Index of women's participation in the justice and security Sector (% women in military, police, judiciary, at all levels)

Judiciary Sector

Gender mainstreaming efforts within the judiciary sector, during the past one year, have remained insignificant. There have been little changes to indicate increase in women's participation at this level. The issue of substantive and meaningful participation is a far off concern under such circumstances.

Table 4: Women's Representation in the Judicial System

Court	Position	Total	Female	Male	Remarks
Supreme Court	Chief Justice	1	0	1	0%
	Judge	18	1 (5.55%)	17	6.66% female representation in the last year data
Appellate Court	Chief Judge	0	0	0	
	Judge	107	4 (3.73%)	103	4.25% last year data
District Court	Judge	112	1 (0.89%)	111	0.76% last year
Special Court	Judge	3	0	3	
Attorney General Office	Attorney General	1	0	1	
	Deputy Attorney General	4	0	4	
	Joint Attorney General	8	0	8	
	Deputy Attorney	9	0	9	
	District Attorney				

Source: Saroj Raj Regmi, Section Officer, Secretariat of the Chief Justice, 2nd August 2011(Telephone Interview)

¹⁰ http://escolapau.uab.cat/img/qcp/nepal_conflict_peace.pdf

Security Sector

Quantitative changes in terms of increasing women's presence within the major security forces, namely, Nepal Army, Nepal Police and Nepal Armed Police Forces have not been of significant nature, as evidenced by the tables below. However, it is necessary to state that the security sector has been undergoing numerous training on SCR 1325 and 1820 and gender equality provided by NGOs and UN organizations. Following the adoption of the Nepal National Action Plan on UNSCRs 1325 and 1820, representatives from Ministry of Peace and Defense are invited to such trainings for the sessions on the NAP. The Nepal Army has over the past year conducted such training to its personnel.

Table 5: Women's Representation in the Nepal Army

Position	Total Number	Female	Male
Nepal Army	92000	1132 (1.32%) Officer (Commissioned)* -245 Non-Commissioned Officer** - 103 Others - 784	90868

Source: Kuber Thapa (Maha Senani, Sub -Director, Nepal Army Public Contact Directorate, 1st August 2011, Letter

* Commissioned officers are second lieutenant, captain, major, etc. who have command over units of men, platoons, battalions, companies, troops and brigades.

** Non-commissioned officers are those who are not actual officers but who do have charge or supervision over other men

Table 6: Women's Representation in the Nepal Police

Position	Total	Male	Female	Percentage of Female
IGP (Inspector General of Police)	1	1	0	0
AIGP (Additional Inspector General of Police)	8	8	0	0
DIGP (Deputy Inspector General of Police)	34	32	2	5.88
SSP (Senior Superintendent of Police)	64	61	3	4.68
SP (Superintendent of Police)	122	118	4	3.27
DSP (Deputy Superintendent of Police)	334	322	12	3.59
Police Inspector	1130	1085	45	3.98
Sub-Inspector of Police	3171	3029	142	4.47
Assistant Sub inspector of Police	5727	5537	190	3.31
Police Head Constable	11,177	10,538	639	5.71
Police Constable	35,881	33,587	2294	6.39
Others	2471	2345	126	5.09
	60,120	56,663	3457	5.75

Source: DIG Bhisma Aryal, Spokesperson Armed Police Force, 4286761, 23rd August, 2011, Email

Table 7: Women's Representation in the Nepal Armed Police Force

Position	Total Number	Male	Female
Armed Police Force	31265	30277 DSP -295 Inspector - 891	988 (3.16%) DSP - 2 Senior Officer - 23 (21 Inspector & 2 Sub Inspector) Junior Officer - 41 (Assistant Inspector and Sub Assistant Inspector) Others - 1013

Source: DIG Bhisma Aryal, Spokesperson Armed Police Force, 22nd July 2011, Email

Table 8: Women's Representation in Traffic Police

Position	Total Number	Male	Female
Traffic	2213	2032	181
			Police Inspector – 1
			Sub Inspector of Police – 5
			Assistant Sub Assistant Inspector – 14
			Police Head Constable – 23
			Police Constable - 138

The main reason behind low participation of women in the Security and Judiciary Sector is due to discouraging or inapt constitutional/legal provisions given the socio-cultural context of Nepal for women to be engaged or seek career in these sectors. For example, Under the section "Appointment and Qualifications of Judges of the Supreme Court" Article 103 (3) states "Any person who has worked as a Judge of an Appellate Court or in any equivalent post in the judicial service for at least seven years, or has worked as a gazette officer first class or above of the judicial service for at least twelve years, or has practiced law for at least fifteen years as a law graduate advocate or senior advocate, or a distinguished jurist who has worked for at least fifteen years in the judicial or legal field is eligible for appointment as a Judge of the Supreme Court."¹¹

Indicator 4 – Percentage of women in peacekeeping missions, disaggregated at all levels

Percentage of women deployed in peacekeeping missions by Nepal Army and Nepal Police continues to remain low. This is primarily due to low percentage of women in the security sector despite the new policy that requires 20 percent seat reservation for women in the sector. Compared to Nepal Army and Nepal Armed Police Force, there has been a significant rise in the number of women in peace keeping missions deployed by the Nepal Police. One reason is maybe due to increasing intake of women personnel in Nepal Police

Table 9: Gender Disaggregated Data on UN Peace Keeping Missions Deployed by Nepal

Security Force	Period	Total	Female	Male	Percentage of Female
Nepal Army	Peace Keeping Force members since 1958	76,489	197	76292	0.25
	2010 – August 2011	6878	93	6785	1.35
Nepal Police	Total No. in 2007	401	11	390	2.74
	Total No. in 2008	761	49	712	6.42
	Total No. in 2009	597	42	555	7.03
	From 2010 till August 2011	560	141	419	25.2
Nepal Armed Police Force	Total No. in 2007	512	4	508	0.78
	Total No. in 2008	544	6	538	1.1
	Total No. in 2009	590	3	587	0.5
	From 2010 till August 2011	689	8	681	1.16

Source: Army Headquarter, Armed Police Force Headquarter, Human Resource Development Department, Police Headquarter, August 2011.

Indicator 5 - Number and percentage of women participating in each type of constitutional or legislative review

As indicated by Table 10, women's representation in Constituent Committees is comparatively better than in other areas. Nevertheless, it has not been possible to gauge the level of active participation and their roles in decision making.

Table 10: Women's Representation in Constituent Committees (see Appendix1)

Committee Type	Total No. of Members	Female	Percentage of Female
Constituent Assembly Committee Draft Constitution Provide support in the process	595	198	33.27
Constituent Committee (1) Present concept paper on constitution and the themes not covered by thematic committee	61 (two vacant)	15	24.19
Thematic Committee (10) Concept paper and Preliminary draft on different themes	421	137	32.54
Committee on Fundamental Rights and Directive Principles (Led by Ms. Binda Pandey)	43	12	27.90
Committee on the Protection of the Rights of Minorities and Marginalized Communities (Led by Mr. Lalbabu Pandit)	43	18	41.86
Committee on State Restructuring and Distribution of State Power (Led by Mr. Lokendra Bista Magar)	42	12	28.57
Committee for Determining the Structure of the Legislative Body (Led by Mr. Ramesh Rijal)	41	17	41.46
Committee for Determining the form of the Government (Led by Mr. Shambhu Hajara Dusadh)	42	9	21.42
Judicial System Committee (Led by Mr. Prabhu Shah)	41	17	41.46
Committee for Determining the Structure of Constitutional Bodies (Led by Mr. Gobinda Chaudhari)	42	14	33.33
Committee on Natural Resources, Financial Rights and Revenue Sharing (Led by Mr. Amrit Thapa Magar)	42	7	15.21
Committee for determining the base of Cultural and Social Solidarity (Led by Ms. Nabodita Chaudhari)	41	20	48.78
National Interest Preservation Committee (Led by Mr. Amik Sherchan)	44	11	25

Procedural Committee (3) To take the constitution drafting process at general public To collect public opinion To build capacity of CA members and staffs involved in constitution making	113	46	40.70
Committee on Citizen (led by Ms. Mina Pandey)	36	14	38.88
Public Opinion Collection and Coordination Committee (led by Mr. Pramod Prasad Gupta)	41	14	34.14
Capacity Building and Source Management Committee	36	18	50
Legislative Parliament Committee			
Legislative Committee (led by Ms. Yasoda Gurung (Subedi))	73	27	36.98
Thematic Committee			
Committee on Finance and Labor Relations (led by Ms. Shushila Kandangba)	63		
Committee for International Relations and Human Rights (led by Mr. Padam Lal Bishwokarma)	54	18	33.33
Committee on Natural Resources and Means (led by Ms. Shanta Chaudhari)	56	18	28.57
Development Committee (led by Mr. Jitendra Prasad Sonar)	56	16	28.57
Women Children and Social Welfare Committee (led by Ms. Sandhya Devi)	59	38	64.40
State Affairs Committee	57	17	31.57
Public Account Committee (led by Mr. Ram Krishna Yadav)	61	16	29.82
Special Committee	142	43	30.28
Security Special Committee (led by CA Chair Subash Nembang)	72	18	25.00
Parliamentary Hearing Special Committee (led by Mr. Kul Bahadur Gurung)	70	25	35.71

Source: <http://www.can.go.np/August 2011>

Indicator 6 - Percentage of CSOs in Task Forces on SCR 1325 and 1820 (out of total TF members)

In order to implement the Nepal National Action Plan on UNSCRs 1325 and 1820 adopted in February 2011, a Steering Committee was formed involving different ministries, National Planning Commission, National Women's Commission, office of Prime Minister and Council of Ministers and the civil society. The steering committee comprises of 22 members, including representatives from 11 different civil society organizations/network working in the area of women, peace and security. The committee is chaired by the Minister for Foreign Affairs and co-chaired by Minister for Peace and Reconstruction. The major roles and responsibilities

of the committee include making policy provisions for gender mainstreaming in conflict management and peace building processes and for the prevention and control of gender based violence, maintaining inter-agency coordination for women's empowerment, generating national and international support and providing necessary directions for the implementation of the NAP, regular monitoring and supervision of the implementation of NAP and submitting the report on the status of the implementation of UNSCRs 1325 and 1820 to the United Nations. Additionally, District Coordination Committee to be set up in the districts for the implementation of the NAP demands involvement of two representatives from non-governmental organizations working for promoting women's human rights.

B. Prevention and Protection

UNSCR 1325 marked the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women; it recognized the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building.

Indicator 7 - Number of sexual and gender-based violence cases reported, percentage investigated, referred, prosecuted and penalized (out of total reported)

There is still no systematic monitoring and reporting mechanism for SGBV cases in Nepal. However, the researchers were able to gather considerably more data this year. For the purpose of this monitoring report, 5 districts, namely Kathmandu, Kapilvastu, Surkhet, Doti and Siraha were selected for Focus Group Discussions (FGDs) and data collection on SGBV. The FGDs held with police, NGOs and survivors of violence in August 2011 revealed that there are increasing rates of SGBV cases being reported. This is due to increase in incidences of SGBV itself, along with GoN's efforts to address violence against women; massive awareness raising programs; provision of legal aid and other support services by NGOs; various pressure groups formed at local level; as well as media playing an important role in bringing out the cases of violence.

Despite the increase in reporting SGBV cases, majority of the cases are still not reported, especially those that involve rich families, until and unless they reach beyond the point of tolerance. Patriarchal socio-cultural norms and values, women's economic dependency on their husbands, illiteracy, ignorance, culture of silence, lack of confidence in accessing justice and rehabilitation as well as security problems confronted by victims upon becoming public, hinder women from seeking legal solutions. Furthermore, though domestic violence has been established as a punishable crime, even the police sector does not seem to have shown serious concern in taking action against those committing violence. The police personnel possess inadequate knowledge about the laws, and there is a general inclination, perhaps due to social pressures towards settling the case through mediation. But, there are also a number of cases where women themselves withdraw the charges against their husband because of socio-cultural norms and values to maintain family integrity.

Despite the increase in reporting, the numbers of those seeking legal remedies are low as there are many challenges in prosecuting the case. The main factors preventing victims from seeking legal remedies are ignorance of legal process as well as lengthy legal procedures, family as well as socio-economic reasons, fear of social ostracization and stigma, inability to provide evidence, geographical problem, lack of access to services, lack of support, security, lack of trust in law implementing agencies, lack of confidence in getting justice, lack of rehabilitation opportunities for victims as well as problem in examination and medical report in case of rape due to lack of female gynecologists.

The major challenge in prosecuting SGBV cases is loss of evidence, since most victims report only after the evidence gets erased. In addition, many report only after the statute of limitation

of 35 days for filing a case is over. Furthermore, inadequate knowledge and sensitivity on SGBV among legal service providers, lack of women lawyers in law implementing agencies, frequent change in statements due to family pressure are other major reasons. Moreover, it has also been noted that most cases of SGBV, especially cases involving minors, are settled through mediation by community and police. Male police are unwilling to take ahead SGBV cases as evidenced by data on SGBV cases addressed by a local organization based in Surkhet. Out of 77 cases of sexual violence referred to police only 18 cases were prosecuted, while out of 465 cases of gender based violence 237 were settled through organizational mediation process. Additionally, even when cases are filed, they get withdrawn due to socio-economic and political pressure as oftentimes political interventions prevail in majority of SGBV cases. Perpetrators possessing influential back up as well as lack of impartial investigation and fear of social ostracization are major hindrances. Furthermore, inadequate representation of women in the justice and security sector and inappropriate gender sensitization add to the problems.

Table 11: Cases of Sexual and Gender-Based Violence Registered in the Fiscal Year July 2010/ July 2011 in Kapilvastu District

Place	Types of Case	No. of Cases filed	Arrested	Prosecution	Proved Guilty
District Police Office	Rape	2	2	In Custody	
	Attempted Rape	1	2	In Custody	
	Family disputes Physical abuse Polygamy Trafficking	Complaints filed/ Cases Filed/Settled through mediation) 177/0/174 196/0/194 11/5/5 5/2/3			
District Court	Rape	8 (18 defendants)			6 case – 6 defendants
	Attempted Rape	2 (3 defendants)			1 case – 1 defendant
Saathi Women Shelter, Kapilvastu	Domestic Violence – 141 SGBV – 4 Polygamy – 23 Trafficking – 6 Other - 2				Source: Saathi Women Shelter, Kapilvastu Record

Table 12: Cases of Sexual and Gender- Based Violence Registered in the Fiscal Year July 2010/ July 2011 in Doti District

Description	District Police Office	Women Development Office	District Court
No. of Complaints on GBV	18	82	29
No. of Cases Investigated	14	55	19
No. of Cases Prosecuted	5	27	29
No. of Cases Penalized	9	data not available as the cases were forwarded to concerned agencies	10

Table 13: Cases of Sexual and Gender-Based Violence and their specific forms; Registered in the Fiscal Year July 2010/July 2011 in Surkhet District

Name of Organization Documenting the cases	Forms of Violence								
	At-tempted/ Forced Rape	Sexual Abuse	Trafficking	Domestic Violence	Polygamy	Child Marriage	Accused of Witchcraft	Divorce	Abortion
Surkhet District									
Aawaz	21	22	4	105	47	9	8	-	4
Cellard	-	-	-	123	-	-	-	-	0
LACC	4	-	-	147	-	-	-	22	0
District Court (Prosecuted - 79 cases of GBV, 35 cases of Sexual Violence)	24	-	3	5	2	-	-	68	3
District Government Lawyer's Office (Prosecuted - Filed 8 cases of GBV, 21 Sexual violence in court)	21	-	3	-	2	-	-	-	3
District Police Office (Prosecuted - 8 cases of GBV, 18 Cases of Sexual Violence) Mediation: 147	18	-	3	147	2	-	-	-	3
Advocacy Forum	4	15							
Surachhit Samaj	16								
Women Development Office	No documentation								
Children Welfare Committee	Provide counseling and referral service								
Local Peace Committee	No application for filing SGBV cases during conflict								

Table 14: Status of SGBV cases filed in Surkhet District

Place	Total No. of Cases filed on Sexual Violence	Total No. of Cases on GBV
NGOs, Police, Court, Gov. Lawyers' Office	82	465 Case filed in police: 187 Court: 81
Remarks	5- settled through mediation 77 - referred to police 24 cases of sexual violence registered in court, decision was made on 18 cases where 13 was penalized and 5 were not proven guilty Out of 11 ongoing cases of forced rape, 7 were put in police custody, 4 ran away and out of 7 cases of attempt to rape, 4 released on bail and 3 were put in custody	237 settled through mediation 66 cases withdrew from further prosecution Out of 81 cases filed in court, 62 were decided Out of 5 cases of domestic violence, 2 were mediated, 1 penalized, 2 ongoing Out of 3 cases of trafficking, there were 8 accused among them 1 was imprisoned, 4 ran away, 3 released on bail

Source: Different NGOs working on SGBV in Surkhet District.

During FGD, it was further shared that only approximately 15 percent of cases of sexual violence were registered, investigated and prosecuted. It also came out in the meeting that in the Surkhet district alone, almost 50 percent of the women suffer from different forms of gender based violence including physical exploitation, abuse, beatings, verbal abuse, polygamy, child marriage, no access to economic resources, burns violence.

Table 15: Women and Children Service Centre, Headquarter, Naxal, Kathmandu District, (Data of 2010)

District	Types of GBV	Reported cases	Remarks
Kathmandu	Rape	376	Further data could not be obtained
	Attempted rape	101	"

Table 16: Office of Attorney General, Data of Fiscal Year 2009/2010

District	Types of GBV	Reported cases			
		Total reported	Total Prosecuted	Total convicted	Suspended/ Withdrawn cases
Kathmandu	Rape	178	50	20	0
	Attempted rape	45	2	0	2

Table 17: Appellate Court (Data of Fiscal Year 2009/2010)

Types of Case	Cases filed in			Finalized	Remarks
	FY 2008/09	FY 2009/10	Total		
Rape	13	180	193	182	This year's data could not be obtained as data is still being compiled
Attempted rape	2	43	45	44	

During the FGDs, the need for the provision to ensure victim security to enable them to obtain justice was emphasized. Furthermore, the need for an environment of impartial investigation, free from socio-political pressure was also stressed. The need to make amendment on the Statute of Limitation period for filing SGBV cases, the need for training and capacity building of the staff of law implementing agencies on SGBV and increasing women's representation in judiciary and security sector were also emphasised.

Indicator 7a - Access of women and girl survivors of SGBV to relevant health services

The vulnerability of women and girls to sexual and gender based violence (SGBV) during conflict and post conflict period is evidenced by numerous cases which have come up in Nepal, and continue to do so even today in the Terai region. The patriarchal structure of the Nepali society and the sensitive nature of such cases continue to compel women survivors to bear the burden of such heinous crimes. Many survivors and their family members remain silent and unwilling to reveal the violence as the 'honor' of the survivor and her family is at stake. Even worse, access to health services for SGBV survivors is highly limited due to a number of factors. The faith in the health service system and the service providers' ability to understand and support SGBV survivors remains low. Additionally, health service providers, whether frontline health service providers or those at the hospitals and other medical facilities are ill-equipped to identify SGBV cases and/or understand and address their needs. No private or government health care centers or hospitals have special separate facilities or services to deal with SGBV cases. A UNFPA/Saathi 2008 Study in Surkhet and Dang Districts of Nepal, two of the most conflict-hit districts, revealed, "Of those survivors who reported an injury, 27 percent accessed treatment [...]. The most high percent, thinking that it was irrelevant or that nothing would happen (20 percent), fear of accusations (16 percent), embarrassment and/or did not know where to go (7 percent).¹²"

Focus group discussions with survivors and service providers - NGOs, Police, and government officials in the five selected districts also reinforce the lack of health service professionals to address SGBV concerns. SGBV patients are treated as any other patients without any consideration to the sensitivity of the case and the need for confidentiality. Inadequate training of health professionals to identify symptoms of SGBV and provide medical treatment, psychological and emotional support was identified as one of the key factor. Financial constraint as well as family pressure was also found to be another major factor behind low access to health care facilities especially for women.

It is however noteworthy to mention endeavours which have taken place in this context. Increased awareness on GBV by government and non-governmental organizations have led to recognition of gender based violence (GBV) as a health concern at the national level. Training for GoN doctors and nurses on GBV are occurring, while training of psycho-social counselors has been initiated with support of the UNFPA - with some of them being placed within the GoN Women and Children Office at the district level, women from cooperatives and paralegal committees are working together to prevent and support SGBV survivors, while GoN supported safe houses have been initiated in some parts of the country. However, these initiatives are significantly low in number and there is an urgent need for a robust strategy to holistically address SGBV survivors' concerns.

There exist major gaps in the gender disaggregated data on SGBV survivors and the quality of support they are able to access. In this regard the Ministry of Health should consider establishing more health care centers dedicated to victims and survivors of sexual and gender-based violence as well as have special health care and treatment facilities for SGBV patients in the existing hospitals.

¹² UNFPA (2008) Situational Analysis of Gender-Based Violence in Surkhet and Dang Districts, Nepal. IRC/Saathi/WHR. Kathmandu, Nepal.

The other major gap is the lack of required capacity of the health system and its personnel at community, district and national level to recognize and address SGBV survivors needs. In this regard the Government in accordance with its obligations under international laws should increase collaboration with active NGOs, civil society organizations and UN organizations to facilitate dialogues and capacity building programs among medical personnel, the police, the judiciary and the media on how they could all work collectively to ensure that cases of SGBV are properly handled.

Table 18: Synopsis of Focus Group Discussions on access to health care for SGBV survivors held in select districts

District	Places Visited	Research Method	Respondents/Interviewees	Key Remarks on SGBV situation and access to health service for victims
Kathmandu August 2011	Prime Minister's Office (GBV Complaint Management and Monitoring Section), Ministry of Women, Children and Social Welfare (MoWCSW), Department of Women and Children, Office of Attorney General, Women and Children Service Centre, Police Headquarter, District Court, Local Development Office (LDO), Hospitals	Interview Records/ Reports	Concerned officials of the different Government offices	<p>Increase in incidences of SGBV as well as in reporting.</p> <p>There are also increasing cases of minors being sexually assaulted. This year CVICT (Centre for Victims of Torture) handled five cases of sexual assault by community people. The age group of those assaulted ranged from 5-18 yrs.</p> <p>Police, media and NGOs are playing significant role in raising awareness and providing necessary support to victims.</p> <p>Lack of gender sensitive approaches to address the specific medical and psychological needs of women and girls victims of SGBV continue to be a major hurdle in accessing quality and relevant health services.</p> <p>No private or government health care centers or hospitals have special separate facilities or services to deal with SGBV cases.</p>
Kapilvastu	<p>District Police Office, District Government Lawyer's Office</p> <p>Interaction with NGOs on 28th July 2011 (No. of Participants -13)</p> <p>Interaction with government officials on 28th July 2011 (participated by 13)</p>	<p>FGD</p> <p>FGD</p>	<p>Representatives of NGOs, district paralegal committee, district women's advocacy forum, Dalit Women Federation, Community Service Center, Family Planning Association of Nepal along with social mobilisers, and shelter service coordinator</p> <p>Representatives of District Administration Office, District Government Lawyer Office Women Police Cell District Education Office, Women and Children Office, District Health Office District Police Office District Court District Child Welfare Committee including counselor, police, public health officer, district lawyer, Superintendent of Police</p>	<p>Increase in sexual violence among adolescents due to new technology; cases of sexual violence, torture within marital relationship do not come out; even the few that come out are settled through mediation; major problem posed in accessing health service is in medical examination and report due to lack of female doctors; medical test is carried upon only on victims and not on perpetrators in case of rape and most of the time perpetrators escape due to lack of clarity in medical reports; health consequences of sexual violence are usually ignored; frequent change in statements of victims due to social pressure and family prestige; due to mainly ignorance and fear there is delay in reporting SGBV cases so in many instances evidence is already lost at the time of reporting; the legal procedure is lengthy, bureaucratic and unaffordable to many .</p> <p>Lack of health service facilities to specifically deal with SGBV concerns,.</p> <p>SGBV patients are treated as any other patients without any consideration to the sensitivity of the case and the need for confidentiality.</p> <p>Increase in SGBV cases against minors. Saathi that runs a shelter in the district reported that this year 10% of those who came to the shelter are under the age of 16 and have been victims of sexual violence.</p> <p>Worsening law and order situation and increasing number of perpetrators of SGBV not being prosecuted which discourage SGBV victims to report cases.</p>

District	Places Visited	Research Method	Respondents/Interviewees	Key Remarks on SGBV situation and access to health service for victims
Surkhet	Interaction with Service Providers – NGOs on 28th July 2011 (No. of Participants – 14)	FGD	Representatives of NGOs working on gender based violence and women's rights activists, including counselors, documentation officers and legal officers	Increase in sexual and gender based violence; this year only 15% cases of sexual violence were reported and taken forward for further investigation and prosecution; the major reason behind this is lack of female doctors/health workers while those available are not trained to identify the symptoms of violence nor aware of emotional and psychological support that victims of sexual violence require; in most cases victims come in contact with organizations only after the statute of limit for filing cases of violence is over as well as after the loss of evidence; frequent change in statements due to socio-cultural and family pressure as well as economic problem.
	Interaction with Government Officials on 28th July 2011 (No. of participants 9)	FGD	Representatives of District Court, Local Peace Committee, District Government Lawyers Office, District Police Office	Increase in sexual and gender based violence; lack of trust in justice system; all the cases registered do not go for further investigation due to social, political and economic pressure; problem in medical examination; lack of gender sensitive environment; need to provide training to health personnel as well as people in police, legal and justice sector on gender based violence and the way to deal with it; need to ensure confidentiality and security of victims; need to amend/extend the statute of limitation for filing cases of sexual violence.
Doti	Interaction with NGOs and Victims on 21st July 2011 No. of Participants 14	FGD	Survivors of SGBV, women's rights advocates, representatives from different NGOs, media, Chair of the District Federation of Journalists	Most SGBV cases take place within family but women are scared to bring this out in the public due to fear of stigma and social pressure particularly if it is related to sexual violence; poor economic condition, family prestige, social pressure, lack of trust in justice system deter them from coming out and seeking necessary legal and medical services.
	Interaction with concerned stakeholders on 25th July 2011 No. of Participants 23	FGD	Chief District Officer, Senior Superintendent of Police (SSP), representatives from different NGOs and media	Women are compelled to bear with violence because of their economic dependency on their husband and family; problem in prosecuting perpetrators as even the service providers consider such cases to be minor and do not need any action; there should be awareness raising program on health and psychological impacts of sexual violence on victims and also on legal rights and provisions at grass roots level. awareness programs to actively engage men and boys to understand and advocate against SGBV against women should be initiated.
Saptari	Interaction Program on 4th August 2011 No. of Participants 21	FGD	District Court Judge, representatives from District Police Office, District Women Cell, District Health Office, Women and Children Development Office, local media, NGOs and community leaders	Incidences of abduction, murder, killing, rape, torture, sexual violence are rampant in terai region due to worsening law and order situation and political instability; most of the cases are not reported due to fear of family prestige as well as social and economic pressure; illiteracy, ignorance, poor economic conditions are other major reasons; lack of trained health personnel to deal with SGBV cases deters women from accessing health service; political intervention is one of the greatest hindrance in bringing perpetrators into justice; out of 242 cases of violence, 170 were settled through mediation at community level, 73 were registered and only 9 were penalized, which suggests how difficult it is to bring the perpetrators into justice; participants emphasized on the need for special training for health personnel for dealing with victims of sexual violence.

Indicator 8 - Number and quality of gender-responsive laws and policies

The Government of Nepal (GoN) has adopted numerous gender responsive laws, policies and plans of action. These have played significant roles in ensuring women's presence at various forums and promoted their rights. However, despite the laws and policies a wide gap continues to prevail between policy and implementation. Some of the significant ones are as follows:

The Preamble of Interim Constitution of Nepal, 2007 expresses the commitment for carrying out a forward-looking restructuring of the State to address gender-related problems. Women have also been included as the basis for providing citizenship certificates on the basis of descent.

Provisions have been made for fundamental rights from Article 12 through Article 32 of the Constitution, which maintain that special legal arrangements could be made for women, provisions on employment and social security, rights to social justice, provisions on rights against exploitation of women and children.

Article 63 of the Interim Constitution provides that one-third of the total candidates for the Constituent Assembly Election should be women.

Policies and Action Plans

The three-year Human Rights National Plan of Action (2010/11-2012/13) contains significant provisions that promote civil, constitutional, legal and human rights of women and children. It has introduced different programs for promoting school enrollments as well as retention of poor and deprived children, ensuring reproductive health, safe motherhood and infant child care, gender mainstreaming and social inclusion and economic empowerment of women. It has also stressed on strengthening the National Women's Commission for the protection and promotion of women's rights.

Three Year Plan – Approach Paper (2010/11 – 2012/13) has spelled out its main objectives as achieving sustainable peace through relief and reparation to the conflict affected people, ensuring women's meaningful participation in conflict resolution and peace building and promoting gender equality and women's empowerment to combat different forms of gender based violence and discrimination against women through social, economic and political empowerment of women from all classes and regions.

National Plan of Action against Gender-Based Violence to control gender-based violence and provide security and protection to women and children victims of violence.

National Plan of Action for the Implementation of the CEDAW which specifically calls for the amendment of discriminatory laws and formulation of appropriate laws, increasing women's participation at all public, political and policy making levels.

National Plan of Action on Gender Equality and Empowerment of Women for the implementation of the Beijing Declaration and Plan of Action.

National Plan of Action for the implementation of UNSCRs 1325 and 1820 in order to achieve sustainable peace and just society and ensure proportional and meaningful participation of women at all levels of conflict transformation and peace building processes and protection of women and girls' rights.

Terms of Reference of the Local Peace Committees, 2009, which has a mandatory provision of ensuring 33 percent women's participation while constituting the local peace committees formed in every District, Municipality and Village Development Committee in order to ensure women's adequate participation in all the peace process.

Indicator 9 - Number and nature of provisions/recommendations in the TRC and other transitional justice reports on women's rights

Despite the recognition of the significance of transitional justice mechanisms in order to achieve sustainable peace and the clear provision of it in the Comprehensive Peace Accord and the Interim Constitution of Nepal, the government has not yet been able to establish a transitional justice mechanism. The Bill on the Truth and Reconciliation Commission tabled in Parliament on 15 April 2010 is still pending consideration by the Legislative Parliament. But the Bill has failed to adequately reflect the essence of international human rights mechanisms that Nepal is party to as CEDAW, Convention on Civil Political Right, UNSCR 1325 etc. Moreover, while analyzing the contents of the Bill from gender perspective, the following gender gaps could be found:

The bill has used the word "brotherhood" while the UNSCR 1325 Nepal National Action Plan states the need to use gender neutral words.

Despite women being the most conflict affected, there is no mention of atrocities and violence inflicted upon women during the armed conflict nor an acknowledgment of differential and severe impacts of the conflict on women.

In the definition section, the terminologies like extra-judicial killings, disappearance, torture, sexual abuse and violence, crime against humanity, war crime, violation of humanitarian laws have not been clearly defined. For example, even the definition of 'family' is quite narrow and incomplete if viewed from gender perspective. It does not encompass partners living together and transgender people. Similarly, while defining "victim," it does not mention victims of sexual violence. The proposed bill does not ensure the need to identify different impacts of conflict on women.

In addition to the rights to investigate the incidences of violation of human rights, women's rights and humanitarian law during the armed conflict, to reconciliation through justice as well as provide recommendation for that, the commission should be given the right to study the root causes of the armed conflict, investigate and analyze the different impacts of conflict on women, which has been clearly spelled out in the strategic objective under the Protection Pillar of the NAP.

There is no provision to ensure caste, gender, geographical region and religious diversity while forming the commission.

Under the sub-section 1 of Section 4, there is a provision of forming, at the most, a 7-member commission but no mention has been made of how many of them will be women. Further, the provision of the sub-section 2 that requires to recommend at least two women again fails to reflect the need to ensure at least 33 percent women's representation and meaningful participation of the NAP.

In section 12, there is no mention of ensuring meaningful participation of women while appointing staffs of the commission, which shows the insensitiveness of government towards the implementation of the NAP.

Even women's right to confidentiality is not ensured in the bill, which is clearly stated in the NAP. In article 15 of the Bill, under the commission's right to conduct search, no provision has been made to assign women police personnel if required to conduct body search of women. Though there is mention of the need to make special provision for the protection of witness, there is not any clear provision as such. Given that women and children constitute the most conflict affected group, keeping the problems of victims of sexual violence in mind and understanding our social structure, it is predictable that unless there is special provision for the protection of women victims and witness, many victims will be unable to reach the commission. Moreover, the success of the commission lies in the fact that victim, family and witness are able to present evidence without any fear of being avenged. There is also lack of clear mention of the process to be followed while taking statement of women and girls.

In case of victims of sexual violence, there should be guarantee of confidentiality while taking statement and the methods applied in the process unless and otherwise victims themselves provide approval to take statement openly. Besides, there should be provision of psycho-social counseling service to such victims, which is not in the bill.

No importance has been given to the need to treat victims with empathy and respect their dignity and their right to access to justice. Establishment of national fund, its strengthening and extension in order to provide reparation to victims should be encouraged along with continued support for their treatment.

Basic theories of justice and guidelines related to the rights to treatment and reparation for

the victims of extensive violation of international human rights should be followed.

There is a need for separate special court within the police for investigation, implementation and hearing of the cases referred by the commission and there should be extensive discussion while forming such structures. It is discriminatory from the perspective of gender justice not to have any mandatory provision to ensure women's participation in such discussion.

There is no guarantee of incorporation of gender perspective in the report to be prepared by the Commission, which is against the norms of 1325.

There is no provision of separate sub-committee for hearing of cases on sexual violence against women while forming different sub-committees in order to protect right to confidentiality in cases related to women.

However, World Vision Advocacy Forum in close coordination with the Ministry of Peace and Reconstruction with financial assistance from the UN Peace Fund for Nepal and the UN Human Rights Office in Nepal has recently established a Transitional Justice Resource Centre – the first of its kind in Nepal. The centre intends to promote transitional justice mechanisms as well as serve as a platform for bringing all segments of society together to interact actively on human rights situation of the country; facilitate marginalized people's access to justice; promote peace building initiatives and seek reconciliation for victims of violence to help effective implementation of the transitional justice mechanisms.

Indicator 10 - Extent to which gender and peace education are integrated in the curriculum of formal and informal education

Although gender and peace education are relatively new in Nepal, it is really noteworthy to mention that the subject matter is incorporated in the curricula of school as well as university.

Gender and Peace education has been incorporated in lower secondary level under the subject of Social Studies where there is a unit on Social Problems and its Solution which covers the issues of gender inequality, human trafficking, conflict and its resolution and management, sustainable peace and good governance. However, there is no mention about UNSCR 1325. Similarly, the existing curriculum of the secondary level does not contain the subject of gender and peace as such, except the topics of Role of Nepal in International Peacekeeping and Gender based Discrimination. But the textbooks of secondary level are in the process of revision and the revised edition is expected to incorporate the gender and peace education as well as introduction of UNSCR 1325.

At the Higher Secondary Level under the Higher Secondary Education Board Nepal, there is an optional subject "Gender Studies" under the Faculty of Humanities, which discusses gender and peace and mentions both the United Nations Security Council Resolutions 1325 and 1820. However, subjects Sociology and Social Studies also contain basic concepts of peace and education but do not mention UNSCR 1325.

At the Bachelor Level, Gender and Peace Education is incorporated in Sociology, Social Work and Political Science Programs of Tribhuvan University as well as in the curricula of BSW (Bachelors of Social Work) program of Kathmandu University and Purbanchal University and Bachelor in Development Studies (BADS) programs of Pokhara University. But again the subject of UNSCR 1325 and 1820 is not included in any of the above courses.

At the graduate level, Tribhuvan University has master's degree programs on "Conflict, Peace and Development Studies" and "Genders Studies" which contain the subject of gender and peace education in detail with specific mention of UNSCR 1325. Apart from these courses, the

subject of gender and peace is also included in other master's degree programs on Sociology and Anthropology, Rural Development, Political Science, Post Graduate Diploma in Women Studies and Population Studies.

Similarly, Masters Degree Program on Development Studies offered by the Kathmandu University and Population, Gender and Development Program of Pokhara University also contain subject of peace and gender partly. The Master Degree Programs in Sociology and Anthropology, Development studies and Social Work offered by the Purbanchal University also contain the subject of peace and gender to some extent. Purbanchal University has also designed One Year Post Graduate Diploma on Conflict Management and Peace Building but it's not in operation.

There is a gradual integration of gender and peace education in school curricula in Nepal. Some schools have integrated SCR 1325 and 1820 in their gender and peace education curricula. However, some schools have yet to integrate SCR 1325 and 1820 in their courses. More work has to be done to raise awareness and understanding of the significance of the resolutions and their relevance to the present context of Nepal, particularly among school officials involved in curriculum development.

Indicator 11 - Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes

Since 2007 the GoN has been offering financial compensation to conflict victims to enable them to develop or redevelop sustainable livelihood means. Under the Interim Relief and Reparation program, the government offers NRs. 100,000.00 (USD 1428.57) to the displaced and families of those who died because of the armed conflict as well as compensation to the handicapped, abducted and property loss depending on the level of injury and damage. For the fiscal year 2010/2011, out of the total number of recipients of financial compensation, women constitute quite a low number of recipients in all the categories except in the category of killed family members. Behind this lie a number of reasons such as lack of control and access of women over ancestral property, lack of information on relief/reparation programs – most women do not know where to file complaint, lack of official documents such as identity card, citizenship, marriage certificates, ignorance of procedures, illiteracy, restriction on mobility, feeling of insecurity etc. The high number of women recipients in the category of killed family members is due to the wife being the immediate beneficiary of the economic assistance. However, the high number of women recipients does not ensure that women are real beneficiaries of the compensation as many of the women during consultations shared that their compensation is being taken away by in-laws later, sometimes even without their knowledge. No follow-up is carried out on how the compensation has impacted women, whether they really get to use it and if it has really helped them sustain their livelihoods.

Table 19: Conflict Affected Women Recipients of Economic Packages

Conflict affected individuals/families (Type of impacts of conflict)	Total Number of Recipients of Economic Packages	Female Recipients of Economic Packages	Male Recipients of Economic packages in percentage
Killed (Closest family members of those were killed during the conflict)	244	214 (87.70%)	30 (12.30%)
Disappeared (family members)	120	5 (4.16%)	115(95.84%)
Handicapped	1047	114(10.88%)	933(89.12%)
Abducted	998	99(9.92)	899(90.08%)
Property Loss	802	77(9.61%)	725(90.31%)

Source: Retrieved from the Records of Relief and Recovery Unit, Babarmahal (July 2011)

The data included in the above Table 19 was retrieved and sex disaggregated by the study enumerators from the records kept at the Relief and Recovery Unit of the Peace Ministry. However, at the final stage of writing this report the Peace Ministry (on 23rd September 2011) published a leaflet on major activities carried out since its establishment and its progress report. The data on recipients of economic packages provided under the relief and rehabilitation in this publication (presented below) differs from the data presented above. It should be noted that the data below is not disaggregated.

Table 20: Number of recipients of economic packages as of 16th July 2011

Conflict affected individuals/families (Type of impacts of conflict)	Total No.	Fiscal Year 2010/11	Total No. of Recipients from the beginning till FY 2010/2011
Closest family members of those who died in conflict including army, police or government employees	17828	244	13893
Widows of civilians who died in conflict	9000	1832	4873
Disappeared (family members)	1452	105	1302
Displaced	22863 (family) 89171 (individual)	-	25000
Handicapped	5912	1794	2951
Property Loss	14438	2785	7085 (including 3000 recipients of Economic Packages provided by Home Ministry and 1960 recipients of Kapilvastu Incident)
Abducted	2985	998	1219

Source: Ministry of Peace and Reconstruction, Budget Program for FY 2068/69 and progress detail of major activities carried out so far

C. Promotion of a Gender Perspective

Despite the gaps evident in the prevention, protection and participation, efforts towards promoting gender perspective are more prevalent. Gender issues have been incorporated at various points since the beginning of the transition period, though this is not the case in every sector.

Indicator 12 - Detailed breakdown of gender issues addressed in peace agreements

Various points in the Comprehensive Peace Accord (CPA), including the preamble, mention the need to address issues related to gender differences – as well as differences of caste, class, ethnic group and region – and to guarantee the principles of social justice and fairness.

The CPA, in Point 7.6 Rights of Women and Children, states “Both sides fully agree to special protection of the rights of women and children, to immediately stop all types of violence against women and children, including child labor as well as sexual exploitation and abuse...”¹³

¹³ The Comprehensive Peace Accord signed between the Government of Nepal and the Unified Community Party of Nepal (Maoist) on November 21, 2006 which formally ended the more than decade-long Nepalese People's War

The final draft of the CPA incorporates critical issues for constructing peace from a gender perspective. However, the CPA failed to address the issue of reform of the security sector from a gendered standpoint, considering the large number of women who participated in the conflict as combatants. Reconciliation issues, which would include the experiences of women and the impact of the armed conflict on them, are also absent.

As an aftermath of the CPA, Local Peace Committees (LPC) have also been established. Comprising of representatives from district administration office, political parties and civil societies these LPCs have, over the last few years, to some extent increased their ability to provide relief to conflict affected victims. Yet their overall effectiveness and outputs remains unclear.

The vibrant women's movement which demanded rights and empowerment; and diverse women's organizations collaborating and raising voices through common platforms, e.g. Shanti Malika and Sankalpa (previously WAPDCA) played a significant role in getting the gender issues included in the CPA. Besides the issue of women's emancipation being a part of the CPN-M's (Communist Party of Nepal –Maoist) agenda probably eased the inclusion of these points in the peace agreement.

Despite this, absence of women in negotiating teams has remained a barrier towards inclusion of greater gender concerns. More issues pertaining to women's participation in peace negotiations and protection during conflict such as sexual and gender based violence could have been reduced if appropriate measures had been taken to address this gap. Additionally, adequate and timely capacity building of women leaders and catalysts, prior to CPA, would have enabled them to include their presence and voice in the negotiating, reconciliation and security reform teams. Women's organizations and women from different political parties were reaching out to each other and trying to identify ways to influence the talks and committees to ensure sustainable peace and development process.

Table 21: Nepal Peace Talks- Teams and Core Committees Resulting from the Peace Talks

Committee/ Structure	Establishment	Purpose	No. of Women and/or Gender Experts
1st Round of Peace Talk Team	2001	Established to facilitate peace process between GoN and CPN (Maoists).	No women or gender experts included.
Peace Secretariat	June 2003	Established under the office of the Prime Minister to facilitate the peace process and later dissolved to establish the Ministry of Peace and Reconstruction in April 2007.	No women or gender experts were included.
2nd Round of Peace Talk Team	2003	Established under the office of the Prime Minister to facilitate the peace process (Once the government was changed on 4 June 2003, new PM Surya Bahadur Thapa appointed new negotiators.)	Ms. Anuradha Koirala was a member of the Team. No other women or gender experts were included.

Committee/ Structure	Establishment	Purpose	No. of Women and/or Gender Experts
Nepal Transition to Peace Initiative	August 2005	Provides support to the political parties in their participation and contribution to the peace process.	There is no official record of women or gender experts' participation in the Nepal Transition to Peace Initiative.
3rd Round of Peace Talk Team	2006	Established under the office of the Prime Minister to facilitate the peace process.	No women or gender experts were included.
Comprehensive Peace Accord (CPA)	21 November 2006)	Agreement reached by GoN and CPN (Maoists).	Gender Issues covered: 7.6. Rights of Women and Children 7.6.1. "Both sides fully agree to special protection of the rights of women and children, to immediately stop all types of violence against women and children, including child labour as well as sexual exploitation and abuse, ..."
National Monitoring Committee on Code of Conduct for Ceasefire	June 2006	Implementation of the 12-point understanding and Code of Conduct for Ceasefire.	There is no official record of women or gender experts' participation in the National Monitoring Committee.
Peace Committee	June 2006	Mandate to implement all necessary work in regard to the peace process and restoration of peace, including provision of advice to the Government's Negotiating Team.	There is no official record of women or gender experts' participation in the Peace Committee.

Committee/ Structure	Establishment	Purpose	No. of Women and/or Gender Experts
Interim Constitution Draft Committee	June 2006	The Drafting Committee submitted its Draft Interim Constitution to the Negotiating Talk Teams in August 2006.	No women were included initially. After rigorous advocacy from the women's movement four women were included, comprising 25% of the Committee: Pushpa Bhusal (Elected to the Constituent Assembly in April 2008), Sushila Karki, Chhatra Kumari Gurung and Shanta Rai.
Observer Team	July 2006	Approved by the GoN at a meeting of the council of ministers, the Negotiations Observers Group (NOG) is an agreed joint peace structure, consisting of respected and senior Nepali civil society leaders to observe advise and witness all the formal negotiations of peace process.	No women or gender experts were included on the Observer Team.
Central Direction & Coordination Committee on Cantonment Management	November 2006	Comprising 16 members, the Committee has central and local level committees to coordinate the management of cantonments in 28 places.	2 female ministers were part of the Committee: Hisila Yami and Pampha Bhusal.
Formation of Local Peace Committees	2009	To create an environment conducive for a just system in a transitional period through restoration of sustainable peace by resolving the remnants of conflict at the local level and systematically promoting the processes of peace and reconstruction through mutual goodwill and unity; To address the concerns and complaints of local stakeholders for democratic values and beliefs and a sustainable peace. ¹	As per the LPC TOR, the LPCs will constitute maximum of 23 members of which one-third will be women.

5 Points agreement	May 28 2011	Completion of fundamentals of the peace process within three months. Preparation of the first draft of the new constitution within three months. Implementation of past agreements with the Madhesi Morcha, an alliance of five Madhesh (terai) based political parties, by developing the Nepal Army as an inclusive institution Extension of the Constituent Assembly term by three months. Jhalanath Khanal's (Chairman of the Communist Party of Nepal (Unified Marxist-Leninist) (CPN (UML)) and Leader of the Constituent Assembly Parliamentary Party of the CPN (UML) - resignation as Prime Minister to pave way for formation of a national consensus government.	No gender issues covered.
Monitoring Committee for Implementation of 5 Point Agreement	27 June 2011	17 member panel formed to monitor the implementation of 5 point agreement between major political parties to extend the CA term by 3 months.	5 members are women from different political parties.

*Adapted from Aid Effectiveness and the Implementation of SCR 1325 in Nepal. Financing Inclusive Peace and Security for Women in Nepal: From the Comprehensive Peace Agreement to the Nepal Peace Trust Fund. EC/UN Partnership on Gender Equality for Development and Peace October 2010

Indicator 13 - Number and percentage of pre-deployment and post-deployment programs for military and police incorporating SCR 1325, SCR 1820, international human rights instruments and international humanitarian law

Nepal Army provides a 3-month course which covers the issues related to Human Rights, Gender Equality, Gender Justice, Women and Children Rights, ICRC, Geneva Conventions Compliance and Implementation. The training course has a special 7 Days Package on UNSCR 1325 and 1820.

Similarly, Nepal Police provides a 1 and half month training on issues related to gender, women and child protection, sexual exploitation, international human rights instruments and international humanitarian law. The training course does not contain specific syllabus on UNSCRs 1325 and 1820 but orientation is given by guest lecturers.

However, at the Capacity Building and Local Legislation Workshops held by Saathi in collaboration with GNWP in June 2011 representatives from the security sector expressed their commitment to integrate UNSCR 1325 and 1820 in their regular training.

Table 22: Efforts to address UNSCR 1325 and 1820 within Security Forces

Institute	Type of training	Training Content
Nepal Army	3 Month Course	Includes A Special Package on issues related to Human Rights, UNSCRs 1325 and 1820, Gender equality, Gender justice, Women and Children Rights, ICRC, Geneva Conventions compliance and implementation.
Nepal Police	Pre-Deployment	
	1.5 Month training	Includes issues related to sexual exploitation, gender, women and child protection, International Human Rights instruments and international humanitarian law. There is no specific syllabus on UNSCR 1325 and 1820, but the orientation is given by guest lecturers.
	Post-Deployment	Includes debriefing and report submission for higher authorities on issues mentioned above.
Armed Police Force	Pre- Deployment	Includes issues related to sexual exploitation, gender, women and child protection, International Human Rights instruments and international humanitarian law. There is no specific syllabus on UNSCR 1325 and 1820, but the orientation is provided by guest lecturers.

Source: Training Directorate, Police Headquarter; Army Headquarter (August 2011)

Indicator 14 - Allocated and disbursed funding to CSOs (including women's groups) marked for women, peace and security projects and programs

In order to obtain information for this indicator the Peace Support Working Group (PSWG), a consortium of multi lateral and bilateral donors and UN organizations working together for the Implementation of UNSCR 1325 and 1820, had been approached but no information could be obtained.

Indicator 15 - Allocated and disbursed funding to governments marked for women, peace and security projects and programs

An examination of the gender responsive classification of National Budget for 2011/12, directly responsive budget remains 19.05 percent, indirectly responsive budget 45.78 percent and neutral budget 35.17 percent. Despite the increasing percentage (as shown in the table below), there is a need to ensure that it is not only limited to planning and allocation process but actually implemented and the actual process is monitored to ensure that the fund is being accessed by and used properly. Moreover, it is also necessary to assess how effective this really has been contributing to the advancement of women's empowerment and gender equality.

Table 23: Gender Responsive Budget Allocation in National Budget (2007/08 to 2011/12)

GRB Classification	2007/08	2008/09	2009/10	2010/11	2011/12
Directly Responsive	11.3 %	13.9%	17.3%	17.9%	19.05%
Indirectly Responsive	33.1%	35.4%	36.4%	36.3%	45.7%
Neutral	55.5%	50.6%	46.2%	45.7%	35.1%

Source: Ministry of Finance, <http://www.mof.gov.np/publication/red/2011/pdf/english7.pdf>

The budget allocation in the three-year final plan for 2010/11 and 2011/12 has components such as children and family development, community development, aboriginal relations and reconciliation, citizen's services and education (as shown below in the table). However, there is no specific mention of women, peace and security.

Table 24: Budget for Government 3 year- plan for the year 2010/11 and 2011/12

Particular	Budget Estimate 2010/2011 (\$ Millions)	Budget Estimate 2011/2012 (\$ Millions)
Children and family development	1,334	1,334
Community Development	309	220
Aboriginal Relations and Reconciliation	40	38
Citizen's Services	613	598
Education	5,165	5,243

The table below shows the MoPR's budget and expenditure for the fiscal year 2010/11 as well as planned budget for the fiscal year 2011/12

Table 25: MoPR Budget for the Fiscal Years 2010/11 and 2011/12

Program/Project	Fiscal Year 2010/11		Progress Percentage	Annual Budget for Fiscal Year 2011/12 (USD)
	Allocated Annual Budget (USD)	Annual Expenditure (USD)		
Ministry of Peace and Reconstruction (Administrative component)	1,048,533.33	837,706.67	81.8	954,680.00
Office for Camp Management Central Coordinator	16,101,693.33	15,850,200.00	98.5	16,077,933.33
Peace fund	76,429,400.00	25,961,373.33	34.0	47,333,333.33
Reconstruction and Rehabilitation	37,481,720.00	27,262,693.33	72.08	48,525,866.67
Relief and Rehabilitation	4,735,720.00	3,986,053.33	84.2	30,666,666.67
Reconstruction	32,746,000.00	23,276,640.00	71.1	17,859,200.00
Peace Process Support Project	7,349,066.67	1,310,040.00	17.9	9,377,653.33
Local Peace Committee	2,721,226.67	1,539,373.33	56.6	2,883,146.66
Conflict Affected Area Specific Program	-	-	-	1,333,333.33
Development for Peace Program	-	-	-	2,666,666.667
	141,131,640.00	72,761,386.67	60.26	129,152,613.30

Adapted from MOPR Progress Report on major activities carried out since its establishment and budget for the FY 2011/12 (exchange @ 75 i.e.1 NRS = 75 US\$, please note that the rate keeps on fluctuating)

III. Conclusions and Recommendations

The formal conclusion of the armed conflict in 2006 brought about numerous agreements focusing on transformation and restructuring of the state and society to ensure equitable human development. A "New Nepal", aimed at ending all forms of discriminations based on class, caste, ethnicity, language, gender, culture, religion and region, became the buzz word and expectations of the people rose to a great level. Citizens are now demanding for inclusion, participation, and autonomy, which are equivalent to more freedoms, more choices and more options than they had before.

However, situations are aggravated by the current political instability, impunity and the disregard for law, reflective that 'the peace process in Nepal is still a fragile one'.¹⁴ Under such circumstances interventions and initiatives for the participation, prevention and protection of women remain inadequate. Nepal has always been prone to come up with attractive policies, and been quick to ratify international conventions and treaties; implementation of these to realize changes has conversely remained major hurdles. A number of inclusive provisions after the CPA in Nepal have come about wherein the rights of women have specifically been mentioned. Whether it is the Interim Constitution 2007, the 33 percent quota for women in the Constituent Assembly or the provision of quotas for women and other excluded groups in the police or in the Civil Service there is no doubt efforts to promote gender equality are evident. But provisions alone will not ensure the rights of women nor will the creation of a federal structure¹⁵ as has been proven by examples around the world. The gamut of problems arise with regards to commitments towards issues highlighted by the conflict.

From a participatory perspective - with the exception of the Constituent Assembly where women's participation is higher than in any other sector though significantly lower than of men - women's empowerment and participation generally continue to be viewed more from quantitative rather than qualitative indicators. Despite provisions for increase in numbers in several instances through quotas, women remain under represented in all sectors. Affirmative action and positive discrimination have increased but the overall participation of women in decision making and authoritative positions remains negligible. Data collected during preparation of this report further highlight that initiatives for prevention and protection are even less addressed.

The MOPR has as of now failed to significantly address gender considerations with regard to relief and reparation and no proper consultations on the kind of reparations required for women have taken place. However, with the adoption of the UNSCR 1325 and 1820 National Action Plan (NAP) and the preparation and sectoral planning taking place for its implementation it is expected that due consideration will be accorded to these issues.

There have always been consistent concerns that the TRC and Disappearance Commissions will focus on reconciliation and may not provide due attention to punishing crimes against humanity and human rights violations, thereby further giving rise to impunity. Furthermore, the formation of Commissions has been stalled since the last several years, denying victims the right to justice. Women's rights issues, especially with regard to protection, are being raised but not extensively discussed. The Local Peace Committees (LPCs) - district level bodies formed under MOPR - to prevent and resolve conflict involving local stakeholders also mandate 33 percent women's representation. Although these committees are perceived to play a significant role in conflict transformation at the district level, many lack capacity, authority and resources to effectively carry out their responsibilities. A number of these committees are also accused of being biased and influenced by individual political interests.

The prevalence of culture of silence, weak law, impunity and lack of data continues to

¹⁴ United nations General Secretary Ban Ki-Moon's report to the Security Council, 2 January 2009.

¹⁵ (2009) Nepal Human Development Report 2009. State Transformation and Human Development. Kathmandu, Nepal.

deprive women from acquiring justice. Despite efforts to implement UNSCR 1325 and 1820 through a number of training for government and non-government personnel, women have not been able to take advantage of these rights. Justice continues to remain out of bounds for women who faced SGBV during conflict, and a similar situation persists even now. Gender disaggregated data, regular monitoring and evaluation of SGBVs and other relevant information are conspicuously lacking.

Notwithstanding numerous challenges and gaps that prevail for implementation of SCR 1325 in the current scenario, opportunities cannot be overlooked. Affirmative and positive actions for promoting women's rights have proven critical for creating a gender sensitive policy environment and actions. Adoption of National Action Plan for effective and systematic implementation of the UNSCRs 1325 and 1820 reflects the government's serious concern, commitment and efforts for promoting women's participation in the peace building process and providing them protection and security. Changes for gender equality have been initiated at parliamentary, judiciary, legislative and bureaucratic and even within security forces. Programmatically, the Ministry of Women, Children and Social Welfare conducted gender assessment studies and gender budget audits. The Nepal Police established women's cells to investigate women and children issues in all 75 districts. Statistical information on gender related programs and women's contribution to household activities is also being recorded in the national accounts. But the pace of inclusion and change are slow as are the impacts.

In light of the current state of affairs this monitoring report makes recommendations based on information and data collected from various sources. Some of these were reaffirmed by reports such as the Nepal NGO Report on Beijing +15.

Participation:

Women's quality participation, representation and leadership in all state machineries must be ensured. Focus must be on substantive equality and equality in results rather than just parity in numbers. All peace negotiations and peace building, including structural conflict resolution processes should have at least 33 per cent women in committees.

There should be specific policy and legislation to enhance women's participation in the executive bodies of political parties in order to enable them to be involved in overall political decision making positions

Initiation of a "Shadow Constituent Assembly/Shadow Parliament" for women's equality and rights will further promote women's leadership.

Promote adequate representation and participation of women at the decision making level within law enforcement mechanism such as judges, judicial administration, police, and public attorneys, in Judicial Council, Bar Council and Bar Association.

It is recommended that national organizations step up initiatives to monitor the implementation of UNSCR 1325 and 1820 NAP indicators on a regular ongoing basis, rather than one-off initiatives. International organizations' support is essential towards this end.

Prevention and Protection:

A fully resourced and capacitated Gender Unit must be established in the MOPR to ensure the peace process includes gender consideration in all its initiatives targeting relief, reparation, reconstruction, addressing past violence during conflict and promotion of victims' rights. Segregated data on murders, kidnappings, tortures, abductions and all forms of sexual and gender based violence relating to conflict need to be maintained.

Ensure the security and protection of former women combatants and their children.

Bills on Truth and Reconciliation Commission and Disappearance Commission should be passed without any further delay without any provision for providing amnesty on sexual violence.

Develop, within the peace agreement, cases of women's rights violations for both conflict and post conflict period. The violence brought on by arms and its impacts on women must also be addressed.

CSOs should consistently work in partnership to advocate for access to justice by women and girls.

Ministry of Health should consider establishing more health care centers dedicated to victims and survivors of sexual and gender-based violence as well as have special health care and treatment facilities for SGBV patients in the existing hospitals.

Increase collaboration with active NGOs, civil society organizations and UN organizations to facilitate dialogues and capacity building programs among care providers including medical personnel, the police, the judiciary and the media on how they could all work collectively to ensure that cases of SGBV are properly handled.

Development and dissemination of national protocols and guidelines for management of SGBV along with establishment of a formal mechanism for collecting and managing data from the service points is recommended.

Strengthen collaboration and referrals within health care centres, hospitals and across agencies on SGBV cases.

IV. Bibliography/List of References

_____. (2004) Nepal Human Development Report 2004. Empowerment and Poverty Reduction. Kathmandu, Nepal.

_____. (2009) Nepal Human Development Report 2009. State Transformation and Human Development. Nepal.

_____. (2010) Three Year Plan Approach Paper (2010/11 – 2012/13). Kathmandu, Nepal.

_____. (2011) National Action Plan On Implementation of the United Nations Security Council Resolutions 1325 & 1820 (2011/12 – 2011/12). Kathmandu, Nepal.

Jagaran Nepal (2010) Rajyka Nikayama Mahilako Pratinidhitwo (Women's Representation in State Agency). Kathmandu, Nepal.

Martin, Ian (2007) Implementing commitments to women's equal participation. Available at:

http://www.unmin.org.np/?d=activities&p=activity_detail&aid=50

CBS/ADB/The World Bank/DFID (2006) Resilience Amidst Conflict. An Assessment of Poverty in Nepal, 1995-96 and 2003-04. Kathmandu, Nepal.

Deuba, A.R. (2005) Changing Roles of Nepali Women Due to Ongoing Conflict & Its Impact: A National Study. SAMANATA-Institute for Social and Gender Equality. Kathmandu, Nepal.

NNBN/SAATHI (2009) Keeping the Beijing Commitment Alive.... Nepal NGO Report on Beijing +15. Kathmandu, Nepal.

The World Bank/DFID. (2006) Unequal Citizens. Gender, Caste and Ethnic Exclusion in Nepal. Summary. Kathmandu, Nepal.

Websites

<http://www.peace.gov.np/>

<http://www.can.gov.np/>

<http://www.nic.gov.np/>

<http://www.mof.gov.np/>

http://www.peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2010/nep_wps_2010.pdf

V. Appendix 1

Constituent Assembly Committees

Constitutional Committee

Thematic Committees

Committee on Fundamental Rights and Directive Principles

Committee on the Protection of the Rights of Minorities and Marginalized Communities

Committee on State Restructuring and Distribution of State Power

Committee for Determining the Structure of the Legislative Body

Committee for Determining the form of the Government

Judicial System Committee

Committee for Determining the Structure of Constitutional Bodies

Committee on Natural Resources, Financial Rights and Revenue Sharing

Committee for Determining the base of Cultural and Social Solidarity

National Interest Preservation Committee

Procedural Committees

Committee on Citizen

Public Opinion Collection and Coordination Committee

Capacity Building and Source Management Committee

Legislative Parliament Committees

Legislative Committee

Thematic Committees

Committee on Finance and Labor Relations

Committee for International Relations and Human Rights

Committee on Natural Resources and Means

Development Committee

Women Children and Social Welfare Committee

State Affair Committee

Public Account Committee

Special Committees

Security Special Committee

Parliamentary Hearing Special Committee