

**"DEFINING"**

# **JUSTICE AND DIGNITY**

**By Dr. Susan Risal (Ph.D.)**

**Second Edition**

**NAGARIK AAWAZ**

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# DEFINING JUSTICE AND DIGNITY THROUGH GENDERED PEACE BUILDING: A CASE ANALYSIS OF WOMEN WHO FACED SEXUAL VIOLENCE IN THE TIME OF CONFLICT IN NEPAL.

After the Comprehensive Peace Accord (CPA) in November 2006, Nepal entered the post-conflict era (The Government of Nepal and Communist Party of Nepal, 2006). The long period of political transition has led to growing anger and frustration among women survivors of gender-based violence during the armed conflict in Nepal (1996-2006) (especially those women who were raped and physically assaulted), as they are still waiting for justice ten years later. The post-war formulated procedure for relief, compensation and economic support to the citizens does not recognize women who were raped and physically assaulted in the category of conflict victims (Ministry of Peace and Reconstruction, 2009).

As a result, the peacebuilding discourse in this post-conflict scenario has excluded the cases of women who were subjected to sexual violence at the time of the conflict. Even 12 years after the CPA, transitional justice mechanisms such as the Truth and Reconciliation Commission and the Inquiry at Enforced Disappearance Commissions, formulated in February 2015 at Enforced Disappearances Enquiry, have not been able to implement their activities effectively and according to the expectations of the conflict-affected community (Government of Nepal, 2014). However, at the time of writing, the two transitional justice mechanisms have been able to collect nearly 63,000 applications on war-related events during their four years in office. Moreover, there are no concrete actions taken by these mechanisms to help the conflict-affected community feel the concept of justice. Moreover, the current stagnation of the Commission's proceedings following the resignation of the previous Commissioners and members in April 2019 has contributed to the increased fear and distrust of the conflict-affected communities of the logical end of the transitional justice process.

As in other parts of the world that have gone through a brutal armed conflict and have entered the post-conflict scenario, the authorities in Nepal who are in the government and the main political parties are also trying to silence the cases of women who have experienced sexual violence during the conflict. There is a misconception that these types of cases are a by-product of war and are "normal" acts during the time of warfare. This perception is reflected in the actions of the government, in the formulation of plans and policies for the benefit of the community affected by the conflict. This type of action by decision-making bodies has led to the disempowerment of women who faced sexual violence in many ways during the conflict: socially, psychologically, culturally and politically.

A number of mechanisms and frameworks related to transitional justice pay surprisingly little attention to gender issues in post-conflict settings. In addition, there is a lack of will towards gender mainstreaming in transitional justice and a stigma associated with these crimes following sexual or physical violence against women (International Center for Transitional Justice, 2006).

While working with conflict-affected women through my organization Nagarik Aawaz for many years, I observed a similar situation in Nepal, and I found very little research about issues faced by women who were victims of sexual violence. My research topic was "Defining Justice and Dignity through Gendered Peace Building: A case study of women who experienced sexual violence in Nepal during the conflict."

This book summarizes preliminary findings of my research based on my data collection and analyses (May 2017-April 2019). As part of my independent study, I used a critical theory framework and a case study methodology to analyze how women who suffered gendered violence during the Nepalese war considered dignity and justice from the perspective of their lives, as well as the need for reparations. By presenting these women's voices to Truth-seeking commissions, other government agencies, and organizations that support conflict-affected women, my ultimate goal is to create a forum for their voices to be heard. As a result, interventions can be implemented that can help establish the dignity and justice of women. I have shared the excerpts of women who faced sexual violence during the conflict in Nepal.

I attended a workshop which was conducted by other organizations working with conflict-affected women, and I heard their accounts of the impact of incidents of armed conflict, their understanding of women's rights, dignity, and needs, and their perspective of Transitional Justice.

I am grateful to the Center for Peace and Conflict Studies, Cambodia, and particularly to Dr. Emma Leslie and Pannasastra University, Cambodia, for granting me the opportunity to conduct this research as a PhD student. Likewise, I would like to express my gratitude to my supervisor/ faculty member Dr. Gabrielle Grant as well as Dr. Noah Taylor of the Center for Peace and Conflict Studies, Cambodia for always encouraging me and giving new dimensions to my research. I would also like to thank my entire PhD cohort for their critical feedback during our regular classes. Most importantly, I would like to thank my entire family of Nagarik Aawaz including our Founder Rita Thapa, Board Chair Dr. Chhatra Amatya and other entire members, my family, especially my husband Dharendra, my daughter Anusha, my sisters, my nephew and nieces and especially Mr Ganga Sagar Rai for his creative ideas for making this book possible and Ms Sadichchha Pokharel for the editing of this booklet. Lastly, I wish to express my gratitude towards all my sisters who suffered sexual violence and who communicated their pain and struggles to me with deep trust and also to all the interviewees who provided their stories. Without their interest and their trust, this book would not have been possible.

**Dr. Susan Risal (Ph.D.)**  
**C.E.O. Nagarik Aawaz**



*Caption: while we were in school, we were used as weapons of war.*



# WEAPONS OF WAR

In today's conflict, 85% of victims are civilians, mostly women. Conflict-affected women find themselves at risk of multiple forms of violence (Commarraswamy & Fonseka, 2004). Women from Nepal who took part in the armed conflict as well as civilian women were sexually assaulted during the civil war by security personnel. Women in custody were subjected to vulgar insults by security personnel as a form of guilt instillation for associating with the Maoist movement, which was also one of their strategies. A rape serves as a weapon of war of both psychological and physical destruction of communities. It is a common measure to proclaim military masculinity and bolster troop loyalty simultaneously (Boesten, 2014). Boesten argues that security personnel in Nepal acted strategically to spread mistrust to the community by spreading the idea that Maoists will be punished with rape and torture if they participate in the movement. Maoist parties also had cases of sexual assault and forced marriages during the Maoist movement, however, these rarely make headlines due to the strong schooling embedded in their cadres. Though neither of the warring parties gave any written orders to their frontline cadres or combatants concerning this systemic abuse of women, the excerpts from the women indicate that both parties used women's bodies as weapons of war.

**"I was blindfolded and had my hands tied before I was tortured and raped. This was a strategic move by the security personnel to make sure I wouldn't recognize them later on. The security personnel entered the house in search of male members. As a 12-year-old girl, I was sexually and physically tortured when they failed to find the males. I was used as a weapon of war; security personnel wanted to spread fear in the community by spreading the message that the families of those involved in the Maoist movement would be punished in this inhumane way."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).

**"I was alone in my house. I had worn my father's shirt and a middy. We Tharus make Chyang (traditional liquor made from grains). The army men asked for Chyang and I gave it to them. There were 9-10 army men. The gun was pointed at my breast, and they teased me about why I was keeping those "bombs" there. I was also raped after they touched my breasts. Until I was raped by two men, I was conscious. I don't know how many army men raped me."**

Excerpt of a female participant from Banke district who faced sexual violence during conflict era in Nepal (from a case study).

**"There was a program of Maoist party going on near our school. A group of Maoists came to me and said "You all need to support us", and forcefully took us along with three other sisters. The first few days they treated us well, took us to their program, and made us sit with the women's group. In the meantime, I didn't know where my other sisters were taken, and they grouped me with the men. I was forced to walk with them all day in their program, and at night they would sexually abuse me in a group. They did it for 17 days. My cries for help were ignored because I was beaten and said vulgar words to."**

Excerpt of a female who faced sexual violence during conflict era in Nepal  
(from a workshop of The Story Kitchen).

"I was grinding grains one early morning when police came by and took me into custody for two days on suspicion that I was a Maoist. There was an emergency in 2058 B.S (2001 A.D). It was the month of Poush (December). They asked me to take off my whole clothes and beat me badly. I used to be beaten in the breasts shouting why you were putting them there. I had cousins' brothers and sisters who were members of the Maoist movement, but no one else in our family was involved with the organization. At that time all members of our village were considered Maoists. My uncle had worked for the Superintendent of Police (SP), so he went to him and asked for help to get me out of custody. After just being released, again the Maoist came to our house and tortured me by beating me badly saying I was a spy of the police. After being tired of being tortured, I decided to go to Dhangadi and work as a housemaid in one of the Superintendent of Police (SP) houses. Since from both side I was having torture, I got married thinking that I will be alive."

Excerpt of a female who faced sexual violence during conflict era in Nepal  
(from a workshop of The Story Kitchen).

**"I was tortured a lot during my arrest. I used to hear so many hurtful things from them. Being a woman, hearing those words was a shame. When I think of those words and torture, my body still trembles."**

Excerpt of a female participant from Udaypur district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"Women had their hands tied and were blindfolded before they were raped and some of them were even killed after being raped."**

Excerpt of a male participant-Campus Chief from Kailali district (from a focus group discussion).

**"At the time of conflict one journalist wrote something against a security personnel. He was called by the security personnel, who threatened to rape his wife if he wrote the news. Among the security personnel, there is a mindset of militarization as they have power and were directly involved in sexual violence."**

Excerpt of a male participant (former Local Peace Committee Member and a current ward member) from Udaypur district (from a focus group discussion).

**"During the conflict, security personnel were not allowed to go home and were required to remain in barracks. The government launched the 'Kilo Sierra II' operations, during which the security personnel intensively searched for Maoist cadres. When they did not find them, they inflicted sexual violence on a group of women and girl children. Their strategy was to spread terror within the family and within the community. Security personnel used sexuality as a weapon of war to create fear in the community."**

Excerpt of a male participant (Human Right Activist) from Udaypur district (from a focus group discussion).

**"Both the warring parties used women's sexuality as a weapon of war."**

Excerpt of the representatives of Truth and Reconciliation Commission (TRC) (from a key informant interview).

**"Torture and rape have been perpetrated within the Maoist movement as well, but it is not being reported. Both security officials at the top and the bottom have been involved in the abuse. A Maoist leader denied that there was sexual violence within his movement, but admitted that security personnel were responsible."**

Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

**"Additionally, there was a labor camp within the Maoist camp, where women were taken as entertainment. I won't say that security forces haven't committed these types of violence in villages either. Women were recruited by Maoists and used as informants and spies. They were sexually abused by security forces after they were arrested. This kind of violence might have also occurred while women were in detention illegally. "These kinds of violence might have occurred when the army initiated a clandestine operation."**

Excerpt of security force (from a key informant interview).

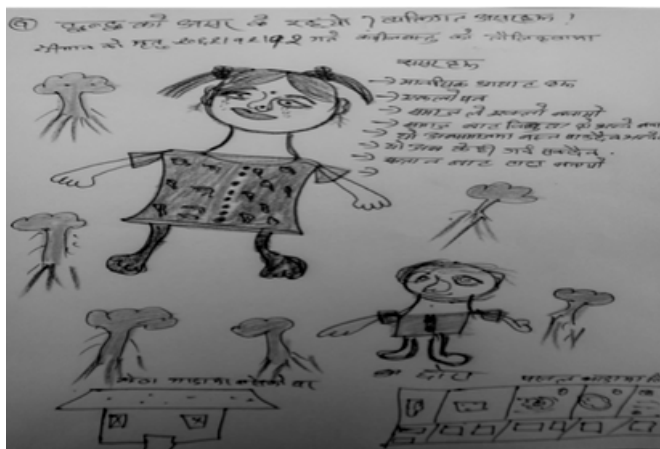
**"When the government launched the 'Kilo Sierra II' operation and the security forces went into the villages, they conducted a massive attack of violence. It was also said that if they arrested the Maoist cadre, they would be rewarded. The army personnel searched for Maoist cadres in the night, but instead found only elderly people, women, and children. Women are prone to violence, and the soldiers could have sexually abused the women. When there is militarization in the mind, these types of incidents occur. Sexual violence manifests power over the powerless, and there were powerless women at that time. When a security force is under a lot of stress, this type of violence may occur as well."**

Excerpt of security force (from a key informant interview).



**“While I have heard that many women are sexually abused, I have never seen this personally. Although we have always followed the policy not to touch women's bodies while we arrest women for interrogation, I cannot deny that security forces have done it while they are in their search mission.”**

Excerpt of security force (from a key informant interview).



Caption: Impacts of the war which we still face every day in our lives in different form: psychosocial problems, loneliness, isolated from the community and despair.

# IMPACT AND RESULT OF THE TORTURE AND RAPE.

During the time of conflict in Nepal, torture and rape affected women in many different ways. Due to the brutality that they have gone through, women have had many physical and mental problems such as lack of sleep, headaches, restlessness, urethral discharge, back pain, loss of memory, anger, sense of hopelessness, sadness, laziness, lack of appetite, feeling of isolation, severe mental problems, and lack of confidence to face outsiders as highlighted by (Hamber, 2009). They alone are not suffering in this context since their families and friends are also affected by the inner and outer wounds that the women have carried for so long. Furthermore, this contributes to societal damage by inflicting trauma. Additionally, the absence of any support mechanisms leads to the women being disempowered in terms of psychosocial aspects of their lives, as well as being exposed to everyday gender hierarchy and inequalities in their daily lives. It resembles the multifaceted suffering, pain, grief, hardship and multilayered problems women are facing today, with no remedy they are seeking.

**"I made no mistakes. I didn't do any mistakes. My married life was destroyed due to this incident. I wasn't able to become a good wife, good daughter in law and good daughter as well. In my youth age, I was compelled to suffer from big grief and trauma. I don't have any support and foundation where I can look up-to."**

Excerpt of a female participant from Dailekh district who faced sexual violence during conflict era in Nepal (from a case study)

**"I was buried in the ground after my arrest. I was regularly tortured by the security personnel and was denied clothes for six months. I fainted several times. I fainted several times. We have no hope for the future."**

Excerpt of a female participant from Udaypur district who faced sexual violence during conflict era in Nepal (from a case study).

**“Due to body aches caused by the torture I suffered during the war, I cannot sit for even half an hour.”**

Excerpt of a female participant from Kailali district (originally from Achham District) who faced sexual violence during conflict era in Nepal (from a case study).

**"Mostly in my dreams, I see the jungle, armies, running in the jungle in fear- it feels like somebody is running to snatch me from the back. After such dreams, I feel very scared when I wake up."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).

**"The next generation is also suffering, developing transgenerational hatred and identifying as victims. We need to create an environment where they can live in better conditions."**

Excerpt of a female participant from Udaypur district who faced sexual violence during conflict era in Nepal (from a focus group discussion).



**"Every day, my whole body aches. I can't work. We came to Kailali from Achham so that we could live more easily. During the night, I have trouble sleeping. My husband does not always tell me to sit and eat. I sometimes have suicidal thoughts. I would like free medical care. I have a problem with urethral discharge. When I do heavy work, my backaches. I have a problem with my leg. I have a small wound on my leg and there is pus inside."**

Excerpt of a female participant from Kailali district (originally from Achham District) who faced sexual violence during conflict era in Nepal (from a case study).

**"It was like a storm that we weren't prepared for. It left us with huge scars that will remain until our death."**

Excerpt of a female participant from Kailali district (originally from Achham District) who faced sexual violence during conflict era in Nepal (from a case study).

**"The women didn't have the courage to express their suffering either. They also lost self-esteem and their psychological conditions weakened as a result."**

Excerpt of the male participant (journalist) from Udaypur district (from a focus group discussion).

**"Women who have been sexually tortured have been facing economic, social, psychological, and physical problems. The state, their families, and society have not supported them. It is therefore imperative that we address these issues by providing women with holistic support where they can address their different needs, receive justice and feel dignified."**

Excerpt of male participant (teacher) from Kailali (from a focus group discussion).

**"Several women suffer from a swollen uterus, a tumor in the uterus, and regular urethral discharge, but they cannot get medicine because of their weak financial circumstances. These women are in such a poor physical condition."**

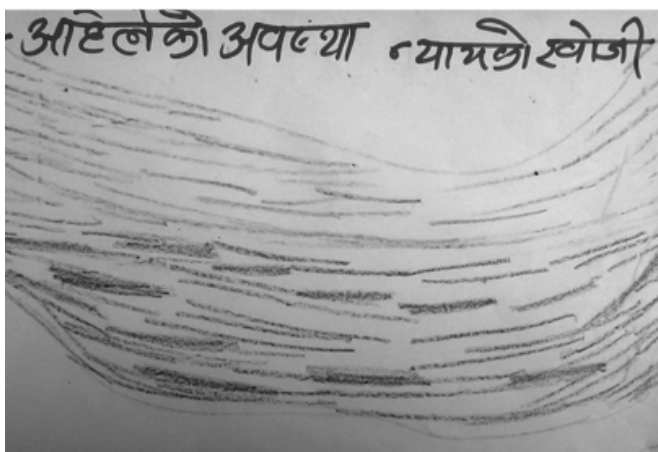
Excerpt of representative of the organization working with conflict affected women (from a key informant interview).

**"Women are frustrated by governments and organizations that just come, talk, produce reports and then do nothing. Women are physically unable to do hard work. Women do not get respect from their families in terms of social status."**

Excerpt of representative of the organization working with conflict affected women (from a key informant interview).

**"The physical condition of the women is fragile, and their mental state is not stable, as they remember the incidents of those nights which happened to them "**

Excerpt of representative of the organization working with conflict affected women (from a key informant interview).



*Caption: The current search of justice, which looks easy at the surface  
but it gets difficult as we go deeper in it.*

# A DIVERSE VERSION OF JUSTICE AND DIGNITY

During the focus group, case study collection, and individual interviews with women who suffered sexual violence at the time of the conflict, representatives of organizations working with these women, representatives of Truth and Reconciliation Commission, the Ministry of Interior, and representatives of the security forces each expressed different versions of justice and dignity for women. The different views are excerpted below and grouped into different themes (such as recognition and appreciation, punishing perpetrators, addressing stigma, creating a safe space & listening to voices, and public apology). The findings at this point reflect that the notion of justice and dignity should not be limited to the four components of transitional justice philosophy, but should be defined more broadly and take into account the social, psychological, economic and political justice needed by women who have been victimized.

## ***Recognition and Acknowledgement of the Contribution***

Now 12 years of peace agreements have passed, but the women who were sexually abused during the period of armed conflict are still not recognized by any justice system in the state. The mentality of patriarchy and lack of gender mainstreaming were observed when the government formulated its "Citizen's Relief, Compensation and Economic Assistance Procedure " (Ministry of Peace and Reconstruction, 2009). The women who were sexually abused and tortured were not classified as conflict victims when the government formulated its Interim Compensation Policy which excluded women from any kind of compensation from the government. This move also humiliated these women and forced them to remain in isolation and marginalization. This lack of recognition also shows how the Nepali government and political parties viewed sexual violence as only an expected consequence of the war and failed to provide gender justice to these many women. This was highlighted by the study participants in the following excerpts.

**"School children like us participated in the Maoist movement and through our contribution the system was changed. Our leaders taught us to carry the guns and taught us no other skills. After our leaders came into mainstream politics, they forgot about our contribution and were unable to address our issues. If our issues are not addressed, then there might be a different kind of protest from our side in the future. We have contributed a lot to put our party in this position but our party itself does not recognize our contribution. They forget their goal and objectives."**

Excerpt of a female participant from Udaypur district who faced sexual violence during conflict era in Nepal (from a focus group discussion).



**"We have contributed a lot to bring our party to this position, but our party itself does not recognize our contribution. They forget their goal and their objectives."**

Excerpt of a female participant from Udaypur district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"If we receive compensation, it means we are recognized as conflict victims."**

Excerpt of a female participant from Banke district who faced sexual violence during conflict era in Nepal (from a case study).

**" Women who were involved in the Maoist movement for systemic change, who hoped for a better future for generations to come, and who were sexually abused during the conflict. Now these women are in a very difficult phase. All their dreams have been shattered. There should be a recognition program to acknowledge the contribution of these women to social construction and dignity."**

Excerpt of a female participant from Banke district who faced sexual violence during conflict era in Nepal (from a case study).

## Recognition and Acknowledgement of the Contribution

**"The government formulated the interim compensation guidelines in 2009, but women who have experienced sexual violence are not classified as dignified conflict victims, which has forced them to live in a state of humiliation. If the government recognizes us as conflict victims, then we can live a dignified life to some extent."**

Excerpt of male participant (ex-combatant) from Kailali district (from a focus group discussion).

**"If the goals of conflict-affected women are recognized, they will feel a sense of dignity. Society and government should recognize their contributions during the conflict. This will allow conflict-affected women to not only be seen as victims; they can also feel honored."**

Excerpt of male participant (student leader) from Kailali district (from a focus group discussion).

**"Women who are sexually tortured must be identified as victims of conflict and should receive compensation that can help establish their identity. This can help them regain their dignity and a sense of justice."**

Excerpt of male participant (ex-combatant) from Kailali district (from a focus group discussion).

**"The most important thing in promoting the dignity of these women is their recognition and their identity. Therefore, the Commission must immediately change its policy, must address the issue of identity and should immediately compensate."**

Excerpt of male participant (Human Rights activists) from Udaypur district (from a focus group discussion).

## Recognition and Acknowledgement of the Contribution

**"Previously, women victims of sexual violence were not categorized as conflict victims while the government distributed temporary assistance; this is also the reason why women did not turn to government structures for assistance."**

Excerpt of the representatives of Government Institution (from a key informant interview).

**"The contribution of women who have faced sexual violence must be recognized by the state and society."**

Excerpt of the representatives of the organizations working with conflict affected women (from a key informant interview).

**"Women who want to be honored by the state, who identify themselves as victims of conflict, and who must pay the dividends of their struggle to change the system, must feel worthy and feel the concept of justice."**

Excerpt of the representative of the organization working with conflict affected women (from a key informant interview).

## ***Perpetrator must be Punished***

Most of the respondents expressed the need to punish the perpetrators in order to truly realize the idea of justice for women who experienced sexual violence during the conflict. At the time of writing, there is no example where the Commission has recommended a perpetrator for prosecution.

Perpetrator Must be Punished

**"I can recognize the perpetrator but the government is denying it."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).

Perpetrator Must be Punished

**"Perpetrator must be punished."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).



**“I cannot think about what will make me feel just. My mind does not work. Commissions are appointed, they should work efficiently to find and punish the guilty. Then I could feel the sense of justice.”**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).

## Perpetrators Must be Punished

**"If the perpetrator is punished, it can also go some way to empowering women. It also spreads the message in society that those who have done such things will be punished."**

Excerpt of male participant(Campus Chief) from Kailali district (from a focus group discussion).

**"It has been mentioned in the 25 points of negotiation as well as in the Comprehensive Peace Accord that there will be no amnesty for the perpetrator who has committed rape. Yet, no action has been taken against these perpetrators till date. This contributes to the suffering of more and more women affected by the conflict."**

Excerpt of male participant (Human Rights activist) from Udaypur district (from a focus group discussion).

**"The amnesty will not be provided to the perpetrator who committed rape and once the perpetrator will be identified, the commission will recommend those cases to the Attorney General for prosecution process."**

Excerpt of the representatives of TRC (from a key informant interview).

**"Even if the women have not seen the faces of the perpetrators, when the actual investigation has been initiated by the Commission, they will be able to find the perpetrator if the time and date of the incident are known. This will also help bring justice to the women, which can empower them to some extent."**

Excerpt of Security Force (from a key informant interview).

## ***Addressing Social Stigma, Social Humiliation and Creating Environment for Social Acceptance***

Physical and sexual violence, especially against women and children, occur with greater regularity during and after armed conflict. Effects of armed conflict such as forced displacement and gender-based violence (GBV) are not understood as human rights violations, but rather as cultural or private matters better left alone (Jack, 2003). The women who experienced sexual assault during the armed conflict in Nepal are still unable to disclose or talk about their suffering, even to their family members. There is no doubt that women were much more afraid during the conflict and accepted this as their fate. The social norms dictate that this kind of victimization is considered a private matter that cannot be talked about openly. The scenario has not changed. Many factors, such as our social structures and fear of stigmatization, prevent them from openly sharing their stories. Many women whose cases were known by their family members were and are stigmatized by their communities in many ways. They are rejected by their spouses and family members and are considered to be without character and unfaithful to their husbands. These factors victimize the women and cause them to remain in isolation for a long time. The stigma and rejection further marginalize the women and prevent them from overcoming their trauma. The phenomenon of stigma and rejection affects survivors' mental health, as well as their physical, economic and social well-being. Women around the world report that fear of stigma prevents them from seeking help after rape, even though timely intervention can be life-saving (Harvard Humanitarian Initiative, 2011; Harvard Humanitarian Initiative, 2011). In Nepal, women who have faced sexual assault are also affected psychologically, physically, economically, culturally and socially as shown in the report of Harvard Humanitarians Initiative. The communities of these women question their morality and blame them for the incidents they have suffered. Often our social and cultural practices make these women live with the notion of self-blame, humiliation, injustice and loss of dignity.

Addressing Social Stigma, Social Humiliation & Creating Environment for Social Acceptance

**"We still live-in shame for mistakes we did not commit. The state must create an environment for us to live with respect and dignity."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).

**"I married a teacher in 2001. For the first year, my married life was stable. I also gave birth to my child. During the first month of my motherhood, my husband heard about my incident and asked me about it. I thought he would support me and told him about my incident. Immediately after hearing my story, he threw me out of the house. The state and NGOs need to take initiatives for social acceptance so that we can live with dignity in our communities."**

Excerpt of a female participant from Dailekh district who faced sexual violence during conflict era in Nepal (from a case study).

**"I still get scared when I remember those incidents. Flashbacks of the incidents still come and go. I also often forget the things I am doing."**

Excerpt of a female participant from Dailekh district who faced sexual violence during conflict era in Nepal (from a case study).

**"I was thrown out of the house by my family after they learned of the incident, although it was not my fault. After that, I was also treated badly by my community. I feel that we are deprived of justice both on a family level and on a social level. So, I think these issues also need to be addressed if we want to talk about justice."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"Now we open up about our incident. If people know about it, I also feel that there is no guarantee that everyone can see us positively and understand our grief and trauma. Therefore, the state and organization must make an effort to have our society/community accept and support us respectfully and with understanding of our trauma. It is very necessary to create a conducive environment for us to live with our dignity in our society, which I think can also contribute to our social justice."**

Excerpt of a female participant from Dailekh district who faced sexual violence during conflict era in Nepal (from a case study).



Addressing Social Stigma, Social Humiliation & Creating Environment for Social Acceptance

**"I know a sister from my community who also participated in the Maoist movement and is married to an army man. She was raped by the army man at the time of the conflict. However, she did not tell her husband about the incident for fear of stigma."**

Excerpt of male participant (ex-combatant) from Kailali district (from a focus group discussion).

**"Women still live in shame for the mistakes they didn't make, and they say the state must create an environment for them to live with respect and dignity in their communities."**

Excerpt of a male participant from Kailali district (from a focus group discussion).

**"Our society is traditional. There is a tendency to view these women negatively. Therefore, it is necessary to create awareness about the issues of these women. This will help them to establish themselves in the society. When people humiliate these women, we need to stop it by making them understand the suffering of women and also by making the women understand that the incident that happened to them was not their fault or choice."**

Excerpts of a male participant from Udaypur district (from a focus group discussion).

## Addressing Social Stigma, Social Humiliation & Creating Environment for Social Acceptance

**"Protecting women who have been subjected to sexual violence from social stigma by their family and community, and preserving the confidentiality of testimony, is critical to justice and the dignity of victims."**

Excerpt of a representative of Truth and Reconciliation Commission (from a key informant interview).

**"The TRC has made these issues a priority and has developed a special procedure for these cases to support the women to alleviate some of their grief and pain."**

Excerpt of a representative of Truth and Reconciliation Commission (from a key informant interview).

**"Our social structure has also stopped women from reaching out to the government."**

Excerpt of a representative of Government Institution (from a key informant interview).

**"Women live in a dual mindset, where on the one hand they feel that what happened to them may have been their fault, and on the other hand they believe that it wasn't their fault. If they can internalize that it's not their fault and get past that sense of humiliation, then they get self-righteousness and can start living with dignity."**

Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

Addressing Social Stigma, Social Humiliation & Creating Environment for Social Acceptance

**"The women also expressed that if their stories are perceived by the public as the concerns of women whose husbands were killed and abducted, and if society accepts that what happened to the women was not their fault, then they will get justice and they can live with dignity."**

Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

**"A woman who was sexually assaulted told me that she wanted to follow a body cleansing ritual of staying alone and showering to cleanse her body, then it would give her self-satisfaction and help her heal."**

Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

**"Our social structure has also stopped women from reaching out to the government."**

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**"Women live in a dual mindset, where on the one hand they feel that what happened to them may have been their fault, and on the other hand they believe that it wasn't their fault. If they can internalize that it's not their fault and get past that sense of humiliation, then they get self-righteousness and can start living with dignity."**

Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

Addressing Social Stigma, Social Humiliation & Creating Environment for Social Acceptance

**"In my opinion, even if the perpetrator is punished, these women will not get justice and will not be able to live with dignity until the state works to make society accept and promote the humiliation these women face."**

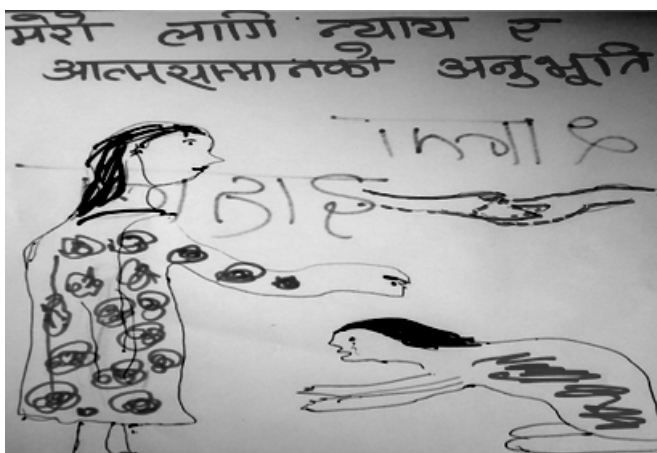
Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

**"There is a social denial and lack of acceptance of sexual violence cases that I see in the government and political parties. There are many pleas from the victims of the conflict, but the government is not able to address the problems of 10 years of armed conflict. If it is not addressed properly, there is a risk that a new conflict will break out."**

Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

**"There is a social denial and lack of acceptance of sexual violence cases that I see in the government and political parties. There are many pleas from the victims of the conflict, but the government is not able to address the problems of 10 years of armed conflict. If it is not addressed properly, there is a risk that a new conflict will break out."**

Excerpt of Security Force (from a key informant interview)



*Caption: The need of justice and dignity will only be fulfilled if the state, army and the Maoist party ask for a public apology for their wrongdoing.*

# PUBLIC APOLOGY

Almost all respondents agreed that the state must publicly apologize for what happened at the time of the conflict in order for women to regain their rights and dignity. A public apology would help women realize that they are not responsible for what happened. However, the public apology must include an admission of the wrong committed, an expression of remorse, a guarantee of non-repetition, and a refrain from asking for forgiveness. Finally, to complement such an apology, further reparation measures (measures of sincerity, corrective measures, and material compensation) would improve the chances that such an apology would be considered valid and accepted (Center for Peace and Conflict Studies, Cambodia).

**"If the government and both warring parties would publicly apologize, women would feel some measure of justice."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"Army personnel should publicly apologize and ask for forgiveness by explaining that what happened to us was not our fault, and they should answer for their role in our trauma."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).



**"Army personnel should publicly apologize and ask for forgiveness by explaining that what happened to us was not our fault, and they should answer for their role in our trauma."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"For women's justice and dignity to be regained, the state must make a public apology for the incidents that occurred at the time of conflict. This would help women realize that they are not responsible for what occurred."**

Excerpt of a male participant (ex-combatant) from Kailali district (from a focus group discussion).

**"The state could have apologized publicly by telling the women that the incident that happened to them was not their fault, that the state apologized for the incident that happened to the women in order to bring justice and establish the dignity of women."**

Excerpt of the representative of the organization working with conflict affected women (from a key informant interview).

**"The public apology must be carried out as an event for a week, not just a day, and it must be broadcast on television and radio and covered by every newspaper so that a wider public becomes aware of the problem of women who were subjected to sexual violence during the time of the conflict."**

Excerpt of the representative of the organization working with conflict-affected women (from a key informant interview).

**"If the commission works effectively and if the event of public apology can also be carried out under the initiatives of the commission, it can also heal the women and the women can also feel some justice."**

Excerpt of Security Force (from a key informant interview).



*Caption: We need a space where we can express our grief and sorrow without fear and where people can hear our voices.*

# SAFE SPACES AND LISTENING TO THE VOICES

Women who faced sexual violence at the time of conflict do not have access to safe spaces where they can express their suffering and struggles without fear. Some programs run by women-led organizations have provided them a space where they can meet with women who went through a similar kind of suffering. These kinds of spaces give them some level of healing and allow them to come together to learn about the suffering of others. In these spaces, the women are able to reflect and realize that they are not only the ones who faced such an inhumane act of rape. Many of them expressed they also participated in the programs and in the meetings of organizations targeted at conflict victims. At these events, they do not expose themselves as sexually tortured victims but only introduce themselves as conflict victims. They said they do not have the courage to share their story and many have never shared their story with their family members and friends.

The women reported that they are unable to share their identity as sexual torture victims to the government stakeholders due to the absence of safe spaces and their feeling of insecurity. They also demanded a space where people can listen to their voices and can understand their problems and struggles. The atrocity of rape was considered as private and women were remaining silent. Besides, the apparent traumatization, making it extremely painful to women's trauma into narratives, when they decide to share their traumatic stories there is an obvious reluctance to talk about the sexual nature of their victimization, they more easily discuss the physical abuse and psychological violence, while their narration is brief, succinct, and lacking in details (Stefatos, 2016). As argued by Stefatos, in this transitional justice process of Nepal also due to lack of conducive environment women still are not able to vent out their trauma and real incidences.

**"We hope for a space to share our pain and sorrow, that we may be comforted by listening to others who suffer as we all do."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).

**"We are in a very unusual and strange situation. The government is unable to identify a victim like us. We are in trouble because we cannot speak openly about our incident. An environment must be created where we can express our suffering, only then can we feel justice."**

Excerpt of a female participant from Udaypur district who faced sexual violence during conflict era in Nepal (from a case study).

**"There must be safe places where people can hear our voices and understand our problems and struggles. These spaces also give us a measure of healing and allow us to come together and learn about the suffering of others."**

Excerpt of a female participant from Banke district who faced sexual violence during conflict era in Nepal (from a case study).



**"There must be safe places where people can hear our voices and understand our problems and struggles. These spaces also give us a measure of healing and allow us to come together and learn about the suffering of others."**

Excerpt of a female participant from Banke district who faced sexual violence during conflict era in Nepal (from a case study).

**"Because of our current social and political structure, women who have experienced sexual violence cannot openly share their experiences. There is no safety for them. Many cases were collected on the Local Peace Committee which consists of many men. I went to the Local Peace Committee and collected the applications. Many women have not come to file their cases after seeing me, a male member. If the cases are not collected, how can the TRC address the issue of empowerment of sexually tormented women? Safe spaces need to be created where women can file their cases."**

Excerpt of a male participant (former local peace committee member and current ward member) from Udaypur district (from a focus group discussion).

**"Listening to the voices of women is very necessary in the process of creating a safe space and supporting them."**

Excerpt of male participant (School Teacher) from Kailali district (from a focus group discussion).

**"Transitional justice differs from criminal justice in that it is necessary to listen to the victim's feelings with respect, to have a friendly procedure, and to take measures to satisfy the victim in order to help restore his dignity."**

Excerpt of a representative of TRC (from a key informant interview).

**"Earlier, there was no separate room for women to file cases, although Local Peace Committee helped the victim communities to file their cases. Because of this, many women did not file their cases."**

Excerpt of a representative of the government institution (from a key informant interview).

**"To date, the government has not addressed the women's communities, although it is very necessary to do so in order to recognize the exact needs of these women and act accordingly."**

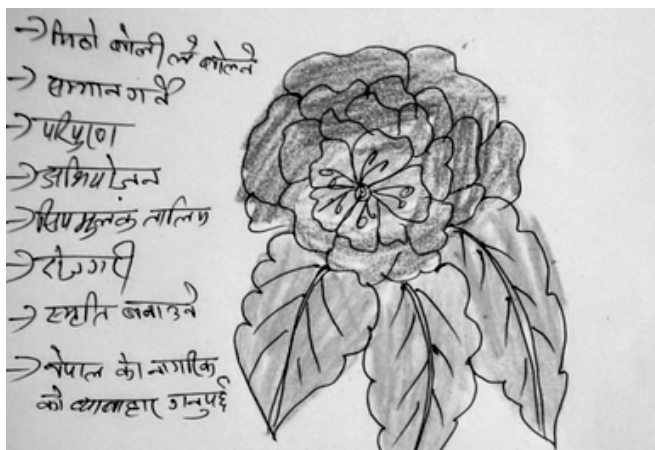
Excerpt of the representative of government institution (from a key informant interview).

**"Sometimes women cry when we ask them how they are. When we ask them why they cry, they say that their family members have never asked them how they are, and neither has the state. When we ask them this question, they feel that there is someone listening to them, and in my opinion, this is also a certain form of justice."**

Excerpt of the representative of government institution (from a key informant interview).

**"If we can provide that safe space for women who have experienced sexual violence to express their grief and pain with other women who have experienced similar things, it will help them heal to some degree from their trauma and also strengthen them psychologically."**

Excerpt of Security Force (from a key informant interview).



Caption: We aspire to have respect, reparation, prosecution, income generating activities and employment.

# NEEDS, HOPES AND ASPIRATION

Despite various difficulties, many women are struggling to survive on their own and without government support, e.g. through petty trade, fish farming, agriculture, mobile tea shop, selling vegetables, etc. They hope to get justice and lead a dignified life where their multiple needs are taken care of by the state and stakeholders. In this transitional phase, truth and Reconciliation Commissions, the state, organizations and communities have a great role to play in unconditionally addressing the multiple needs of these women and providing them with adequate legal, economic, social and mental support which is of utmost importance in healing their internal and external wounds. This can play a crucial role in justice and dignity for these women.

**"Although the State has provided me with income-generating measures, I cannot do anything because of my physical condition. The state must support both my mental and economic needs so that I can support myself in the long run."**

Excerpt of a female participant from Dailekh district who faced sexual violence during conflict era in Nepal (from a case study).

**"We need immediate support for the education of our children, for our health: mental and physical, without any conditions. And we need this immediately. There is no point in providing this kind of support later. Only then do we feel just and worthy."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"I want to know the truth about why this incident happened to me. If this is revealed, then I might feel justice."**

Excerpt of a female participant from Dailekh district who faced sexual violence during conflict era in Nepal (from a case study).



**"I have confidence that I can survive on small jobs. However, my health has been ruined by what I have gone through. Due to my poor health, I have both mental and physical weaknesses. I want to be strong mentally and physically; these are my hopes."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a case study).

**"Now the next generation is also suffering, developing intergenerational hatred and identifying themselves as victims. An environment must be created where they can live in better conditions."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"Now the new generation is coming and they know nothing about our suffering or the past conflict, and they ask if these things happened in the past. Therefore, it is necessary to raise awareness of our history, and we must engage in this process."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"We must fight for our rights ourselves and we must be strong to get justice in our lives. Organizations come and go, but we must be united."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"The claim that was made on us, the dream that we want to see, the fight that we have been fighting for, is apparently not being fulfilled. Though our leaders are now in government, they are not focusing on the ills they are redeeming with us. It seems that the conflict has ended in negotiations. If the state and the government can act according to what was promised in the 25 points of negotiation, according to the commitment of the Comprehensive Peace Accord and the constitution, then we can feel the concept of justice and will also be dignified. Besides, the state should also reach out to our community and family members, assess the physical and psychological conditions of us and our family members very carefully and also take care of our conditions, then we may be able to feel the concept of justice to some extent."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"I want to get the support for health treatment first. Not just me, but I think most women who have experienced sexual violence need that support. I have a problem with my uterus. I have a small sore in my bowel. I have to take medication every day. I had heavy urethral discharge and had to change three pads a day and the smell is also very stinky. I had to take medicines worth Rs. 3500 per month. I was forgetting things very often. As I mentioned above, we also need the support for our children's education."**

Excerpt of a female participant from Dailekh district who faced sexual violence during conflict era in Nepal (from a case study).

**"This is our social responsibility. We must involve women in any program to support them and get them out of their homes. We must also listen to them. We must make them internalize that what happened to them was not their fault and not their choice. That will help them live with dignity."**

Excerpt of a male participant (Human Rights Activist) from Udaypur district (from a focus group discussion).

**"If we can help them with their studies and those of their children, with capacity building and income-generating activities, I believe women will be empowered and forget their suffering because they also want to live."**

Excerpt of a male participant (Campus Chief ) from Kailali district (from a focus group discussion).

**"I disagree because forcing women to forget their past increases the likelihood of a later relapse of the trauma. Regardless of whether women make money, they will not be satisfied until they get justice. That's why it's also important to create a space for these women to work through their trauma and get psychological justice."**

Excerpt of a male participant (PhD scholar) from Kailali district (from a focus group discussion).

**"We come from different backgrounds. If organizations can help these women express their suffering, then organizations can help identify their needs. We can then create an enabling environment for the women where we can work with their families and society to raise awareness of women's suffering. This way, they can also get justice on a family level, because many women were kicked out of their homes after their families found out what happened to the women."**

Excerpt of male participant (School Teacher) from Kailali district (from a focus group discussion).

**"Establishing the truth is very necessary if the commission wants to empower women."**

Excerpt of a male participant (Human Rights activist) from Udaypur district (from a focus group discussion).

**"Women feel more comfortable with women. That's why it's also necessary for female members of our community to visit the families of women who have experienced sexual violence and educate them about the circumstances in which the violence occurred."**

Excerpts of a male participant (Student Leader) from Kailali district (from a focus group discussion).



**"The government plans to provide free medical care to women who have been subjected to sexual violence, as well as an educational scholarship for their children. Providing interim compensation to the victim, recommending reparation as per the needs of the victim and providing a job as per the conditions of the victim will ensure justice."**

Excerpt of a representatives of TRC (from a key informant interview).

**"If NAP is implemented, then it will definitely address the issues of justice and dignity of these women if it has the provisions to address the trauma and provide income generating activities. It can address the issue of justice and dignity. It is the job of the commission to find out the truth."**

Excerpt of s representatives of the Government institution (from a key informant interview).

**"To this day the government has not reached the women's communities. There is a great need to reach out to the homes and communities of these women to identify the exact needs of these women and then act accordingly."**

Excerpt of the representatives of Government institution (from a key informant interview).

**"Women talk about taan, maan, dhaan (health, counseling/mental stability and income opportunities). Mental stability in particular was highlighted by the women. Women expressed that they can take loan for physical treatment but for mental stability they need other support. There is a need to slowly reduce the multi-layered trauma to make the women mentally strong."**

Excerpt of a representatives of Government institution (from a key informant interview).

**"Women wish their husbands understood their problems, and believe they would win the world if that were the case."**

Excerpt of ta representatives of Government institution (from a key informant interview).

**"Women also want their stories documented, their sufferings are all different and that needs to be documented as a reminder."**

Excerpt of a representative of the organization working with conflict-affected women (from a key informant interview).

**"Actually, this is the task of Truth and Reconciliation Commission, but they have not been able to accomplish the task assigned to them during these four years of their tenure."**

Excerpt of Security Force (from a key informant interview).

**"The government can assist these women psychologically. It can also cater to their material needs. Since many women have been thrown out of their homes, they also need financial support. The government needs to take some initiatives that can support these women financially. Moreover, due to our social structure, women do not have the opportunity to openly address their problems and live with a social stigma. Therefore, social awareness about women's issues is also important."**

Excerpt of a Security Force (from a key informant interview).

**"To empower and heal these women, it is very necessary to take care of their financial security. It is the responsibility of the government and not us individuals and the community. At the individual and community level, we should accept the women which will help them to get psychological and social justice. It is very important to conduct social awareness programs in the community about the problems of these women. Moreover, punishing the perpetrator will give justice to these women and help them to heal. However, looking at our social structures, women will not get social justice even if the perpetrator is legally punished if there is no social acceptance from the community towards women. Therefore, social awareness is also necessary. The concept of justice depends on the individual and should not be limited only to legal justice. Social, financial and psychological justice also play a major role."**

Excerpt of a Security Force (from a key informant interview).

# GRAVITY OF SERIOUSNESS OF THE ISSUES OF SEXUAL VIOLENCE OF WOMEN BY COMMISSIONS AND GOVERNMENT INSTITUTION

Nepal has achieved many things in the peace process. However, the peace process mainly focused on the liberal peace but failed to address the structural problems of the conflict and the problems of women, which was ensured in the Comprehensive Peace Accord (CPA) in 2006 (The Government of Nepal and the Communist Party of Nepal, 2006). Section 3 of the CPA mentions that the government will make efforts for political, economic and social transformation. In section 7.1.3, it guarantees impartial investigation and lawful action against persons responsible for obstructions to the enjoyment of rights and guarantees not to promote impunity. It has also guaranteed the right to relief for the families of victims of conflict, torture and enforced disappearances. However, the state and political parties have mainly focused on institutionalizing policies, plans and physical peace infrastructures rather than understanding the structural problems and issues of women of the conflict era. Since sexual violence has not been considered a priority, many perpetrators who assaulted women during the conflict period are not punished, which also promotes impunity in the country. The country has not been able to see and respond to the consequences of the armed conflict from a gender lens, which can be confirmed by the exclusion of women as victims of the conflict in the interim compensation policy and by listening to the government's current plans. Denial through 'official memory' serves to further marginalize victims' experiences and adds another layer of insult and injustice to survivors of war rape (Henry, 2011). In this post-conflict scenario of Nepal, there is a sense of denial about cases of conflict-era sexual violence that can be validated by the plans and actions of government institutions and by women's experiences of the everyday injustices they faced.

**"The State and the Commission demand to show the evidence of our arrest and torture. Because of this, we feel constrained. We went to war because of our grievance, for a change of system, not to collect evidence. Those involved should understand this."**

Excerpt of a female participant from Udaypur district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"I have no desire to submit my application to the Commission, as I have no confidence that I shall get justice from it."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"We struggle with family, social, political and psychological justice. If the TRC can address these issues, then we will feel some measure of justice. The TRC should consider our oral testimonies as evidence and not just materialistic documents. Among those who have filed the application with the TRC, many women have not come out as victims of sexual torture because they feel they have no protection from the TRC. For this reason, we do not consider the TRC to be a valuable institution; we do not feel we can rely on the TRC to fulfil our quest for justice."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).

**"I have heard that a commission has been formed. But I know nothing about its current implementation process. I don't feel that the commissions here have reached the real victims."**

Excerpt of a female participant from Kailali district who faced sexual violence during conflict era in Nepal (from a focus group discussion).



**"The Commission has done nothing to date. If it implements the measures it has written about, it could help many victims get some measure of justice. If it is unable to act, the commission should at least stop and ask women about their grief and stories, as women are very frustrated by the commission's actions. The commission should say publicly what it can and cannot do."**

Excerpt of a male participant (Human Rights activist) from Udaypur district (from a focus group discussion).

**"Establishing the truth is very necessary if the Commission is to empower women. Even in the cases that have already come to light, the government and the commission have not yet done anything. If these known cases had been dealt with effectively, it would have inspired other women to come forward in the hope of getting justice."**

Excerpt of a male participant (Human Rights activist) from Udaypur district (from a focus group discussion).

**"Many women were excluded from filing cases due to lack of information. The location of the Local Peace Committees in the main offices also had an impact; many women lack travel expenses, and the presence of men collecting applications discouraged many women from filing their cases. The Commission itself should have gone to each village to collect the applications. Only then would conflict-affected women feel some measure of respect and dignity."**

Excerpt of a male participant (former Local Peace Committee member and current ward member) from Udaypur district (from a focus group discussion).

**"In 2011, under the leadership of Peace Ministry, the first National Action Plan was formulated at Security Council 1325 and 1820 NAP, which essentially emphasized the handling of conflict-era sexual violence cases. Again, under the leadership of Peace Ministry the second draft of NAP was formulated in 2015 but unfortunately the Peace Ministry was disbanded and is now with the Ministry of Home Affairs. Now there is no clarity among the ministries as to who will take the lead in implementing this NAP."**

Excerpt of a male participant (Human Rights activist) from Udaypur district (from a focus group discussion).

**"Establishing the truth is very necessary if the Commission is to empower women. Even in the cases that have already come to light, the government and the commission have not yet done anything. If these known cases had been dealt with effectively, it would have inspired other women to come forward in the hope of getting justice."**

Excerpt of a representative of the Government Institution (from a key informant interview).

**"Cases are collected through the Local Peace Committee, and there was at least one female representative on the Local Peace Committee, to help women apply."**

Excerpt of the representative of TRC (from a key informant interview).

**"The commission plans to collect testimonies from women who were sexually abused during the conflict in a very confidential way that can help women get more justice and truth. There are now no deadlines for filing cases of sexual violence. There have been 400 cases of torture collected, which include sexual violence."**

Excerpt of a representative of TRC (from a key informant interview).

**"The Commission's role is to investigate and refer cases of gross human rights violations, such as killings and disappearances, to the Ministry of Home Affairs for compensation and Law Ministry for justice. In this way, it will address the issues of justice and human dignity."**

Excerpt of a representative of the Government institution (from a key informant interview).

**"There is no collaboration between Law Ministry, Home Ministry, and the commissions."**

Excerpt of a representative of the Government institution (from a key informant interview).

**"The TRC has collected over 60000 cases from the war period. It has sent 1000 cases in each province for investigation and closed 2000 cases for investigation. All investigators have been trained on how to be sensitive to the victim group and maintain confidentiality of testimonies. A gender-responsive policy procedure has been developed, as well as a policy on reparations."**

Excerpt of a representative of TRC (from a key informant interview).

**"The Ministry is concentrating its work on the distribution of relief up to 10,00,000 to the family of the deceased as well as to the family of the disappeared. Similarly, it is planned to provide Rs 25000 to widowed women as well as to the people who were abducted at the time of conflict. An injured person whose body is 51% damaged will receive 6000 per month and whose body is 75% damaged will receive 12400 per month. A total of 800 persons have received this benefit. Similarly, children who have lost their family members receive educational scholarship and caregivers of children who have lost both parents receive Rs. 5000 to support their livelihood. "**

Excerpt of a representative of the Government institution (from a key informant interview).

**"The Commission will recommend medical support (both physical and psychological), support for children's education and training for income generating activities according to their capabilities for the daily livelihood of these women, which I believe will add to their dignity and justice."**

Excerpt of a representative of TRC (from a key informant interview).

**"This Commission, which could have done a lot, has done nothing, it has not been able to do anything, and it has not been given an environment to do anything. Even with limited resources, the commission could have done something to make a mark, but it did not. It could have registered the case of sexual violence in a confidential manner by creating a safe space and getting the support of the organizations working in this field, but it didn't do that."**

Excerpt of a representative of the organization working with conflict affected women (from a key informant interview).

**"While the government was distributing compensation, it closed the door on women who were sexually tortured at the time of the conflict, and while the commission began its work, it did the same. They could have created a mechanism to collect the cases, which would have helped the women a lot."**

Excerpt of the representative of the organization working with conflict affected women (from a key informant interview).

**"The Commission will recommend medical support (both physical and psychological), support for children's education and training for income generating activities according to their capabilities for the daily livelihood of these women, which I believe will add to their dignity and justice."**

Excerpt of a representative of the organization working with conflict-affected women (from a key informant interview).

**"The chairman of the commissions told me that they are committed to finding the truth about sexual violence, but they do not know the process of how that can be done. He further said that they need to call the perpetrator and the victim together to establish the truth with the date and time of the incident and that they are concerned about the protection of the victim."**

Excerpt of a representative of the organization working with conflict-affected women (from a key informant interview).

**"The two commissions on truth: Truth and Reconciliation Commission and Inquiry on Enforced Disappearance Commission do not even begin to investigate 10 of the cases of war events, even though the members of the Commission have expressed that nearly 63000 cases have been collected. They could have at least started investigating 10 cases of grave human rights violations. That could have given some measure of confidence and justice to the women affected by the conflict."**

Excerpt of a Security Force (from a key informant interview).

**"Right now, I don't feel that the commission has the full authority to start the investigation process because there is vested interest of the political parties, those who are in government and those who are in power. Apart from this, there are flaws in the current TRC Act. There is a process to amend this law to meet international standards."**

Excerpt of Security Force (from a key informant interview).

**"I have heard that the two commissions, the Truth and Reconciliation Commission and the Commission to Investigate Enforced Disappearances, have done nothing to date. They are unable to process the wartime cases and bring victims and perpetrators into the process."**

Excerpt of Security Force (from a key informant interview).

"There was a great opportunity for the Commission to work effectively in the early years because the national and international community was watching it and had shown interest in its process. The Commission could have continued with the process of punishing some perpetrators who had committed serious acts of violence. It could have initiated a process with some reconciliation initiatives, which had not happened so far. These activities could have also helped to maintain peace. Now it seems that the government believes that it has already completed the peace process and that dealing with war cases is not one of its priorities. Moreover, looking at the international context, there seems to be political stability in Nepal. Many of the actors who were active in the conflict, especially from the security forces, are leaving the institution. It has been 12 years now. In these years, many of the actors may have already lost their lives or left. In this scenario, it is very difficult to establish the truth, provide justice and establish the dignity of women."

Excerpt of a Security Force (from a key informant interview).

# SUMMARY

In Nepal, the failure of the state and political parties to provide a peace dividend to people who suffered during the period of armed conflict, especially women who were subjected to sexual violence, has played a crucial role in increasing frustration among these women and lowering their self-esteem. In this scenario, these women continue to wait for an enabling environment where their basic rights/needs (physical, economic and psychological) are met, which in turn has helped to develop intergenerational hatred among these communities. Transitional Justice refers not only to the process of political change and restoration of the rule of law but also to inventions that help societies reconcile with the violent past in order to establish the "truth" about human rights violations that will enable a peaceful future (Boesten, 2014). Although the goal of the current transitional justice system in Nepal is similar to Boesten's argument, it has not been able to achieve this goal. Due to the lack of an enabling environment and existing gender norms, women who have experienced sexual violence are still forced to experience gender inequality and gender hierarchy in their daily lives in this so-called peacetime. There is a great need to analyze how political violence affects women differently than men in order to include women's experiences in the construction of the national narrative of conflict and reconciliation, as Boesten argues (Boesten, 2014). Due to the gap in the analysis of the impact on women and particularly women who have experienced sexual violence and the response to their immediate and long-term needs through the current transitional justice mechanisms as well as other government institutions, women still face tremendous stigma, face multiple problems in terms of physical and psychosocial problems, transfer the notion of victimhood to their children, and are unable to reconcile themselves due to the lack of space to recount their experiences of the injustices they have faced, and have been unable to access social, psychological and legal assistance.



Without addressing the real grievances of women who were cashiered during the time of war, efforts at reconciliation on an individual and community level will not be successful, as this is a crucial factor in sustainable peacebuilding. During my research trip, it was evident from the remarks made by the male representatives of the ministry as well as other male stakeholders that women's problems and issues are still considered as women's issues only and need to be addressed by women themselves, which shows a gap in the understanding of gender justice among the male members of the society. Moreover, the Commission's perception of justice is very limited to monetary and legal justice. It needs to go beyond these limited concepts as there is a need to strive to repair the pain of suffering and injuries experienced by women, not only physically but also socially and psychologically.

In this context, this booklet, based on the preliminary findings of my research, is very important to understand how women who have experienced gender-based violence (especially women who have been raped and physically assaulted) define dignity and justice, and to internalize the need for effective interventions that support them to establish their dignity and justice at different levels: in transitional justice mechanisms, in government institutions, in civil society organizations, and in the communities where women live. Gender justice has been overlooked in the peace process and the transitional justice process. This booklet will help to highlight women's issues so that the wider community can understand women's perspectives on justice and dignity and begin to support these women in their quest for a life of dignity and justice. Based on the findings and synthesis of this research, it is recommended that national and international actors incorporate the voices and needs of survivors and the lens of gendered peacebuilding into the transitional justice process to promote peace and reconciliation by addressing the issues of women who experienced sexual violence during the conflict.

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Dr. Risal is a peace practitioner from Nepal who has been working in the field of gender and peacebuilding since 2003. She currently serves as Chief Executive Officer of Nagarik Aawaz. She has helped the organization excel in focused peacebuilding approaches. Under her leadership, Nagarik Aawaz has created values that have touched thousands of lives. Dr. Risal completed her PhD in Applied Conflict Transformation Studies with special focus on Gender and Peacebuilding from Pannasastra University with association of Center for Peace and Conflict Studies, Cambodia in 2020. She is an excellent peace practitioner who applies her practices in both her personal and professional life.



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