

**DEFINING JUSTICE & DIGNITY THROUGH GENDERED PEACE BUILDING:
A CASE STUDY ANALYSIS OF GENDER-BASED VIOLENCE DURING
CONFLICT ERA OF NEPAL**

Dissertation
Presented to
The Academic Faculty of
Paññāsāstra University of Cambodia

By
Susan Risal (Ms)

In Partial Fulfillment of the Requirements for
The Degree in PhD of Social Sciences and International Relations
Major in Applied Conflict Transformation Studies



PAÑÑĀSĀSTRA UNIVERSITY OF CAMBODIA

Phnom Penh, Cambodia

December 2020



PAÑÑĀSĀSTRA UNIVERSITY OF CAMBODIA

**Defining Justice & Dignity through Gendered Peace Building:
A case study analysis of gender-based violence
during conflict era of Nepal**

Approved by:

Dr. SIN MENG SRUN, Chairperson

Dr. TROND GILBERG, Member

Dr. RAYMOND LEOS, Member

Dr. EMMA LESLIE, Member

Dr. BILVEER SINGH, Member

Dr. TANIA MILETEC, Member

Dr. GABRIELLE GRANT, Major Professor

ABSTRACT

After signing the Comprehensive Peace Accord (CPA) in November 2006, Nepal entered into a post-conflict era (Government of Nepal, 2006). However, the prolonged phase of political transition has led to increased anger and frustration among women who survived gender-based violence (especially the women who were raped and physically assaulted) during the Nepalese armed conflict, 1996-2006. They are still waiting for justice a decade later. The Citizens' relief, compensation and economic assistance procedure formulated after the war does not recognize women who were raped and physically assaulted in the category of conflict victims (Ministry of Peace and Reconstruction, 2009). Even 13 years after the CPA, the transitional mechanisms formulated on the basis of weak Act in February 2015 have not been able to implement their activity effectively, nor have an explicit plan to address such a large amount of human rights violation (Government of Nepal, 2014). The prolonged transition phase and changing political landscape of the country also side-lined the issue of gender-based violence of the conflict era of Nepal.

Using a critical theory framework and case study methodology, the primary goal of this research was to understand how the women who faced gender-based violence during the conflict era of Nepal define dignity and justice from their own lived experience and, consequently, their needs for reparations. Ultimately, the aim is to make possible the presentation of these women's voices and needs to the Truth-seeking commissions, other government bodies, and national and International organizations working with conflict-affected women. This research's findings have also expanded the body of knowledge and best practices for reconciliation in contexts where gender-based violence has been used as a weapon of war. *Key words: Nepal's armed conflict, women who faced sexual violence, transitional justice.*

ACKNOWLEDGEMENT

I am indebted to the Center for Peace and Conflict Studies, Cambodia, and especially to Dr. Emma Leslie and Pannasastra University, Cambodia, for giving me the opportunity to enrol in the PhD program and to conduct this research as a PhD student. I would also like to thank my Supervisor/ Faculty member Dr. Gabrielle Grant and Dr. Noah Taylor of Center for Peace and Conflict Studies, Cambodia, for always encouraging me and giving new dimension to my research. I also would like to thank my entire PhD cohort (Angi, Manoj, Rashid and Yatz) for their critical feedback in 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. Also I would like to thank my family, especially to my late parents Basanta & Jhunu for bringing me in this world and for their moral support, my husband Dharendra, my daughter Anusha, my sisters (Deepa, Rupa and Subha), my nephew and nieces . My sincere gratitude also goes especially to Ms. Sue Williams for thoroughly editing this paper as well as to Mr Ganga Sagar Rai and Sadichchha Pokharel.

Finally, I am very much indebted to all my sisters who went through the incidence of sexual violence and who opened up to me about their pain and struggles with deep trust, and also to all the interviewees representing security forces, truth-seeking commission, government, organizations and male stakeholders from Kailali and Udaypur districts for their open sharing during my data collection phase. Without their participation and their trust, this research would not have been possible.

Table of Contents

ABSTRACT	II
ACKNOWLEDGEMENT	II
LIST OF ABBREVIATION.....	V
CHAPTER 1 INTRODUCTION	1
1. Problem Statement	1
2. Researcher Context	3
3. Research Objectives	4
4. Research Question	4
5. Research Goal	4
6. Operational Definitions:.....	5
CHAPTER 2 LITERATURE REVIEW	6
1. Gender, Transitional Justice and Truth Seeking Commissions	6
2. Torture.....	14
3. Trauma.....	16
4. Greed vs. Grievances.....	19
5. Conflict context and gaps	20
CHAPTER 3 RESEARCH METHODOLOGY	28
1. Research Design	28
2. Research Cycle:.....	30
3. Location of the Field work and Sample size description.....	31
4. Data Source and Collection.....	33
5. Data Analysis.....	33
6. Limitations of the study	34
7. Ethical considerations	34
CHAPTER 4 FINDINGS AND DISCUSSIONS.....	36
1. Impact, Result and Experience of the Incident	40
2. Diverse Version of Justice and Dignity:	57
3. Needs, hope and aspiration	76
4. The ability to hope for the future.....	84
5. Gravity of seriousness of the issues of sexual violence of women by Commissions and government institutions:.....	85
CHAPTER 5 CONCLUSION, RECCOMENDATION AND FUTURE CONSIDERATION.....	101
1. Conclusion	101
2. Reccomendations.....	110
3. Future Considerations.....	132
REFERENCE:	124
APPENDIX I QUESTIONNAIRE FOR THE FOCUS GROUP DISCUSSION WITH WOMEN	127
APPENDIX II QUESTIONNAIRE FOR THE FOCUS GROUP DISCUSSION WITH MEN GROUP.....	128
APPENDIX III FORMAT OF TAKING CASE STUDY.....	129
APPENDIX IV QUESTIONNAIRE FOR THE KEY INFORMANT INTERVIEWS WITH THE REPRESENTATIVE OF TRUTH AND RECONCILIATION COMMISSION	131
APPENDIX V QUESTIONNAIRE FOR THE KEY INFORMANT INTERVIEWS WITH THE REPRESENTATIVE OF GOVERNMENT INSTITUTION	132
APPENDIX VI QUESTIONNAIRE FOR THE KEY INFORMANT INTERVIEWS WITH THE REPRESENTATIVES OF THE ORGANIZATION WORKING WITH CONFLICT AFFECTED WOMEN	133

<i>APPENDIX VII QUESTIONNAIRE FOR THE KEY INFORMANT INTERVIEWS WITH THE REPRESENTATIVES OF SECURITY FORCE.....</i>	134
<i>APPENDIX IX SOME PICTURES OF RESEARCH JOURNEY</i>	135

List of Abbreviation

CPA: Comprehensive Peace Accord

TRC: Truth Reconciliation Commission

LPC: Local Peace Committees

NGO: Nongovernmental Organization

FGD: Focus group Discussion

UNCAT: United Nations Convention against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment

MoPR: Ministry of Peace and Reconstruction

GBV: Gender-based violence

TSK: The Story Kitchen

WHR: Women for Human Rights

UNSCRs 1325 & 1820: United Nations Security Council Resolutions 1325 & 1820

NAP on UNSCRs 1325 & 1820: National Action Plan on United Nations Security
Council 1325 & 1820

TRC: Truth and Reconciliation Commission

Chapter 1

Introduction

1. Problem Statement

During the insurgency in Nepal, 17,625 people were killed, 78,675 people were displaced, 1,302 people were disappeared and 4,305 became disabled (Ministry of Peace and Reconstruction, 2009) . Many more were abducted and tortured. Among the tortured were women, many of whom faced intense gender-based violence including rape and physical assault. Torture and rape were used as weapons of war (BBC 2017). Officially, there is no data available on gender-based violence (GBV) during the armed conflict of Nepal that took place in 1996-2000. There is also limited available research on how those affected by violence, especially by rape and physical assault, cope and heal after a conflict, in the context of Nepal and other countries. Women who are victimized by GBV as a weapon of war are often left out of transitional justice mechanisms and healing processes in post conflict settings, leaving them even more vulnerable and traumatized (The Story Kitchen 2018).

In Nepal, the interim compensation policy does not recognize women who were raped and physically assaulted in the armed conflict, under the category of conflict victims (Government of Nepal : Ministry of Peace and Reconstruction, 2009)¹. That means, these individuals do not receive any compensation for what they have suffered. Similarly, The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2071 (2014) also does not explicitly mention how the Truth and Reconciliation

¹ According to Economic Assistance and Relief & Compensation for Conflict Victims” formulated by Ministry of Peace and Reconciliation: ‘conflict victim’ is defined as: “the dependents (husband or wife, children, parents and other members of the family living together), disabled, handicapped or injured people during conflict, individuals and families internally displaced due to conflict, persons gone missing after nabbed by conflicting parties during conflict and their families, persons abducted by conflicting parties during conflict, and property belonged to individuals, families and organizations that were damaged by the conflicting parties during conflict.” See Section 1 (c).

commission, and Enforced Disappearance commission will deal with cases of gender-based violence as human rights violations (Government of Nepal, 2014) . This Act has also not defined sexual violence committed during the time of conflict as a war crime and a crime against humanity (Government of Nepal, 2014, p. 3) .

Moreover, in January 2013, due to the absence of transitional justice mechanisms in Nepal during 2013, a Nepali Army Colonel, Kumar Lama, was charged in the United Kingdom with two counts of torture during the time of insurgency. The arrest of the officer was under Section 134 of the Criminal Justice Act, 1988 of UK, a law that defines torture as a 'universal jurisdiction' crime (BBC News UK, 2013). This is just an example of the weak legal mechanisms in Nepal and how these mechanisms have failed to provide justice to those tortured during the conflict era from the domestic policies and law.

As a result of the prolonged transition phase and weak justice mechanisms of Nepal, many victims of violence, especially those victimized by GBV, are currently left out of interim compensation policies. This exclusion has left many women to suffer in silence, live a life without dignity, and not receive the support they deserve. At the time of writing of this paper, the two transitional justice mechanisms (Truth and Reconciliation Commission and Investigation on Enforced Disappearance Commission) were only able to collect almost 63000 applications of war-time incidents within the four years of their tenure. Besides this, no concrete action has been observed from these mechanisms that has supported the conflict-affected community to feel the notion of justice. Furthermore, at the time of writing of this paper, the current stagnation of the commission procedures after the resignation of the previous commissioners and members on April 2019 has contributed to a rise in fear and suspicion of the logical end of the transitional justice process, by the conflict-affected communities.

2. Researcher Context

Since its establishment in 2001, the organization Nagarik Aawaz, a peace building organization in Nepal, has been exclusively working with conflict-affected women. I have worked at Nagarik Aawaz for the last 16 years in different capacities; most recently I have served as Chief Executive Officer of the organization. Many of the women the organization serves were victimized by the conflict in some way, either by losing their spouse, being displaced, and/or being victimized by gender-based violence during the war.

From 2017, Nagarik Aawaz is implementing a program named “Women Leaders in Action” involving fifty women participants who were impacted by the conflict in many ways, including torture and gender-based violence. Nagarik Aawaz also provides psychological support to 20 women who faced GBV through its other programs as well. While working in these programs, I have observed that the women who faced gender-based violence and especially women who were raped and physically assaulted are not getting safe spaces or mechanisms where they can feel protected, express their notion of justice and dignity, and where they can voice their traumas and suffering.

In relation to this, as a woman and a peace practitioner/advocate for 16 years for the rights of conflict-affected women, I wanted to understand how the women who faced gender-based violence in the form of rape and physical assault define the notion of justice and dignity based on their own perspectives. Basing definitions of justice and dignity through lived experience will enhance the work done by my organization as well as the many other stakeholders like the Government of Nepal, Truth and Reconciliation Commission, Investigation on Disappearance Commission, legal mechanisms and the other national and international organizations working to support conflict-affected women.

This research is separate from Nagarik Aawaz's program and I have conducted it as part of my fulfilment of my PhD requirements. This study has not only contributed to my work but will also contribute to the transitional justice process of Nepal. The findings and the recommendations of the research will be shared with the Truth-seeking Commission, the Government of Nepal, other justice mechanisms and other organizations working to support conflict-affected women for effective intervention.

3. Research Objectives

- To understand how the women who faced gender-based violence, especially, rape and physical assault during the time of conflict in Nepal, define dignity and justice
- To understand the needs of women who faced gender-based violence during the Nepal Civil war conflict
- To recommend their perspective of dignity/justice, and their needs to the Transitional Justice mechanisms, Government of Nepal, other justice mechanisms and other national and international organizations working to support conflict-affected women for proper intervention.

4. Research Question

This research focused on exploring the following questions:

- How do the women who faced gender-based violence, especially women who were raped and physically assaulted, define justice and dignity from their perspective and lived experience?
- What support and intervention is needed to support these women in their defined sense of the meaning of justice and dignity?

5. Research Goal

The goal of my research was to facilitate the following results:

- The Transitional Justice Mechanism, Government of Nepal, other justice mechanisms and national and international organization initiates the intervention to support the women who faced sexual violence during the time of conflict era to live dignified lives with the notion of justice by their understanding of the definition of dignity and justice from the perspective of women who faced gender based violence.

6. **Operational Definitions:**

For this entire research to be precise the below-mentioned key words are defined as:

Women who are victims of GBV: Those women who were raped and physically assaulted by the Maoist party and the state during the 1996 to 2006 armed conflict in Nepal, using this violence as a weapon of war.

Transitional Justice Mechanisms: Truth and Reconciliation Commissions and Investigation on Enforced Disappearance Commission established in 2015 for the truth-seeking purpose and to provide justice to the conflict victims².

²According to The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, (2014) “victim” means the person who died or suffered harm in the form of physical, mental or sexual violation or incurred financial loss and damage or detainee and his/her family as a result of the gross violation of human rights in the course of armed conflict, and this term also includes the community which sustained severe adverse impact humanitarially, socially or communally as a result of the gross violation of human rights.’’

Chapter 2

Literature Review

This research explores some of the concepts available in past literature, including Gender, Transitional Justice & Truth-Seeking Commissions, Torture, Trauma and Greed vs. 'Grievances'. In this regard, the literature review looks to the practices of other countries that underwent a transitional justice process after protracted war and how they dealt with cases of GBV by practicing gender mainstreaming in their transitional justice process. In this prolonged transition after conflict, the Government of Nepal has failed to provide any kind of compensation and services to these women, which also exemplifies the gap of gender mainstreaming in government plans and policies.

1. Gender, Transitional Justice and Truth Seeking Commissions

Transitional justice as a distinct concept arose out of a nexus in the late 1980s and early 1990s among human rights activists, lawyers and legal scholars, policy-makers, journalists, donors, and comparative politics experts concerned with human rights and the dynamics of the purported "transitions to democracy" occurring in distinct parts of the world. The common concern was recognition of the need for nations coming out of violence to respond to the past in a way that would fortify in new democracies and address justice questions (Arthur 2009 cited in Markowitz, Alexander, Sallie, & Oglesby, p. 4).

Transitional Justice does not only refer to processes of political change and reestablishment of the rule of law, but also refers to the interventions that help societies reconcile themselves with their violent past to establish 'truth' about human right violations that allows for a peaceful future (Boesten J. , 2014, p. 70). Boesten (2014) further argues that rape also serves a strategic purpose as a weapon of war to destroy communities both morally and physically, to spread fear and terror, and to reconfirm

military masculinities and troop loyalty (Boesten J. , Sexual Violence in War, 2014, p. 19).

From countries emerging from war to peaceful nations that carry long-term legacies of injustice and repression, truth commissions can address a broad range of issues in many different contexts. Yet, in all these instances, gender roles, hierarchies, and injustices can enable and exacerbate human rights abuse in complex and varied ways (International Center for Transitional Justice, 2006, pp. 1-3)

Gender receives rare attention in post-conflict settings and even less attention in transitional justice mechanisms/frameworks. Cases of sexual and physical violence against women do not get attention due to the lack of will around gender mainstreaming in transitional justice mechanisms and the social stigma around sexual violence, which prevents many victims and communities from discussing the crime. For example, some Ghanaian women's groups have argued gender has not been a dominant feature of the Commission's work and the Ghana National Reconciliation Commission has made few efforts to liaise with women's groups and strategize around gender policy on procedures to encourage women witnesses to come forward, create wider awareness about a safe space for reporting sexual violence, ensure on-going training for statement-takers and other staff (International Center for Transitional Justice, 2006, p. 4) .

Besides these failings, viewing sexual violence as a consequence of war, rather than viewing it as a strategic move of armed conflict fails to provide gender justice in many truth-seeking processes. In the early truth commissions, such as those found within the context of Chile and Argentina, gender was seldom explicitly invoked as a lens into human rights abuse or an organizing principle for the commissions' work, but rampant GBV was documented as a weapon of war in both contexts (International Center for Transitional Justice, 2006, pp. 2-3). However there are a few cases such as Guatemala,

Yugoslavia and Rwanda which acknowledged sexual violence as a war crime and were part of the human rights discourse during the truth-seeking processes of these countries (Alam, 2012, pp. 38-41).

After the signing of Guatemala's 1996 peace accords, this country carried out two large-scale "truth commissions," one organized by the Guatemalan Catholic Church and the other by the United Nations (Markowitz, Alexander, Marston, & Oglesby, 2017, p. 5). These large-scale projects set important benchmarks for the inclusion of gender in the analysis of human rights violations, both drawing on and contributing to a growing international awareness of the importance of gender within transitional justice frameworks. However, rape was included in the type of violation recorded by CEH³, but it was seen more as a corollary to the massacres or forced detention, rather than as a central strategy of state repression. (Markowitz, Alexander, Marston, & Oglesby, 2017, p. 18). In this context, the Guatemalan Truth Commission recognized rape as a violation but was limited in examining rape from a gendered point of view and was not able to recognize the different kind of suffering, and in turn the service needed to help those victims heal (Markowitz, Alexander, Marston, & Oglesby, 2017, p. 18) .

Sexual Violence was documented and analysed in the transitional justice reports, which recognized the differentiated impacts of the conflict on men and women. The Guatemalan cases alleged soldiers, members of the paramilitary 'civil defence patrols' and other members of the security forces raped more than 100,000 women in Guatemala, mostly indigenous women. Only 1,455 cases of rape and sexual violence against these women were documented and considered gender-based war crimes (Markowitz, Alexander, Marston, & Oglesby, 2017, pp. 2-4). Looking at the very limited number of cases raised many questions around safety and stigmatisation of reporting these crimes.

³ UN-sponsored Commission for Historical Clarification (CEH for its Spanish acronym)

However, this movement spearheaded by women in Guatemala contributed in recognizing sexual violence as a war crime and has not only helped the individual victims heal, but also has helped international entities to think about GBV during war-time and how it impacts individuals differently (Markowitz, Alexander, Marston, & Oglesby, 2017, pp. 2-4).

In Peru, the TRC observes that sexual violence occurred in a context of broader violations of human rights, and expresses the likelihood of unreported but systematic rape of women who were disappeared, killed, tortured, and imprisoned and include only 538 cases of rape whereas TRC suggested that it is likely , based on the testimonies of survivors , that majority of the women who were registered as victims of disappearance, detention, torture and/ or extrajudicial killing, experienced sexual violence and were from marginalized and impoverished region (Boesten J. , *Sexual Violence During War and Peace : Gender, Power and Post-Conflict Justice in Peru*, 2014, pp. 23-24). Further, the profile of the majority of victims of rape coincided with the overall victim-profile, and show how much race, class and gender are intertwined in informing hierarchies in Peru (Boesten J. , *Sexual Violence During War and Peace : Gender, Power and Post Conflict Justice in Peru*, 2014, pp. 3-4).

As in similar cases of nationalist and ethnic conflicts or in militarized and war affected societies, the accounts of women are limited while a veil of silence covers rape, sexual abuse and torture during the Greek military dictatorship. The silencing was prevalent even after the return to democracy in 1974. The silencing and lack of testimonials is closely connected to the officially nurtured socio-poetical amnesia, but also to the social and family structures, the traditional accounts of femininity and the prevailing gender norms and expectations in terms of reporting or discussing incidents of sexual abuse , regardless of the context in which they were committed (Stefatos, The

Female and Political Body Pain: Sexual and Torture and Gendered Trauma during the Greek Military Dictatorship , 1967-1974, 2016, pp. 72-73).

Although Guatemala emerged from military rule in 1986, and in 1996 peace accords were signed between the government and leftist rebels, dealing with the aftermath of the armed conflict and state counterinsurgency has been arduous. This is particularly true for survivors of rape and sexual violence, for whom breaking their silence is an even more painstaking process due to a context of social stigma and ongoing impunity (Markowitz, Alexander, Marston, & Oglesby, 2017, pp. 2-4) .

The General Assembly of the United Nations, 1996 defines:

‘rape in the conduct of armed conflict as constituting a war crime and under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon States to take all measures required for the protection of women and children from such acts and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice.’

This resolution also led in forming the International Criminal Tribunal for Yugoslavia (ICTY). This tribunal was one of first initiatives to emphasize the need for transitional justice frameworks to recognize gender-based violence as a war crime, as well as recognize the victimization of women as a strategic weapon in war. The women’s advocacy groups, both at the national and international levels, were integral in the emphasis placed on the ICTY to address a wide range of crimes and human rights violations, including those that disproportionately affected women (Alam, 2012, p. 36)

The numbers of sexual violence in Yugoslavia were truly shocking; according to a commission of experts appointed by the United Nations. During the Bosnian War

between 1992 and 1995, as many as 50,000 women were estimated to be raped and many others went unreported (Alam, 2012, pp. 35-36).

Though this tribunal tried to be gender-sensitive, many victims were not part of the process due to social stigma around GBV in this context. The flaws of this tribunal were focusing on retributive justice⁴ and instead of restorative justice⁵ where mostly it emphasized criminal prosecution but failed to address women's voices for their long-term needs (Alam, 2012, p. 28).

UN Security Council Resolution 955 established the International Criminal Tribunal for Rwanda (ICTR), an ad-hoc transitional justice institution in November, 1994, after the ethnically-based genocide (Alam, 2012, p. 41). ICTR complemented the work of the hybrid model of *gacaca*. This mechanism provided a space for perpetrators to ask forgiveness for their wrong-doing in a restorative way. When ICTR started its work, initially, addressing the issues of sexual violence was not its priority. But after the Judge Pulley's recommendation to look at rape, sexual violence and gender-based violence as crimes unto themselves rather than by-products of other crimes such as ethnic cleansing and genocide, then only did the ICTR start to focus on the issues of sexual violence as well (Alam, 2012, pp. 43-44). This led to the foundation for healing.

At the time of writing this paper, in Nepal the two transitional justice mechanisms have been able to collect almost 63000 applications of war-time incidents in the four years of their tenure. Besides this, no concrete action has been observed from these mechanisms that has supported the conflict-affected community for the internalization of justice, or has responded to their daily needs from commissions' plan and producers. Furthermore, just as in other parts of the world that have gone through brutal armed conflict and entered into the post-conflict scenario, authorities in Nepal, including the

⁴ Retributive justice is a perspective that focuses on punishment for offenders.

⁵ Restorative Justice is a community-based approach to dealing with crime, the effects of crime, and the prevention of crime. A Restorative Justice process operates from a belief that the path to justice lies in problem solving and healing rather than punitive isolation.

government and the main political parties, are also trying to silence the cases of women who faced sexual violence at the time of conflict. There is a misperception that these kinds of cases are byproducts of war and are “normal” acts at the time of warfare. This perception is reflected in the action of the government, in the formulation of plans and policies for the benefit of the conflict-affected community. As a result, the peace building discourse in this post-conflict scenario has excluded the cases of women who faced sexual violence at the time of conflict. Denialism through ‘official memory’ serves to further marginalize victim experiences, adding a further layer of insult and injustice for the surviving victims of war-time rapes (Henry, 2011, p. 60). In this post-conflict scenario of Nepal, there has been a sense of denialism being observed for the cases of sexual violence of the conflict era and that can be validated from the government institutions’ plan and actions.

Although the National Action Plan on Security Council Resolutions on Women, Peace and Security clearly states the special needs of women in war including victims of sexual violence, so far nothing has been done to support these women by creating spaces where they can live dignified lives (Ministry of Peace and Reconstruction, 2011).

This National Action Plan was also an initiative in mainstreaming gender in the Government’s plan and policies, which also recognizes the issues of gender-based violence during the war time and also aimed to provide both retributive and restorative justice for women. However, this plan failed to implement any of this into actions and the question of women’s dignity and justice was unanswered. Now Nepal is drafting a second phase of the National Action Plan on Security Council Resolution 1325 and 1820 in the leadership of Home Ministry, where now it has emphasised to deal with the cases of sexual violence occurring in armed conflict.

As mentioned in the Book-‘Working with Conflict’, individual acts of revenge need to be exchanged for Restorative Justice –justice that focuses on healing of social relationships and attempts to build the type of society which reflects the value of those who suffered with conflict (Fisher, Ludin, Williams, Richard, & Williams, 2011, p. 135). In Nepal, many women who were affected by the armed conflict still are living in this state of revenge and anger due to the absence of the notion of justice. This can be a source perpetuating future violence. And it is very important to address this issue of these women by recognizing their suffering, which can also contribute in healing their social relationships. For this, special kinds of initiatives have to be institutionalized, like memorial initiatives, reparation package, etc., where they can feel acknowledged and recognized.

Donna Hicks argued that there are ten elements of dignity such as acceptance of identity, inclusion, safety, acknowledgement, recognition, fairness, accountability, understanding, benefit of doubt and independence (Hicks, 2011, pp. 25-26). In Nepal, though the National Action Plan on UNSCRs 1325 and 1820 ensured establishing the identity of women who faced GBV, making accountable to perpetrator, state and the community, providing a safe environment for women by providing counselling services and opportunity for income-generating activities and recognition of their suffering, but nothing has been implemented in 5 years of this plan. Women continue to live with the environment of stigmatization and the notion of self-blame for their suffering. These factors hinder women to live with dignity, as well as compelling them to live in a very confined environment. Whereas I believe that working on the elements mentioned by Hicks and which have been also ensured in the National Action Plan on UNSCRs 1325 and 1820, was essential for the women to shift their notion of self-blame, anger and

resentment, to strengthen their social relations with the larger community where they can live dignified lives and also to save them from being alienated from the community.

In Nepal under the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, (2014)⁶ the truth-seeking commissions: Truth and Reconciliation Commission, and Investigation on Enforced Disappearance Commission, were formulated in 2015 but failed to mainstream gender issues, especially the needs of the victims of gender-based violence. The Citizen's Relief, Compensation and Economic Assistance Procedure, 2009⁷ also excluded gendered aspects by leaving behind the issues of women who were raped and physically tortured from the category of conflict victims, thus excluding this group of victims from any type of state-sponsored compensation.

This reflects a gap in those identified as conflict victims. The women of Nepal who were tortured, raped, and physically/sexually assaulted during the war must be recognized and included in Nepal's reparation policies and transitional justice mechanisms, as they are victims of war. The literature reflects the best way to find justice for victims of GBV as a weapon of war is to empower these individuals to speak of the crimes committed against them and define their own versions of dignity to heal. The research outlined in this proposal seeks to do this and create change and inclusion for those affected by GBV during conflict.

2. Torture

The United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) of Article 1 defines:

'torture' as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third

⁶The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, (2014) in Nepal in relation Truth Seeking Process.

⁷Citizen's Relief, Compensation and Economic Assistance Procedure, 2009 was formulated in Nepal to provide immediate compensations to the war victims.

person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” (United Nations, 1995, pp. 1-2)

According to Article 4,
“each state party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person, which constitutes complicity or participation in torture. And also shall make these offences punishable by appropriate penalties which take into account their grave nature” (United Nations, 1995, pp. 1-2) .

Paragraph 135 of the Beijing Declaration and Platform for Action of the fourth World conference in 1995 states that “while entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and sex” (UN Women, 1995, p. 57)

Nepal is a signatory of both Acts and torture is criminalized under Nepali law and policies, but implementation is very weak. This lack of implementation is in part why many women who faced gender-based violence during the war are not getting justice and are not included in the interim compensation policy of Nepal. Many women were tortured while they were in prison.

In Greece the prisoners especially women were tortured for hours on a daily basis, usually naked or half naked, in some cases with their eyes covered. Five to six officers

took the role of tortures and many were present. Besides, methods of torture included beating naked bodies, burning of cigarettes and also involved rape and genital penetration with objects and water (Stefatos, *The female and political body in pain: Sexual Torture and Gendered Trauma during the Greek Military Dictatorship (1967-1974)*, 2016, p. 74). It is also similar to the cases of Peru (Boesten J. , 2014, p. 32).

3. Trauma

The American Psychiatric Association defines trauma as direct personal experience of an event that involves actual or threatened death or serious injury, or threat to the physical integrity, or witnessing an event that involves death, injury, or a threat to the physical integrity of another person or learning about unexpected or violent death, serious harm, or threat of death or injury experienced by family members or other close associated (Criterion A 1). The person's response to the event involves intense fear, helplessness or horror in children; the response must involve disorganized or agitated behaviour (Criterion A2) (American Psychiatry Association, 2000, p. 463)

In Nepal's armed conflict, many women belonging to both rebel groups, as well as the general public, directly experienced the kind of trauma mentioned above, and many women suffered in conditions defined in Criterion 2. However, there has been no specific measure put in place by the state to deal with this type of trauma.

To survive war is to personally and collectively deal with the horrific aftermath- the trauma to body, psyche and soul, the devastation of communities and the effects on quality of life. The challenge for communities is to come to terms with what has happened, develop a sense of present and future possibilities, and to be able to heal as a collective (McKay & Mazurana, 2004, p. 33) . Furthermore, these are "soft effects" because they are about people rather than institutions, and their importance is easily overlooked (McKay & Mazurana, 2004, p. 33) . Nepal's peace process has ignored the

psycho-social effects on individuals; the peace process has mostly focused on institutionalizing political agendas and investing in reconstruction of physical, educational and political infrastructure. This was especially true among women. The peace process missed out in dealing with the psycho-social and cultural issues for women, leaving big gaps in individual and community reconciliation. Healing trauma is also acknowledging the suffering of women, which can also play a vital role in the sense of restorative justice for these women.

Although the specific psychological effects upon, and exact responses of, particular individuals are unique and difficult to assess, psychologists and mental health workers increasingly claim to have begun to identify a range of common psychological symptoms that are present following exposure to violence. Most survivors of violence show some symptomatic responses (Hamber, *Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health*, 2009). According to Beriston and Silove, “epidemiological research shows that 25-40% of survivors of violence in post-conflict populations have post-traumatic stress symptoms”. Some specific responses to direct political violence include self-blame, vivid re-experiencing of the event, fear, nightmares, feelings of helplessness, hyper vigilance, depression, relationship difficulties, and feeling of social disconnectedness, anxiety and even substance-abuse related difficulties (Hamber, *Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health*, 2009, p. 19). Hamber also argued that trauma should not only be understood as being about damage to individuals but also about destruction of the social fabric, of community and relationships. In this context, it is not just the women that are suffering but their families and friends are also affected difficulties (Hamber, *Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health*, 2009, p. 19) . Physical and sexual violence, particularly towards women and

children, occur with greater regularity during and after an armed conflict. Impacts 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 issues that are best left alone (Jack, 2003, p. 3). The atrocity of rape has been considered as private, and women have remained silent. It has been extremely painful for women to include trauma in their narratives, and when they did decide to share their traumatic stories, there was an obvious reluctance to talk about the sexual nature of their victimization. The women more easily discussed the physical abuse and psychological violence, while their narration was brief, succinct, and lacking in details (Stefatos, *The female and political body in pain: Sexual Torture and Gendered Trauma during the Greek Military Dictatorship (1967-1974)*, 2016, pp. 82-83). As argued by Stefatos, in this transitional justice process of Nepal, due to the lack of a conducive environment, women are still unable to vent their trauma and talk about real incidents. Women throughout the world report that fear of stigmatization keeps them from seeking services after the rape, even though timely intervention can be lifesaving (Harvard Humanitarian Initiative, 2011, p. 2). Likewise, echoing the findings of the report of Harvard Humanitarian Initiative (2011), women in Nepal who faced sexual assault are also impacted psychologically, physically, economically, culturally and socially. The communities that these women belong to question their morals and blame them for the incidents they have suffered.

As in the history of other countries in the world, in Nepal also women who experienced the impact of armed conflict suffered differently due to their biological status and the multiple roles they have to play in the society. In many cases, women were compelled to marry the man who raped her in the time of conflict. In addition, in many instances, they also have to play the role of breadwinner as well, due to the absence of male members in the family. However, women who were raped and physically assaulted

in the time of conflict, are still not able to deal with it and because of this, their psychological status is affected. They still blame themselves for the incidents which they had to go through, and are still not speaking about their suffering. Their silence contributes to rising impunity. A shift of their shame to the perpetrator is important, and it is only possible if they break their silence and let go of their notion of self-blaming.

4. Greed vs. Grievances

All rebellions are accompanied by a narrative of grievance, simply because publicly- announcing greed-based motivations would lead to reduced support.

Furthermore, the main characteristics of civil war-prone states are: heavy reliance on primary commodity exports, a large percentage of unemployed and uneducated young men, and a sudden and rapid economic decline (Collier & Hoeffler, 2004, pp. 565-595)

According to Walter, basic living conditions and the average person's access to political participation have a significant likelihood of renewed war, regardless of what has already happened in a previous conflict. She further argues that countries whose citizens enjoy high levels of economic well-being and have access to a more open political system are significantly less likely to experience multiple levels of wars than autocratic countries (Walter, 2004, p. 372).

Grievances such as inequality and discrimination were contributing factors that started Nepal's armed conflict. The aspiration promised by the Maoist Movement was not fulfilled to women. Many unemployed men and women participated in the armed conflict hoping to get the war/peace dividend. Personal context analysis after the peace accord of 2006 has observed that the grievance-led Maoist movement turned out to be a greed-led movement, which can be also validated from the poor psychosocial and economic conditions of the ex-combatant women, and that those who were sexually assaulted in the time of conflict have not been able to get any dividend of the peace. The so-called

political transformation benefitted only limited groups like male leaders of specific ethnic groups within the rebellion group, which consequently led to the emergence of new conflict in Nepal during the period of 2006-2016.

After the war ended, women who suffered from gender-based violence continued to deal with the pain inflicted at the time of conflict. Women who were victimized sexually and physically at the time of conflict continue to wait for a conducive environment where their basic rights and needs (physical, economic and psychological) will be fulfilled. Without addressing the real grievances of the women from the time of war, the effort of reconciliation at the individual and community level will not succeed, as it is a crucial factor for sustainable peace building.

5. Conflict context and gaps

Nepal entered into the post-conflict era after having a Comprehensive Peace Accord in 2006, but has continued to experience the changing nature of the conflict even afterward. . In this prolonged transition phase, Nepal faced some new conflicts and incidents such as the Terai movements, federalism issues, rise of ethnic voices, Hindu-Muslim violence and two devastating earthquakes on April 25 and May 12, 2015. After the announcement of a new constitution in September, 2015, there was heavy dissatisfaction seen among the people of Terai region that led to protest against the constitution where almost 100 people lost their lives. The state and the political parties are mostly focusing their efforts in managing the emerging conflict and institutionalizing the liberal peace, by forming big structures and concentrating on policy-making. They have failed to address the structural issues which have been ensured in the Comprehensive Peace Accord. They have also failed to address the deep-rooted impact of the conflict among women who faced gender-based violence, especially of the women who were raped and physically tortured (Nagarik Aawaz, 2017).

In this scenario, it is evident that the impact of the 10 years of armed conflict, two devastating earthquakes and undeclared embargo is still hampering the social, political, psychological and economic well-being of the women who faced gender-based violence. At this current moment also, there is no effort from the state to find out how the women who faced gender-based violence, especially women who were raped and physically assaulted define dignity, justice and their needs. In the Comprehensive Peace Accord of 2006, it is mentioned that the truth and reconciliation commission will be formulated within six months of the Comprehensive Peace Accord and will carry forward the truth-seeking process. Whereas the two Truth-Seeking Commissions: Truth and Reconciliation Commissions and Investigation on Disappearance Commission, were formulated under Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, (2014) after 10 years of the Comprehensive Peace Accord in 2015 only, but failed to incorporate the issues of gender justice.

During July 2017, while the government again redistributed Rs.500, 000 as compensation to the conflict victims, once again women who faced gender-based violence, especially those who were raped and physically assaulted, were excluded in receiving. They are not defined as conflict victims in the Citizen's Relief, Compensation and Economic Assistance Procedure, 2009, despite huge advocacy done by human rights and peace building organizations to incorporate women who faced such gender-based violence in the category of conflict victims. It is interesting to see the contradiction in the government bills and plans where in the National Action Plan of United Nations Security Council Resolutions 1325 and 1820 sexually-tortured women have been recognized as conflict victims, whereas The Citizen's Relief, Compensation and Economic Assistance Procedure, 2009 does not define women who faced gender-based violence as conflict victims and does not provide any interim compensation to them. And both that bill and

plan and policies are formulated under the Ministry of Peace and Reconstruction. Once again, the contradicting policies of government are leading in diminishing the need and dignity of women who faced gender-based violence in the time of conflict.

In the National Sharing Workshop organized by my organization on July 31, 2017 with the representation of both the commissions: Truth and Reconciliation Commission and Investigation on Enforced Commission, conflict survivors (women from 32 districts among 75 districts of Nepal), organizations working on peace building and media the Commissioner from Truth and Reconciliation provided the information that there are 300 cases of sexual violence and torture that have been filed but it has not been openly mentioned that among these there are also cases of rape and unlawful acts (Nagarik Aawaz, 2017). In this scenario, still there is no specific data available as to how many cases of sexual violence were filed in the commission through Local Peace Committees. The fear of stigmatization, lack of safe spaces for women and other security measures also contributed to women's not reaching to Local Peace Committees to submit their application, as had happened in the cases of Guatemala and Yugoslavia, as mentioned in the literature above. In many Local Peace Committees, the secretaries appointed are men, which has also led women to not submitting their application in the peace committees.

The major gaps from the truth-seeking commissions are that these commissions are not reaching out to the community and have not been able to provide assurance to the women about their safety in submitting applications of war-time incidents. A question raised by one of the participants in the National Sharing Program was "How many times you have reached into our district?" (Nagarik Aawaz, 2017); exemplify TRC is not reaching into the community.

There is no effort from the state to formulate mechanisms where the suffering of the women who faced gender-based violence (especially women who were raped and

physically assaulted in the conflict era), can be dealt with delicately through state-formulated transitional justice mechanisms. Two commissions, Truth and Reconciliation Commission and Investigation on Enforced Disappearance Commission, emphasize giving amnesty to the people in forced reconciliation and forgiveness. Although the government has approved the regulation of the commissions, it has taken away their crucial power, including the power of the commission to arrest an accused. Furthermore, to collect the cases of the victims, commissions are coordinating with Local Peace Committee (LPC), which is also a highly politicized institution, and in this scenario it is very unlikely that the cases of the women who faced gender-based violence will be dealt with sensitivity. Besides this, these women also have been unable to openly express their suffering in their families and with their relatives as culturally it is considered a prestige issues for the women, their families and within their communities. In the absence of any kind of support system within the families and at the level of the state, women are compelled to hide their trauma and suffering within themselves. Nor is this limited to psychosocial aspects, but they are also dealing with various physical problems with their reduced self-esteem, which is keeping the women from living with dignity.

Although the National Action Plan on Security Council Resolutions on Women, Peace and Security clearly states the special needs of women in war including victims of sexual violence nothing has been done to support these women so far by creating the spaces where they can live dignified lives (Ministry of Peace and Reconstruction, 2011). Women throughout the world report that fear of stigmatization keeps them from seeking services after the rape, even though timely intervention can be lifesaving (Harvard Humanitarian Initiative, 2011, p. 2). Now Nepal is in process of formulating a second National Action Plan on Security Council Resolution 1325 and 1820.

Further, in Nepal's conflict era many women suffered from physical and mental torture from both warring parties, the Maoists and the State, as weapons of war, which had profound physical and mental impact on their lives. These women were tortured in the form of rape, sexual assault, beating, electrocution, premature burial, urination in their mouth, being locked in dark rooms for several days, and being forced to carry weapons and other tools for long hours. In the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) Article 4 highlights that the act of torture must be punishable. However, due to weak policy implementation, women are not getting justice in their lives. In this scenario, once again, women who faced gender-based violence are compelled to live with the notion of victimhood with a long-awaited journey for achieving justice.

Paragraph 135 of the Beijing Declaration and Platform for Action of the fourth World conference in 1995 emphasizes the need to address the issues of women in armed conflict. Ironically, while the Nepal government formulated the interim compensation bills, the women who faced gender-based violence, especially women who were raped and physically assaulted, were not included under the category of conflict-affected women, and were thus excluded from getting compensation from state. Besides, in a patriarchal society like Nepal's, the women could not openly share their grief to the people as women's sexuality is considered a prestige issue for the women themselves, their families and their society.

Even after the 12 years of peace accords, the women who faced gender-based violence still continue to live with the sense of victimhood, and many struggle to reintegrate into their societies. These women are also having many physical and mental problems as highlighted by (Hamber, Transforming Societies after Political Violence : Truth Reconciliation and Mental Health, 2009, p. 19) such as lack of sleep, headaches,

restlessness, anger, sense of hopelessness, sadness, laziness, lack of appetite, feeling of isolation, severe mental problems, and lack of confidence to face outsiders. In this context, they alone are not suffering, but their families and friends are also affected. This is also contributing to societal damage through infliction of trauma. Furthermore, with the absence of any support mechanisms the women are disempowering themselves in terms of psychosocial aspects. Due to the state's incapability to manage the transition phase delicately and respond to the emerging conflict, the issues/problems of women who faced gender-based violence have not been mainstreamed in government policies. The Commission which was formulated in 2015 has a greater role in dealing with these kinds of issues and providing proper legal, economic and mental support to these women where they can feel the notion of justice in their lives.

Grievances like inequality and discrimination among its people were contributing factors that started Nepal's armed conflict. There were many youth that were unemployed and seeking immediate change and incentives who also supported the Maoist movement. The personal context analysis after the peace accord of 2006 has observed that the Maoist movement turned out to be a greed-led movement where the so-called political transformation benefitted only limited groups like men leaders of some ethnic groups of the rebellion group, which consequently led to the emergence of new conflict in Nepal during the period of 2006-2016. There is only nominal representation of women in the decision-making structure and in army reintegration, despite the fact that 40% of the first line combatants in the Maoist movement were women. The promise made to women that they would enjoy their power and rights after the political transformation remains lip service only. Only certain groups enjoyed the dividend of the peace process. The state and the Maoist party failed to address the serious human rights violations such as sexual and physical assaults in the transitional justice mechanisms. It forced women to live with

the notion of victimhood that exemplifies the vested interests and the greed of the leaders of the rebellion group, as they become the mainstream political party of Nepal.

In Nepal, the state and political parties' failure to provide opportunity to the people who suffered in a time of armed conflict and failure, played a vital role in the emergence of new conflict as mentioned by (Walter, 2004, p. 372). It can be validated by observing the recent violent activities of 'Biplov's' group, which is a fragmented group of then-Maoist parties where this group has already created more than 600 cadres now residing in one of the remote areas of Nepal called Kalikot district, located in the Mid-western region of Nepal. At the time of writing of this paper, the news are coming in that they have expanded their hold in three other districts of Nepal called Kapilbastu, Arghakahnchi and Nawalparashi. Kapilbastu is the birthplace of Buddha where in August 2019 one of big sculpture of Buddha was demolished, which also gave the indications of some unrest and a kind of rise of religious fundamentalist activities in Nepal. Due to the failure to address or manage the transition phase in the multilevel process by addressing the structural causes of the conflict, such kind of unrest is happening in Nepal. And also due to the political bargaining between three major parties, at the time of writing of this paper the government of Nepal has not been able to appoint both the commissions after the resignation of the former commission on April 2019, which derailed the process of Transitional Justice mechanisms. In this scenario, women who were victimized sexually and physically in the time of conflict continue to wait for a conducive environment where their basic rights/needs (physical, economic and psychological) will be fulfilled, which again has contributed to developing trans-generational hatred among these communities. Without addressing the real grievances of the women from the time of war, the effort of reconciliations at the individual and community level will not succeed, as it is a crucial factor for sustainable peace building.

In this context, this research is very relevant in understanding how the women who faced gender-based violence, especially the women who were raped and physically assaulted define dignity, justice and need. The findings of this research will be shared with the relevant organizations (Human Rights Organizations, and NGOs working in the area of peace building) and at the policy level, especially with the Truth and Reconciliation Commission and Investigation on Enforced Disappearance Commission, Government of Nepal and other justice mechanisms for effective intervention to support the women to live dignified lives.

It is necessary to look at the issues of women who faced GBV in the time of conflict with the lens of gender perspectives by all the stakeholders, including truth-seeking commissions, government agencies and the civil society organizations. This research has mostly focused on listening to the narrative of the women who faced GBV and their perspectives of dignity, justice and need. It has also tried to explore the practices and gaps of the transitional justice process of other countries who went through protracted conflict. Since women who faced GBV also went through serious torture and are dealing with trauma due to the horrific incidents in their lives, presenting their issues/voices to different stakeholders for proper intervention is also one the aspects of this research. Similarly, it is also important to address the grievances of the people, especially of the women that have been harmed in the time of conflict, to sustain the peace process and support women to live with justice as well. This research will also try to highlight those issues that might also contribute in reconciliation initiatives initiated by different stakeholders.

Chapter 3

Research Methodology

This chapter describes the methodological approach of the research, which includes research design, research area, sample, data collection, process of data analysis, limitations of the research and the ethical considerations.

1. Research Design

The primary methodology used in this study was a case study research methodological approach. Case studies are the preferred approach when “how” or “why” questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real life context (Yin, 2003, p. 2) . The study focuses on a contemporary phenomenon within a real life context of the women who faced gender-based violence, thus making case study the most appropriate methodology. Similarly, the case study methodology is a qualitative approach in which the investigator explores a bounded system (a case) or multiple bounded systems (cases) over time through detailed, in-depth data collection involving multiple sources of information (e.g. observation, interviews, audio-visual materials and documents and reports) and reports of case description and case-based themes (Creswell, 2007, p. 73) . Multiple sources of information such as key informant interviews, focus group discussions, case studies, consultation meetings and personal observation from participation in workshops and seminars were applied to gather the data during the research journey.

Furthermore, this study is rooted in critical theory. Critical theory is a social theory oriented toward critiquing and changing the society as a whole, in contrast to traditional theory oriented only to understand or explain phenomena. Critical theories aim to dig beneath the surface of social life and uncover the assumptions that keep us from a

full and true understanding of how the world works (Crossmann, 2020) . A theory can only be considered a true critical theory if it is explanatory, practical, and normative, meaning that the theory must adequately explain the social problems that exist, it must offer practical solutions for how to respond to them and make change, and it must clearly abide the norms of criticism established by the field (Horkheimer, 2002, p. 211) . Critical thinking is the function neither of the isolated individual nor of the sum-total of individuals. Its subject is rather a definite individual in their real relation to other individuals and groups, in their conflict with a particular class, and finally, in the resultant web of relationship with the social totality and with nature (Horkheimer, 2002, p. 211) . Critical perspectives are concerned with empowering human beings to transcend the constraints placed on them by race, class and gender (Fay cited in Crosswell, 2007, p. 27) .

In Nepal, limited work has been done that has dug beneath the surface of the social life of the women who faced gender-based violence, especially the women who were raped and physically tortured during the conflict era. The issues of the women who faced gender-based violence have been largely ignored in the post-conflict era of Nepal. As Horkheimer, (2002) stated, as individuals, these women also have different relations with other individuals and groups as well. Furthermore, as a part of the system of this world, their suffering is interplaying negatively in different dimensions of conflict due to the unavailability of the spaces created by the state and non-state structures, and lack of recognition of their suffering due to existing gender norms and gender hierarchy. It is equally imperative to address the current needs of the women and to create a space whereby they live with dignity and justice. In addition to this, their struggles of change also need to be highlighted. In relation to this, I have applied the critical theory in my research to bring to light the issues of the women who faced gender-based violence,

especially women who were raped and physically assaulted; their suffering, and their struggles for change as a means of bringing societal change by reaching different stakeholders.

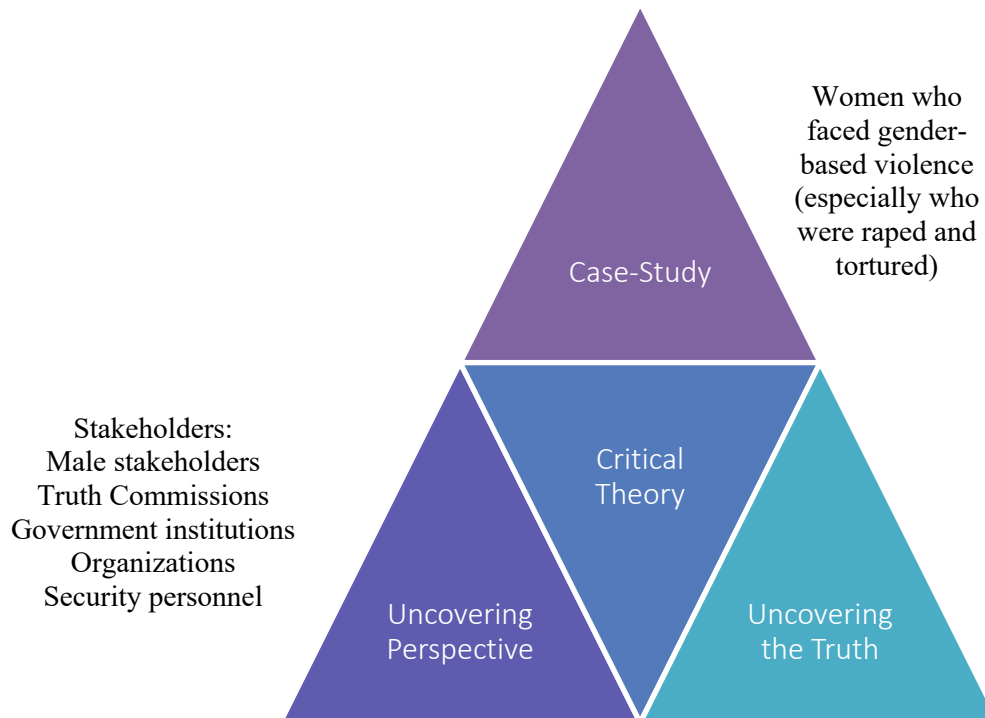


Figure 1 Conceptual Methodology

2. Research Cycle:

My research has followed an action research framework. Three cycles have been applied in this research. The first cycle was mostly focused on understanding how the women who suffered gender-based violence, especially those who were raped and physically tortured, define dignity, justice and their needs. I have included my research questionnaire and case study format in Appendix I, Appendix II, Appendix III, Appendix IV, Appendix V and Appendix VI respectively.

The second cycle was focused on building a strategy to help these women address their needs by reaching out to different support networks. The third cycle was mostly focused on making understood the rooted definition of dignity, justice named by the participants to the transitional justice commissions, Government of Nepal, other justice mechanisms and other organizations, so that they start to support conflict-affected women to address their needs with proper intervention. In every cycle, the process of action and reflection was applied. Reflection from each cycle served as learning for the next cycles. The learning from each cycles and the process were fed into the next cycles while designing the research activities. I have incorporated my personal reflection as well as reflections of my other colleagues.

3. Location of the Field work and Sample size description

There is no specific data available at this stage about how many women were raped and physically tortured, in Nepal. The Location of the field work were Kailali and Udaypur for the focus group discussion. The districts were chosen as these districts were the worst impacted districts during armed conflict where many women from Chaudhary and Dalit communities were sexually abused during armed conflict. This has also been reported from the conflict-affected women themselves in many meetings and workshops organized my organization as well as by other organizations. They are still living there, and my organization is working in this region. As in Nepal, sexuality is considered as prestige issues of the family and for the women who faced sexual violence, is very difficult to come out and express about their incidences and suffering. In addition, women who faced sexual violence are considered as 'impure' and characterless in Nepal and blamed for the incidences happened to them. This is why I applied purposive sampling for this research. I used survivor to survivor approach where I got the support from other conflict affected women who were also impacted by armed conflict in different forms, in

reaching out to women who faced sexual violence. By doing so, it also helped to gain a deep trust from the women who faced sexual violence in the time of conflict where they openly expressed their idea of justice and dignity for them and about their need. The case studies of women who faced sexual violence in the time of conflict were collected in Kathmandu district and are from Banke, Kailali, Udaypur and Dailekh district, women who came to participate in one of the workshops organized by the organization Nagarik Aawaz that helped me to get the perspectives of the additional women who faced sexual violence from other districts and provinces as well.

There were altogether 35 in the sample size who participated in this research. The primary participants for this research were 16 women who faced gender-based violence during conflict time from Kailali, Udaypur, Banke and Dailekh districts, within the age range of 18- 60 and participated in 2 Focus group discussions and in the time case study collection. The 11 women participated in Focus group discussions, 1 in Kailali district and 1 in Udaypur district, comprising 5 and 6 individuals in each focus group discussion and 5 who participated in the time of collecting individual case study in Kathmandu and represented Udaypur and Kailali districts, and two from new, different districts from Banke and Dailekh districts. The secondary participants of this research were 12 male stakeholders (teachers, leaders of the political parties, scholars, journalist, human right activists, former local peace committee members and representatives of local government structures from Kailali and Udaypur districts) who participated in 2 focus group discussions: 1 in Kailali district and 1 in Udaypur district, comprising 6 individuals in each focus group discussion. The additional samples were 7 Key Informants who participated in key informant interviews: 1 representing Truth and Reconciliation Commission who is also looking at the cases of sexual violence, 1 representing a Government Institution who is responsible for providing compensation to the victims, 2

representing the organizations working with conflict-affected women, and 3 representing Security forces (2 male members- 1 from army personnel and 1 from police personnel and 1 woman from police personnel, to see the gender perspectives of security personnel.)

4. Data Source and Collection

In this research, qualitative information were collected. Both primary and secondary data were gathered. 5 Case studies, 4 Focus Group Discussions (FGDs), 2 with the women who faced gender-based violence and 2 with the men group of the community to analyse the different perspective of men and women of the understanding of the dignity and justice, Further, in-depth interviews in a form of 7 Key informant interviews were conducted with 2 representatives of civil society organizations working with conflict-affected people, 1 with representative of Government of Nepal, with 1 with representative from Truth and Reconciliation Commissions, and 3 with the representatives of army personnel and police personnel (comprising 2 male respondents and 1 female respondent) which serve as the main sources of information, and are the primary tools for qualitative data collection. Secondary data were collected through review of various literature, national and international instruments, policies, bills, ordinance, reviews, reports, etc. Moreover, my personal observation from field visits and interviews, and other related reports also serve as secondary data for the research.

5. Data Analysis

The data gathered from case studies, FGDs and key informant interviews were line-to-line coded and grouped in different themes. 910 data points (annexed) were line-to-line coded, based on line-to-line coding and thematic analysis, coupled with review of secondary sources such as literature review, government data, reports, participation of the investigator in different meetings and workshops on the subject matter, were all analyzed

within the given context analysis to see how far it has been supporting the research objectives. Further, I also analysed the identified evidence or data with my research question as well as analysed whether it has addressed my research question or not as mentioned by Yin (Yin, 2003, p. 2). I have also triangulated the different sources of data in the analysing phase for the validity and reliability of the data.

6. Limitations of the study

This research is limited to a sample representing women who faced gender-based violence, especially those who were raped and physically tortured, from 4 districts of Nepal. As it is a sensitive issue for many women themselves, opening up was a challenge therefore involving many women in this research was a limitation. I reached out to the women who faced sexual violence with help of other conflict-affected women who are associated with Nagarik Aawaz, an organization with whom women who faced sexual violence had a deep trust. However, the status of the women selected for this research might be similar to other women with similar demography and who experienced violence in the similar time, with slight variations, and may be indicative of the problem in the country. This research is based on analytic generalization with corroborating its finding with its literature review and research questions.

7. Ethical considerations

This research dealt with a very sensitive group of the women who faced gender-based violence, especially the women who were raped and physically tortured. Moreover, in the current scenario, where they are not getting any peace dividends, I prepared myself to deal with their various level of frustration in the process of the research, and I dealt with them very sensitively in the entire process of the research, where they continued to be involved in the research process. Throughout this time, I maintained critical subjectivity. Further, I also maintained the necessary balance and confidentiality of the

Defining Justice & Dignity Through Gendered Peace Building

groups who are engaged in the entire research process. Before gathering the data, I openly shared about my topics and objectives of the research to all the respondents, and got their verbal consent in the process of data collection. In the past as well, I maintained the balance with the conflict-affected women while I was doing my action research for my Master's degree. My organization also has set some guidelines about how to maintain confidentiality while dealing and communicating with such groups while creating a safe space.

Chapter 4

Findings and Discussions

This chapter describes the findings and discussions of my action research process. The data collection, based on line-by-line coding and thematic analysis coupled with review of primary data sources: FGDs, case studies and Key Informant Interviews and secondary data sources which were collected through review of various literature, government data/ reports, national and international instruments, policies, bills, ordinance, reviews, reports, participation and observation in different meetings/workshops on the subject matter, led to the major findings below.

In the first phase of my research cycles, I continued to review different available literature related to my research topics. Based on that, and by analyzing the current context of Nepal, I prepared the case study format which is attached in the annex. Taking advantage of a workshop which was happening in my organization, Nagarik Aawaz, during May/June 2018, I collected the case studies of 5 women who were sexually and physically abused in the time of conflict. Those women were from Dailekh, Banke, Kailali and Udaypur districts. Dailekh is located in Province no. 6, Banke is located in Province no 5, Kailali is located in Province no. 7 and Udaypur is located in Province no 2. This opportunity provided me a space to analyze the trend of the sexual and physical abuse in different provinces/regions, which I found mostly similar in every areas. With their verbal consent, I recorded their case studies and then afterward I transcribed them.

Reflecting on the outcome of the case studies, I prepared the questionnaire for Focus Group Discussion for the women's group who experienced sexual and physical violence in the time of conflict, and for the men's group, which is attached in the annex. Then I conducted 4 FGDs which were also a part of first cycles where I tried to explore the understanding of justice, dignity and need from the perspectives of women and from

men's perspectives. With their verbal consent, I recorded it and afterwards transcribed it. 2 FGDs with a group of 12 women from Kalilai and Udaypur districts who faced sexual and physical violence in the time period between 1996 and 2006 were conducted during May-July 2018. And 2 FGDs were conducted with 12 male stakeholders from the same districts in the similar period. A range of stakeholders participated in both FGDs with men stakeholders, including political leaders, human right activists, academics, former members of Local Peace Committee, Maoist ex-combatants, journalists, ward secretaries and teachers. Both the Udaypur and Kailali districts were severely affected by conflict. In Udaypur, 118 people died, 6 people disappeared, and many women were sexually abused. Substantial physical and human damage also occurred in Kailali.

After the completion of case studies and FGDs with both women and men's group and with the reflection of the outcomes of both the activities, I prepared the questionnaire for key informant interviews, which is attached in the annex. Then I conducted the key Informant Interviews, also a part of my first cycle, where I tried to capture the perspectives of key informant interviewers regarding justice, dignity and needs of women who were sexually and physically abused in the time of armed conflict in Nepal. I interviewed the representatives from Truth and Reconciliation Commission (TRC), Home Ministry, 2 representatives from organizations working for the rights of conflict-affected women: The Story Kitchen (TSK) and Women for Human Rights (WHR) and with the 3 representatives of Security force: one with the representative of army personnel, one with the ex- police personnel and with the female representative of police personnel to see the gender dimension of security force. I didn't plan to have an interview with the security force while I was writing my research proposal earlier, but after the advice from my supervisor and after listening to various perspectives, I felt it is critical to have the

interviews with the security force, which would give the research an important dimension, and I interviewed with them.

In order to explore the perspective of government institutions and their view about justice and dignity, I reached out to the Truth and Reconciliation Commission (TRC) and Home Ministry. I talked with one of the Women Commissioner of TRC and one male Undersecretary of Home Ministry. I was not allowed to record our communication in the tape recorder, but allowed to take a note in my notebook with their verbal consent. Earlier, I had planned to take an interview with representatives of Peace Ministry, but unfortunately, it was dissolved and many activities of the Peace Ministry were taken by Home Ministry. There were 8 relevant questions asked to both the representatives which are attached in the annex.

Similarly in order to explore the perspective of organizations and their views about justice and dignity, I reached out to two organizations: Women for Human rights (WHR) and The Story Kitchen (TSK). I choose these organizations as they are working with conflict-affected women and supporting women who faced sexual violence in the time of conflict-era with different initiatives. I conducted an in-depth interview with the Founder/ Director of The Story Kitchen (TSK) and with Program Manager of Women for Human Rights (WHR). After that I transcribed the interview.

In order to explore the perspective of the security force, I had an in-depth interview with former AIG (Man) who was Superintendent of Police in one of the conflict-prone districts, current Senior Superintendent of Police (woman) who was Inspector and posted in one of western district of Nepal in the time of conflict, and with the army personnel, who is currently working as Lieutenant Colonel (man) and was a Captain in the army in the time of the conflict and posted in the western part of Nepal. To know the male and female perspectives concerning justice and dignity, I reached out to all

three interviewees who were also actively working in the time of conflict being with a police force and in the army. However, I could not take the women's perspective from the army, as in the time of conflict at the front line, women were not being mobilized. There were eight relevant questions asked to all the three representatives and which are attached in the annex. I was not allowed to record their interviews but was allowed to take a note in my notebook with their verbal consent.

As a part of second cycle of the research, through my organization Nagarik Aawaz, I took a lead to conduct Women Peace Tables during July 2019- October 2019 in seven provinces of Nepal by inviting different category of conflict-affected women (who lost their husbands, whose husbands were disappeared, who were sexually and physically abused and tortured, ex-combatant and injured women). We also invited most of the women whom I interviewed in my FGDs and while taking Case studies, and included them in different provincial-level women's peace tables so that they could also put their voices to the local government structures and policy makers. Further, they could also demand their needs, their quest for justice and dignity; as well, people from government and policy-makers could hear their unheard voices to transcend their situation and condition. I was also using my critical theory (See the pictures attached in the annex). They were invited together with other conflict-affected women so their identity would not be exposed openly, but they could have a space to share their current conditions, needs and issues of justice and dignity. I tried to build a strategy to help women who were sexually and physically abused in reaching out to different support networks by themselves to address their needs. As a part of the third cycle, I developed a booklet capturing the preliminary findings of my research, and also presented it to the Home Ministry, other national and international research conferences, International organizations, and organizations working in Nepal, so that they could start looking at the

gendered lens and incorporate the needs/ demand and voices of women while making their plan and implementing action, whereby the women's dignity and justice issues can be addressed. Further, I also participated in many seminars, workshops, and national and international forums related to my topics where I presented the issues of women who faced sexual violence and their quest for justice, dignity and needs. I also published the issues of women who faced sexual violence in daily newspaper as a part of third cycle.

After the critical reflections of all three action research cycles and research activities, I have made the following findings and discussion.

1. Impact, Result and Experience of the Incident

While corroborating and triangulating different data sources, such as from FGDs and case study with the female respondents who faced sexual violence in the time of conflict, and FGDs with the male stakeholders, as well as from key informant interviews with various respondents from security forces, organizations working with conflict-affected women, TRC, government, and from my participation in various workshop related to my research topics, and through literature review, it was revealed that the impact of the armed conflict is huge among the women and girl children in different ways.

Almost all the women who faced sexual and physical violence in the time of conflict and whom I interviewed were dealing with different problems in terms of social, physical, familial, economic and psychological issues up to the present, due to the absence of any substantive support from their family, community and the state. Every one of them was tortured and raped very brutally. Many of the women were 12-15 year-old school students at the time of conflict, and were tortured and raped mostly by security personal. In the process of my data collection, only two women suffered from the Maoist side, but they didn't explicitly said they were sexually abused by the Maoist cadres.

While conducting 2 FGDs with the male stakeholders, it was found that each and every person who was present in the FGDs was affected by the conflict in some way. Most of them were impacted by both parties. A few of them migrated from their home towns due to security reasons, two of the respondents' family members were killed as well from the state and army, and three of them were involved in Maoist movement as cadres. Almost all of the participants shared that women were impacted differently due to sexual torture, especially by security personnel, in the absence of male members in the house. It was shared that, compared to other communities mostly the people from Tharu community, Dalit community and from ethnic community were more affected in the time of conflict and among them especially women. They reported who could not claim offence were the most affected group in the conflict. Chaudhary and Dalit community were especially looked at differently by the army as there was an involvement of these communities in the Maoist movement. The respondents further shared that the main reason for women's involvement in the conflict was poverty, lack of opportunity, education and space for their representation, and they also participated for system change.

The respondents from The Story Kitchen (TSK) –organization working for the rights of conflict-affected women in the time of Key Informant Interview reported that women's stories had never got the space in mainstream media. History was never written from women's perspectives. To challenge the mainstreaming media, they started their work to highlight the issues of women whereby the general public can also understand the women's perspective as well. They further reported that, in 2015, the two truth-seeking commissions: Truth and Reconciliation Commission and Investigation on Disappearance Commission, were established, but they realized that the issues of women who faced sexual violence in the time of conflict-era were not coming out, were excluded and not in the discourse while the commission was formulating.

Similarly the respondent from Women for Human Rights (WHR), the other organization working for the rights of single women and conflict-affected women, reported that while they started to work with conflict-affected women, the women who were sexually abused didn't come out openly, but once the women knew for whom WHR was working, many conflict-affected women were also part of the single women group, it helped sexually-abused women to come out.

In the time of Key Informant Interviews with the security personnel, they expressed that the families of security force and Maoist combatants, especially the wives of the security force and children, were the most affected by the armed conflict. The respondents from security personnel expressed that many women were displaced from their hometown and their children were also threatened by Maoist party with abduction and couldn't go to the schools. And after the killing of the husband, the responsibility of the household is automatically transferred to the women. Since the respondents from the security force did not mention about the impact on women due to sexual violence, I had to ask them about their awareness of the sexual violence that happened to women in the time of armed conflict. They didn't explicitly answer about their awareness of sexual violence among the women. When asked about their role and the effect of the conflict on them, all three representatives of a security force mentioned that, at the personal level as well as at family level, they were under a huge threat. The Maoist party also targeted their families. One of the male respondents who was Superintendent of Police was attacked three times together with his family. While talking about the security situation he mentioned that, being in charge of the security, he was responsible for the security of himself, victims' security and the security of the whole police force. It was a painful moment. All the police force used to sleep at one o' clock in the night only, convinced that after that there will be no attack from the Maoist side. The women respondent from

security force, who was Inspector in the time of conflict, mentioned that she didn't work in the field but was working inside the training center. However, being security personnel there was a daily threat to her as well to her family. The respondent from the army, who was a Captain in the time of conflict, mentioned that being in the army his family was always in psychological fear for his safety. He had seen many army friends killed. The army personnel also mentioned that, before 2001 AD, mobilizing the army was not in the thought of government, but after the sudden attack in the barrack of the army in Dang, the government took a sudden decision for the state of emergency and to mobilize the army, but the army as an institution was not prepared. The answers from the respondents revealed that everyone in the security force was in a huge threat from the Maoist Party. It was also likely that women were less mobilized in the field by the security force. The answer from the male respondent from the army force reflects that the government was not prepared for the big armed conflict, even 6 years after the initiation of armed conflict. If it would have taken it seriously, the big losses in terms of human cost could not have happened. The government started a late response for dialogue with the Maoist party, which accounts for another 5 years with the huge loss of human life and many human right violations, including killing, torture, and rape from both the parties.

According to the analysis of data I collected, I have come up with the following findings about the impact, experiences and results of the armed conflict among the women who faced sexual violence in the time of conflict and which are categories in different sub-themes:

a. Weapons of war/Strategy of war:

In today's conflict, 85% of victims are civilians, of which the majority are women. Women in a conflict environment are at risk of multiple levels of violence (Coomaraswamy & Fonseka, 2004, pp. 2-3) . In Nepal, women who participated in the

armed conflict, as well as civilian women, were targeted by security personnel and were sexually assaulted during the civil war. While women were in custody, the security personnel would verbally abuse them to instill the notion of shame and guilt among the women for participating in the Maoist movement, which was one of their strategies for control, which is validated from this excerpt which I highlighted below.

My argument in literature review reaffirms that rape also serves a strategic purpose, and is used as a weapon of war to destroy communities both morally and physically, to spread fear and terror, and to reconfirm military masculinities and troop loyalty, as seen from the below excerpts from various respondents of my research process (Boesten J. , 2014, p. 70). Most of the women who were sexually abused were blindfolded and had their hands tied before the torture and rape to ensure that the women would not recognize them afterwards. It also shows the brutal crime against humanity inflicted by the duty-holders of the state.

A female respondent from Kailali district during a focus group discussion cited that *'I was blindfolded and had my hands tied before the torture and rape. This was a strategic move by the security personnel to ensure that I would not recognize them afterwards. The security personnel came in search of male members in the house. When they didn't find the males, I was sexually and physically tortured as a 12-year-old girl. 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.'* The other female respondent from Udaypur district during focus group discussion cited that *'during the time of arrest I was tortured a lot physically. They used to express so much bad words to me. As a woman hearing those words were a shame for me. My body still trembles remembering those torture and words.'*

Similarly the other female respondent from Udaypur district during focus group discussion cited that *'While I was kept in jail, I could not tell you about the incident of torture and the suffering that I went through now. They used to spell so many vulgar words and it seems like the whole community of security personnel was taught to do so. I used to feel if they can kill me will be the better option rather than facing the torture, physical as well as verbal every day. I was kept in 2 months in a police station and in Jail for 8 months then I was released.'*

The other, a female respondent from Banke district during case study, cited that *'I was alone in my house. I had worn a middy and my father's shirt. We Tharus make Chyang (traditional liquor made through grains). The army men asked for Chyang and I offered it to them. There were 9-10 army men. They pointed gun towards my breast and teased me saying why I was keeping those "bombs" there. They also touched my breasts and then they raped me. I was conscious until two men raped me, after that I became unconscious. I don't know how many army men raped me.'*

The below excerpts from the male stakeholders also reconfirm that women were used as weapon of war and rape was used as strategy of the war. One of the male respondents from Kailali district during focus group discussion cited that *'women were used as weapon of war'*. This can also be related to the testimonies of other male respondent from Udaypur cited during focus group discussion that *'in the time of conflict one journalist wrote something against security personnel. He was called by the security personal and the security personal threatened him by saying that I will rape your wife unless you write the news.'*

The male respondent, a human right activist from Udaypur district, also cited during focus group discussion that *'during the time of conflict, the security personnel were not allowed to go to their home and had to stay in barracks. The government*

initiated the Kilo Siera 2 operations where the security personnel were in heavy search of Maoist cadre. When they did not find them, they inflicted sexual violence on a group of women and girl children. It was their strategic move to spread the terror among the family and the community. The security personnel used women's sexuality as weapon of war to spread the message of fear in communities'. He also reported that 'the security force tortured those communities who were weaker and marginalized, especially from Chaudhary or Dalit communities, from poor communities and those communities who didn't have voice and were powerless.'

The other male respondent from Kailali district and currently a ward member during the focus group discussion cited that *'women had their hands tied and were blindfolded before they were raped and some of them were even killed after being raped.'* The male respondent from Kailali and from academia during the focus group discussion also cited that *'among the security personnel, there is a mindset of militarization as they have power and were directly involved in sexual violence.'* A male respondent who was also a Maoist leader from Kailali district during FGD cited that *'in the time of conflict most of the violence was done by the state. Obviously the state is always strong and it inflicts violence on the weaker group. In the time of conflict, elderly people, women and children remained in the village and women were sexually tortured in the name of search missions. There was no violence inflicted by the Maoist cadre. The whole community of Chaudhary and Dalit communities were considered Maoist and women from this community were tortured a lot.'* Similarly, it was also shared by him *'at the time of conflict, security personnel carried a mindset of militarization, and with the power of weapon and ammunition they committed sexual violence on many women at gun point.'*

Further, the respondent from the organization TSK working with conflict-affected women during key informant interview cited that *'torture and rape have been conducted*

within the Maoist movement as well, which is not coming out. The higher level and lower level security personnel were involved in rape. The Maoist leader denied that there was sexual violence within their movement but accepted that security personnel did it.'

Similarly, the representatives of TRC during key informant interview also cited that *'both the warring parties used women's sexuality as a weapon of war.'*

During the initial phase of the Key Informant interview the respondents from the security force didn't explicitly mention the cases of sexual violence. However, after the follow-up questions on sexual violence, the female respondent from police force and the man from army personnel mentioned that they haven't seen that from their eyes but only heard from the media. The male respondent from army even mentioned that it might be a truth or rumor. He argued that *'in his command this kind of incidences never happened, while they arrest the woman for the interrogation they have always followed the policy that they will not touch the women's body.'* He further cited that *'I am confident that the people from higher post has never done. Having said that I couldn't deny also sexual violence against women has not done by security force while they were in their search mission.'* The female respondent from security force during key informant interview cited that *'at the time of conflict men were also not comfortable going to the police station reporting for any of the cases because of the high security outside the police station with heavy security vehicles and people can imagine the reporting of sexual violence was how hard at that time'* She also highlighted that *'since security personnel were in the situation of do and die, they couldn't make the effort for relationship-building with the communities.'*

Contrast to the answers from above two respondents from army personal and female respondent from the police force, the male respondent who was the former security personnel during key informant interview mentioned that *'after a campaign dhad*

ma tekera taukama hanne' (a metaphor- Hitting on to the head climbing on to the back) initiated by Maoist, the fear was spread among the security force as well as a general citizen. ' He further highlighted that which was interestingly also in line with the above excerpt of the male respondent (human right activist) that *'after the initiation of Kilo Siera 2 operation security force went to villages in the action of massive brutality. It was said if they will arrest the Maoist cadre they will be rewarded. When the army personnel went in search of Maoist cadre in the night and when they didn't find male members, only saw elderly people, women and children, women were prone to violence and army personnel might have conducted sexual abuse to women in their gun point.'* Similarly, he mentioned that *'women were taken in Maoist camp and there was a slavery camp in Maoist camp where they used to take women for their entertainment.'* In addition, he also mentioned that *'women were mobilized as informant/spy by Maoist party and I guess when they were arrested by security forces they sexually abused them. Also while women are in detention illegally and in the time of clandestine operation these kind of violence might have happened.* It was also interesting to hear from him that *'the security force were carrying the mindset of militarization and when somebody is in power these kind of incidences happens. Sexual violence is all about manifesting power against powerless and that time women were powerless. Similarly, the security force was in huge stress and these kind of incidences of violence happened'.*

Although the representatives of security personnel didn't explicitly mention about the incidences of sexual violence, their expressions suggest that they were aware of the cases. After listening to all of the three respondents, I am convinced that the issue of sexual violence has not got the space for discourse in security institution. However, from the answers given by them after my provoking questions, I can imagine that they are aware of the sexual violence that happened to women in the time of conflict, though they

didn't explicitly mentioned about this. As argued in the literature review, there is a gap in viewing the cases of sexual violence through gender lens by government institutions and the commissions during the transitional phase, which also is being reflected from the answers of the representatives of the security institution, which also falls in one of the government institutions (International Center for Transitional Justice, 2006, pp. 1-3).

All above excerpts from various respondents illustrate that, as argued in literature review, sexual violence was a strategic move of the security personnel to spread messages of fear to the whole community, by instilling the notion that those who participate in the Maoist movement will be punished in an inhumane way of rape and torture, which was also argued by (Boesten 2014) . It also shows the existing social norms and gender hierarchy within the social context of Nepal, and how those people were violated within those structures at the time of conflict. As argued in my literature review, in Nepal also women were affected because of their status in society and sex, as highlighted in Paragraph 135 of the Beijing Declaration and Platform for Action of the fourth World conference in 1995 (UN Women, 1995, p. 57).

At the time of writing of this paper, there was news in one of Nepal's National Daily Newspaper –Kantipur on October 22 that one woman was raped by two trained dogs in the time of armed conflict, and army personnel were responsible for that (Kantipur Daily, 2019). The news was covered by Kantipur while in the lead of Conflict Victim Common Platform organized the initiatives called 'Truth telling' in Dang district of Nepal. That also shows the extreme mindset of brutality among the army personnel where they used women's body as a battlefield of the war and committed such a heinous crime. However, army personnel denied this case and also released their statement of disagreement with this news. In addition, this insensitive action of the national newspaper also created an environment of threat and insecurity among the victim women whose

story was covered and published. There were also cases of sexual assault and forced marriages within the Maoist party at the time of the Maoist movement, but it rarely comes out on the surface due to strong schooling inbuilt in their cadres. This can be also validated by following excerpts where one female respondent cited during case study that *‘the head quarter transferred me from Sidhupalchowk cantonment to Mahottari cantonment saying that they were taking me for the treatment but actually they had planned for my marriage. After marriage I tried to commit suicide several times as I was not ready for the marriage. After marriage I just stayed with my husband initially for two days and till 5-6 months I didn’t speak to him.’*

Though neither of the warring parties ordered their cadres/combatants in written form to carry out this kind of systemic violence of sexual abuse on women, the above excerpts as well as the analysis of different data sources I gathered, reinforce that women’s bodies were used as weapons of war by both parties. The security personnel went in search of male members in the homes of these women. When they didn’t find the males, they sexually and physically abused female members including young 12-year-old girls and breastfeeding mothers. As Nepal is a patriarchal society, women’s sexuality is also considered as an issue of prestige by communities and thus the security personnel also wanted to create a sense of humiliation in the family. Furthermore, the security personnel forced the women to sign in different documents without giving a chance to read them, thus forcing them to accept responsibility for things they didn’t do. When the women refused to do whatever the personnel said, they again started to inflict huge torture on these women. Following the release of these women, security personnel arrested these women by kidnapping them, giving no information about their whereabouts to the women’s family members. Women also expressed that every security personnel used to say horrific vulgar words to the women that caused them to feel long-term shame

and humiliation. The women noted that it seemed as though security personnel had been schooled and trained use these kinds of words when speaking to the women.

b. Young versus old:

It was also revealed while corroborating all the data source that most of the women who faced sexual violence were very young, between 12-15 years of age in the time of armed conflict, and were unmarried. There were also a few women who faced sexual violence at the age of 32-36 years whilst married. When comparing the level of trauma among the two age groups, it was found that the level of trauma among women who faced sexual violence at a young age is very deep compared to women who were aged 32-36 years and were married.

As I argued in my literature review, Nepal is a patriarchal society, where women's sexuality and purity is considered an issue of familial prestige. This context has contributed to the level of deep trauma among the younger women. One of the female respondent from Kailali who was sexually abused while she was 12 years old, during focus group discussion said that *'when I see the police it reminds me of those days and I feel uncomfortable. I get scared.'* The other female respondent from Kailali district who was also sexually abused while she was 14 years old, said during focus group discussion that *'this conflict left us huge scar that will remain until our death'*.

The idea that female victims of rape are 'impure' is a prevalent idea in Nepal, and as such it is very difficult to find a bridegroom for these women. These women are blamed by society for their suffering. However, during the focus group discussion it was revealed that the married women who experienced physical and sexual abuse during the time of armed conflict and were at the age of 32-36 at least are managing their life to some extent, which can be also exemplified in statements from that follow.

During the focus group discussion with women who faced sexual violence, one female respondent who is now at the age of 58 and was sexually abused while she was 32 years old and was married cited that *'we use to deal with our daily lives as like before. Nothing has been changed. We used to survive before conflict as well through our small farming and still continuing it.'* Similarly, another woman from Udaypur district who is now 56 years old and was sexually abused while she was 34 years old, during focus group discussion cited that *'I don't have health problem but in the past I had lots of medicine. I also do small farming and also animal rearing which is helping me for my family survival'.*

This shows the level of trauma among the young women who faced sexual and physical violence and were unmarried is very deep compared to the women who were married, faced sexual and physical violence and were aged 32-36.

c. Physical, Mental, Economic Conditions and Trauma:

Most of the woman whom I interviewed in case study interviews and FGDs are dealing with physical and mental health problem, dealing with trauma and poor economic condition. The participants expressed that flash-backs of the incident come and go each day. They reported seeing nightmares, not being able to sleep properly, and not wanting to talk with other people. This is also highlighted by Hamber (Hamber, Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health, 2009, p. 19) and is argued in my literature review and reaffirms my argument. All of them forget things quite often and get scared when they see a large group of people. In terms of physical problems, the case studies, focus group discussions and key informant interviews revealed that women who faced sexual violence are dealing with various kinds of physical problems due to the torture they endured. These problems include whole body

ache, regular malodorous urethral discharge which results in the need to change sanitary pads every three to four hours, severe back pain and regular headache.

These below excerpts show the multifaceted suffering, pain, grief, hardship and multilayered problems women are going through till now, with the absence of remedy they are seeking for. During the case study collection, one female respondent from Kailali district cited that *'sometimes I become very angry remembering those incidents and my whole body starts to tremble despite my attempts to forget that incident. If I hear loud sounds I get scared and my heart beats fast. I have never been to psychosocial counseling but I feel like I should go. I want to be psychologically and physically strong.'* In a focus group discussion, another female respondent from Kailali district cited that, *'now the next generation is also suffering, developing transgenerational hatred and identifying as victims. An environment has to be created where they can live with better conditions.'*

The other female respondent from Banke district during case study cited that *'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. When I wake up after such dreams I feel very scared.'* One female respondent from Udaypur district during case study cited that *'I was buried in the ground after my arrest. Whilst in custody, I was regularly and brutally tortured by the security personal and was denied clothes for six months. I fainted several times. Our bodies do not work and we don't have hope for the future.'*

The other female respondent from Kailali district during the case study wanted to lie down in between the case study interviews, and she lay down for a while. After a while, she woke up and expressed that *'I cannot sit straight for even half an hour due to body pain caused by the torture I experienced in the time of war.'* During the focus group discussion a female respondent from Kailali district who was physically and sexually tortured cited that *'I couldn't walk properly due to the severe pain in my leg. This leg*

pain was caused by being brutally beaten with wooden and iron sticks by security forces when I was very young. I couldn't sit and stand properly due to being raped by 4 people in the time of conflict. ' Similarly the other female respondent from Kailali district originally from Acchham district during the focus group discussion cited that *'my whole body ache every day. I can't do any work. We came to Kailali from Achham so that we can spend our life easily. I can't sleep at night. I feel my husband will not always tell me to sit and eat. Sometimes I have suicidal thoughts. I want to have free medical support. I have urethral discharge problem. I do heavy work, my back starts to ache. My leg doesn't work properly. There is a small wound in my leg and there is puss inside'*

Regarding women's mental and physical health, the male respondents/journalist from Udaypur district during focus group discussion cited that *'for the women, they didn't have courage to express their suffering as well. This also contributed to losing their self-esteem and weakening their psychological conditions as well.'* The other male respondent/ teacher from Kailali district during focus group discussion cited that *'women who were sexually tortured have been dealing with economic, social, psychological and physical problems. They have received no support from the state, their families or the society. These problems must therefore be addressed through the provision of holistic support where women can address their different needs, can receive justice and can feel dignified.'*

A representative from TSK-an organization working with conflict-affected women, during key informant interview also cited that *'women are carrying multilayer of trauma inside them because they have never shared their incidences to anyone. It is also necessary to cut down slowly to make them psychologically strong and for their psychological justice.'* It was also shared by her that *'they have big frustration towards government and with the organization as well as government and organization just come,*

talk to them, prepare a report and do not anything'. Women are not in the condition whereby they can do hard work due to their physical conditions. In terms of social condition, women are not receiving respect from their family members.'

The respondent from WHR the other organization working with the conflict affected women during key informant interview cited that *'many of the women have problems with the swollen uterus, tumor in uterus, regular urethral discharge, but due to a weak financial condition they are not able to take medicines. The physical condition of these women is also weak.'* In addition, it was also shared by her that *'women do not want to see their faces in the mirror, do not want to comb their hair and do not want to wear proper clothes after they were raped by 4, 5 people in the same time. Women's physical condition are fragile, mental condition is not stable where they are seeing the similar picture of the incidents of those nights of the incidents occurred to them.'*

The above excerpts illustrate that, due to the brutality the women have gone through in the time of conflict, they have had many physical and mental problem 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. This is also highlighted by (Hamber, Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health, 2009, p. 19) and argued in the literature review. In this context, the women are not the only ones suffering, but their families and friends are also affected by the inner and outer wounds that the women have carried for the longest time. This is also contributing to societal damage through the infliction of trauma. Furthermore, with the absence of support mechanisms the women are disempowering themselves in terms of psychosocial aspects, as well as experiencing everyday gender hierarchy and inequalities in their daily lives in this so-called 'peace' time.

Listening to all the respondents also validates the problem which I highlighted in my problem statement that the lingering transitional justice process has contributed in increasing frustration among the women who faced sexual violence in the time of conflict era. It also validates the condition of women which I highlighted in my literature review in the Trauma section, that women still are not been able to overcome their traumatic condition, which is contributing to disempower themselves morally, physically and psychologically.

The above testimonies are only a few examples of the physical and sexual torture endured by women during the conflict, and the subsequent impact on their physical health. They have survived, but they have not received any kind of support from the government. Most of the women whom I interviewed are dealing with financial issues. Some of them were also supported in the past by large organizations like IOM, but this support was only available for a very short period and thus did not fulfil their need for long-term support. They need regular medicine, but due to a lack of money they are not visiting doctors and cannot buy the medicine they need.

The Women and their children who suffered during the armed conflict continue to deal with these kinds of problems. Without addressing their mental state and trauma, they and their community cannot be collectively healed, which will also hinder the process of reconciliation, as argued in the Literature review (Markowitz, Alexander, Sallie, & Oglesby, 2017). This was especially true among women. The peace process missed out in dealing with the psycho-social and cultural issues for women, leaving big gaps in individual and community reconciliation. Healing trauma is also acknowledging the suffering of women, which can also play a vital role in giving a sense of restorative justice to these women.

2. Diverse Version of Justice and Dignity:

Women who suffered sexual violence at the time of conflict, the representatives of organizations working with these women, representatives of Truth and Reconciliation Commission, Home Ministry and the representatives of security force, all expressed diverse versions of justice and dignity. These can be grouped into different thematic areas (such as recognition and acknowledgment, punishing perpetrators, addressing stigma, creating safe space & listening to the 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 more broadly defined, and consider the self, familial, physical, social, psychological, economic and political justice needed by women who were victimized.

a. Recognition/compensation and Acknowledgement of the contribution

13 years after the peace accord, the women who were sexually assaulted at the time of armed conflict have still not been recognized by any justice system of the state. The patriarchal mindset and lack of gender mainstreaming were observed in the government's formulation of its Citizen's Relief, Compensation and Economic Assistance Procedure (Government of Nepal : Ministry of Peace and Reconstruction, 2009) where women who faced sexual violence in the time of conflict are not being categorized as conflict victims, as I have also argued in my literature review. This has meant they are ineligible to receive compensation; they are left out of receiving self-affirmation and political justice.

During data collection, one female respondent from Kailali cited that '*this kind of government move compelled us to live in a state of humiliation.*' From this move of the government my argument in the literature review reaffirmed that gender receives rare attention in post-conflict settings and even less attention in transitional justice

mechanisms/frameworks. Cases of sexual and physical violence against women do not get attention due to the lack of will around gender mainstreaming in the transitional justice mechanism, and due to social stigma around these crimes (International Center for Transitional Justice, 2006). I also argue that this move also humiliated these women and compelled them to stay in isolation and marginalization. It also shows how the government of Nepal and the political parties viewed sexual violence as just an expected consequence of war and failed to provide gender justice to these many women. As argued in my literature review, besides these failings, viewing sexual violence as a consequence of war rather than viewing it as a strategic move of armed conflict fails to provide gender justice in many truth-seeking processes (International Center for Transitional Justice, 2006, pp. 1-3). This also exemplifies how the contribution of these women was overshadowed, which they find frustrating. This also validates my argument which I highlighted in the literature review: although the Maoist movement started by tapping into the grievances of the people, since the peace accord in Nepal it seems they have been led by greed. All rebellions are accompanied by a narrative of grievance, simply because publicly announcing greed-based motivations would lead to reduced support (Collier & Hoeffler, 2004). Only their top level leaders (particularly male leaders) are enjoying power after coming into mainstream Nepal politics.

During the data collection process, almost all the female respondents expressed that if the government acknowledged/recognized them as conflict victims, they could live a dignified life to some extent. This recognition could also help them in gaining the acceptance of their community. In the case studies, and in the Focus Group Discussion in Kailali and in Udaypur, it was revealed that women do not feel that their struggle in the time of conflict has been acknowledged by any of the structures, including government, political parties and their community. They demanded that the victims from both sides

should be provided with a token of appreciation for their struggle and should be acknowledged by these structures. They also highlighted that it was not their choice and the state and the community should understand and create an environment for them conducive to living a dignified life

Some of the excerpts also revealed what women want for their dignity and justice. A female respondent who faced sexual violence at the time of armed conflict from Udaypur district during focus group discussion cited that *'School-going children like us participated in the Maoist movement and due to the contribution of us the system was changed. Our leaders taught us to carry the guns, and did not teach us other skills. After our leaders came into mainstream politics they forgot about our contribution and have not been able to address our issues. If our issues are not addressed, then there might be another kind of protest from our side in the future. We contributed a lot to bringing our party into this position but our party itself is not recognizing our contribution. They are forgetting their goal and objectives.'*

The other female respondent from Udaypur district who faced sexual violence at the time of conflict during focus group discussion cited that *'we contributed a lot to bringing out our party into this position but our party itself is not recognizing our contribution. They are forgetting their goal and objectives.'* Similarly, the other female respondent from Kailali district who faced sexual violence at the time of conflict during focus group discussion cited that *'the government formulated the interim compensation policies in 2009 but women who faced sexual violence are not being categorized as dignified conflict victim, which has compelled them to live in a state of humiliation. If the government acknowledges us as conflict victims then we can live a dignified life to some extent.'* The other female respondent from Banke district who faced sexual violence at the

time of conflict during case study cited that *‘if we are provided with compensation that means we are also recognized as conflict victims.’*

Similarly, during FGDs with male stakeholders in Kailali and Udaypur districts, they also highlighted that women were not acknowledged and recognized by the state.

The following excerpts of male respondent also validates this. The male respondent who was ex-combatant from focus group discussion and from Kailali district cited that

‘women who were involved in the Maoist movement for system change, hoped for a better future for future generations, and were abused sexually at the time of conflict. Now these women are in a very difficult stage. All their dreams are scattered. There should be a recognition program to acknowledge the contribution of these women towards social establishment and dignity. He further highlighted ‘women who are sexually tortured must be identified as conflict victims and should be provided compensation which can help establish their identity. This can help them regain their dignity and have a sense of justice’.

The other male respondent, a student leader from Kailali district, during focus group discussion cited that *‘if the aims and goals of conflict-affected women is acknowledged, they will feel a sense of dignity. Society and government should acknowledge their contributions during the conflict. This will allow conflict-affected women to not only be seen as victims; they may also feel honoured.’* Further the other male respondent, the Human Right activist from Udaypur district, during focus group discussion cited that *‘the most essential things for promoting the dignity of these women is their recognition and their identity. Therefore, the commission must immediately amend their policy, must address the issue of identity and should provide compensation immediately’.*

Both the respondents from the organizations TSK and WHR during key informant interview cited that *'The contribution of the women who faced sexual violence has to be acknowledged by the state and the community'*. It was also shared by the respondent from TSK in relation to their work that they have heard from women that *'they aspired to be honored by state, identified as conflict victim and has to pay the dividend of their struggle for system change then they feel dignified as well as feel the notion of justice as well.'*

During a key informant interview with the representative of Government institution, he also accepted that women were not recognized for their contribution, when he cited that *'earlier the women who were victims of sexual violence were not categorized as conflict victims while the government was distributing interim relief; this is also why women didn't reach out to government structures for support.'*

The above also exemplifies how women and especially sexually abused women were excluded from the peace process of Nepal. The lingering transition process as well as shifting priority of the state have also contributed to an increase in frustration and anger among these women, which my research problem statement has also highlighted. Also, as I argued in my literature review that the ten elements of dignity such as acceptance of identity, inclusion, safety, acknowledgement, recognition, fairness, accountability, understanding, benefit of doubt and independence are also the aspiration of women who faced sexual violence in the time of conflict in Nepal to establish their dignity (Hikks, 2011, pp. 25-26). However, it seems like these components are not in the priority of the commissions, the state and the community where they live; none is looking at these aspects. In addition, listening to all the respondents, I can argue that work to improve the social establishment of these women, which would have contributed for their justice and dignity, has not occurred. The government, political parties and the commission have concentrated on institutionalizing big structures to establish peace and

have subsequently failed to address the structural issues of the conflict and especially the issues experienced by these women which also validates my argument in my literature review part.

b. Perpetrator must be punished:

Most of the respondents during my data collection expressed that the perpetrator needs to be punished in order to truly realize the notion of justice for women who faced sexual violence at the time of conflict. Following are a few excerpts where the female respondents from Kailali district during focus group discussion cited that:

'I can recognize the perpetrator but the government is denying it.'

'Perpetrator must be punished.'

'I can't think about what will give me the feeling of justice. My mind is not working.'

'Commissions are established, they should work efficiently to bring the culprit and punish them. Then I might feel the notion of justice'

When asked how transitional justice mechanisms bring justice to these women, most of the male respondents shared that perpetrators must be punished in order for women to feel justice. One of the male respondents from Kailali district Campus Chief during focus group discussion cited that, *'if the perpetrator is punished it can also contribute towards women's empowerment to some extent. It also spreads the message in the society that those who have done such things will be punished'*. The other male respondent from Udaypur district during focus group discussion cited that, *'In the 25 negotiation points as well as in the Comprehensive Peace Accord, it has been mentioned that there will be no amnesty to the perpetrator who committed rape. However, no action been taken against these perpetrators to date.'*

The respondents from TSK during key informant interview shared that the women have expressed to them that *'if the perpetrator is being hanged then they will get justice*

in their lives.' The respondents of WHR during key informant interview cited that *'many women have expressed if the perpetrator is punished for 25- 30 years and can spend his golden life in jail can feel the social humiliation how the women had faced after their incidents they can feel the justice.'*

The representative of TRC during the key informant interview cited *'that there should not be amnesty to the perpetrator of gross human right violation and crime against humanity such as rape, disappearance, torture and mass killing'*. She further highlighted that *'the Supreme Court has also provided the verdict on the issues of gross human rights violation that there should be no amnesty for these cases'*. The respondent from Home Ministry during the key informant interview cited that *'the authority to investigate the gross human right violation has given to the commission.'*

These responses validate my aforementioned argument in literature review that no action has been taken by the state to punish these perpetrators at the time of writing of this paper, which is increasing the impunity in the country. This increases the sense of injustice felt by these women. Although the representative of TRC highlighted that there should be no amnesty to the perpetrator, however, at the time of writing this paper there was no instance found where the commission had recommended a perpetrator for prosecution. And now the commissions are in stagnant state 9 months after the resignation of former commissions and nothing is moving forward in relation to the issues of establishing dignity and providing justice for the conflict-affected people. In this post-conflict scenario of Nepal, there has been a sense of denialism has been observed from the state, commission and the political parties on the cases of sexual violence of conflict era. As argued in my literature review, Denialism through official memory serves to further marginalize victim experiences, adding further layer of insult and injustice for the surviving victims of war-time rapes (Henry, 2011, p. 60). This can be validated from the

above excerpts from women who faced sexual violence, as well as from the government institutions' policies and plans that have excluded those women.

Though the representative of the TRC highlighted during key informant interview that rape as a crime against humanity whereas in the current TRC act, it has not been mentioned that rape is a crime against humanity. And currently, the Law Ministry is in the process of amendment of TRC act, and where the draft bill emphasized providing symbolic punishment to the perpetrators of gross human right violations, as well by engaging them in community work. This has been highly criticized by the conflict victim community and human rights activists. There is doubt that the perpetrators of the rape will be punished in this transitional justice process. The United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in Article 4 defines: "each state party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person, which constitutes complicity or participation in torture. And also shall make these offences punishable by appropriate penalties which take into account their grave nature" (United Nations, 1995, p. 2). I also highlighted this article in my literature review. However, still in Nepal, the perpetrators of torture are not being punished because of the weak justice mechanism in the country.

c. Addressing social stigma, social humiliation and creating environment for social acceptance:

While corroborating and analyzing the different data sources, it was revealed that the social acceptance from family and community towards women who faced wartime sexual violence is very minimal. It was clearly visible that women who faced sexual violence in the time of conflict are living in a state of social stigma and in humiliation. They were left behind by their husbands and family members after they found out about

the women's incidents, which means they were left out from experiencing familial and social justice

The female respondent from Kailali district during focus group discussion cited that *'we are still living in shame for mistakes which we haven't committed. The State must create an environment for us where we can live with respect and dignity.'* The other female respondent from Dailekh district who faced sexual violence said during case study that *'I got married in 2001 with a school teacher. For the first year my married life was stable. I also gave birth to my baby. During the first month of my maternity, my husband heard about my incident and asked me about it. I thought he would support me and I shared my incident with him. Right after hearing my story he threw me out of the house. Social acceptance initiatives must be put in place by the state and NGOs to enable us to live with dignity in our communities.'*

Women do not have courage to share their incident to anyone. While sharing their incidents, they also noted, they are not being accepted by their family and community since they are not aware about the suffering of the women. These women shared that social acceptance initiatives must be put in place by the state and NGOs to enable them to live with dignity in their community.

The female respondent from Dailekh district again cited during case study that *'we are opening up about our incident. If people know about this, I also feel that there is no guarantee that everybody can see us in a positive way and can understand our grief and trauma. This is why the effort has to be made by the state and the organization where our society/community can accept us respectfully with understanding our trauma and support. Creating conducive environment for us is very necessary whereby we can live in our society with our dignity, which I guess can also contribute for our social justice.'*

One of the female respondents from Kailali district during focus group discussion cited

that *'the government's action of excluding them from the official 'conflict victim' category has reduced their level of support and has weakened their self-esteem.* The other female respondent from Kailali district during the focus group discussion cited that that *'I was thrown out of the house by my family after they heard about the incident, even though it was not my fault. After that, my community also treated me badly. I feel that we are deprived from familial level justice as well as from social justice. This is why I believe that these issues also need to be addressed if we are to talk about justice.'*

While I was participating in one of the workshops organized by one of the organizations working with conflict-affected women, The Story Kitchen, one woman shared that *'my neighbors heard that I was raped by Maoists and they started treating me differently. Unable to bear the villagers' comments my family left home and moved to another village.* (The Story Kitchen, 2018)

When male respondents were asked how they think women were affected by armed conflict, the respondents shared that women were sexually assaulted at the time of conflict, especially by the state. They further mentioned that women who faced sexual violence in the time of conflict are still hiding their suffering and living in a huge stigmatization. This can be again reinforced from these following excerpts.

One of the male respondents from Kailali district during focus group discussion cited that *'I know one sister who also participated in the Maoist movement from my community who is married to an army personnel. She was raped by the army personnel at the time of conflict. However, she has not told her husband about the incident due to fear of stigmatization.'* The other male respondent from Kailali district during focus group discussion cited that *'Women are still living in shame for the mistakes which they haven't done and they say that the state must create an environment for them conducive to living with respect and dignity in their communities.'* Similarly the other male respondent from

Udaypur district during focus group discussion also cited that *‘Our society is traditional. There is a tendency to view these women in a negative way. Therefore, there is a need to bring awareness about these women’s issues. This will help them become established in the society. If people humiliate these women we need to stop this by making them understand the suffering of the women, and also by making women realize that the incident that happened to them was not their mistake or their choice for their self-justice.’*

Almost all the male respondents shared that due to the patriarchal and Hindu society and cultural traditions, women are scared to express their suffering and are living with a sense of humiliation. They noted that this is lowering the self-esteem of these women. They expressed that it is their social responsibility to make women realize that the incident that happened to them was not their fault so that they can start living with dignity.

The respondent from the TSK organization shared during key informant interview that women who faced sexual violence are living with social humiliation and stigma. It was shared by her during key informant interview that *‘women are living in dual notion where from their one heart, they feel the incident that has happened to them is their mistake whereas the other heart says it was not their mistake. Once they can internalize that this is not their mistake and leave behind this humiliation then they will get self-justice in their lives, as well as can, starts living with dignity’*. She also cited that *“women have also expressed that if they shared their incidence publicly and if it is taken as the issues of women whose husbands were killed and disappeared by the general public, do not see them with humiliation and can accept their incidences were not their mistakes by their family and their society then they will get justice and they can live with dignity”*. She emphasized for the women to realize the incident happened to them, was not their

mistake, can be supported by many contributing factors. In this way, people can understand the incidences of women and most importantly men should understand this.

Similarly, the other respondent of the WHR organization during key informant interview cited that *‘one woman who was sexually abused shared, she wants to follow the ritual of her body purification where she would like to stay alone and would like to take a shower to purify her body purification where she can provide her self-satisfaction and can counsel her.’* It was further shared by her that *‘in her opinion, even the perpetrator is punished until and unless the state cannot work for the social acceptance and subsidizing humiliation of these women they won’t feel justice and cannot live with their dignity’.*

During the key informant interview the respondent from TRC cited that *‘protecting the women who faced sexual violence from social stigma by their family and community, as well as keeping confidentialities of the testimonies is essential for justice and dignity for the victims.* The respondents further highlighted that *‘TRC has taken these issues as a priority and has been developing a special procedure to address these cases to support women in order to reduce their grief and pain to some extent. However, due to the social hurdles and stigma that exist in our society, women did not submit the cases as TRC expected.’* The respondents from government during key informant interview also cited that *‘our social structure has also stopped women from reaching out to the government.*

The male respondents from security force during key informant interview cited that *‘There is social denial and lack of acceptance for the cases of sexual violence, which I see among the government and the political parties. There have been lots of requests made by the conflict victims but the government is not able to deal with the issues of 10 years of armed conflict. If it is not dealt with properly there is a chance of eruption of another conflict as well.’*

Analyzing the responses from the respondents from different data sources, I argue that still women who faced sexual violence in the time of conflict are living with the notion of social humiliation and stigma, which every day is disempowering them physically and psychologically. As I argued in my literature review, these women also have been unable to openly express their suffering in their families and with their relatives, as culturally it is considered as a prestige issues for the women, their families and within their communities. The sharing of the respondents also validates that in the absence of any kind of support system within the families and at the level of the state, women are compelled to hide their trauma and suffering within themselves and to live with the notion of humiliations. Nor is this limited to psychosocial aspects, but they are also dealing with various physical problems with their reduced self-esteem, which is keeping the women from living with dignity.

As mentioned in the literature review, Hamber argues that some specific responses to direct political violence include self-blame, vivid re-experiencing of the event, fear, nightmares, feelings of helplessness, hyper vigilance, depression, relationship difficulties, and feelings of social disconnectedness, anxiety and even substance-abuse-related difficulties (Hamber, *Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health*, 2009, p. 19). The respondents' testimonies reinforce Hamber's argument: women feel humiliated and this contributes to them disconnecting from society. This has to be addressed in order to improve women's dignity and justice, and to strengthen the social fabric of community.

In line with my literature review and the interviews with male respondents, my analysis also argues that the peace process did not adequately deal with the psycho-social and cultural issues for women. This has left big gaps in individual and community reconciliation. Healing trauma and addressing stigma and humiliation is necessary to help

women to increase their self-esteem and decrease their self-blaming behaviours. This will create a space for these women to live their lives with dignity and justice, something that was also mentioned by male respondents in my FGDs.

The various excerpts above illustrate that, at the time of conflict, the women were much more scared and accepted the sexual violence as their fate. My literature review affirms that physical and sexual violence, particularly towards women and children, occur with greater regularity during and after an armed conflict. Impacts 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 issues that are best left alone (Jack 2003). As argued in the literature review, social norms dictate that this type of victimization is viewed as a private matter that is not to be discussed openly (Jack, 2003). The scenario has not changed. Many factors such as social structures and fear of stigmatization are keeping the women from sharing their stories openly. Many women whose cases were known by their family members were, and continue to be, stigmatized in many ways by their communities. Many of them also blame themselves for the incident that happened to them. They do not want to go to crowded places and instead want to stay alone. Social stigma is also contributing to weaken their physical and psychosocial condition. Due to the fear of families cutting them off, many women do not have the courage to share their incident to any of their family members due to social and traditional structures as well as not have courage to report their cases like in the cases of Peru (Boesten J. , *Sexual Violence During War and Peace : Gender, Power and Post-Conflict Justice in Peru*, 2014, pp. 23-24) and Greece (Stefatos, *The Female and Political Body Pain: Sexual and Torture and Gendered Trauma during the Greek Military Dictatorship , 1967-1974*, 2016, pp. 72-73). They are rejected by their spouses, family

members, and are considered as characterless and unfaithful to their husbands. These factors are victimizing women, and are leading them to stay in isolation for a long time.

The stigmatization and rejection are also further marginalizing women, and keeping them from healing from their trauma. The argument of my literature review affirms that the phenomena of stigma and rejection impact a survivor's psychological health, as well as their physical, economic, and social wellbeing. Women throughout the world report that fear of stigmatization keeps them from seeking services after the rape, even though timely intervention can be lifesaving (Harvard Humanitarian Initiative, 2011, p. 2). Likewise, echoing the findings of the report of Harvard Humanitarian Initiative (2011), women in Nepal who faced sexual assault are also impacted psychologically, physically, economically, culturally and socially. The communities that these women belong to question their morals and blame them for the incidents they have suffered. Often times, the social and cultural practices leave these women to live with the notion of self-blame, humiliation, injustice and the loss of dignity.

d. Safe spaces and Listening to the voices

In the process of my AR cycle, the female respondents expressed that they 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 the only ones who faced such an inhumane act of rape. Many of them also expressed that they also participate in the programs and meetings of organizations targeted at conflict victims. At these events, they do not expose themselves as sexually tortured victims but instead introduce themselves as conflict victim women only. They

said they do not have the courage to share their story and have also never shared with their family members and friends. The women reported that they are unable to share their identity as sexual torture victims 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.

A female respondent from Banke district who faced sexual violence said during the case study that *'there must be safe places where people can listen to our voices and can understand our problems and struggles. These spaces also give us some level of healing and allow us to come together and learn about the suffering of others.'*

The male respondents emphasized the need to create safe spaces for women from the community level to the commission level. They highlighted that commissions should create a safe space in a confidential manner in order to address the trauma. This can also contribute to women's empowerment and promote societal-level justice. The male respondent who was a former local peace committee member and from Udaypur district said during focus group discussion that *'due to our current social and political structure, women who faced sexual violence could not share their experience openly. There is no security for them. Many cases were collected from the Local Peace Committee, which comprises of many men. I was in the Local Peace Committee and collecting the applications. Many women didn't come to submit their cases after seeing me, a male member. If the cases are not collected, then how can TRC address the empowerment issues of sexually tortured women? Safe spaces need to be created where women can submit their applications.'* The other male respondent from Kailali district, a school teacher, during focus group discussion cited that *'listening to the voices of women is very necessary in the process of creating a safe space and supporting them.'*

Defining Justice & Dignity Through Gendered Peace Building

The respondent from TRC during key informant interview cited that *'transitional justice is different than criminal justice in that it is necessary to listen to the sentiments of a victim with respect, have a friendly procedure and take action for victim's satisfaction, in order to contribute towards establishing their dignity'*. The respondent from Government institution during key informant interview cited that *'earlier there was no separate room for women to submit the cases although Local Peace Committee was helping the victim communities to submit their cases. Due to this there might have been many women who didn't submit their cases.'* He further highlighted that *'till date the government has not reached out to the women's communities although it is very necessary to do so in order to identify the exact needs of these women and act accordingly.'*

The respondent from the TSK organization during key informant interview cited that *'Sometimes the women cry when we ask them how they are. When we ask them why they are crying, they say that their family members have never asked them how they are and neither has the state. When we ask them that question they feel like there is someone who can listen to them and in my opinion, this is also some level of justice.'*

When security personnel were asked: How can you and the transitional justice process of Nepal and the government initiatives empower and heal women for their justice and dignity? The female respondent from the security force cited that *'justice varies from individual to individual. Looking at our social structure, if the transitional justice process can create space for women where they can open up their incidences fearlessly it might help women psychologically.'* The other respondent from security force during key informant interview cited that *'for the women who experienced sexual violence, if we can provide this safe space where they can express their grief and pain to other women who have gone through a similar kind of experience, it will help them to heal from their trauma to some extent and also psychologically empower them.'*

Most of the respondents mentioned that listening to the voices of women is very necessary in the process of creating a safe space and supporting them. As mentioned in my literature review, Stefatos argued that the atrocity of rape was considered as private and women remained silent. Besides it being extremely painful for women to include trauma into their narratives in the first place, when they did decide to share their traumatic stories, there was an obvious reluctance to talk about the sexual nature of their victimization. The women more easily discussed the physical abuse and psychological violence, while their narrations were brief, succinct, and lacking in details (Stefatos, *The female and political body in pain: Sexual Torture and Gendered Trauma during the Greek Military Dictatorship (1967-1974)*, 2016, pp. 82-83). As argued by Stefatos (2016) due to lack of conducive environment and safe spaces, women are unable to vent out their trauma, and this has been observed in the current transitional justice process of Nepal. They also expressed that, while they go to participate in the program of organizations, they just expose themselves as conflict victims only, hiding the real incident that occurred to them. As outlined in my literature review, I again argue that Nepal failed to integrate gender sensitiveness into the transitional justice process. This argument is also validated by the participant responses.

e. Public Apology

Almost all the respondents in the process of data collection shared that, for women's justice and dignity to be regained, the state and the political parties must make a public apology for the incidents that occurred at the time of conflict. In both the FGDs and the case studies, the women who were sexually and physically abused expressed that, if the government and both the warring parties asked for a public apology, then they would feel some level of justice in their life. Some of them also said that the army personnel should ask for a public apology and forgiveness by stating that the incident that had happened to

women was not their choice and mistake but that circumstances created that incident. These women stated that the army should hold themselves accountable for their role in the trauma.

A female respondent from Kailali district who faced sexual violence said during a focus group discussion that *'If the government and both the warring parties made a public apology, then the women will feel some level of justice.'* The other female respondent from Kailali district during focus group discussion cited that *'army personnel should make a public apology and ask for forgiveness by stating that what happened to us was not our fault and should hold themselves accountable for their role in our trauma.'*

The male respondent from Kailali district during focus group discussion also highlighted that *'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.'*

The respondents from TSK expressed that *'the state could have asked for a public apology by saying to the women that the incident that had happened to you was not your mistakes, we apologize for the incident that had happened to you' for bringing justice and establishing dignity of women'* It was also emphasized by her that *'the event of public apology has to be done as an event for one week, not only one day and has to be broadcast by television, radio and has to be covered by every newspaper so that larger public can be aware of the issue of women who faced sexual violence in the time of conflict era.'*

Looking at the excerpts from the respondents, I also argue that a public apology would help women realize that they are not responsible for what occurred. However, the public apology must include acknowledgement of injustice committed, an expression of remorse, a guarantee of non- repetition and must refrain from appealing for forgiveness.

Finally, to complement such an apology, further reparative action (measures of sincerity, corrective action and material compensation) would improve the chances for such apology to be considered valid and accepted (Center for Peace and Conflict Studies, 2012, p. 18) .

3. Needs, hope and aspiration

The women who faced sexual violence in the time of conflict are mostly from lower-middle class families. Upon revealing their suffering, these women were thrown out of their houses by their husbands and other family members without access to any source of income. This also compelled them to single-handedly care for their children. The government is supposed to initiate a Reparation initiative, but it is not in place at the time of writing this paper. This initiative could address the needs of these women in a holistic way. Almost all of the women are still dealing with multiple levels of physical and psychological problems due to the brutal torture they faced after their arrest. They are also dealing with economic hardship and struggle to provide education for their children and keep up with healthcare and daily living expenditures. These women thus need long-term financial support to address both their short-term and long-term needs. This is also connected with their regaining justice and dignity as expressed by the women during data collection. Most of the women involved in the study are unable to work for long periods due to the physical conditions obtained as a result of wartime torture. During the time of my first AR cycle and while I was collecting my data, these women shared that the government should offer them jobs as per their physical condition and capacity. Some of them also expressed that if the government built memorial centers, it would also give them some level of healing and contribute to them reclaiming a sense of dignity.

A female respondent who faced sexual violence from Dailekh district said during case study that *'even when the state has provided me with income generating activities, I*

can't do anything due to my physical condition. The state must support both my psychological and economic needs to ensure I can sustain myself in a long-term. I also want to know the truth that why that incident happened to me. If this is revealed then I might feel justice.' The other female respondent who faced sexual violence from the same district during focus group discussion cited that *'we need immediate support for our children's education, for our health: mental and physical without any conditions. And we need this immediately. There is no sense providing this kind of support later. Then only we feel justice and dignified.'* Similarly, the other female respondent who faced sexual violence from Kailali district said during case study that *'I have a confidence that I can survive by doing small jobs. However my health has been ruined because of what I went through. Due to my poor health, I have both mental and physical weaknesses. I want to be psychologically and physically strong; those are my hopes.'* A female respondent who faced sexual violence from Udaypur district said during focus group discussion that *'now the next generation is also suffering, developing trans-generational hatred and identifying as victims. An environment has to be created where they can live with better conditions. Also there is other the new generation is coming and they don't know about our suffering or the past conflict, and they ask whether these things happened in the past. Therefore, it is necessary to raise awareness about our history and we need to be engaged in this process.'* The other female respondent from Udaypur district who faced sexual violence in the time of conflict violence said during focus group discussion that *'the aspiration which was made to us, the dream what we are asked to see, the struggle what we did for, seems like will not be addressed. Though our leaders are in Government now but are not concentrating on to the grievances what they cash with us. It seems like the conflict was ended in the negotiation. If the state and government can act accordingly which was ensured in 25 negotiation points, according to the commitment of*

Comprehensive Peace Accord and of Constitution, then we can feel will feel the notion of justice and will be dignified as well. Besides this, the state should also reach to our community, to our family members, should assess the physical and mental conditions of ours as well as our family members very minutely and also need to address our conditions as well then maybe we can feel the notion of justice at some extent.'

Similarly the other female respondent who faced sexual violence from Dailekh district said during case study that *'I wish to get the support for health treatment first. Not only me but I guess most of the women who went through sexual violence need this support. I am having a uterus problem. I have a small wound in my intestine. I have to take medicines every day. I used to have heavy urethral discharge and used to change three pads a day and the smell is also very stinky. I had to take medicine amounting to Rs. 3500 per month. I used to forget the things quite often. As I mentioned above, we also need the support for our children's education.* In contrast to other respondents, a female respondents from Kailali district during focus group discussion cited that *'we need to fight for our rights by ourselves and we need to be strong to get justice in our life. Organizations come and go but we need to be united.'*

When male respondents were asked how to better address the needs of the women, many respondents expressed that, if women are holistically supported, then they might feel a sense of justice and may be able to live a life of dignity. They expressed that the women who were sexually abused are not able to share their suffering and those whose incidents were known by their family members were rejected by the family. They added that women face lots of discrimination from family members and do not receive the familial level justice.

One of the male respondents from Kailali district during focus group discussion cited that, *'it is necessary to engage women in income-generating activities. They should*

be provided with loans without any interest so that they can start small enterprises to support themselves.' The same respondent also expressed that *'conflict-affected women should be provided with compensation, something that is necessary to address their trauma.'* One of the male respondents from Kailali district during focus group discussion cited that, *'If we can help them for their and their children's study, their capacity building and for their income generating activities then I guess women will be empowered and will forget their suffering as they will desire to live as well.'* After listening to this, one of the male respondents from the similar district cited that, *'I differ from this opinion, as forcing women to forget their past increases the chance of a relapse of trauma at a later stage. Regardless of whether women earn money, they will not be satisfied in their life. Therefore, it is also important to create a space to address the trauma of these women which can provide them psychological justice.'* The other respondent from Udaypur district during focus group discussion cited that *'a complete relief package is necessary where they can share their incidences openly, can receive medical support and psychological care, can identify as conflict affected women, can become involved in income-generating activities, and can have an opportunity for free education for their children.'*

The other male respondent from Udaypur district during focus group discussion cited that *'this is our social responsibility. We need to include women in every program to support them to bring them out of their homes. We also need to listen to them. We need to make them internalize that the incident which was happened to them was not their mistake and not their choice. This will help them to live with dignity'*. It is interesting to listen to one of the male respondents from Kailali district during focus group discussion who cited that *'we are from different fields. If organizations can help these women express their suffering, then the organizations can help to identify their needs. We can*

then create a conducive environment for women where we can work with their family and society to raise awareness about women's suffering. In this way, they can also get their familial level justice as many women were thrown out from their house after their family became aware of the incident.' He further added *'women are more comfortable with women. So it is also necessary that female members of our community visit the families of women who faced sexual violence and educate their family regarding the circumstances in which the violence happened.'* In contrast to this, the other male respondent from Udaypur district during focus group discussion cited that *'establishing the truth is very necessary if the commission wants to empower women.'*

While asked during key informant interview about the needs and the hopes of the women who faced sexual violence in the time of conflict, the representatives of the organizations working with conflict-affected women, the respondents from both TSK and WHR, expressed that women are in need of support of short-term and long-term needs, which includes medical support, psychological support, income-generating opportunities, social acceptance whereby they can live without any humiliation, and education support, which is also a process of establishing dignity and providing justice to these women. It was also shared that women are in need of safe spaces to talk about their incidences.

It was shared by the respondent from TSK during key informant interview that *'the women have expressed that they go to the organization's event/ programs and if they feel non-hierarchal approach in dealing with them then it also helps them in internalizing their dignity. Most of the organization humiliate them with their hierarchal approach where they order separate food, sit on the different tables, make them realize they are victims which humiliate their dignity'*. Similarly regarding the hopes of the women, she cited that *'women wish that their husbands would understand their issues, and believe that if that were to happen, they would the world.'* She further cited that *'women also*

want their stories to be documented, their sufferings are all different and it has to be documented as memory.’ In addition she also cited that *‘women talk about Tan, Man, Dhan (Health, counselling/mental stability and income opportunities.)* And most importantly, she emphasized the need of the women for mental stability. She shared that the women have expressed that *‘they can take a loan for physical treatment but for mental stability they need different support.’*

When the representatives of commissions and Government Institution were asked during key informant interview about the need, hopes and aspiration of the women who faced sexual violence in the time of conflict, the respondent from the commission cited that *‘the government is planning to provide free medical services to the women who faced sexual violence as well as education scholarship for their children. Providing interim compensation to the victim, providing job as per their condition of the victim will establish justice.’* The respondent from the government institution highlighted that *‘If NAP is implemented then it will definitely deal with the issues of justice and dignity of these women where it has the provisions of dealing with the trauma and providing income generating activities. It can address the issues of justice and dignity. Finding the truth is the responsibility of the commission.’* He further cited that *‘till date the government has not reached out to women’s communities. It is very necessary to reach out to these women’s homes and communities to identify the exact need of these women and then act accordingly.’*

When asked about needs, hopes and aspirations of the women who faced sexual violence, one of the male respondents from security force cited that *‘actually, this is the role of the Truth and Reconciliation Commission but they were not able to perform the task assigned to them within these four years of their tenure.’* The female respondent from police force during key informant interview cited that *‘if we can create and space*

for women to reach into the service delivery entities I guess it will help to address women's need.' She further cited that 'if the transitional justice mechanisms asked women about their need and what they want to do, they might feel justice and dignity or some women might want to see their cases being legally addressed.

The male respondent from the army mentioned that *'the government can support these women in psychological aspects as well as address their material need. As many women were thrown out from their house, they need financial support as well. Besides our social structures, women might not have opened up their issues and living with social stigma. This is why social awareness of women's issues is also important.'* He further cited that *'to empower and heal these women, addressing their financial security is very necessary. The government is responsible for this rather than us individuals and the community. At the individual and community level, we should accept the women which will help them attain psychological and social justice. It is very important to conduct social awareness programs in the community about the issues of these women. Besides this, if a perpetrator is punished, it will also provide justice to these women and help them heal. However, looking at our social structures, even if the perpetrator is legally punished, if the social acceptance of the community towards the women is not there they will not get social justice. This is why social awareness is also necessary. The notion of justice depends on the individual and should not be limited to legal justice only. Social, financial and psychological justice also matter a lot.* The male respondent from police personnel again cited that *'if the transitional justice mechanisms could have at least started investigating 10 cases of serious gross human right violation by inviting the victim, it could have given the messages of trust and justice to the women. Justice is a relative term and has to be asked to the individual levels. Justice must not be considered as legal only and need to think from different perspectives only. If the special task force*

and special court formulated under the commission can address the reparation issues and legal issue them it might help women for establishing their dignity as well as justice.

As argued in the literature review and analyzing the responses from respondents, it is revealed that women are deprived of all familial, social, economic and psychological justice and these all need to be addressed so that the women can feel the notions of justice and dignity. These sharing exemplify that women still are struggling with multiple levels of problems and needs, which has been also argued in my literature review. There is no initiative has been initiated by the state to address these needs. Similarly, there is no individual and community reconciliation initiated by the state until date, which is also contributing for women to live in a state of humiliation. From the expression of the respondents, it also shows how our society is dominated by men with the mindset of patriarchy. In our society, a woman can only feel secure if her husband understands her. My literature review also argues that women are suppressed by this patriarchy, which led women to live in the state of humiliation and insecurity. It also shows the insensitivity of the organizations while dealing with women who are dealing with multilayer trauma and work as contributing factors for social humiliation.

While analyzing the male participants' responses, I noted that men still do not view women's issues as part of the same wider system that encompasses male issues. After listening to their responses, I again argue what was argued in my literature review: Nepal's peace process has ignored the psycho-social effects on individuals. The peace process has mostly focused on institutionalizing political agendas and investing in the reconstruction of physical, educational and political infrastructure. This also validates my argument stated in my literature review reading greed vs grievances, that the bright future promised to women by the Maoist Movement was not fulfilled. Women who suffered gender-based violence during the war continue to deal with the pain inflicted in the time

of conflict. This also reinforces the argument put forward by Collier & Hoeffler (2004) that women accompanied the Maoist movement due to the narrative of grievances (Collier & Hoeffler, 2004, pp. 563-595). However, the grievance-led movement was ultimately led by greed, resulting in women who experienced sexual torture not receiving any form of peace dividend after the completion of the armed conflict. In this transitional phase, the Truth and Reconciliation Commission, the state, organizations and communities have a great role in addressing the multiple needs of these women without any conditions, as well as in providing proper legal, economic, social and mental support in a holistic way, which is of utmost necessity to heal their inner and outer wounds. This can play a vital role for justice and dignity for these women.

4. The ability to hope for the future

Analyzing the different data sources, it was found that women who experienced sexual violence in the armed conflict also had hope for their future. Even with multifaceted difficulties, many women are struggling for survival on their own without any support from the state, through different means such as running small businesses, fish farming, agriculture, mobile tea shop, vegetable selling, etc. However, they hope to get justice and to live a dignified life, with their multiple needs addressed by the state and related stakeholders.

One of the women from Kailali shared, *‘I have confidence that I can survive by doing small work. However my health has been ruined because of what I went through. Due to my poor health, I have both mental and physical fear. I want to be psychologically and physically strong; these are my hopes.’* The other women from Banke district expressed, *‘Now the new generation is coming and they don’t know about our suffering or the past conflict and they have asked whether these things happened in the past.’*

Therefore, it is necessary to raise awareness about our history and we need to be engaged in this process.'

Most of the other women also expressed the hope to conduct small programs by themselves in their community, which can help them to establish an identity in their community, thus providing an environment that promotes dignity. It was also revealed that women themselves are becoming engaged in agriculture and daily labor work to make money to support themselves.

When they were asked whether they have received any government services or participated in the trainings run by organizations, they shared they hadn't received anything from the government but had participated in NGO programs, particularly in those programs run by women-led organizations.

One of the women also shared that she has become the Chair of one group called 'Sahaj', a network of sexually tortured women and other conflict-affected women. She expressed in the time of Focus group discussion that *'we need to fight for our rights by ourselves and we need to be strong to get the justice in our life. Organizations come and go but we need to be united.'* After listening to them, it is clear that a multi-faceted approach has to be initiated from different stakeholders including government, civil society and from the local structures to support these women for their immediate and long-term needs. This will enable them to feel justice and live with dignified lives.

5. Gravity of seriousness of the issues of sexual violence of women by Commissions and government institutions:

Every woman I met during data collection did not see Truth and Reconciliation Commissions as a valuable entity. Almost all the sixteen women who faced sexual violence and whom I met with said that in one of the sections of the application form developed by TRC, they had to show the evidence of incidents. Due to the threat and

because they didn't not have this, many of them just returned to their home without submitting their application, and those also who submitted their application didn't mentioned their real incidents. They shared that they didn't feel that they are a part of the transitional justice process because they don't have information on what the TRC is currently doing. They expressed that they were blindfolded and their hands were tied while they were raped and thus cannot recognize the perpetrator. They are therefore unsure of how the TRC will deal with their cases.

A female respondent from Udaypur who faced sexual violence said during focus group discussion *'the state and the commissions are asking us to show the evidences of our arrest and torture. Due to this we feel very much humiliated. We are involved in a war because of own grievances, for system change, not to collect evidences of and concerned stakeholders should understand this,'* the other female respondent who faced sexual violence from Kailali district said during a focus group discussion that *'We are struggling with familial, social, political and psychological justice. If the TRC can contribute to address these issues then we will feel some level of justice. The TRC should consider our oral testimony as evidence rather than only materialistic documents. Among those who submitted the application in the TRC, many women did not expose themselves as sexual torture victims as they don't feel that they have any protection from the TRC. This is why we do not feel that the TRC is a valuable entity; we feel unable to rely on the TRC to fulfil our quest for justice.'* The other female respondent from Udaipur district said during focus group discussion that *'by taking this current policies if the government claim they will provide justice it will not work out .They should reach to the community of the victims like us to find the real incidences.\everyone in the community can inform them about our incidences. Why should we go to the same police station where we have been tortured in such an inhuman way? This act of government and commission has once*

again provided the psychological pain as well as pain in our dignity. It is needed to amend the current government policies.

When the male respondents were asked how transitional justice mechanisms bring justice and dignity to these women, most of the respondents shared that the commission will not be able to bring any justice and dignity to these women.

The male respondent from Kailali district said during focus group discussion that *'although I know about the establishment of the Truth and Reconciliation Commission, I do not have information on what it has been doing'*. The other male respondent from Kailali district during focus group discussion cited that *'the commission needs to come to every village and must create a space where women can share their incidents in a confidential manner. It is then that women can feel some level of justice. If the commission is just working for the sake of working, then they cannot provide any justice to these women.'* It was also shared by him that *'the commission needs to identify the cases of sexually-tortured women from the bottom level and needs to provide compensation which might also support women to come out from their shell. However, to date this has not happened.'*

Similarly, one of the male respondents from Udaipur district during focus group discussion cited that *'the commission has not done anything to date. If it implements the policies that it has written about, it could help many victims access some level of justice. If they are unable to act, the commission should at least stop to ask women about their grief and incidences as women are very much frustrated about the commission's action. The commission should publicly state the guidelines surrounding things they can and can't do.'* Another male respondent from Kailali district during focus group discussion cited that *'establishing truth is very necessary if the commission wants to empower women. Even in the cases which have already come out, the government and commission*

have not yet done anything. If these known cases had been effectively dealt with, it would have inspired other women to come forward in the hopes of getting justice. In addition the other male respondent who was a former local peace committee member and from Udaypur district during focus group discussion cited that, *‘many women were excluded in filing the cases due to a lack of information. The location of the Local Peace Committees in the headquarter offices also had an impact; many women lack travel expenses and the presence of males collecting applications deterred many women from filing their cases. The commission itself should have gone to every village to collect the applications. Only then would the conflict victim women sense some level of respect and dignity.’*

When the representatives of the organizations working with the conflict-affected women were asked how transitional justice can bring justice to the women, both the respondents from WHR and TSK mentioned that the Truth and Reconciliation Commission is not being effective and not able to do their work and failed to reach out to the communities.

The respondent from TSK expressed *‘this commission could have done it has not done anything, not able to do anything and not get the environment to do something as well.’* Similarly, both the respondents’ highlighted international standards are not met by the current TRC Act, which mostly focused on blanket amnesty and was not amended by Commission, despite dissatisfaction expressed by victims and international communities. There is little hope that the commission can bring justice and establish dignity. Also, the commission is going on its own way without having a dialogue with the victim groups. It was also shared that the commissions lack human and monetary resources, and the commissioners themselves are saying this. Since the commissioners are politically appointed, the respondents shared, there is no trust towards the commissions and questioning the structures of the commissions.

The respondents from TSK shared *‘even in the limited resource, the commission could have done something for setting examples but failed to do this. It could have registered the case of sexual violence in a confidential manner by creating a safe space and by getting the support of the organization who are working on this area but it didn’t do.’* It was also shared by the respondent that now the perpetrators are in power, by which the respondents mean to express that there is less chance of establishing justice. Both the respondents shared that the commission is not victim-centric. The respondent of TSK also shared that *‘while the government was distributing compensation it closed the door for the women who were sexually tortured in the time of conflict and while the commission started its work it did the same. They could have created a mechanism to collect the cases, which could have supported women a lot.’*

The respondents from WHR mentioned *‘Those staffs who are recruited to support the work of commissions are also being transferred to another department within 3-6 months which is also hampering the work of commissions.’* It was also shared by both the respondents that they didn’t want to say that nothing has been done by the commissions, at least they have collected the cases of more than 63000, among these 250 cases of sexual violence, but the commission do not have the skills and capacities to move forward the investigation process.

Similarly, it was also shared by the respondent of TSK during key informant interview that *‘the Chair of the Commissions used to share me that they are committed in establishing the truth of sexual violence, but they do not know the process how it can be done. He further said they need to call the perpetrator and victim together to establish the truth with the date and time of the incidence and they are worried about the victim’s protection.’* She further highlighted that *‘now the commission is trying to amend its bill where it has mentioned that the relief will be provided to the women of sexual violence*

but only providing relief will not create an environment for women to come out until and unless the mechanism and environment created for the women to come out with safety and security. There is fear that if women do not come to get the relief there is a chance of state to say there was no sexual violence occurred in the time of conflict'.

It was highlighted by the respondents that now the political landscape has been changed. There is a greater role of local government structures to address the issues of women who were abused sexually in the time of conflict by initiating reconciliation and memorial initiatives, which might help in providing justice and establishing dignity.

The representatives of Commission and Home Ministry were also asked how the commission and government are planning to address the justice and dignity for women of sexual violence and how it can be better addressed. A representative from a government institution during a key informant interview cited that *'the authority to deal with these issues has been given to commissions.'* He added that *'commission's role is to investigate the cases of gross human rights violations such as killing and disappearance and recommending to Home Ministry for the compensation and Law Ministry for legal justice.'* By doing so, it will address the issues of justice and dignity. The representatives also accepted that *'there is no collaboration between Law Ministry, Home Ministry, and the commissions.'* He further cited that *'the government is planning to provide free medical services to these women who faced sexual violence as well as education scholarship for their children'.* He further mentioned *'if NAP is implemented then it will definitely deal with the issues of justice and dignity of these women where it has the provisions of dealing with the trauma, providing income-generating activities and it can address the issue of justice and dignity. Finding truth is the responsibility of commission'.* The representative also shared *'till date the government has not reached out to women's*

community whereas it is very necessary to reach to these women's home and communities to identify the exact need of these women and can act accordingly'.

The representatives of commission during key informant interview cited that *'the commission is planning to collect the testimony of women who were sexually abused in the time of conflict in a very confidential manner which can further establish justice and truth for the women'*. She further mentioned that *'there is no deadlines for submitting the cases of sexual violence now'*. In addition, she mentioned that *'as justice and dignity is interlinked the commission is planning to recommend for the reparation for these women which is also a part of justice and dignity. Under the reparation, the commission is going to recommend related ministry to provide interim compensation first as till date women are not identified as conflict victims'*. This initiative will also help in establishing their dignity.' Further, she shared *'that the commission will recommend for medical support (Physical as well as Psychological), support for children's education, and training for income generating activities as per the skills for daily sustenance of these women which she believes will contribute for dignity as well as justice as well. The amnesty will not be provided to the perpetrator who committed rape and once the perpetrator will be identified commission will recommend those cases to the Attorney General for prosecution process.'*

While asked about the current activities of TRC and Home Ministry to the respondents, the representatives of commission shared that TRC has opened offices in all seven provinces with teams of three members and the investigation process is going on. She also shared among three members one is woman member and all are from a law background. She informed that *'TRC has collected 60000 plus wartime cases and had sent 1000 cases in each province for investigation and completed 2000 cases to investigate'*. She added *'all the investigator were provided the training on how to behave*

sensitively with the victim group and keeping confidentiality of the testimony and gender-friendly guideline procedure has been developed as well as reparation guideline'.

When asked about the current TRC act, she shared that it is in the process of amendment. She further added that TRC is planning to open its offices in other 45 districts if the resources are available, however it has not happened at the time of writing of this paper. The representative of Home Ministry during key informant interview cited that *'the ministry is focusing its work on distributing relief up to 10, 00,000 to the family of the deceased person as well as the family of disappeared. Similarly, it has a provision to provide Rs 25000 to widowed women as well as the person who was abducted in the time of conflict. For the injured person whose body is 51 % damaged are receiving 6000 per month and whose body is 75% damaged are receiving 12400 per month. Altogether 800 people have received this benefit. Similarly, children who lost their family members are receiving education scholarship and the caretaker of children who lost both of the parents are being provided Rs. 5000 for their livelihood support.'* Here also no space for any support for women who faced sexual and physical violence has been observed. He further shared that *'the Peace Ministry formulated National Action plan on 2011 and again on its leadership second National Action Plan was formulated and unfortunately it is dissolved. And now it is with Home Ministry but there is no clarity who will take a lead'. He emphasized if it would have been implemented it could have dealt the cases of sexual violence of conflict era'.*

When the representative of Home Ministry and the commission were asked whether the government and commission see sexual violence during conflict as needing to be addressed, both of the representatives shared it is very necessary to address the issues of women who faced sexual violence in the time of conflict. The representative of TRC expressed that *'TRC has taken these issues in priority and has been developing the*

special procedure to address these cases to support women to reduce their grief and pain at some extent'.

When asked about the information on the number collected of cases of sexual violence of conflict era, the representatives of Home Ministry shared *'I don't have information on it as the authority is given to commissions'*. Whereas he shared about the process of collecting the wartime incidents, which he highlighted was through Local peace Committee in collaboration with Truth and Reconciliation Commission and Peace Ministry. He further shared *'earlier the women who were sexual violence were not categorized as conflict victim while the government was distributing interim relief, this is why also women didn't reach out to government structures for support'*. Similarly, he shared *'our social structure also stopped women to reached out to government structure'*.

The representative of TRC shared *'there are 400 cases of torture is collected which includes sexual violence. However after the investigation process only they can clearly say among them how many cases are of sexual violence.'* She further added *'the cases are collected through the Local Peace Committee and there was a provision of at least one women representative in the Local Peace Committee to support women to submit the application.'*

When asked about the effectiveness of the current mechanism for applying by women who faced sexual violence, the respondents from the commission cited that *'the current mechanisms helped women to access to apply their wartime cases. There was the women representative in Local Peace Committee who helped women to submit the cases.'* She highlighted *'however due to our social hurdles and stigma that exist in our society women did not submit the cases as TRC expected'*. She accepted that *'there might be a gap from commission's side also in collecting the cases as it is also the first kind of experience of commission.'*

In contrast to the representative of the commission, the respondent of government institution cited that *'earlier there was no separate room for women to submit the cases although Local Peace Committee was helping victim communities to submit their cases. Due to this also there might be many women, didn't submit their cases'*. He again cited that *'now I have heard from TRC that there is a separate room for the investigation process. Also, staffs are provided the training on gender-sensitive training as well as the provision of a counselor as well.'*

The representative of commission cited that *'justice and dignity is interlinked with each other and protecting victim's dignity is also providing justice.'* Regarding justice, she shared that *'following the domestic law as well as International law which is Nepal is signatory is a part of following a path of justice.'* Whereas, it didn't happen at the time of writing of this paper.

When security forces were asked how the transitional justice process of Nepal and the initiatives of government could bring justice and dignity to women, all the three respondents mentioned that the transitional justice process was not able to bring justice and dignity to women in the four years of tenure. The male respondent from former security force said during key informant interview that *'the commissions are not able to set the examples by starting the investigation or even of the 10 cases of wartime incidences whereas the members of the commission have expressed almost 63000 cases have been collected.'* He further added *'at this moment I don't feel there is a full authority to the commission to start the investigation process as there is the vested interest of political parties and who are in government. As well as in power and social denial and acceptance of issues of women among them. Other than that, there is a flaw in the TRC bill.'* It is also shared by him that *'if the women have not seen the faces of perpetrator also if the real investigation initiated by the commission they can find the perpetrator of*

the time and date of the incident is known which can help women in providing justice as well as empowering them.

The male respondent from army mentioned that *'there was a high opportunity for commissions to perform effectively in the initial years as every national and international community were watching them and had shown their interest. It could have proceeded the processes of punishment of the perpetrator of a few cases who committed a serious violation. It could also have initiated some reconciliation activities to sustain peace which has not been done.'* He further mentioned that *'it seems like for the government and the international community peace process has completed. Many actors who were active in conflict especially from security force going out from the institution, might have lost their lives and going outside of the country, it is very difficult to establish dignity and providing justice to the women'*

The women respondent from security force during key informant interview cited that *'I am not informed about the work of transitional justice mechanisms but have heard they haven't moved forward effectively and we can imagine how much has it helped in bringing justice and dignity to the people.'*

Analyzing the responses from the respondents, it again validates that there was no gender-sensitivity mainstream at the work of the Transitional Justice process as well as overall peace process, as I argued in my literature review. Similarly, I again argue that there is no effort from the state to formulate mechanisms where the suffering of the women who faced gender-based violence (especially women who were raped and physically assaulted) in the conflict era, can be dealt with delicately through state-formulated transitional justice mechanisms. It can be validated by the sharing of the respondents that there is no safe mechanism created by the commissions whereby women can submit their cases. The respondents from TSK and WHR emphasized that both the

interim compensation policies and commission excluded sexually abused women in their plan and policies.

Also looking at the very limited number of cases, raised many questions around safety and stigmatization of reporting these kind of crimes in a state-led transitional justice mechanism. It is very similar in the cases of Guatemala and Yugoslavia which I argue in the literature review that it was suspected more than 100,000 women in Guatemala were raped during war whereas during the transitional justice process only 1455 cases were considered gender-based war crimes and as part of human trial due to safety and stigmatization of women (Markowitz, Alexander, Sallie, & Oglesby, 2017, p. 4). There were also many cases of sexual violence unreported during transitional process of Yugoslavia (Alam, 2012, pp. 38-41).

In Nepal, the lack of capacities of the members of commissions and unwillingness of the state to invest in exposures and capacity building of commissioner also show that gender justice is in not a priority of the state. Similarly, the proposed TRC Act is also concentrating on the amnesty and monetary compensation of the women who faced sexual violence in the time of conflict without creating a mechanism whereby women can come and openly share their incidences without any fear and stigmatization. Similarly, as argued in my literature review, it is again revealed that the women are not getting peace dividends in any form, whereas the perpetrators themselves are getting the peace dividend sitting in power. Similarly, there is no collaboration developed by the commission whereby they can engage the organizations who are working on the issue of sexual violence against women or with the victim-led organizations. The communication with the representatives of government structure and commission has also revealed that no serious concern has been shown by either of the structures to deal with the issues of sexual violence of the conflict era. Even in their recent plan in providing compensation,

there was no space for the women who faced sexual violence. At the time of writing of this paper, the commission says that it is still in the process of amendment of TRC act. In its four years and 9 months of tenure, it has only sent 7000 cases for investigation. Though the commission claimed they have developed gender sensitivity guidelines but while communicating with women who faced sexual violence, in relation to my data collection they expressed that there was no provision of women staff when they went to submit their cases, and many of the women didn't submit their cases due to this. It has been also argued that there was the absence of women staff as well as the lack of separate room or space for women in submitting cases. Again, the representatives of Home Ministry and TRC reveal that the government institutions and the commissions have failed to apply gender sensitivity in their case collection process as well. The acceptance of the representative of Home Ministry that women who were sexually abused were not categorized as conflict victim by the Peace Ministry while distributing the interim relief also validates the insensitivity of the Ministry towards gender aspect.

In my literature review, I have argued that no safety measures were put in place by the commissions and local peace committee for the women who faced sexual violence in the time of conflict to submit their cases. This is validated by the very limited number of cases collected of women who were sexually abused, and from the sharing of the women who faced sexual violence in the time of conflict. Besides this, it also shows the lack of security measures put in place by the commission, where women mentioned that they have to show the evidences of the torture in their applications, but they were unable to do that due to lack of safety measure put in place by the government. Seeing the male members in Local Peace Committee who were collecting the applications, women were not able to mention about their real incidences of the sexual abuse. My argument in literature review validated once again that the fear of stigmatization, lack of safe spaces

for women and other security measures also contributed to women not reaching to Local Peace Committees to submit their application. This was also shared and accepted by both the representatives. It is also revealed that there was no preparatory work done by the commission and the lack of gender sensitivity which could enable women to reach out to the Local Peace Committee for the application submission.

Again, analyzing the expressions of the representative of Home Ministry, it is revealed that the Home Ministry has very limited understanding of the view of justice of dignity especially of women who faced sexual violence in the time of conflict. The sharing of the representative of Home Ministry only emphasizes monetary and legal justice. Whereas in my communication with the women who faced sexual violence in the time of conflict, they have more aspirations than getting monetary support only in relation to their justice and dignity. They have expressed the need for methods to address their overall physical, psychological, social and economic justice, which has been also argued in my literature review. The representative of the TRC seems to understand the broader aspects of justice, and she mentioned different aspects of justice and dignity, whereas at the writing of this paper TRC is not able to take the action as highlighted by the commissioner. The communication with the representative of government structure and commission has revealed that there is no serious concern shown by either structure to deal with the issues of sexual violence of conflict era.

Similarly, women had expressed their immediate need and long-term need in my data collection. Every day, they are struggling with their physical, social, psychological and economic problems, which need to be addressed immediately. Whereas, at this current moment, TRC is just in position in developing reparation guidelines with no action for implementing these reparation guidelines. It also shows the lack of gender mainstreaming in both the structures. It was also explicitly visible from the answers of

respondents that there is no political will from the political parties and the government in addressing the cases of women who faced sexual violence. While listening to both the representatives from Government institution and commission, I felt that somehow there is some planning from both the institutions to address some aspects of justice and dignity of the women who faced sexual violence. The expression from the commission that after providing the compensation it will also help women to establish their identity also validates my argument in the literature review that women who were sexually abused till date are not recognized as conflict victim. Similarly, the acceptance from the representatives from the Home Ministry that the government has not reached to the women's community also validates the argument of my literature review that government is not reaching to community to encourage women to submit the cases, for example where I quote the expression of women that "how many times you have reached into our district?" (Nagarik Aawaz, 2017).

During my data collection, it was revealed that women aspire that the government institution and the commission can contribute in establishing their social dignity and repairing their pain, overcoming from their trauma and building relationship with their community, where their community can also support these women for establishing their dignity after being aware of their incidences. Whereas in my communication with the commissions and government institution they are not aware about women's aspirations, but they were more focused on material compensation, which is their understanding about establishing justice for the women. Analyzing the responses from the entire respondents, I argue that Nepal's Truth and Reconciliation Commission has failed to mainstream a gender perspective in their intervention. The larger community has lost faith in the Commission, and it is not trusted as an entity which can provide justice to these women.

Defining Justice & Dignity Through Gendered Peace Building

Nepal has achieved many things in the peace process. However, the peace process has mostly concentrated on the liberal peace but failed to address the structural issues of the conflict and the issues of women which have been ensured in the Comprehensive Peace Accord (CPA) in 2006 (The Government of Nepal and the Communist Party of Nepal, 2006)

Chapter 5

Conclusion, Recommendation and Future Consideration

1. Conclusion

This section presents the conclusions which are drawn on the basis of findings and discussion of my AR and my research Goal.

This research tried to explore how women who faced sexual and physical violence in the time of conflict define the notion of dignity and justice from their lived experiences. For this, through the first cycle of the research I looked at the current status of women and how they define the notion of dignity and justice from their own perspectives. The first cycle was also focused on understanding how the current government's plan and policies have excluded women who faced sexual violence in this peace process, as well as how it is impacting women's daily lives. I also went through different literature reviews. Here, I tried to explore how Nepal and other countries which went through a transitional justice process look at the cases/issues of the women who faced sexual violence, and also tried to explore whether the gender lens was applied in their processes or not. I have looked into various literature /theory in my entire action research that includes Gender, Transitional Justice & Truth-Seeking Commissions, Torture, Trauma and Greed vs. 'Grievances' and critical theory. The theories which I looked into in my action research also enabled me to see the real picture of the women in practice and link those practices in theories.

During the second cycle of my action research, I tried to build a strategy to help these women to address their needs by reaching out to different support networks by themselves, based on the critical theory. I invited most of the research participants in the 'Women Peace Table' conducted by my organization in different provinces during July 2019- December 2019, together with the representatives of the national and local

government, organizations and human rights activist, so that the women could voice their quest of justice, dignity and needs and reach out to different support networks by themselves.

The third cycle was mostly focus on making understood the rooted definition of dignity and justice named by the participants to the transitional justice commissions, Government of Nepal, other justice mechanisms and other national and international organizations/forum. I have shared my research findings to them, so that they can start to address the needs of the women with proper intervention.

Applying a case study methodology and critical theory, I explored the change factors in existing mechanisms in all levels: from the perspectives of women who faced sexual and physical violence in the time of conflict, from the perspectives of male stakeholders, from the perspectives of government and commission, from the perspectives of the organizations working with the women who were impacted by the armed conflict, and from the perspectives of security forces. I explored at different levels, all with the expectation of finding a collective understanding of dignity and justice and solution, at least to some extent. All the discussion with various groups further helped to have a better clarity on the research problem.

This paper also aimed to highlight the issues of women who faced sexual violence, which might be very similar to other international contexts, so that the larger audience from national and international stakeholders can understand the women's perspectives of justice and dignity. It can play a vital role in shifting the social and cultural norms that suppress women, which was also one of my aims in using the critical theory in my research in order to uncover the truth and perspectives. This would promote peace and reconciliation by addressing the issues of women who have faced sexual violence at the time of conflict. If the voices of women who faced sexual violence

during armed conflict, and their opinions on their dignity, justice and needs are not addressed, women will be compelled to experience injustices in their everyday lives, which is a source of gender hierarchy and inequality that leads to destabilizing peace in the society.

Although the decade long armed conflict in Nepal ended formally with the Comprehensive Peace Accord, however women who faced sexual and physical violence still aspire for knowing truth for the incident that was occurred to them as well as for accessing justice whereby they can live with dignity even in this 13 years of peace process. Analyzing the literature review and finding of the research, it is revealed that, as like in the other part of the world, which went through armed conflict, like in Guatemala (Markowitz, Alexander, Sallie, & Oglesby, 2017, pp. 2-4) and in Peru (Boesten J., *Sexual Violence During War and Peace : Gender, Power and Post-Conflict Justice in Peru*, 2014, pp. 23-24), in Nepal also, women who faced sexual abuse and physical assault were mostly from marginalized, impoverished, ethnic and indigenous communities and they faced sexual violence while they were in interrogation by both the warring parties : rebellion groups and security people and also in the name of search mission of the security force, suspecting them as spies of other parties and for their involvement in Maoist movement. The analysis also shows that how much race, class, hierarchies and gender are intertwined in Nepal's armed conflict like in Peru as well as the strong interplay of gender norms and women's sexuality, where sexual violence was perpetuated by both the warring parties to these powerless women by making women's body as a battlefield of the armed conflict as like in the other country which went through armed conflict (Boesten J., *Sexual Violence During War and Peace : Gender, Power and Post Conflict Justice in Peru*, 2014, pp. 3-4).

Similarly, while analysing the literature review and finding, it is explicitly revealed that, in Nepal also, for the cases of sexual violence, the silencing is prevalent like in Peru or Guatemala in the post conflict period which can be validated from the very limited cases of the sexual violence that were reported into the transitional justice mechanisms. Like in Guatemala, Greece or in Peru, the silencing and lack of testimonials is closely connected to the officially nurtured socio-political amnesia, but also to the social and family structures, the traditional accounts of femininity and the prevailing gender norms and expectations in terms of reporting or discussing incidents of sexual abuse, regardless of the context in which they were committed (Stefatos, *The Female and Political Body Pain: Sexual and Torture and Gendered Trauma during the Greek Military Dictatorship, 1967-1974*, 2016, pp. 70-73).

In section 3 of CPA of Nepal, it is mentioned that the government will make effort in political, economic and social transformation. In section 7.1.3 it has guaranteed an impartial investigation and lawful actions against individuals responsible for obstructions in the exercise of rights, and has guaranteed not to encourage impunity. Apart from this, it has also guaranteed the right to relief of the families of victims of conflict, torture and disappearance. Since sexual violence was not considered a priority, many perpetrators who assaulted women in the time of conflict are not being punished, which is also promoting impunity in the country. The country has not been able to see and respond from the gender lens to the consequences of the armed conflict, which can be validated in its exclusion of the women as conflict victims in its interim compensation policy, and through listening to the current plans of the government. Denialism through 'official memory' serves to further marginalize victim experiences, adding a further layer of insult and injustice for the surviving victims of wartime rapes in Nepal like in Peru and Greece (Henry, 2011). In this post-conflict scenario of Nepal, there has been a sense of

denialism, as argued in my literature, for the cases of sexual violence of conflict era and that can be validated from the government institutions' plan and actions and from the women's experiences of everyday injustices they faced.

The analysis also shows, while corroborating the literature review and the findings that, the cases of sexual violence were taken as a private issue and left alone but not taken as human rights violation by the state structures and there is a profound profound impact on physical and mental health has been analyzed among the women who faced sexual violence in Nepal like in Greece and Peru as argued by (Stefatos, *The female and political body in pain: Sexual Torture and Gendered Trauma during the Greek Military Dictatorship (1967-1974)*, 2016, pp. 82-83) . This understanding once again make difficult and painful for the women who faced sexual violence to share their traumatic stories and their sexual nature of victimization which again marginalized them as well as compelled them to live in a state of stigmatization which is also similar in the cases of Peru (Boesten J. , *Sexual Violence in War*, 2014, pp. 23-24) , Greece (Stefatos, *The Female and Political Body Pain: Sexual and Torture and Gendered Trauma during the Greek Military Dictatorship , 1967-1974*, 2016, p. 70) and Guatemala (Markowitz, Alexander, Marston, & Oglesby, 2017, pp. 2-4). This context has contributed in excluding women to get the physical, social and psychological justice as well. Nepal is no exception to other part of the world where sexual violence is considered as stigmatized issues and also failed to do the gender analysis and mainstream gender justice in its transitional justice framework. In this scenario it is very unlikely that women who faced sexual violence can live with justice and dignity until and unless the issues of stigma, trauma, marginalization and women's notion of self-blame is not being addressed by the state structures, political parties and the communities they live in.

The analysis also show that it is necessary to address the quest of dignity of the women who faced sexual violence where they want to be acknowledged , their identity has to be accepted and wanted to be safe from the humiliation which is also being argued in my literature review (Hikks, 2011, pp. 25-26). It is very important to create a conducive environment to receive medical treatment along with confidentiality, removing social discrimination which was also one of the major gap in post conflict scenario in Peru, Guatemala and Greece and was revealed while analyzing the literature review with the finding of the research.

The research finding also affirms that, in Nepal, the state and political parties' failure to provide peace dividend to the people who suffered at the time of armed conflict, especially to women who faced sexual violence, has played a vital role in increasing the frustration among these women and in lowering their self-esteem. This has also resulted in weakening their physical, social and psychological wellbeing; they are still living with the humiliation and stigma. The finding also affirms my tested literature review/theories Gender, Transitional Justice & Truth-Seeking Commissions, Torture, Trauma and Greed vs. 'Grievances'.

These women continue to wait for a conducive environment where their basic rights and needs (physical, economic and psychological) will be fulfilled, which again has contributed to developing trans-generational hatred among these communities.

Transitional Justice does not only refer to the process of political change and reestablishment of the rule of law, but also refers to inventions that help societies reconcile themselves with their violent past to establish 'truth' about human right violations that allows for a peaceful future (Boesten J. , 2014, p. 70). Though the aim of the current transitional justice in Nepal is similar to Boesten's argument, it has been unable to achieve this aim so far. Due to the lack of conducive environment, and due to

the existing gender norms, women who faced sexual violence are still compelled to experience gender inequality and gender hierarchy in their daily lives in this so-called peacetime. It is necessary to analyze how political violence affects women differently from men, in order to include women's experiences in the construction of a national narrative of conflict and reconciliation which was also missing in other part of the world who went through armed conflict, as argued by Boesten (Boesten J. , 2014, p. 70). The current transnational justice mechanisms and government institutions have failed to analyze the effects of violence on women, especially on women who faced sexual violence, in responding to their immediate and long-term needs, and to provide them a space to share their experiences of injustice. It also failed to recognize and acknowledge them as conflict victims. Further, in the national narratives of the war , women who faced sexual violence are nowhere where their contribution of system change has been acknowledged like in the cases of Peru and Greece which could have provided the social and psychological justice to these women.

Without addressing the real grievances of the women that have been suffered in the time of war, efforts of reconciliation at the individual and community levels will not succeed, as it is a crucial factor for sustainable peace building. Based on the expressions from the male representatives of ministry, as well as from other male stakeholders, this research has observed that women's problems and issues are still considered as women's only, which have to be addressed by women themselves, which shows the gap in understanding of gender justice by the male members of the society. Moreover, the perception of the commission towards justice has been limited to monetary and legal justice only. It has to go beyond these limited concepts, as there is a need to put an effort to repair the pain of the harm and injuries that women have experienced, not only physically but also socially and psychologically. While going through different literature

and books related to transitional justice processes in other international scenarios, a similar notion of silencing of the cases of sexual violence and the perception of denialism was observed, including in countries like Peru (rape conducted during 1980-2000), Germany during second world war where limited cases of sexual violence were found in Nuremberg trial, and Greece (sexual violence conducted during 1967-1974 by the Greek Military dictatorship), which has led women to live with shame and self-blame. Sexual violence can constitute a war crime, a crime against humanity, a form of torture, or an element of genocide. Crimes against humanity occur where certain acts, including murder, torture and rape, are undertaken “*as part of a widespread or systematic attack against any civilian population, with knowledge of the attack*” (United Nations Human Rights Office of the High Commissioner 2012). Although acts of sexual violence among women have taken place in many countries as highlighted above and in Nepal, many of these countries have not been able to punish the perpetrator under the provision of war crimes, nor under the provision of crime against humanity. This is due to the absence of political will and due to domestic laws where sexual violence is not defined as war crime and crime against humanity, such as in the case of Nepal. Thus, the legal system has been unable to provide gender justice to the women who faced these horrific acts of sexual violence.

In this context, this paper is very relevant to understanding how the women who faced gender-based violence (especially women who were raped and physically assaulted) define dignity and justice, and to internalizing the need for effective interventions to support them in establishing their dignity and justice from different levels: transitional justice mechanisms, government institutions, civil society organizations and from the communities where the women are residing, as is also highlighted in my future considerations, below. Gender justice has been largely

overlooked by the peace process and the transitional justice processes around the world, including in Nepal. If the government could have included women who faced sexual violence in the time of conflict in the current peace process and could have supported them at the right time and at this time of severe need, the women would have become change agents within their communities with the sense of justice and dignity, contributed for their own individual reconciliation, and fulfilled their basic needs to some extent.

The research findings also show that, even in this hardship, they have the ability to hope for a better future and survive on their own by doing small agricultural activities and small businesses by themselves. However, during the time of data collection, the women expressed that if the state, family and their community can contribute for their daily sustenance considering their physical and mental health, it could provide them some sense of justice and dignity.

2. Recommendations

On the basis of the learning, findings, analysis of each cycle to address the Research goal, the following recommendations are made to national and international actors to incorporate survivors' voices and needs, and the lens of gendered peace building in transitional justice settings where gender-based violence has occurred during the time of conflict.

a. Mainstreaming gender in policy-making and Transitional Justice process:

The research findings and the literature review show that government's plan/policies and transitional justice process failed to mainstream gender. While corroborating all the data sources, it was revealed that women who faced sexual violence are not included in government's plan/policies, which I also argued in my literature review. I argued that women are excluded from government's Citizen's relief, compensation and economic assistance procedure formulated after the conflict (Government of Nepal : Ministry of Peace and Reconstruction, 2009). Similarly the transitional justice process also missed out to mainstream gender in its action and initiatives. This was also revealed in my finding that respondents from the Ministry as well as respondents from the organizations expressed that there was no separate room and counselling room for the women who had faced sexual and physical violence when they went to submit the application of their incidences put in place by the commissions. Besides, many of the women respondents who faced sexual violence in the time of data collection highlighted that, in one of the sections of the application form that, they were required to show the evidence of the incident, and due to this they just returned back to their home without submitting their application to the Local Peace Committee, which was mandated by TRC to collect the cases. Besides, there were male members who were

collecting the cases. This shows the gender insensitivity of the transitional justice mechanism in its process.

In times of violent conflict, men and women face new roles and changing gender expectations. It has been further argued that violent conflict offers opportunities for reshaping both public and private relationships between men and women and in taking positive steps toward gender equality (Schric & Sewak, 2005, p. 87). Although 10 years of violent conflict in Nepal opened up avenues towards gender equality, the status of the women who faced sexual violence has not changed. Political leaders and the state have not seen the issues of sexual and physical violence through the gender lens, which can be validated from the government's compensation policies and action of the transitional justice process. The finding of the research shows that, in the time of insurgency, women either joined or were forced to work as frontline combatants, leaving their roles in the family and society as daughters, mothers and wives for the system change. I also argue this could have contributed to reshape the relationships between men and women by taking positive steps toward gender equality in the time of active conflict. However, their contribution to system change has been forgotten by the state and political parties after entering into the post conflict period. The finding of research shows that warring parties used women as weapons and as targets of sexual violence, but they were neglected during the peace process by the state and the political parties by not recognizing them as conflict victims while formulating the interim compensation policy. Few of the women respondents also highlighted during my data collection that they contributed through the Maoist movement to take their party to its current position, but their party itself didn't recognize their contribution and forgot the goal and objectives of the Maoist movements. When the conflict was ended in the negotiations, although their leaders are in government, they are not concentrating on the grievances of those who brought them to

power. My literature review also argues that, ultimately, the grievance-led movement turned into the greed-led movement after the Maoist party came into power when they missed out to address the grievances of women who faced sexual violence in the time of conflict

There is a very limited number of organizations working for the issue of women who faced sexual violence in Nepal. The local governments are not aware about the issues of these women, which has been expressed by the women when my organization conducted Women Peace Table in all the seven provinces of Nepal, where we also invited the women who were involved in my data collection phase. The issues of women who faced sexual violence is not included in any plan of the local government where they can be supported by these structures, which also validates the gender insensitivity under the national and local level government.

Women and men experience the impact of the war very differently. Without taking gender into account, real conflict transformation will not occur. Women are more affected by war and they face multiple forms of violence. In Nepal's peace building process, the country has failed to provide justice to the conflict-affected women, especially sexually and physically tortured women, and has overlooked their potential to be contributors in the peace process. To maintain peace and security at every level, women who faced sexual and physical violence must be included in every government's national and local level plan, policy and peace building process of the country by the state, which can largely contribute to establish women's dignity and justice as well as their contribution to the peace writ large.

Similarly, although it is mentioned in the first National Action Plan on UNSCRs 1325 and 1820 that there is a provision to support the women with their livelihood and address their psycho-social condition, it has not been properly implemented to date

(Ministry of Peace and Reconstruction, 2011). The tenure of the first National Action Plan on UNSCRs 1325 and 1820 was till 2015. Again, under the leadership of Peace Ministry was formulated the second National Action Plan on UNSCRs 1325 and 1820. After the dissolution of the Peace Ministry, for four years there was no clarity on who will take lead to implement the National Action Plan on UNSCRs. Now the government under the Home Ministry is taking a lead again preparing the second National Action Plan, however, looking at the current state of the women, it is very urgent that government implement it so that women's fundamental needs can be addressed. Until and unless the women are inculcated with a sense of justice and provided access to fulfil their fundamental needs, they will be unable to establish an identity or have mental stability whereby they can feel justice and dignity. Further, it is very necessary for the government and commission to adopt gender policy which can respect the privacy and dignity of the women in their every action.

Similarly, the organizations which are working on the issues of sexual violence also need to integrate gender-sensitive long-term planning in their program initiatives. In this way, women can be supported to address their short-term and long-term needs, and their voices can be included in mainstreaming peace building discourse, so they can receive gender justice through the state and non-state structures.

b. Addressing the immediate and long term need of the women

The research findings show that women who faced sexual and physical violence in the time of conflict are dealing with multiple problems/needs, which I also argued in my literature review. This can be also validated while corroborating different data sources that I used in my research process. From the expressions of women respondents who faced sexual violence, from the expression of male respondents, expressions from the respondents from the organizations as well as from security force, it is clear that women

who faced sexual violence during conflict are dealing with multiple problems/needs such as physical, psychological, social and economic level. Women who faced sexual violence in the time of conflict are still living with the notion of victimhood, due to the absence of a strong justice mechanism in Nepal, and dying everyday with the lack of social, physical and physiological support from the government, their society and from their family members. The research finding also show that, among the children of these women, transgenerational hatred has been developing, which has also contributed to carry a deep-rooted trauma inside among the children as well as these women. The women who are going through post-traumatic stress disorder due to the impact of political violence in form of sexual violence also lose their self-esteem, develop mistrust, have reduced social connection, and feel compelled to remain in isolation due to the sense of humiliation, which has been also argued in my literature review. All of this undermines their identity and their sense of belongingness in the society. Trust and a sense of connection are essential to social interaction and wellbeing, as argued by Hamber (Hamber, Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health, 2009, p. 19). The erosion of social ties and the collapse of connection and confidence between individuals and communities become commonplace as those different groups become negative to one another (Benduece et. al cited by Hamber, 2009, p. 19). When the women are abandoned by their family members, this also contributes to undermining their identity, losing their sense of belonging with their family members and with their communities, and seeing their family members as 'others'. It is very important to provide trauma healing services to these women and their children as well, whereby they can build their confidence, develop a sense of belongingness, leave behind the notion of othering, and live with psychological justice. This can help them increase their psychosocial condition by transforming their feelings of revenge and anger to that of

forgiveness and reconciliation, and can help in building a healthy social fabric that can work as a source of sustainable peace in the communities. The women also shared that the societal perception towards them is also very different and negative. Their husbands and their in-laws blamed them for what happened to them and threw them out of the house along with their children. These factors have also contributed to the women losing their attachment and sense of belongingness with their families and their communities. It also implies a lack of safety and protection measures for these women from their family, community and from the state. The research finding also shows that women who experienced the direct impact of the conflict and faced sexual and physical violence were largely from poor backgrounds. They are struggling to fulfil their basic needs. Due to their poor economic status, the children have not been able to get proper education. Additionally, the school curriculum does not teach history or the impact of the conflict to students, whereby they could understand the problems and issues of these women and children.

In addition, the research finding also shows that, without providing justice with holistic reparation to these women which can meet their short-term and long-term needs, they will be unable to move on in their life with fulfilling their daily sustenance as well as with their mental stability, which women defined as a notion of dignity and justice for them. The research finding also shows that women who faced sexual violence are searching for their identity, acknowledgement for their contribution during the time of conflict, as well as for their security besides their daily sustenance. Such human needs are inborn and are elemental requirements for human development. Burton has categorized identity and security as the core of basic human needs, and argued that failure to satisfy these needs leads to dysfunctional development, frustration and protracted conflict. Besides physiological security and identity, the need for self-esteem is equally important.

(Burton cited in Applied Conflict Transformation Studies, 2005). He argues that the primary causes of protracted conflict are people's aspirations to meet their needs (Burton cited in Applied Conflict Transformation Studies, 2005).

As argued by Burton, it is important that the women who faced sexual and physical violence need to be provided the opportunity to meet their basic needs, which can be short-term and long term needs in the current context of Nepal, as they are dealing with a very difficult time for their survival. Many of women respondents also highlighted, as argued by Burton, that they are frustrated due to government's current action and plan and from this lingering transition phase, which my problem statement also highlight . The research finding also shows that, even after 13 years of the post-conflict period in Nepal, most of the women continue to live insecure lives with a lack of identity and self-esteem. In addition, these women were traumatized and stigmatized by their husband's families, who believed that it was due to these women's ill-fate that the incident of sexual violence occurred to them. Not only were these women unable to receive any kind of support from the government, but were also left to live without their identity, dignity, security and self-esteem.

In such a scenario, it is very important for these women to claim their own rights for the establishment of their identity and to be acknowledged/ recognized by the political parties, state, family and their communities, to live with dignity and justice, security and self-esteem. Failing to address such important needs may lead to other forms of conflicts. This has also been expressed by the women, in my data collection phase and in the workshop named Women Peace Table conducted by my organization Nagarik Aawaz, that they will be compelled to initiate hard actions against the government if their basic needs are not fulfilled (Nagarik Aawaz, 2019). That also reaffirms my argument in literature review where Walter argues that inadequacies in basic living conditions and the

average person's access to political participation have a significant likelihood of renewed of war, regardless of what has already happened in a previous conflict (Walter, 2004, p. 372).

After analysing the finding of the research, where we observed that women are dying every day due to lack of money to buy medicines and nutritious food for themselves, my organization Nagarik Aawaz started to provide Rs. 2000 to the 12 women whose conditions were very critical. We also decided to follow the feminist approach of trust and decided not to ask these women for the bills. Since the government is not doing anything to support these women, we decided to create a Peace Endowment Fund, whereby we can support these women for a longer term, as research finding shows that the women need long-term support. Until and unless government initiates any activities for these women, we decided to support them continuously, realizing that they need long-term support. Since my research goal is also to recommend the outcome of my research to the civil society organizations, this recommendation also goes to my organization, and we incorporated the recommendation of my research in my organizational activities, as well and trying to do whatever we have with given resources. This can also be initiated by other civil society organizations and support these women however they can, at least for their social and physiological justice, even on a small scale .

I argue that these issues of women who faced sexual violence need to be strategically/holistically dealt with by the state, political parties, civil society organizations and the community that the women are living in, immediately taking gender consideration into their action and plans, which will support creating the possibilities of sustainable peace in Nepal with developing the notion of dignity and justice of these women. Besides, the government needs to immediately amend the interim compensation policies so that women who faced sexual violence can be compensated, which will also

recognize their contribution and acknowledge their identity. It is also very important that the political parties, army personnel and the state, needs to come together and ask for public apology and forgiveness by stating the incidents that had happened to the women were not their choice and mistake, but circumstances created this incident.

c. Building Collaboration, Network and Linkages among Ministries, TRC, organizations, local government, and communities :

The research finding shows that there is no strong collaboration between different Ministries like Home Ministry, Law Ministry and also the TRC, which has been expressed by the representative of the Home Ministry himself during the key informant interview. Other research findings also show that the commission didn't make an effort to collaborate with the organizations who are working with the women who faced sexual violence, which is also validated by the respondents from TSK. In addition, reviewing the interim compensation policy and National Action Plan on 1325 and 1820 also shows that, within the Peace Ministry, there was no collaboration between different departments. Both the Interim Compensation policy and NAP 1325 and 1820 were formulated under the Peace Ministry, where interim policy failed to define women who were sexually abused in the category of conflict victim, whereas NAP 1325 and 1820 included women who faced sexual violence in the category of conflict victims in their plan, as my literature review and my research findings also show. The communities of women are not aware about the women's suffering, as no such effort has been put in place by national and local level government. Until and unless collaborative efforts have been initiated by the government's different ministries, commissions, organizations and communities, women who faced sexual violence will not get the holistic support whereby they can feel dignified and can get social, familial, psychological, physical and economical justice. This has been a quest for justice and dignity by these women who

faced sexual violence in the time of armed conflict, and is also my research finding as well.

It is necessary to invest in building collaboration, network and linkages through the government, TRC and organizations for individual, societal, political and cultural change among the family, communities and the local government whereby they can understand the suffering of the women. It should be a collaborative effort from the government, commission, organization and the communities. This ensures that the issues of the sexually abused women are owned by every individual and structure of the communities, and women are supported in a holistic approach that includes their psychological, social, physical and economic well-being, which are also the source of establishing justice and dignity of these women. These are also the findings of my research. A conflict or war impacts situations ranging from personal to social, and political to cultural aspects of human experience. It requires the engagement of multiple stakeholders, if we want to see change at different levels including individual, social, political and cultural level regarding the perception of the suffering of women who faced sexual violence in the time of conflict. This can also contribute to establish their dignity and justice through various levels. Evidence shows that when programmes focus only on change at the individual/personal level, without regard to how these may be translated to social/political, actions inevitably fall short of having an impact on the larger goals (The Collaborative for Development Action Inc., 2009, pp. 18-20). Therefore, it is necessary to invest in building collaboration, network and linkages at different levels so that women who faced sexual violence in the time of conflict can be supported in many aspects by different stakeholders, with their understanding of women's suffering and with their changed perception. In my long-term peace building work in Nepal, I have observed that a country entering into the post-conflict era after the peace accord mostly gives priority to

sustaining the liberal notion of peace by creating huge structures and formulating policies, but fails to address the deep-rooted impact of the conflict on individuals and communities, and especially of women who faced sexual violence in the time of conflict. This can be a source of destabilizing peace within these communities.

The conflict transformation approach should be based on the gender lens, and no political or strategic goals can be pursued by ignoring the safety, social and psychological well-being and livelihood of women who suffered and faced sexual violence in the time of conflict. Therefore, people on the ground, especially the women who faced sexual violence, and their legitimate aspirations of security, social and psychological well-being and livelihood, should be an integral part of any political or strategic considerations. Effort has to be made by different levels like ministries, national and local government bodies, organizations and the communities by building strong collaboration between them whereby women can be supported in a holistic way with the involvement of various structures to address their quest of dignity and justice. Further, it is also necessary for the Truth and Reconciliation commission of Nepal, like Ghana's National Reconciliation Commission, to make efforts to liaise with women's groups and strategize around gender policy on procedures to encourage women witnesses to come forward, create wider awareness about a safe space for reporting sexual violence, ensure on-going training for statement-takers and other staff. This was argued in my literature review, as well as in the findings of the research (International Center for Transitional Justice, 2006, pp. 1-3) .

It is also necessary for the government to give full authority to the Truth and Reconciliation commission to expedite its process without any political interference. In addition, as I argue in my findings, there is a sense of denialism and notion of silencing of the cases of sexual violence among the government and political parties. It is very necessary for civil society organizations to work collaboratively to bring the issues to the

surface, as well as to stop the duplication of their efforts in order to maximize in a collaborative way their support for the women who faced sexual violence and physical violence.

d. Meeting International Standards and need for the implementation of the national policies

In my literature review, I have argued that the TRC Act is not according to International standards, and this is also a finding of my research. In my research journey, in the process of data collection, the women who faced sexual violence, male respondents, respondents from the organizations, security force all emphasized to amend the TRC Act according to International standards. There was also an international pressure from the international human rights group and various international agencies to the Government of Nepal to resolve the Transitional Justice Act in line with Nepal's commitment to international conventions and verdicts of the Supreme Court. On August 5, 2019, Amnesty International, International Commission of Jurists (ICJ), Human rights Watch, and Trial International called on Nepal to make the appointment process of commissioner in transitional justice bodies consultative and transparent, to amend the ACT in line with international human rights standards and apex court's ruling, and to come up with a plan to take transitional justice forward; this has been published in the national newspaper Republica (Republica, 2019) . This was not the first time the government received this recommendation. In April, 2019 also, five UN rapporteurs under the High Commissioner for Human Rights sent correspondence to Foreign Minister Pradeep Gyawali seeking transparency and consultation on the selection of officials in the Truth and Reconciliation Commission (TRC) and Commission of Investigation of Enforced Disappeared Person (CIEDP,) which was published in the national daily newspaper, the Himalayan Times (The Himalayan times , 2019). At that time also, they

asked the Nepal government to amend the ACT in broader consultation with the victims, victims' families, civil society organizations and national human rights body; this has not been done by the government.

Further, Nepal is a state party to many other international human rights treaties which prohibit sexual violence, including rape and torture, and also call upon providing remedy and justice to the victims of rape and torture. These international human rights treaties include Geneva Convention, International Covenants on Civil and Political Rights, Elimination of all Forms of Discrimination against Women, and Convention on Torture and other cruel inhuman or degrading Treatment and Punishment. However, at the time of writing of this paper, Nepal has never meet these international standards in its activities and in action. Women who faced sexual and physical violence were left out of receiving any kind of justice and remedy so far, and torture is also not criminalized in the domestic law.

My literature review highlighted that the United Nations Human Rights Office of the High Commissioner has defined sexual and physical violence during the time of war as a crime against humanity and war crime (United Nations Human Rights Office of the High Commissioner 2012,) But the TRC act doesn't define sexual and physical violence as a war crime and crime against humanity at the time of writing of this paper, and now it is in stagnant phase after the resignation of the former commissioner and members of both commissions. My literature review argued that, in Rwanda, after including sexual violence as a war crime, many women were able to get justice in their lives, but here in Nepal such consideration has not been made by the commission or the government (Alam, 2012, pp. 38-41).

In addition, the impact of the armed conflict among women who faced sexual violence seldom came out in the peace building discourse, which has led these women to stay in the notion of victimhood.

It is very necessary for the government to meet the international standards and Supreme Court's verdict. It is also necessary to amend the TRC Act as per the aspiration of the victim communities to get national and international support in the transitional justice process, as per the international standards, whereby the issues of women who faced sexual violence can be addressed in order to support and establish their dignity and justice. It will also help to complete the transitional justice process in a logical end as well.

Similarly, it is necessary for the international community to call upon the Nepal government and the political parties to be accountable, incorporating the investigation process as well having an effective transitional justice mechanism in Nepal.

e. Maintaining rule of law

Since looking at the current process of TRC, it was not able to recommend for legal action against any of the perpetrators who committed sexual violence to the women during the time of armed conflict. Looking at the political scenario also, it has been observed there is no interest from the political parties, and the state has been highly dominated by the politics. Also, looking at the current stagnant phase of the transitional justice process also shows that political parties and the state have not given priority to the conflict-related agenda. In this scenario, it seems that women who faced sexual violence still have to wait for their justice for the long-term and for establishing their dignity. As highlighted in my problem statement, through this move once again has lowered the self-esteem of women who faced sexual violence and contributed to raising their frustration.

The findings of the research also show women who faced sexual violence in the time of conflict are saying they do not have any hope from the transitional justice mechanism, where a sense of denialism can be seen from the state and political parties regarding the issues of sexual violence, which I also argue in the literature review (Henry, 2011, p. 60). That has been also argued by the respondents from the organizations, as well as from the security force, that the denialism is seen among these structures, which I have also highlighted in my research findings. Even when women are saying that they can recognize the perpetrator who committed sexual violence to them, the state and the commission have not done anything to recommend those perpetrators for punishment, which is also contributing to rising impunity in the country.

It is necessary for the government and political parties to make efforts to maintain the rule of law, punish the perpetrator, to end impunity, whereby women can have justice in their lives to see legal action against the perpetrator who committed the sexual violence to them. Despite its being ensured in the comprehensive accord in article no. 7.6.1, where it states, *'to provide special protection to the rights of women and children, to immediately stop all types of violence against women and children and necessary and appropriate assistance will be provided who experienced the direct impact of the armed conflict'* (Government of Nepal, 2006,) nothing has been done to address these issues.

Further, it is also necessary for the civil society to continue their voices to make accountable state and political parties in ending impunity, although they are not listening at this stage.

f. Creating safe space and dialogue on the issues of women who faced sexual violence

The research finding shows that there is a lack of safe spaces in the community or the government structures where women who faced sexual violence could share their stories, heal themselves and feel a sense of collectivism and belongingness. There is also

a lack of ongoing dialogues on the issues of women who faced sexual violence that would help their extended families, communities and government structures understand their roles in supporting women who faced sexual violence to live with safety and security.

The research finding shows that now the women are living with the dual notion that the incident that happened to them was their mistake, and, on the other hand, they feel that it was not their mistake. However, they want to live with the notion that the incident that happened to them was not their mistake. They also want the communities to understand their suffering when they openly share their incidences as normal as the incidences of other conflict-affected women whose husbands were lost or disappeared; in those cases, they would not be seen with the notion of humiliation. This was also expressed by the male respondents, and respondents from the organizations as well.

In Nepal it seems that the country is still sticking to liberal peace, but has been unable to address the structural issues with the political and socioeconomic transformation and conflict management, which has been ensured in Article 3 of the Comprehensive Peace Accord (Government of Nepal, 2006,) as I have also argued in the literature review. Women who faced sexual violence continue to face everyday discrimination and injustice in their lives. Besides this, while reconciliation has been done at the political level, it still hasn't happened at the individual level. This factor has also contributed to the women who faced sexual violence losing trust and belongingness within their communities and families. There are very few organizations working on these issues of women who faced sexual violence and creating a safe, confidential space for the women where they can be healed to some extent, if only in a very limited way, due to the lack of resources, as peace building funds are shrinking in Nepal.

It is very necessary to create a safe space for dialogue between women who faced sexual violence during armed conflict, initially dialogue for women only, being sensitive

to secure their privacy and dignity. Later on, it is also necessary to include community groups, local and national political leaders, and other stakeholders. At the time of the conflict and during the post-conflict period, these spaces shrank. Due to the large-scale violence and lack of safety nets from their family members, women who faced sexual violence in the time of conflict suffer and face a breakdown of their social relationships. As a result, they develop a sense of fear and deep-rooted mistrust, lack of sense of belongingness with their extended family members and with their communities. The prevailing uncertainty and fear further contribute to destabilizing the social and cultural fabric of the society. Therefore, creating safe and inclusive spaces for these women and the community at large is very important for establishing social and psychological justice with dignity for these women, as well as strengthening sustainable peace building, self-esteem and confidence-building of these women. As the research finding show, creating such spaces is also necessary to cut down the multi-layer trauma of women who faced sexual by providing them a space to tell their stories and listen to the stories of others who are similarly affected by the conflict. It is also necessary to include non-affected communities by inviting them to these safe spaces, whereby they can understand the issues of these children and women. As argued by Burton, identity, acceptance, recognition, security and justice are at the core of basic human needs (Burton Cited in *Applied Conflict Transformation Studies*, 2005, p. 38) . This is why creating safe spaces is so necessary in order to bring communities together in conflict and post-conflict period, in understanding of women's identity, safety, and sense of belongingness, and to encourage acceptance and tolerance, for building and promoting sustainable peace building. These spaces can open an avenue for these women to move forward by reducing their notion of victimhood by making them feel secure and protected in their communities, which can also contribute to their individual reconciliation.

Another crucial intervention that I believe is needed in this context, is conducting peace circles and dialogue between women who faced sexual violence and communities not affected by the conflict, with the participation of extended family members, community leaders, male leaders, representatives of youth and women groups, representatives of government bodies and of organizations, by giving a space for everyone to voice their opinions. Dialogue is a small-scale communication process in which participants may say or hear something they never said or heard before, and from which they may emerge irrevocably changed. The approach emphasizes listening, learning and the development of shared understanding (Maise, 2003). While conducting a dialogue between the groups, emphasis should be given for the participants to sit in a circle. The circle opens up an avenue of non-hierarchical position, where all participants can feel comfortable to communicate directly, which was also one of the needs of the women, and my research finding also highlighted this. It also creates a space where all participants can be heard as they speak to one another across the circle. People are encouraged to speak openly, and listen respectfully and attentively. By doing so, stakeholders from non-affected communities can also understand the struggles faced by the women. Such kind of peace circle and dialogue also helps to break the cycle of violence, and transform the identity of the women who faced sexual violence so that the community can recognize/ acknowledge them for their contribution for system change. Open sharing and dialogue will strengthen the communication among these groups and will play a vital role in bridging the gap between the communities. It will also help develop a healthy, nonviolent response to injustice, which women are going through.

The national level government, local level government, community structures and the civil society organizations can play a vital role in creating such spaces. This is much-needed and crucial intervention to establish dignity and justice for women at different

levels. Opening a space and structure for sharing past suffering through dialogue and peace circles is also critical for collective democratic change in the structure of power. It also provides important social opportunities for women who faced sexual violence in the time of conflict and communities to come together and challenge the legitimacy of power and respect as well as each other's coexistence.

g. Sensitivity regarding the suffering women at the level of political, national and local governments, commissions, organizations, communities and families.

The research finding shows that there is no sensitivity towards the suffering of women who faced sexual violence from the political level, national and local governmental level, commissions' level, organizational level, as well from the level of community and family of the women who faced sexual violence in the time of armed conflict. While corroborating all the data sources, it was found that women who faced sexual violence were neglected by their family and their community after they knew the incidents of the women. Similarly, the government didn't include them in their policies nor recognize / acknowledge them as conflict victims, which women say humiliated them a lot. Besides this, the TRC act is not as per international standards, according to many of the respondents. It mostly emphasizes amnesty, as I also argued in my literature review. The insensitivity of TRC can be also validated from the women respondents who faced sexually violence, male stakeholders, organizations and representatives from ministry, all of whom reported that there was no separate room for the women to file their application. There was no counselling service before they submit the applications.

The 2017 local elections of Nepal, held after 20 years, have ensured a better presence and activity of the government at the community level. However, local governments do not want to talk about the issues of armed conflict or the issues of women who faced sexual violence in the time of conflict. They believe that peace is

already prevailing in Nepal, conflict-affected communities have already received monetary compensation worth Rs. 1000,000 (approximately 10000 USD) and the government has already provided them justice, However, women didn't receive any of the support from the government. There is a lack of initiatives to address the pain and harm that the women who faced sexual violence are going through in their daily lives, initiatives which could have contributed to their dignity and justice, as well as to individual reconciliation with their communities. The government is also in a state of shifting their priorities in the developmental agenda, prioritizing infrastructure building and investment in economic activities over human development. These many factors are contributing to increasing the notion of hatred among women. It was realized that the duty-bearers from the Government also are not gender-sensitive. Similarly, most of the duty-bearers of the Government structures who were collecting the applications of the conflict era were men. It was also expressed by women during data collection that some duty-bearers from the government do not treat these women with due respect when they reach to the Local peace committee while submitting their cases, and when they reach out to government offices for help. They expressed in the time of data collection that this has contributed to decreasing their self-esteem and increasing frustration among them.

Looking at the current transitional process which is dysfunctional from almost 10 months at the time of writing of this paper, I can argue that the government is not able to expedite the Transitional justice process even after the extension of the tenure of this mechanism, which will be till February, 2020. This also shows their insensitivity in this process. Many times, the victim-led organizations, human rights activists, and the civil society organizations are asking the government to conduct broader-level consultations, but still it is not happening, due to the political bargaining among the political parties. Due to government's and political parties' insensitivity regarding the transitional justice

process, now the international intervention is increasing, which can even delay the quest of dignity and justice for women who faced sexual violence in the time of conflict.

In addition, those organizations who started to support women who faced sexual violence also have very short-term initiatives, whereas the women who faced sexual violence need long-term support, which has been expressed by the women respondents during my data collection.

In this regard, the organizations need to be very sensitive while they do interventions to support these women. There is a very painful case which happened just recently, when one of the organizations wanted to support one woman who had faced sexual violence, but due to their insensitive procedure, her family life broke down.

It is very necessary for the political actors to demonstrate their commitment to resolve this lingering transitional justice as soon as possible with sensitivity, to save many more women who faced sexual violence. As I argued before, they are dying everyday due to multiple needs and lack of support from anywhere. The government and political parties need to realize the urgency of the transitional justice process, where they can support the women's diverse but immediate needs, whereby they can be alive as well as feel some level of justice and dignity. Women also want the truth about why these incidents happened to them, and to this also the commissions, government and the political parties can contribute, if they work with accountability and sensitivity, which can also establish the legal, social, psychological justice as well as contribute for women's dignity.

In addition, the family members and community of the women who faced sexual violence also need to be sensitive and can support women to increase their self-esteem and dignity. However this, as argued above, needs the collaborative effort from national government, local government, community structures and civil society organization.

Defining Justice & Dignity Through Gendered Peace Building

They can do this by engaging these groups in on-going dialogue sessions to make them realize the suffering of the women.

3. Future Considerations

This research was basically focused on exploring the notion of Justice and Dignity from the lived experiences of women who faced sexual and physical violence during the armed conflict era in Nepal. While going through the research journey it was inevitably came out that the intensity of the suffering of the women, and the injustices that they are experiencing, are immeasurable. The women continue to cope with cycles of endured trauma and violence in their daily lives in the absence of any support system in this peace time as well. The suffering and trauma that the women have suffered have not resonated with the communities that were not affected by the armed conflict nor with the state. The ongoing transition of the country reflect the inherent power imbalances that exist in our society and has deepened the inequalities. These power imbalances are also contributing to worsening the violence against women in the current context. Due to the regressive and narrow mindset of patriarchy in our society, women who faced sexual violence are not able to participate as equal citizens. Structural violence has ensured that these women feel broken and injured emotionally, and deprived from their sense of identity. Upon this background my future consideration to take this journey forward is, in analyzing and exploring the trend of :

- Understanding the meaning of sexual violence in peace time
- Why it is interpreted differently in different socio-cultural context and
- How it is understood differently from the sexual violence that was occurred in the conflict time

Reference:

- Alam, M. (2012). *Gender Mainstreaming in Transitional Justice: Progress and Persistent Challenges in Restributive and Restorative process*. Washington.
- American Psychiatry Association. (2000). *Diagnostic and Statistical Manual of Mental Disorders, 4th ed. (DSM-IV)*. American Psychiatric Publishing.
- Arthur 2009 cited in Markowitz, P., Alexander, R., Sallie, M., & Oglesby, E. (n.d.). The Gendered Geographies of Justice in Transition: A Feminist Geopolitics Perspective. *The Universities of Arizona ; University Libraries*, 4.
- BBC. (2017, April 17). <http://www.bbc.com/news/world-asia-39621496>. Retrieved from BBC: <http://www.bbc.com/news/world-asia-39621496>
- Benduece et. al cited by Hamber. (2009). *Transforming Socities after Political Violence; Truth, Reconciliation and Mental Health*. LLC, 233 Spring Street New York: Springer Science + Buisness Media.
- Boesten, J. (2014). *Sexual Violence During War and Peace : Gender, Power and Post Conflict Justice in Peru*. 175 Fifth Avenue, New York, NY 10010, USA: PALGRAVE McMILLIAN.
- Boesten, J. (2014). *Sexual Violence During War and Peace : Gender, Power and Post-Conflict Justice in Peru*. (1. s. edition, Ed.) 175 Fifth Avenue, New York, NY, 10010, USA: PALGRAVE McMILLAN.
- Boesten, J. (2014). *Sexual Violence During war and peace: Gender, Power and Justice in Peru*. 175 fifth Avenue, New York , NY 10010: PALGRAVE MACMILLAN.
- Boesten, J. (2014). *Sexual Violence in War*. In *Sexual Violence During War and Peace : Gender, Power and Post-Conflict Justice in Peru* (p. 19). 175 fifth Avenue, New York, NY 10010: PILGRAVE McMILLAN.
- Burton cited in Applied Conflict Transformation Studies. (2005). Theories of Conflict Transformation Studies. In *Theories of Conflict: Causes, Dynamics & Implications* (p. 38).
- Burton Cited in Applied Conflict Transformation Studies. (2005). Theories of Conflict:. In *Theories of Conflict: Causes, Dynamics & Implications* (p. 38).
- Center for Peace and Conflict Studies. (2012). *National Apologies: Mapping the complexities of validity*. Cambodia: Center for Peace and Conflict Studies.

- Collier, P., & Hoeffler, A. (2004). Greed and Grievances in Civil War. 563-595. Oxford Economics Paper.
- Coomaraswamy, R., & Fonseka, D. (2004). *Peace Work: Women, Armed Conflict and Negotiation*. New Delhi, India: Women Unlimited, India .
- Creswell, J. W. (2007). *Qualitative Inquiry & Research Design; Choosing Among Five Approaches*. California: Sage Publication.
- Crossmann, A. (2020, February 11). *Understanding Critical Theory*. Retrieved June 1, 2017, from <https://www.thoughtco.com/critical-theory-3026623>
- Fay cited in Crosswell, J. W. (2007). *Qualitative Inquiry & Research Design: Choosing Among Five Approaches*. 2455 Teller Road, Thousands Oaks, California 91320: Sage Publication, Inc.
- Fisher, S., Ludin, J., Williams, S. I., Richard, S., & Williams, S. (2011). *Working in Conflict: Skills a Strategies For Action*. 1046 Bristol Road, Selly Oak, Birmingham B29 LJ, UK.: Zed Books Ltd, & Cynthiya Street, London NI 9JF, UK.
- General Assembly, U. N. (1996, February 23). Resolution adopted by General Assembly.
- Government of Nepal : Ministry of Peace and Reconstruction. (2009). Citizen's Relief , Compenastaion ad Economic Assisatance. Kathmandu, Nepal.
- Government of Nepal. (2005). *Comprehensive Peace Accord*.
- Government of Nepal. (2014). The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act. 3.
- Hamber, B. (2009). *Transforming Societies after Political Violence : Truth Reconciliation and Mental Health*. New York: Springer US.
- Hamber, B. (2009). *Transforming Societies after Political Violence: Truth and Reconciliation and Mental Health*. New York, Springer, US.
- Harvard Humanatarian Initiative. (2011). *Learning on Gender & Conflict in Africa*.
- Henry, N. (2011, January 20). War and Rape : Law, memory and justice. 60. Routledge.
- Hicks, D. (2011). *Dignity :the essential role it plays in resolving conflict*. Yale University, New Haven and London: Yale University.
- Horkheimer, M. (2002). Critical Theory : Selected Essay . In M. Horkheimer, *Critical Theory* (p. 211). 370 Lexington Avenue, New York, NY 10017: The Continumm Publishing Company.
- International Center for Transitional Justice. (2006). *Gender Justice Series: Truth Commission and Gender: Principle ,Policies and Procedure*.

- Jack, A. .. (2003). *Gender and Armed Conflict*. 3. Brighton BN 19RE, UK: Institute of Development Studies, Bridge-Development and Gender.
- Kantipur Daily. (2019, October 22, 2019). *Raped by Dogs*.
- Maise, M. (2003, July 24). Retrieved July 2019, from <http://www.beyondintractability.org/essay/dialouge>
- Markowitz, P., Alexander, R., Marston, S., & Oglesby, E. (2017, July 20). *The Gendered Geographies of Justice in Transition: A Feminist Geopolitics Perspectives*. 5.
- Markowitz, P., Alexander, R., Sallie, M., & Oglesby, E. (2017, July 20). *The Gendered Geographies of Justice in Transition: A Feminist Geopolitics Perspectives*. 2-4.
- Maslow cited in *Applied Conflict Transformation Studies*. (2005). *Theory of Conflict Transformation*.
- Mazurana, D., & McKay, S. (2004). *Comparative Findings of Psycho-spiritual, Physical and Psychological Health and Socio-Cultural Issues*. In S. Mackay, & D. Mazurana. *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: The lives during and After War*. Montreal.
- McKay, S., & Mazurana, D. (2004). *Comparative Findings of Psycho-spiritual, physical and psychological Health, and Sociocultural Issues*. In *Where are the girls? Girls in fighting forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War* (p. 33). Suite 1100, 1001 de Malsonneuve Blvd, East Montreal, Quebec, H2L, 4P9 Canada: International Center for Human Right and Democratic Development.
- Ministry of Peace and Reconstruction. (2009, December).
- Ministry of Peace and Reconstruction, G. o. (2011). *National Action Plan on Implementation of the United Nations Security Council Resolution 1325 & 1820*.
- Nagarik Aawaz. (2017). *Report on Workshop of Never Ending Road to justice*. Kathmandu.
- Nagarik Aawaz. (2019). *Report of Deepening Women's Peace Table*.
- Republica. (2019, August 5). *Cost of delay: International Pressure in transitional justice*.
- Schric, L., & Sewak, M. (2005). *'Women': Using the Gender Lens*. Boulder: Lynne Rienner.
- Stefatos, K. (2016). *The female and political body in pain: Sexual Torture and Gendered Trauma during the Greek Military Dictatorship (1967-1974)*. In A. Altinay .G, & P. Andrea, *Gendered Wars, Gendered Memories* (pp. 82-83). Routledge.
- Stefatos, K. (2016). *The Female and Political Body Pain: Sexual and Torture and Gendered Trauma during the Greek Military Dictatorship , 1967-1974*. In *Gendered Wars, Gendered Memories* (pp. 72-73).

- The Collaborative for Development Action Inc. (2009). *Reflecting on Peace Practices*. 130 Prospect Street, Suit 202, Cambridge: Collaborative for Development Action Inc.
- The Himalayan times . (2019, April 17). UN concerned about sluggish transitional justice process .
- The Story Kitchen. (2018). Breaking the Silence - Ending Impunity Conference. Lalitpur.
- UN Women. (1995). *The Beijing Declaration and Platform for Action*. New York.
- United Nations. (1995). *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment In human Rights 1945-1995* (Vol. VII). Geneva.
- Walter, B. (2004). Does Conflict Beget Conflict? Explaining recurring Civil war. *Journal of Peace Research*, 372.
- Yin, R. K. (2003). *Case Study Research: Design and Methods* (Vol. 5). New Delhi: Sage Publications.

Appendix I

Questionnaire for the Focus Group Discussion with Women

Of

Gendered Based Violence of Conflict era of Nepal

- 1) How were you impacted by the armed conflict?
- 2) How are you dealing with your daily lives at this current moment? What has life been like for you since the end of the armed conflict?
- 3) What does dignity mean for you? How do you feel dignified? What does justice mean for you? In your community?
- 4) What hopes do you have for yourself and others who are going through same struggle?
- 5) What do you think about the current transitional justice process? Do you feel involved in the transitional justice process, why or why not?
- 6) Where do you go for help? Do you have any recommendations for leaders, stakeholders to better meet your needs?
- 7) Anything else would you like to add or say?

Appendix II

Questionnaire for the Focus Group Discussion with Men Group

Of

The Community

- 1) How were you and your community affected during the armed conflict of Nepal?
- 2) Do you think there were any groups that were affected more than others?
- 3) How about women, how do you think they were affected by conflict?
- 4) *(If they do not bring this up in the previous question)* Are you aware of the sexual violence/assault that occurred during the conflict and transitional justice?
- 5) How can you, the community, the country better address these women's needs?
- 6) How well do you think the transitional justice process of process brought justice and dignity to the people of Nepal, especially conflict affected women?
- 7) How can the transitional justice process of Nepal empower individual people, especially conflict affected women?
- 8) How can you help heal and empower women in your community?

Appendix III

Format of taking case Study

Case Study

Code Name:	
Date of the Case-Study recorded:	
Venue/ Address	
Personal Background:(impact of the conflict)	
What has changed for you after the conflict?	
Your meaning of dignity and justice and for your communities	
What are yours and the others people hopes who have a same struggle.	
Your feelings toward transitional justice process and do you feel are you involved in this process?	
Your access to services provided by Government or other organizations. Did you	

Defining Justice & Dignity Through Gendered Peace Building

go for help in any of the organizations?	
Any recommendations for leaders. stakeholders to better meet your need.	
Any other additional thing you want to say.	

Appendix IV

Questionnaire for the Key informant interviews

with the representative of Truth and Reconciliation Commission

- 1) Will you please tell me the current activities of commission/government? What are the most recent activities of the commission/government?
- 2) How does the commission view justice and dignity?
- 3) Does the commission see sexual violence during the conflict as something it needs to address? Why or why not
- 4) Would it be possible to share how many cases of sexual violence has been collected during the commission process? Could you tell me about the process of how these cases are collected?
- 5) Do you think the current mechanisms help women reach out to the commission to apply their cases? Why or why not?
- 6) How is the commission planning on addressing justice and dignity for the women who were sexually abused in the time of conflict era? If, so how? If not, why?
- 7) How can the commission better address the needs of these women?
- 8) Anything more you would like to share?

Appendix V

*Questionnaire for the Key informant interviews
with the representative of Government Institution*

- 1) Will you please tell me the current activities of the government related to peace building?
What are the most recent activities of the government?
- 2) How does the government view justice and dignity?
- 3) Does the government see sexual violence during the conflict as something it needs to address? Why or why not?
- 4) Is it possible to share how many cases of sexual violence has been collected till date?
Would it be possible to share how many cases of sexual violence has been collected during the government/commission process? Could you tell me about the process of how these cases are collected?
- 5) Do you think the current mechanisms help women reach out to the commission to apply their cases? Why or why not?
- 6) How the government is planning in addressing justice and dignity for the women who were sexually abused in the time of conflict era? If, so how? If not, why?
- 7) How can the government better address the needs of these women?
- 8) Anything more you would like to share?

Appendix VI

Questionnaire for the Key informant interviews

with the representatives of the organization working with conflict affected women

- 1) Tell me about the work you do with conflicted women? How long? What type of work do you do? Why you choose to do this work?
- 2) Based on your experience working with these women, how would you define justice and dignity?
- 3) What do you see as the biggest need of this group of women? What do you hear as some of their biggest hopes?
- 4) How are you seeing the current process of commission?
- 5) Do you think the commission is bringing justice and establishing dignity of these women? Why or Why not?
- 6) What could be done to help bring justice for these women?
- 7) Anything would you like to add?

Appendix VII

Questionnaire for the Key informant interviews

with the representatives of Security Force

- 1) How were you affected during the armed conflict of Nepal?
- 2) What was your role during armed conflict?
- 3) Do you think there were any groups that were affected more than others?
- 4) How about women, how do you think they were affected by conflict? (If they do not bring this up in the previous question) Are you aware of the sexual violence/assault that occurred during the conflict?
- 5) How can you, the community, the country better address these women's needs?
- 6) How well do you think the transitional justice process and the initiatives of government brought justice and dignity to the people of Nepal, especially conflict-affected women?
- 7) How can the transitional justice process of Nepal and the government initiatives empower individual people, especially conflict-affected women?
- 8) How can you help heal and empower women in your community?

Appendix IX

Some Pictures of Research Journey



Case study with the women who faced sexual violence



FGD with the women who faced sexual violence



FGD with male stakeholders



Sexually Tortured Victim Women demands her need and express her concerns to the local stakeholders in Women's Peace Tables 2019 of Nagarik Aawaz.



Process of Data Analysis