

**National Action Plan**  
**On**  
**Implementation of the United Nations Security**  
**Council Resolution 1325 & 1820**  
**[2011/12 – 2016/17]**

**Government of Nepal**  
**Ministry of Peace and Reconstruction**  
**Singhadurbar, Kathmandu**  
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## **1. Background:**

The impact of any armed conflict is generally more severe on women and children. They are victims of various forms of violence, discrimination and exploitation not only during the armed conflict but also during the post conflict and transition. Therefore, to address the security concerns of women and girls and to ensure the participation of women in all stages of peace building the United Nations Security Council adopted Resolution 1325 on 31 October 2000. The Resolution calls on all member states to increase women's participation in the formulation of policies for conflict resolution, management and prevention and protect and address the special needs of women and girls during and after conflict. To strengthen the mandate and implementation of UNSCR 1325, the Security Council adopted another Resolution 1820 in June 2008. In addition to all forms of violence faced by women, this Resolution particularly emphasizes on sexual violence targeted against women and girls during and after armed conflict.

Different kinds of violence, especially acts of sexual violence targeting women and girls, escalate during the time of armed conflict. There is probability of such violence continuing even after the end of armed conflict. To address this concern the United Nations Security Council passed the Resolution 1820 on 19 June 2008 urging all sides concerned to immediately stop sexual violence. The Resolution recognizing the important role of women in establishing peace has called on all parties to ensure the equal participation and full involvement of women in all efforts at promoting peace and security.

In Nepal, more than a decade long armed conflict that took place from 13 February 1996 to 21 November 2006 and the movements that took place in different parts of the country including in the Tarai and the eastern hills during the transition period after that, has affected women and children the most. Nepal understands the responsibility of every member state of the United Nations to implement the Resolution adopted by the Security Council as per Article 25 of the UN Charter. Moreover, the significance of these UN Resolutions is felt to be more in the case of Nepal as it is engaged in the peace process after a decade long armed conflict. It is in this context that the need for a separate National Action Plan has been felt for the implementation of UNSCR 1325 & 1820.

## **2. Conflict Transformation and Peace Process in Nepal:**

In Nepal, the armed conflict began after the then Communist Party of Nepal (Maoist) declared it on 13 February 1996. In the midst of the conflict, the then CPN (Maoist) and the Seven-Party Alliance signed a 12-point understanding on 22 November 2005 with the objective of establishing democracy in the country. As per this understanding a 19-days People's Movement gained ground resulting in reinstating the dissolved House of Representatives [the lower house of Parliament] on 24 April 2006. A ceasefire was then declared with the then CPN (Maoist) and the Government of Nepal signing a ceasefire code of conduct. Following this, the then CPN (Maoist) and the Government of Nepal signed the Comprehensive Peace Accord (CPA) on 21 November 2006. With this the armed conflict formally came to an end and Nepal entered an era of conflict transformation. Soon after, on 8 December 2006 the Government of Nepal and the then CPN (Maoist) signed the Agreement on Monitoring the Management of Arms and the Armies. In the course of taking the peace process forward the Government of Nepal also held talks with other conflicting groups and reached separate agreements with them both before and after the election to the Constituent Assembly. However, gender issues are barely addressed in these agreements as well as other agreements signed with the different political parties and groups in the process of conflict

transformation and peace building. The government has remained committed in implementing the agreements made.

### **3. Impact of armed conflict on women:**

The ten years of armed conflict in Nepal caused significant damage in terms of loss of life and property and disappearance of many citizens. There was widespread destruction of physical infrastructure as well as private and public property. The number of orphans, single women and people rendered physically handicapped increased due to the armed conflict. Several families were in distress as the main breadwinner of the family was either killed in the conflict or had disappeared. As a result of this, on the one hand mutual suspicion, fear, terror, anxiety and a sense of revenge appeared in the society while on the other hand the country had to face economic and social problems due to the adverse impact of the conflict on the physical and social structures such as education, health, transport, communications and industries.

The children and women have been the most affected by the armed conflict. There are several cases where women had to single handedly take the responsibility of running the house in the absence of male members who had either left home to join the armed conflict or forced to be displaced due to the pressure from conflicting parties. Hence, the workload of women both within and outside the house increased immensely. Women also suffered from sexual violence during the conflict as well as the transition period due to a weak law and order situation. In addition to this young women who left their homes to join the armed conflict or fled their villages in fear of the conflicting parties also had to face different forms of violence. Many of these young women who were displaced in this manner due to lack of education or skill were compelled to work in risky and oppressive conditions making them vulnerable to sexual and other forms of violence. Besides this, the trauma that many women faced during the conflict period also affected their mental condition, particularly those from the conflict-hit areas. This clearly shows that directly or indirectly women were the hardest hit by the conflict.

### **4. Women's participation in the peace process:**

The House of Representatives that was reinstated following the restoration of democracy in 2006 passed a resolution proposal for ensuring 33% women's participation in all organs of the State. Four of the total sixteen members in the committee for preparing the draft Interim Constitution of Nepal, 2007, were women. Similarly, out of the total 330 members in the Interim Legislature-Parliament, 57 were women members. There are 197 women members out of the total 601 members in the present Constituent Assembly. In addition to this the Constituent Assembly also has diverse representation from the indigenous community, madhesi, dalit and marginalized communities.

In view of the participation of women in the peoples' revolution and the impact of conflict on women it is necessary to ensure women's adequate participation in all peace processes. In this regard the mandatory provision of ensuring 33% women's participation while constituting the local peace committees formed in every District, Municipality and the Village Development Committee needs to be considered as a good beginning in increasing women's participation in the peace process.

## **5. Constitutional, legal and policy provisions on women, peace and security:**

### **5.1 Constitutional provisions:**

The Interim Constitution of Nepal, 2007 includes many topics related to women, peace and security. Commitment has been expressed in the Preamble of the Constitution itself for carrying out a forward-looking restructuring of the State for addressing gender-related problems. In regard to the provisions related to citizenship, women have also been included as the basis for providing citizenship certificates on the basis of descent. Similarly, provisions have been made for fundamental rights from Article 12 through Article 32 of the Constitution, which maintains that special legal arrangements could be made for women; provisions on employment and social security, provisions on the rights of women and provisions on rights against exploitation of women and children. Likewise, it is stated in Article 33 of the Interim Constitution under the heading 'Responsibilities of the State' that arrangements will be made for providing appropriate compensation to the families of the people killed in the course of the armed conflict and for the assistance, rehabilitation and respect of the people rendered disabled or incapacitated due to the conflict. It is stated in this Article that relief assistance will be provided to the families of disappeared people on the basis of the report of an investigation commission to be constituted to carry out study and investigation regarding the disappearance of people. It is also stated that a special programme will be implemented for the rehabilitation of the people displaced due to the conflict, for providing relief assistance in the case of the private properties destroyed during the conflict and for the reconstruction of the damaged public infrastructures. Besides this, commitment has been made to provide transitional justice by setting up a high-level Truth and Reconciliation Commission for finding out the truth about the people involved in violation of human rights of serious nature or in committing crimes against humanity during the conflict period and for building an environment of trust in the society. Article 63 of the Interim Constitution states that one-third of the total candidates for the Constituent Assembly Election should be women.

### **5.2 Legal provisions:**

Different provisions have been made regarding the security of women in the existing laws of Nepal. Provisions have been made in the Muluki Ain [Civil Code] under the Clause on 'Abduction and Taking People Hostage' for additional punishment to anyone involved in the abduction of women or taking women hostage. Violence against women like rape, incest and crimes like taking people hostage has been classified as serious criminal offence against the State and they have been included in the list of cases in which the government is the plaintiff. Provisions have been made for taking stern action against culprits involved in human trafficking. Polygamy, child marriage, marriage under duress and under false promises and identity has been included as illegal and punishable acts. Provisions have been made under which women police should be sent for arresting women convicts. Similarly, provisions have been made under which women should be ordered to move away while carrying a house search and that women police personnel should be assigned if a body search of a woman has to be conducted and this has to be done in a way that is not offensive to the woman being searched. Provisions have also been made under which women detainees and prisoners have to be kept separate from male prisoners and extra ration allowance should be provided to any woman detainee or prisoner giving birth while still under detention or imprisonment.

Likewise, provisions have been made for the security of women in the National Human Rights Act, 2053 BS; the Act on Compensation for Torture, 2053 BS; the Domestic Violence (Crime and Punishment) Act, 2066 BS; the Prevention and Control of Selling and Trafficking of Humans, 2064 BS and the National Women's Commission Act, 2064 BS. In the Civil Service Act, 2049 BS, the minimum age at which women can apply for any post in the civil service has been set at 40 years. Similarly the total years of service for women considered eligible for promotion is one year less than that required for men. In addition to this other required reforms are gradually being made in the related laws in the civil service as well as other services for ensuring the inclusive representation of women. A Bill in this regard has been submitted to the Legislative assembly for approval. Once this Bill is approved women's participation in the civil service will significantly increase.

### **5.3 Policies and Action Plans:**

Different policies and action plans adopted by the Government of Nepal have directly or indirectly made an attempt to incorporate issues pertaining to the security of women. Key among the existing policies and action plans are the National Plan of Action against Gender Based Violence, the National Plan of Action on the Implementation of the Convention on the Elimination of All Kinds of Discrimination Against Women, the National Plan of Action on Gender Equality and Empowerment of Women, the Three-Year Human Rights National Action Plan and the requirements for working procedure of the Local Peace Committees.

#### **Three Year Human Rights National Plan of Action [2010/11 – 2012/13]:**

The three-year Human Rights National Plan of Action prepared by the Government of Nepal has made significant provisions for the rights of women and children. It has introduced special motivational programmes for children from the poor, deprived, marginalized and the sexual and gender minority communities who have not enrolled in schools or have dropped out from schools. Such programmes range from promoting school enrollment as well as retention; programmes for ensuring reproductive health; conducting safe motherhood and infant child care programmes; and programmes like Gender Mainstreaming and Social Inclusion (GESO). Similarly, emphasis has been given to programmes like providing scholarships to conflict-affected children, guaranteeing the inclusive, equal and meaningful participation as well as security of women at all stages of the peace process and conflict transformation; equipping women with income generating skills; making the school environment child-friendly and gender-friendly by emphasizing on good-governance in schools; making all training programmes gender-friendly; promoting the human rights, civil rights and constitutional and legal rights for ensuring the social justice of rural, marginalized and destitute women who are economically disadvantaged; and strengthening the National Women's Commission for the protection and promotion of women's rights.

#### **Three Year Plan - Approach Paper [2011/12 – 2013/14]:**

The Government of Nepal while giving continuity to the social reunion for peace, reconstruction and rehabilitation under the heading 'Peace, Rehabilitation and Inclusive Development' in the Approach Paper of the Three-year Plan has set the objective of establishing lasting peace in the country by providing relief and reparation to the conflict-affected people as per the set standard. Under this provision it is stated that a national plan of action for the relief and rehabilitation of the conflict-affected children will be

formulated and implemented. Similarly, there is a programme for institutional capacity development for effective implementation of peace, reconstruction, rehabilitation and reintegration programmes. Likewise, the objective of the Approach Paper for promoting gender equality and women's empowerment is to put an end to different types of gender-based violence and discrimination against women through social, economic and political empowerment of women from all classes and regions.

Conducting campaigns for the prevention and control of different types of violence and discrimination against women and ensuring the meaningful participation of women in conflict resolution and peace building are some of the strategies that are included in the Plan. Similarly, the plan also includes specific actions for women's empowerment, capacity building and for taking forward the sectoral gender mainstreaming and inclusion policy. It also aims to increase women's representation in every structure of the State beyond 33% by consolidating the achievements made so far in the realm of protection, promotion and practice of the political, economic and social rights of women. Likewise, it is stated that a mechanism will be developed for addressing gender-based violence by encouraging legal aid, social protection and community mobilization for the prevention and control of different forms of gender-based violence and discrimination against women; programmes for the employment and social security for the empowerment of single women will be introduced; women's presence and role in the leadership positions of the private sector and the non-governmental sector in collaboration with these sectors will be strengthened. In this way, action plans have been devised for enabling and strengthening the role of women in the establishment of sustainable peace and development through social, economic and political empowerment of women.

#### **National Plan of Action against Gender-Based Violence:**

The National Plan of Action Against Gender-based Violence prepared by the Government of Nepal, Office of the Prime Minister and Council of Ministers, states that gender-based violence will be controlled and security and protection will be provided to women and children victims of violence. The plan of action has set the objectives to undertake legal and institutional reforms for ending gender-based violence, ensuring the access of persons affected by gender-based violence to justice, establishing and strengthening community-based village-level mobile services for providing protection to victims of gender violence, strengthening the health sector for effectively addressing gender-based violence, raising public awareness and promoting zero tolerance against gender violence, facilitating the economic and social empowerment of women and children for combating gender violence and ensuring coordination, communication and monitoring works among the stakeholders involved in the implementation of the plan.

#### **National Plan of Action for the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):**

The Nepal Government's Ministry of Women, Children and Social Welfare, has issued the National Plan of Action for the Implementation of the Convention on the Elimination of All forms of Discrimination against Women, 2060 B.S. Nepal is a state party to CEDAW. This Plan of Action specifically calls for the amendment of discriminatory laws and formulation of appropriate laws, increasing women's participation at all public, political and policy-making levels, elimination of causes related to trafficking in women and girls, enhancing legal capacity for the protection of women's rights, strengthening the accountability of

the Parliament and the Parliamentary Committees for gender equality and identifying different activities for raising public awareness and information dissemination on all forms of violence against women. .

### **National Plan of Action on Gender Equality and Empowerment of Women:**

The Nepal Government's Ministry of Women, Children and Social Welfare has adopted the National Plan of Action on Gender Equality and Empowerment of Women, 2061 B.S. for implementing the Beijing Declaration and Plan of Action passed by the Fourth World Conference on Women held in Beijing from 4-15 September, 1995. This Plan of Action has proposed different activities under the 12 areas of concern identified in the Beijing Declaration. Activities like protecting women from the impact of conflict, establishing access for conflict-affected women to justice and making arrangements for proper relief and rehabilitation which are included under the Article 'Women and Armed Conflict', in the Beijing Declaration, have been included in this national plan of action.

### **Procedural Conditions for the formation of Local Peace Committees, 2065 B.S.:**

The Government of Nepal has issued the Procedural Conditions for the formation of Local Peace Committees, 2065 B.S. This document states that at least one-third of the total members of the Local Peace Committees to be constituted at the local level should be women. Arrangements have been made for forming peace committees at the Village Development Committee (VDC) or the Municipality level also as per the need. The document also contains a provision according to which at least two members on the nine-member Local Peace Committee Secretariat to be constituted by the Local Peace Committee needs to be women.

## **6. Issues Concerning Women, Peace and Development in Nepal:**

### **6.1 Participation:**

The Interim Constitution of Nepal, 2007, stressing on the principle of inclusiveness establishes as a social right the right to proportional participation on the basis of the constitutional and legal provisions and the commitment of political parties there is a need to improve the overall status of women's participation. Although the participation of women in the Constituent Assembly which has also been given the responsibility of the Legislature-Parliament is 33%, there is also a need to increase women's participation in other State bodies. Similarly, women's participation also needs to be increased in other professional sectors including the security, media, industry and business sector. Participation of women in political parties and in their decision making positions is also not satisfactory. Women have very negligible presence in the constitutional bodies and the country's diplomatic sector too. The participation of women from the Dalit, indigenous nationalities and the Madhesi communities, the oppressed classes, disabled sector and from remote areas is even more negligible. Even the role of the few women who are presently occupying different positions in various sectors is not found to be effective. Therefore, there is also a need for building the capacity and empowering the women who are already working in different sectors. Women's participation both in terms of quantity and quality need to be ensured in every sector of the State as well as in every stage of the peace building process.

## **6.2 Security and Prevention:**

The issue of taking action against the perpetrators in crimes including sexual violence against women during the past armed conflict is very challenging. There is a need to take legal action against those involved in different crimes during the conflict period, and improve the conflict affected women and children's access to justice. Therefore, there is a need to introduce an interim transitional justice mechanism that can address this situation. This mechanism should be able to provide gender sensitive justice by carrying out investigation into different kinds of incidents of violence against women that took place during the conflict. In this process as per the need it is essential to make necessary amendments in the existing laws and formulate new laws. It is also necessary to promote gender sensitivity in the judicial organs and those agencies dealing with crimes related to gender violence.

Immediate action is also needed to find out the causative factors of the sexual and genders based violence (SGBV) against women during the conflict period and address the problem. There is a need for developing women and child-friendly environment in service providing bodies. Formulating long-term programmes for making conflict-affected women self-reliant is very necessary. So, formulation of laws, policies and programmes for addressing the gender-based violence that took place during the conflict and the transitional period and their effective implementation has become inevitable.

## **6.3 Promotion:**

It is necessary to extensively carry out promotional programmes on issues related to women, peace and security. Though it has been quite some time since the campaign for gender mainstreaming in all programs has been initiated the expected target has not been achieved. It is necessary to conduct orientation programs on women's rights and gender equality for all stakeholders working in different sectors related to peace process. The role of the political parties also needs to be taken into account while promoting women's participation and women's rights in conflict transformation and peace building.

## **6.4 Relief and Recovery:**

It is necessary to appropriately address the effects and impact of the past armed conflict for ensuring the establishment of lasting peace in the society. The government has initiated programmes of interim relief and financial assistance for the women and children affected by the armed conflict. Since their needs cannot be properly addressed by such provisional programmes alone, it is necessary to plan for long term relief and assistance package programmes. Lasting peace cannot be achieved without addressing the sexual and other gender-based violence that took place during the conflict period.

It is necessary to address the impact of conflict with a long term vision by providing necessary employment and skill-oriented training to conflict-affected women and implementing programmes catered to their special needs and abilities. Similarly, it is necessary to identify the special needs of the former women combatants living in the cantonments, and to implement suitable programs for their empowerment. It is also necessary to conduct programmes for providing psycho-social counseling, social rehabilitation and social re-integration as well as skill-oriented and self-employment programmes keeping in mind their interest, ability, needs and market prospects for rebuilding their lives.

## **6.5 Resource Management, Monitoring and Evaluation:**

The armed conflict has badly affected the national economy. As the country has been economically weakened by the conflict, management of resources in itself has emerged as a big challenge in the course of conflict transformation. On one hand there is a need for means and resources necessary for running the State while on the other additional economic resources have to be allocated for the compensation and reparation for addressing the impact of the armed conflict. Therefore, it is necessary to give first priority to resource generation and mobilization for the purpose of conflict management, transformation and social reintegration. For this, national and international resources have to be managed and mobilized. It becomes equally necessary to carry out gender auditing of such resources that are allocated for conflict transformation and establishment of sustainable peace. It is also necessary to ensure the participation of women directly affected by conflict while formulating programmes addressing the special needs of women. Programmes like women's capacity development and relief and reparation for women should be implemented through their direct involvement.

## **7. National Action Plan:**

The relevance of UNSCR 1325 & 1820 is undoubtedly very significant in Nepal as it is going through a challenging transitional period after more than a decade-long armed conflict. Women and children faced the greatest risk during the armed conflict and even in the present transition period they are not totally free of risk. The State needs to give special attention to fully guarantee the security of women and girls as continued violent incidents is taking place in different parts of the country even today. It is equally necessary to provide justice by implementing relief and recovery programmes based on the prime interest and needs of conflict-affected women and children. It is also essential to promote women's participation and build their ownership in the peace process in view of the constructive contribution that they can make. In addition to this, it is necessary to redouble efforts for increasing women's participation also at the policy-making and implementation level.

### **7.1 Definition:**

Unless otherwise stated in this National Action Plan,-

- a. "armed conflict" should be understood as the armed conflict between the State side and the then Communist Party of Nepal (Maoist) that took place from 13 February 1996 to 21 November 2006 and this term also denotes the armed activities carried out by various groups in different parts of the country after the signing of the Comprehensive Peace Accord.
- b. "former women combatants" should be understood as the women verified by the United Nations Mission in Nepal and currently living in the cantonments. This term also denotes the women discharged after they were disqualified by the UN verification process.
- c. "girl child" should be understood as any girl who has not completed 18 years of age.
- d. the term "conflict-affected women and children" should be understood as women and children who due to the impact of armed conflict or as a result of that are suffering from the following conditions notwithstanding their present status:

1. Women or girls displaced from their place of living
  2. Single women
  3. Women or girls or their husbands or parents who are themselves physically disabled or have lost their limbs or are maimed due to the explosion of landmine or Improvised Explosive Devices, or due to the use of weapons or any other reason
  4. Women or girls who have been separated from their husbands or parents or from their families
  5. Former women and girls combatants who are pregnant, or nursing mothers or have infants with them and who are either living in the cantonments or outside
  6. Mentally-affected women and girls
  7. Women or girls who could not continue their studies because the school they were studying in was taken under seize or because of fear and insecurity or because of the displacement of teachers
  8. Women or girls who suffered from sexual exploitation or rape
  9. Women or girls who because of sexual exploitation or rape became pregnant and were compelled to give birth or to undergo abortion
  10. Women or girls against whom action has been taken in suspicion of being affiliated to the security forces or armed groups or helping such forces or groups
  11. Women or girls who are in detention or in prison or who have undergone imprisonment
  12. Women or girls living in protection homes or child rehabilitation homes
  13. Girls against whom cases have been registered in courts for any charges
  14. Women or girls who have been abducted or have been made to disappear or the women and girls from families whose members have been abducted or disappeared
- e. “rehabilitation and reintegration” should be understood as the works of rehabilitating women and girls affected by the armed conflict in their family or society and enabling them to utilize the available opportunities to play a meaningful role for the protection of their rights.
- f. “counselling service centre” should be understood as the counselling service centres established by the government and the non-government organisations for providing services like advice, counselling, information and recommendation necessary for women or girls victimized by sexual and gender-based violence or who are at risk or likely to be at risk from such violence
- g. “special needs of women or girls” should be understood as the special needs of women and girls in special biological or reproductive conditions such as menstruation, pregnancy and nursing, and the food, care, proper accommodation, toilet and medical treatment required for addressing these conditions
- h. “women-friendly” should be understood as the suitable environment equipped with all public facilities established in service providing centres by taking into account the special needs of women so that they can express their sentiments without any inhibition and can easily acquire information, services and facilities

- i. “sexual violence” should be understood as any type of sexually explicit behaviour or conduct carried out against the will of women or girls, any attempts to forcibly have sex, the use of vulgar words or vulgar behaviour against their will, efforts made to sell women or girls for the purpose of sex or any activity done against the sexual orientation of any person.

## **7.2 Coordination and Collaboration for the Implementation of the National Action Plan:**

There has been collaboration with the different government agencies, development partners, donor organisations, international non government organisations, and civil society. Because of this it has been easy to consult directly with the concerned stakeholders, seek their input and strengthen ownership of the NAP. For the effective implementation of the women peace and security agenda in Nepal this collaboration and coordination with the stated stakeholders is very necessary.

With due recognition to the important role played by different government agencies, development partners, donor organisations, international non government organisations, and the civil society. Nepal Government expects the same level of collaboration during the implementation phase as well.

## **7.3 National Action Plan – Matrix:**

The Nepal Government has developed the UNSCR 1325 & 1820 for implementation in the next five years - 2011/12 to 2016/17

The action plan has the following goal and objective:

**Goal: To achieve sustainable peace and just society**

**Objective: Ensure Proportional and meaningful participation of women at all levels of conflict transformation and peace processes; and protection of women and girls’ rights**

In order to achieve the above stated goal and objective the NAP is structured around five pillars **Participation; Protection and Prevention; Promotion; Relief and Recovery; Resource Management and Monitoring and Evaluation**; Each pillar with its corresponding general objective, strategic objectives, specific actions, desired results and indicators as well as the responsible actors and a timeframe for each action is presented below.