

The Prosecution of Sexual Violence in Nepal

Nepal is party to a number of significant international human rights mechanisms including; the Convention on the Elimination of Discrimination Against Women (CEDAW), The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (CAT), The International Covenant on Civil and Political Rights (ICCPR) and The International Covenant on Economic, Social and Cultural Rights (ICESCR) and significantly, the Nepal Treaty Act (1990), provides superior status to the international treaties on matters covered by national laws¹. Moreover, since the adoption of Security Council resolutions 1325 and 1820, Nepal is obligated to mainstream gender throughout post conflict reconstruction and reform. On the one hand, Nepal's international ratification record is impressive and seemingly progressive. However, the application and implementation of these values in practice, is dismal.

The Maoist transformative social agenda garnered support due to the widespread exclusion that dominated society, discriminating on the bases of caste, religion, ethnicity and gender. Whilst the majority of the Maoist force was comprised of rural Dalit men motivated by the indignity caused by poverty and the hope of altering their social position in relation to other men,² it is estimated that around 30% of the armed force was comprised of women³. Nepal has seen massive transformation from a patriarchal monarchy and Panchayat Regime to a federal democratic republic and women were an integral part of that process, participating in the Party, the United Front and the PLA. Moreover, research has shown that many of these women welcomed the opportunity to participate, in

1 Section 9(1) Nepal treaty Act, 1990

2 Sharma, J. 'Men and Masculinities in the Maoist Insurgency in Nepal'. [online.]. Found at: http://www.allacademic.com/meta/p502020_index.html date accessed 15.04.11. 2011. pp.2.

3 Manchanda, R. 'Nepali Women seize the new political dawn: Resisting marginalisation after ten years of war'. Centre for Humanitarian Dialogue. December 2010 Opinion. [online.]. Found at: http://www.hdcentre.org/files/Nepali%20women%20seize%20the%20new%20political%20dawn%20rev_0.pdf date accessed: 13.04.11. 2010. Pp5.

defiance of the prevailing regime their traditional roles⁴. However, during the decade long struggle the perpetration of sexual violence was widespread and committed on both sides.⁵ Despite the exclusion of women from the peace table⁶ this phenomena was echoed in a prohibitory provision in the Comprehensive Peace Accord as follows:

“Both sides fully agree to special protection of the rights of women and children, to immediately stop all types of violence against women and children including child labor as well as sexual exploitation and abuse...”⁷

Furthermore, the Agreement on Monitoring of the Management of Arms and Armies, reads:

“In the spirit of the CPA, and in light of this agreement, after the placement of Nepal Army in the barracks and the Maoists Army in Combatants in cantonment, the parties shall scrupulously refrain from the following activities: All acts and forms of gender-based violence.”⁸

4 Manchanda, R. 'Women's question in in Nepal's Democratic post Conflict Transition: Towards a Policy Research Agenda'. [online]. Found at: <http://www.wiscomp.org/pp-v3/pdfs/Rita.pdf> date accessed: 16.04.11.

5 DCAF. Sexual Violence in Armed Conflict. [online]. Found at: <http://www.dcaf.ch/Publications/Publication-Detail/?id=43991&lng=en> date accessed: 19.04.11. 2007. Pp102.

6 Baechler, G. ' A Mediator's Perspective: Women and the Nepali Peace Process.' Centre for Humanitarian Dialogue. August 2010 Opinion. [online.]. Found at: <http://www.hdcentre.org/files/A%20mediator%E2%80%99s%20perspective%20-%20Women%20and%20the%20Nepali%20peace%20process%20FINAL.pdf> date accessed: 13.04.11.

7 Comprehensive Peace Accord. [online]. Found at: <http://www.satp.org/satporgtp/countries/nepal/document/papers/peaceagreement.htm> date accessed: 10.04.11. 2006. see 7.6.1.

Nevertheless, post-conflict Nepal has been characterised by an increase in the perpetration of sexual violence since the CPA was signed.⁹ This report explores the transition from conflict to a sustainable peace through the mechanics of prosecuting sexual violence, highlighting pertinent issues and entry points for agents of change, accordingly.

An institutionalised patriarchy whereupon women depend upon marriage to prevent societal expulsion has meant that women have remained outside of the decision making sphere; economically, politically and socially marginalised. Nepalese policy, procedure and law reflects this discrimination and rampant inefficiency and impunity compounds the system legitimising- and perpetuating- abuse on Nepalese citizens. Historically, the failure of successive governments to comprehensively address issues of exclusion has emboldened and encouraged extremism, which represents a serious obstacle to nation building and the transition to peace. Comprehensively addressing inequality, an expression of which is sexual violence, demands a fundamental change in the understanding of security in Nepal from defence of the regime to an emphasis on human security and the protection of the people. It is crucial that law enforcement agencies are reformed and restructured to reflect this new agenda and gender is mainstreamed concretely throughout the peace process so that traditional patriarchal ideologies are not re-established and reinforced in the 'New Nepal'. Furthermore, it is imperative to note that gender in Nepal cuts across a multitude of other hierarchically structured identities such as ethnicity, caste, class, religion and reform must account for this diversity accordingly.

International law demands that the state of Nepal has a responsibility to diligently investigate allegations of human rights abuses during times of armed conflict as well as peace. The Fourth Geneva Convention asserts that states have an obligation to investigate allegations of war crimes committed by their nationals

8 Agreement on Monitoring of the Management of Arms and Armies. [online]. Found at: http://www.carnegieendowment.org/newsletters/SAP/pdf/nepal_modalities_agreement_nov_28_final.pdf date accessed: 10.04.11. 2006. see 5.1.13.

9 WOREC Nepal. Access to Justice for Rape Survivors in Nepal. Primary research, to be published. 2010.

and their armed forces. Moreover, SCR 1820 “calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts, to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice”, and these responsibilities must be enacted. Despite the exclusion of rape from the draft Reconciliation Bill and the provision of amnesties, the Nepalese state has not shown any commitment to upholding these duties.¹⁰ Not only do bills regarding the establishment of the TRC languish unaddressed in parliament,¹¹ but where piecemeal efforts have been made to initiate legal investigations in the formal justice sector, they have been unsuccessful. Human Rights Watch reports that “Political parties put pressure on police not to investigate, police and prosecutors obstruct and delay justice, and institutions long opposed to accountability - most notably the Nepal Army - have dug in their heels and steadfastly refused to cooperate with police investigations”.¹² The acquiescence of the government allows for continued impunity legitimising- and encouraging- the continued perpetration of sexual violence into 'peace time'.

Under the supervision of UNMIN, demilitarization and demobilization of the NA and PLA have been completed. However, the process has been criticized for its 'gender neutrality'¹³ contributing to the marginalization of women/girls. According to the United Nations, out of 19,602 combatants comprising the PLA, 3,846 (approximately 20%) were women and deemed eligible for participation in the

10 HRW. 'Nepal: Justice Denied for Crimes committed during decade of conflict'. [online]. Found at: <http://www.hrw.org/en/news/2010/12/14/nepal-justice-denied-crimes-during-decade-conflict> date accessed: 16.04.11. 2010.

11 HRW. “Indifference to duty”. [online]. Found at: <http://www.hrw.org/en/reports/2010/12/14/indifference-duty-0> date accessed: 16.04.11. 2010. Pp.7.

12 'Nepal: Justice Denied for Crimes committed during decade of conflict'. [online]. Found at: <http://www.hrw.org/en/news/2010/12/14/nepal-justice-denied-crimes-during-decade-conflict> date accessed: 16.04.11. 2010.

13 Manchanda, R. 2008. Op Cit. Pp.11-12.

program.¹⁴ The failure to disaggregate information pertaining to 'child combatants' represents a failure to appreciate the different- and specific- experiences of boy soldiers and girl soldiers. Nevertheless, whilst 126.6% of combatants were registered¹⁵ (prior to verification), the proportion of women combatants, verified, is considerably lower than what was reported by the organization itself implying a degree of self-demobilization which should be investigated. It has been reported that "due to delays in the verification process and the poor conditions in stationing camps, a high number of registered combatants left camp before being verified"¹⁶ representing a major failing of the disarmament and demobilization process whereupon 8640 registered combatants disengaged from the process. Aggravated by the erratic payment of negotiated subsidies, tensions in the cantonments have been high.¹⁷ SCR 1325 "Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants",¹⁸ however steps taken to limit gender specific insecurities were not appropriately considered or implemented. Consequently, residence in the camps for the minority women combatants (and their dependants) and engagement in the verification procedure was more difficult. Despite the official Maoist agenda, "male chauvinism persisted in the PLA and there were significant reports of gender discrimination and sexual exploitation"¹⁹ and combined with a weak infrastructure in the camps it is likely that women

14 ECP. 'Nepal: A Gender view of the armed conflict and the peace process.' [online.]. Found at: http://escolapau.uab.cat/img/qcp/nepal_conflict_peace.pdf date accessed: 20.04.11. 2007. Pp.8.

15 ECP. 'Analysis of DDR Programmes in the World during 2007.' [online.]. Found at: http://www.ssrnetwork.net/uploaded_files/4097.pdf date accessed: 20.04.11. 2008. Pp.21.

16 Ibid. Pp. 129.

17 Ibid. Pp.129.

18 UN Security Council. Resolution 1325. [online.]. Found at: http://www.un.org/events/res_1325e.pdf date accessed: 16.04.11. 2000. Pp.3.

combatants represented a disproportionately high amount of those that decided to leave. Moreover, whilst reliable monitoring is limited there have been reports suggesting that the situation for the women combatants that remained engaged in the demobilization process is dire, subject to harassment and GBV from Maoist cadres and security agents.²⁰ The state must immediately take measures to investigate and, if necessary, increase the security of women in-and-around these camps.

It is imperative that gender is mainstreamed throughout the design and implementation of the reintegration process, whereupon women combatants are likely to face ostracism and stigma due to the way they have challenged their 'feminine' stereotypes. Failure to concretely address the specificities of women combatants will provide a barrier to their engagement in the process and result in economically and socially privileging men combatants, whilst simultaneously delegitimizing and re-marginalizing the women combatants.

Despite DDR efforts, Nepal is (paradoxically) characterised by increasing militarization which "serves to re-entrench the privileging of masculinity- in both private and public life".²¹The Nepali regime has historically been closely associated with the military and the armed forces were the closest ally of the monarchy until its deposition. Consequently, the dramatic structural shift to a 'New Nepal' has had profound consequences. As questions pertaining to 'reintegration' stall the peace process as leaders of the armed groups attempt to re-assert their authority, both armed groups remain barricaded in ill-equipped and unsanitary cantonments waiting for a political resolution. Consequently, militaristic ideologies are intensifying alongside resentment. Accordingly, in 2008 the armed forces publicly flouted the government when the NA- quickly followed by the PLA- resumed military recruitment²², representing the failure and inability to subordinate the forces under civil control. Since the signing of the CPA and the implicit legitimation

19 Manchanda, R. 2008. Op Cit. Pp.9.

20 Ibid. Pp 14.

21 Enloe, C. The Curious Feminist. Los Angeles (CA): University of California Press. 2004. Pp.117.

of violence as a means of achieving power, countless armed and semi-armed groups have been established²³ particularly in rural areas, simultaneously increasing the demand and supply of small arms, light weapons and ammunition through the porous India-Nepal border. The Young Communist League (YCL) has established training camps in various urban settings across Nepal²⁴, which further reflect- and perpetuate- the militarization of the state. Finally, the failure to reach an agreement on reintegration and the 'rescaling' of the armed forces means that a high proportion of funds is allocated to subsidies and consequently redirected away from developmental projects. Consequently, the militaristic privilege of masculinity is shaping the national socio-political and legal frameworks whereupon the perpetration of sexual violence is characterised by continued (de facto and de jure) impunity. Unless this matter is quickly addressed, there will be profound consequences for Nepalese women as citizens.

Despite international obligations enumerated by SCR 1325 reflected by the Interim Constitution which called for inclusion and the incorporation of “women, Dalits, Janajatis, Madhesis, and other disadvantaged groups”²⁵ and the pursuit of an official state policy of positive discrimination, in practice women have not been incorporated into the peace process comprehensively and participation does not- and has not- ensured that women's issues are addressed. For instance, although the Constituent Assembly now boasts an impressive 33% participation of women, it is extraordinarily difficult for these women to mobilize together considering that

22 Pathak, B. and Uprety, D. The Culture of Militarization in South Asia: Both Armies' New Recruitment in Nepal. [online.]. Found at:<http://www.transnational-perspectives.org/transnational/articles/article493.pdf> date accessed: 16.04.11. 2010.

23 Ibid. Pp.5.

24 Sharma, J. Op Cit. 2011. Pp.8.

25 Nepalese Interim Constitution. [online.]. Found at:
http://www.worldstatesmen.org/Nepal_Interim_Constitution2007.pdf date accessed:
20.04.11. 2007. Pp. 17. 35(14).

their first priority must be to hold their respective party line.²⁶ Furthermore, several of the women are related to- or are wives of- other political figures, infringing upon their independent agency.²⁷ Irrespective of participation, the Nepalese government must take the initiative to mainstream gender throughout all policy and law in order to ensure the security and development of all citizens.

This report is informed by participatory research collected by local NGOs WOREC-Nepal and Isis-WICCE through a range of key informant interviews, focus group discussions and in-depth interviews. The research was conducted with a view to mapping the incidence of sexual violence which has been characterised by a culture of silence, demystify the phenomena and expose the discriminatory response mechanisms and legal processes that victims of sexual violence are subjected to in Nepal. The Nepalese Judicial system is in need of whole-scale reform if it is to respond effectively to the needs of the vulnerable and violated, without discrimination. Accordingly, this report will be structured around three pillars in need of reform; existing law and policy, police/court procedures and support mechanisms. The research revealed that no district, caste, ethnic group or age group has been left untouched by sexual violence. Consequently, it is imperative that the government of Nepal takes substantive steps to effectively criminalize and deter the continuation of this grave form of abuse. To do so, **the government must concretely address the following discriminatory provisions:**

Existing Law

- The definition of rape in Nepalese Law²⁸ is narrow in scope and not reflective of international standards. Limited to penile-vaginal penetration the law excludes oral and anal penetration, and disregards the insertion of other bodily parts and objects. This extremely limited

26 Baechler, G. 2010. Op Cit.

27 Ibid.

28 Nepal Civil Code, Chapter 14

definition must be reformed- and expanded- so that rape is understood as a violation of bodily integrity.

- The emphasis on 'Karani'²⁹ (penile-vaginal penetration) has compounded the discrimination and stigmatization of the rape of men and boys, and the failure to recognize sexual minorities such as the Gay, Bisexual or transgender communities. This has resulted in reifying patriarchy, the heterosexual norm, and replicating vulnerability amongst those who find themselves outside of this framework.

- The Civil Code refers to 'jabarjasti' (forced sexual intercourse) instead of 'balatkar' (rape).³⁰ This language establishes a premise that there must be evidence of force and signs of struggle to prove non-consent. This grossly underestimates the different social and psychological manifestations of power- and threats- that can enable abuse of the vulnerable, regardless of physical strength.

- Attempted rape is heavily dependent upon evidence of a physical struggle. This leads to the bizarre and contradictory situation whereupon a victim must defend themselves whilst ensuring the infliction of a certain amount of abuse if their testament is to be deemed credible in law.

- Research revealed rape within intimate relationships to be prevalent,³¹ including but not limited to marital rape. The law's emphasis on consent has meant that the victim is frequently at a disadvantage given that the existence of a relationship supposes that consent is implicit and not necessarily required to be expressed. Whilst marital rape has been

29 Nepal Civil Code, Chapter 14

30 Nepal Civil Code, Chapter 14

31 WOREC Nepal. 2010. Op Cit. Pp.52

recognised in law as criminal, the punishment is nominal in comparison to rape perpetrated outside of a marriage.³²

- The Civil Code addresses the prosecution of a perpetrator who has been ordered to commit a rape, by another citizen.³³ Although command responsibility is recognised in international law, Nepalese law states that the individual who ordered the act is liable for only half of the sentence dealt to the actual perpetrator. In this way, the law protects the powerful and perpetuates their abuse of the vulnerable.

Process

- The law asserts that rape cases must be formally lodged within 35 days.³⁴ Allowing for recovery after an attack and Nepal's inaccessible geography, combined with state hospitals that are not equipped with the facilities and/or expertise to perform the required physical exam,³⁵ this provision represents a de facto barrier to justice. Moreover, forensic evidence such as the perpetrator's semen, nails and hair, must be sent to Kathmandu for testing. Civil society is characterised by a lack of procedural awareness resulting in the frequent failure to provide all of the required information within the time limitation and consequently the case is thrown out of court.

- The police are responsible for filing the First Information Report (FIR). However, the strict time restriction has meant that the police have insufficient time to conduct a thorough investigation and investigative efforts and interrogation are either left uncompleted or diminished in terms of quality and thus unlikely withstand the balance of

32 Ibid. Pp.55

33 Nepal Civil Code, Chapter 14 number 6

34 Nepal Civil Code, Chapter 14 number 11

35 WOREC Nepal. 2010. Op Cit. Pp.60

probabilities in court. Moreover, reports document an apathy by police officers in regards to registering cases. Although there is an institutional provision for the witness to approach the Chief District Officer, this procedure is not well known.

- A substantial amount of the research gathered in this study referred to the widespread perpetration of sexual violence by members of the security sector, and the lack of accountability which accompanies their actions. The absence of civilian oversight mechanisms means that investigations enacted by the police, specifically in relation to other members of the security sector, cannot be checked resulting in widespread impunity.

- Non-legal alternatives such as mediation- whereby negotiations take place at a community level- have been sought in order to settle disputes more efficiently. This development is a result of weaknesses within the formal justice sector, which must be addressed. For instance the courts are backlogged and arduous, and research showed that 66% of the rape cases that actually make it to court, are left undecided.³⁶ Moreover the legal procedures are complex and expensive in stark comparison to mediation, whereupon there is the potential of immediate resolution accompanied by financial compensation. These institutional weaknesses are pivotal to the decision of victims to drop, or not pursue, their case within formal legal mechanisms. Research showed that the police often initiate mediation themselves, as opposed to formal investigations and judicial processes. However, mediation does not result in the removal of the perpetrator from the public sphere and thus the probability of repeated offences and re-traumatization significantly increase.

- Mediation is ad hoc and unregulated, there is no system of appeal and implementation of punishment is reported to be weak. Furthermore, the mechanism is particularly vulnerable to local politics and power struggles. Given the dominance of patriarchy, sexual violence is not

36 Ibid. Pp.120

dealt with comprehensively and the gravity of the abuse is not recognised. Consequently mediation has become “a tool to institutionalize violence and block women's access to justice”.³⁷ Moreover, research showed that in most cases the survivors were not consulted when mediation was initiated,³⁸ signifying the complete lack of control that the witness has over the process.

- Punishment served for sexual violence varies depending on the age of the victim; under 10 years old, between 10 and 16, and above 16. Instituting a system of categorization beyond a adult/minor differentiation has meant that sentencing- and (implicitly) the severity of the crime- is negatively correlated with age, essentially de-criminalizing the rape of adult women.

- Sentencing relating to crimes of incest, decrease depending on the nature- and immediacy- of the familial relationship.³⁹ These complex distinctions are problematic because they imply that rape committed outside of the family is not, comparatively, a serious or criminal form of abuse. Furthermore, once the perpetrator has been convicted of the crime a repeated offence is subject to a lesser punishment (NPR 50 or 3 months imprisonment) encouraging re-victimization. Moreover, this provision sets a precedent that the rape of a woman that has already been raped- and is therefore already 'damaged'- is less serious.

Support mechanisms

- Victim and witness protection, in Nepal, is almost completely absent. This represents a serious barrier to justice, that was continually emphasised throughout the research. Given the intense patriarchy that characterises Nepal, witnesses experience threats and

37 Ibid. Pp.68.

38 Ibid. Pp.65

39 Nepal Civil Code, Chapter 15

ostracism which often results in them becoming hostile to the legal process.

- The failure to establish an effective system of witness protection leaves victims extraordinarily vulnerable and interviews revealed that many witnesses were subjected to undue pressure and threats in light of their pending cases. Frequently this resulted in absence from court, and the case being thrown out.
- Supportive services, to promote the safety, and physical/mental rehabilitation of the victim, are absent. The Nepalese government has failed to provide trauma or psychological counselling service for victims during the investigative and legal process. Nevertheless, these services are crucial and must be provided regardless of the achievement of a conviction. Whilst there are some NGOs that provide the aforementioned services, their reach and resources are limited and consequently they cannot be relied upon to adequately fulfil this important task.
- Although Women and Children Service Centres have been established in some district Police offices to supplement the role of the police in addressing crimes against women and children, these services are not available uniformly and their capacity is limited leading them to refer victims to NGOs. Consequently, modest participation of women in law enforcement agencies means that interrogations are frequently conducted by male police officers whom are not trained in the sensitivity of dealing with sexual violence, thus resulting in stigmatization and re-traumatization of the survivor.
- The government Attorney Office has the discretion to accept or reject a case, which is not subject to review⁴⁰ and neither is an attorneys performance. This unaccountability is vulnerable to societal and political pressure which distorts the pursuit of justice. Moreover, the office relies

40 WOREC Nepal. 2010. Op Cit. Pp.116

almost exclusively on the investigation conducted by the police⁴¹. Given that both the attorney's office and the police force are characterised by the absence of gender mainstreaming, any person that is not male and heterosexual is at a disadvantage regardless of caste. Considering the Nepalese criminal justice system is an adversarial approach, the failure to provide for an efficient and effective attorney general office allows criminal defendants to promote their interests, intimidating the witnesses.

- The Village Development Committees have a budget allocated for social development, and according to a key informant interview with a VDC secretary there is an emergency relief fund for women and children which could provide for legal aid.⁴² Nevertheless, women and children are not aware of this possibility, and there has been no attempt at informing them otherwise.

- Whilst there are provisions in law for dealing with sensitive cases, they are not implemented. For instance, the law provides for certain situations where statements can be verified outside of court in *camera* hearing. However in practice, the judgement is heavily dependent upon in-court verification thus exposing the survivor to re-traumatization and manipulation by the perpetrator.

- International Human Rights Law demands that the state must provide reparations for victims of human rights abuses and legal provisions in the Civil Code reflects an acknowledgement of this obligation. However there are no formal uniform standards or guidelines for implementing a scheme of reparations, neither is there a method for measuring the damage inflicted by abuse.⁴³ These irregularities undermine the system as a whole and foster a perception of the legal system as arbitrary and erratic. Reparation is incredibly important to survivors of

41 Ibid. Pp.116-117.

42 Ibid. Pp.97

43 Nepal Civil Code, Chapter 14 number 10

sexual violence whom are, consequently, unlikely to marry. Ostracism combined with destitution results in a particularly severe form of insecurity, whereupon the survivor is vulnerable to all manner of exploitation and abuse.

Recommendations

- Considering the international obligations to investigate and prosecute war crimes and human rights abuses, the Government of Nepal **must initiate a thorough and complete investigation into the perpetration of sexual abuse during armed conflict**. It is crucial that this investigation should be independent in character and include prosecutors, civilian police, representatives of the national human rights mechanisms, an international observer, and ensuring a gender balance, to investigate the extent of sexual violence committed during the conflict by all parties.
- The Government of Nepal must **review and reform provisions in the law which currently discriminate against women**.

Reform should include:

- The **definition of rape**, in Nepalese law, must be redefined to ensure compatibility with international standards.
- The normative framework regarding the prosecution of sexual violence in armed conflict must be addressed immediately, recalling important principals of non-discrimination and human rights which must be applied comprehensively throughout the process. The developments that have taken place in international law must be respected and legal standards must be interpreted accordingly, in particular in relation to definitions of rape, and the exclusion of the defence of consent in situations where there are coercive circumstances, such as in armed conflict.
- The Government of Nepal should be encouraged to **establish a special court** to hear cases concerning the perpetration of sexual violence during and post conflict, including cases of female PLA combatants.

- The state authorities must vet the judiciary and train or if necessary seek technical assistance, so that the body is capable of providing justice without discrimination..

The procedural framework:

- The government should ensure **legal aid and representation to women witnesses to sexual violence from the moment of first contact with the authorities to the finalization of the judicial process.**
- The Government must implement the Supreme Court verdict by repealing the legal provision which limits the **registration of cases of sexual violence**, to 35 days.
- Provisions for **witness protection and anonymity** should be provided for.
- The government should establish a commission that can **monitor and review the conduct of state appointed attorneys** in relation to cases of sexual violence.
- **Psychosocial support mechanisms must be established**, designed to support the witness throughout the recovery and reintegration process. The (currently) deficient system represent a significant de facto barrier to justice and a grave misunderstanding of the intense trauma suffered by victims of abuse, reifying the stigmatisation of GBV.
- One-stop **medical and legal support services** must be established in areas outside of Kathmandu. The provision of official medical documentation, access to justice and legal redress, are tightly interconnected. Furthermore, civil society is widely unaware of important procedural aspects that can determine the course of a case. Bringing together complementary services will encourage better information sharing, efficiency and the provision of mutual support, removing significant barriers which have prevented the achievement of justice.

DDR:

- Whilst former combatants await a political resolution, the Government must establish a body that can monitor and investigate the situation in the camps. This monitoring body must instigate a representative and holistic

process of consultation with those in the camps, specifically women, leading to the implementation of measures designed to abate growing tensions. To prevent further disengagement from **the DDR process** the authorities must ensure that the aforementioned cantonment reforms appropriately address women's insecurity, considering gendered implications throughout the process alongside increased women's participation. It is important that the integration of Maoist forces and Nepal National Army, maintains a gender balance, and that criteria enacted to filter the combatants do not discriminate against women combatants. Although the design and reintegration of Maoist combatants has yet to be enacted, gender balance and gender mainstreaming must be upheld throughout the process and in line with international obligations in light of SCR1325. Special attention should be paid to an appropriate reintegration package that does not replicate or reinforce gender stereotypes or inequality.