

RE-ASSESSING GENDER NORMS AFTER CONFLICT

Gender in peacebuilding in Nepal



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Contents

Abbreviations	4
Executive summary	5
1. Introduction and context	6
1.1 Structure and methodology	6
1.2 Context	7
1.3 Gender roles in Nepal	9
2. Cross-cutting issues	16
2.1 Maoist ex-combatants	16
2.2 Labour migration	19
3. Selected case studies	21
3.1 CARE Nepal	21
3.2 Saathi Sanga Manka Kura	23
3.3 Blue Diamond Society	24
4. Thematic issues	26
4.1 Gender and economic recovery	26
4.2 Intergenerational dynamics	27
4.3 Permutations of violence	29
4.4 Access to justice	30
5. Summary and conclusions	33
5.1 Lessons from selected projects – policy implications for Nepal	33
5.2 Interpreting gendered themes – lessons from the Nepal case	33
5.3 Insights for gender in peacebuilding	34

Abbreviations

BDS	Blue Diamond Society
CPA	Comprehensive Peace Agreement
CPN-M	Communist Party of Nepal – Maoist
CSO	Civil society organisation
DDR	Disarmament, demobilisation and reintegration
DFID	Department for International Development (UK)
FGD	Focus group discussion
GDP	Gross domestic product
IDP	Internally displaced person
IRP	Interim Relief Programme
LPC	Local Peace Committee
NAP	National Action Plan
PLA	People's Liberation Army
PLC	Para-Legal Committee
RNA	Royal Nepalese Army
SGBV	Sexual and gender-based violence
SGM	Sexual and gender minorities
SSMK	Saathi Sanga Manka Kura
TRC	Truth and Reconciliation Commission
UCPN-M	Unified Communist Party of Nepal – Maoist
UNDP	United Nations Development Programme
UNIRP	United Nations Interagency Rehabilitation Programme
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
UNSCR	United Nations Security Council Resolution
VAWG	Violence against women and girls
VDC	Village Development Committee
VMLR	Verified minor and late recruit
WYPSP	Women and Youth Pillars of Sustainable Peace

EXECUTIVE SUMMARY

This report is part of a series of four country case studies (Burundi, Colombia, Nepal and Uganda) that seek to broaden and deepen our understanding of gender in peacebuilding, examine particular thematic focus areas of peacebuilding from a gender perspective and explore practical examples of gender-relational peacebuilding. As with the other three reports, it is based on in-country field research as well as an extensive review of available secondary literature.

This country case study examines the role of gender in peacebuilding in a place that in 2006 emerged from a ten-year civil war waged by the Communist Party of Nepal – Maoist (CPN-M) and its armed wing, the People's Liberation Army (PLA), against the Kingdom of Nepal. The insurgency was fuelled by widespread social, economic and political exclusion and discrimination, including of women but also of ethnic minorities and lower castes. The peace settlement saw the end of the monarchy, the demobilisation of the PLA and a long, still ongoing process of re-defining the constitutional framework of the new republic to make it more equitable. However, the end of the insurgency has also led to a gendered 'roll-back' in some areas, where there has been a re-emergence of discriminatory practices and patriarchal structures.

Following a historical background to the current situation and an overview of gender relations in Nepal, the report examines two key post-conflict processes from a gender perspective: the reintegration of former combatants and migration. It then examines the gender-relational peacebuilding of three organisations in detail: CARE Nepal's work on gender equality; Saathi Sanga Manka Kura's work on involving youth; and Blue Diamond Society's work on sexual and gender minorities' rights. This is followed by an assessment of the thematic focal issues of economic recovery, intergenerational conflict, permutations of violence and access to justice from a gender perspective, and a summary.

While Nepal has taken great strides towards greater inclusivity, including outlawing discriminatory practices against lower castes, women and sexual and gender minorities, the implementation of the legal framework has remained a major challenge. Although a return to a full-scale violent conflict is unlikely, other forms of violence and exclusion persist, affecting people differently depending on their age, class, gender and other social markers. As the three case study examples show, comprehensively gender-responsive local-level interventions can and do play a critical role in peacebuilding and in bridging the gap between national-level, aspirational legal frameworks for increased inclusion and equality and the lived reality of communities and individuals.

1. INTRODUCTION AND CONTEXT

This case study is one of four country case studies (Burundi, Colombia, Nepal and Uganda) contributing to the second phase of International Alert's research project on gender in peacebuilding, summarised by the *Re-thinking gender in peacebuilding*¹ report. The first phase entailed a mapping exercise of key gender issues in peacebuilding and resulted in the publication of the report *Gender in peacebuilding: Taking stock*.² That report defined the focus of the second phase of the research as being to explore, document and draw lessons from practical ways in which peacebuilding incorporates gender as a 'relational' concept.

The 'relational' view of gender understands that both men and women lead gendered lives, coloured by age, class and other identities. Gender relations vary from one context to another: the political, socio-economic and cultural dimensions of the context concerned, as well as its historical and geographical positioning, combine to produce varied patterns of gender relations. Masculine and feminine identities are created in relationship with and against each other, within the context of the whole of society.

The research focused on the following four themes:

- 1 the economic and livelihoods dimensions of peacebuilding;
- 2 intergenerational conflict and age-gender dynamics;
- 3 violence and its many manifestations, and the interconnections between these (for example, between inter-communal violence and domestic violence); and
- 4 access to justice.

1.1 Structure and methodology

This case study examines the case of Nepal, beginning with a background of the conflict and post-conflict period in Nepal, which includes an analysis of the gendered dynamics in Nepali society, the situation of ex-combatants and the role of migration. The report then examines three peacebuilding projects that highlight different aspects of a gender-relational approach: namely, the gender and peacebuilding work of CARE Nepal; the initiative *Saathi Sanga Manka Kura*, a youth radio programme established by Equal Access Nepal; and the work of the Blue Diamond Society, a Nepali organisation working for the rights of sexual and gender minorities (SGM). These cut across the four thematic areas discussed in the subsequent section. The final section summarises the main findings of the report and their implications for strengthening policy and programmatic approaches to gender and peacebuilding.

The research is based on 32 interviews with government, community members and civil society actors, as well as 10 focus group discussions and participatory observations conducted in Nepal during an initial round of research in April and May 2013; this was followed by a second round of research in August 2013. The research was conducted in Gorkha, Kailali, Kapilvastu, Kathmandu, Panchthar and Rupandehi districts. It also draws on current literature on conflict and post-conflict Nepal and the work of International Alert's Nepal country team.

1 H. Myrntinen, J. El-Bushra and J. Naujoks (2014). *Re-thinking gender in peacebuilding*. London: International Alert. Available at http://international-alert.org/sites/default/files/Gender_RethinkingGenderPeacebuilding_EN_2014.pdf

2 J. El-Bushra (2012). *Gender in peacebuilding: Taking stock*. London: International Alert. Available at <http://www.international-alert.org/sites/default/files/publications/201210GenderPeacebuilding-EN.pdf>

1.2 Context

Conflict and its causes

In 1996, nearly half (42%) of the population in Nepal was living below the poverty line.³ This poverty and structural exclusion led the Communist Party of Nepal – Maoist (CPN-M)⁴ to declare a ‘People’s War’, waged by their military arm, the People’s Liberation Army (PLA).

Nepali society has traditionally been structured according to a nuanced caste⁵ hierarchy, which encompasses the numerous ethno-linguistic groups⁶ of Nepal. Some castes, such as the Chhetris/Kshatriyas and Brahmins, have benefited from higher status and better access to power, resources and wealth. Other castes, such as the Dalits and Janajatis who are further down the social hierarchy, have had less access to resources and have been more exposed to discrimination and exploitation, including bonded labour in some cases.⁷ More than half of Nepal’s population belongs to these two lower castes, yet they own less than 1% of the land, earn 80% less than the average Nepali per capita income and have a life expectancy that is 10 years less than their higher-caste counterparts.⁸ The Maoist demands for an end to poverty, a new constitution, land redistribution, and the abolition of caste and gender discrimination⁹ resonated with many citizens. This allowed them to mobilise significant support from the more marginalised castes and women, particularly in the remote far western and eastern regions.

Over a period of 10 years, the conflict steadily escalated.¹⁰ The UN Office of the High Commissioner for Human Rights (UNOHCHR) recorded 13,246 deaths, at least 1,300 disappearances, as well as severe human rights abuses committed by government and Maoist forces, leading to subsequent large-scale displacement as civilians fled the violence.¹¹ The functioning of the state was severely interrupted.¹²

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- 3 Government of Nepal, National Planning Commission Secretariat, Central Bureau of Statistics (2011), ‘Nepal Living Standards Survey 2010/11’. Kathmandu: National Planning Commission Secretariat, Government of Nepal. Available at http://cbs.gov.np/wp-content/uploads/2012/02/Statistical_Report_Vol1.pdf
 - 4 The Communist Party of Nepal was initially established in 1946. The CPN-M emerged in 1994, fought its People’s War from 1996 to 2006 and emerged as the ruling party after the 2008 elections. In 2009, it merged with Unity Centre-Masal to become the Unified Communist Party of Nepal – Maoist (UCPN-M). In 2012, a smaller, more hardline group split from the UCPN-M and re-formed as the CPN-M (not to be confused with the initial CPN-M active during 1994–2009). The UCPN-M’s youth wing, the Young Communist League (YCL), was dismantled in 2010 but is perceived to be still active. The splintering and merging of the communist parties is symptomatic of the instability of Nepal’s political scene.
 - 5 The system of dividing society into caste is based on the hereditary classes of Hindu society, distinguished by relative degrees of ritual purity or pollution and of social status. ‘There are four basic classes or *varnas* in Hindu society: *Brahmin* (priest), *Kshatriya* (warrior), *Vaisya* (merchant or farmer) and *Sudra* (labourer or servant). The lowest class, the scheduled caste (formerly known as untouchables), falls outside the *varna* system and has historically suffered extreme discrimination.’ The system is not impervious to changes due to increasing urbanisation and changes in the wider society; nevertheless, caste-based discriminations remain active.
 - 6 According to the 2011 census, there were 125 castes/ethnic groups in Nepal speaking 123 languages and practising a variety of religions.
 - 7 World Bank and Department for International Development (2006). *Unequal citizens: Gender, caste and ethnic exclusion in Nepal*. Washington DC: World Bank.
 - 8 R. Goyal, P. Dhawan and S. Narula (2006). *The missing piece of the puzzle: Caste discrimination and the conflict in Nepal*. New York: NYU Center for Human Rights and Global Justice, cited in R. Carranza (2012). *Relief, reparations, and the root causes of conflict in Nepal*. New York: International Center for Transitional Justice.
 - 9 For more on the CPN-M structure, evolution and policies, see: International Crisis Group (2005). *Nepal’s Maoists. Their aims, structures and strategy*. Available at http://www.crisisgroup.org/-/media/Files/asia/south-asia/nepal/104_nepal_s_maoists_their_aims_structure_and_strategy.ashx
 - 10 See, for example: P. Raj (2004). *Maoists in the land of Buddha: An analytical study of the Maoist insurgency in Nepal*. New Delhi: Nirala Publications; J. Pettigrew (2013). *Maoists at the hearth: Everyday life in Nepal’s civil war*. Philadelphia: University of Pennsylvania Press; Amnesty International (2013). *Nepal – The search for justice*. London: Amnesty International; M. Lawoti and A.K. Pahari (eds.) (2009). *The Maoist insurgency in Nepal: Revolution in the twenty-first century*. New York: Routledge.
 - 11 United Nations Office of the High Commissioner for Human Rights (UNOHCHR) (2012). *Nepal conflict report*. Geneva. Available at <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/NepalConflictReport.aspx>. About 100,000 to 200,000 are estimated to have been displaced internally and up to two million people to have left the country, fleeing from the violence, lack of economic opportunities or targeted attacks. IRIN (2005). *Between two stones: Nepal’s decade of conflict*. Available at <http://www.irinnews.org/pdf/in-depth/between-two-stones-irin-in-depth.pdf>
 - 12 United Nations Country Team (2007). *Common Country Assessment for Nepal: 2007*. Kathmandu: United Nations. p.7. The conflict has been written about extensively, so this paper will focus on the current gender dimensions of the peacebuilding process.

The conflict itself came to an end in 2006, soon after the King assumed emergency powers. Amid widespread non-violent protests for peace by millions of citizens,¹³ this slide into autocracy prompted the main political parties to form an alliance and sign a Comprehensive Peace Agreement (CPA) with the CPN-M, officially ending the People's War. An interim constitution was drawn up and elections for a Constituent Assembly were held successfully in May 2008.

Nepal since the CPA

The former Hindu kingdom of Nepal thus emerged as a republic from a civil war that brought destruction and suffering, but also that questioned fundamental societal norms. The peace process, at the time of writing in its eighth year, succeeded in ending the widespread violence, but has been marked by fragility, political wrangling and delays.¹⁴ While some milestones have been reached, such as general elections and Maoist demobilisation, others have not, such as the adoption of a new constitution. Nevertheless, owing to vigorous campaigning by a vibrant civil society, the language of equality, inclusion, women's empowerment, SGM rights and participation are prominent in government policies. Significant achievements have been made in the last decade, with both maternal mortality and the percentage of people living below the poverty line virtually being halved compared with levels in the early nineties.¹⁵

Sharma and Donini argue that a "historical transformation of consciousness" was achieved by a combination of Maoist political agency and civil society organisation (CSO) undertaking social development work, with increased levels of awareness of rights and gender; however, this resulted in "a perceived disconnect between aspirations and reality" in the face of the continued structural violence in rural Nepal.¹⁶ Despite significant improvements, the current average poverty rate of one in four remains disconcertingly high and social exclusion along gender, ethnic and caste lines persists, particularly in rural areas. Customary forms of structural violence, such as the practice of bonded labour, have partly persisted despite being outlawed. Some of the underlying root causes of the conflict thus remain partly unresolved,¹⁷ while key issues such as a new federal structure and a new constitution have yet to be agreed, constituting the primary challenges facing the new government elected in November 2013.

The dissatisfaction with the pace of change has been reflected in the ongoing political instability, characterised by continuing *bandhs* (enforced strikes) over unresolved political grievances, ethno-regionalist identity politics as well as the division of the Maoist party into the UCPN-M and the CPN-M. Chronic poverty has contributed to a deep sense of economic insecurity.¹⁸ This has fuelled an increase in identity politics, as illustrated by the emergence of new armed actors in the southern lowland Terai region,¹⁹ whose motivations combined political motives, frustrations and criminal intentions.²⁰ Despite recent reductions in armed violence and perceptions of improved

13 Out of a population of under 30 million, "five million people were out in the streets, another five million cheered from the rooftops" – Madhav Kumar Nepal, quoted in G. Katsiaficas (2013). *Asia's unknown uprisings, Volume 2: People power in the Philippines, Burma, Tibet, China, Taiwan, Bangladesh, Nepal, Thailand and Indonesia 1947–2009*. Oakland: PM Press. p.250.

14 Nepal Institute for Policy Studies (2011). *The seven-point agreement and challenges for its implementation*. Policy paper. Nepal.

15 Overseas Development Institute (2013). *Health: Nepal's story. Understanding improvements in maternal health – Case study summary*. Available at <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8624.pdf>. The population living below the poverty line dropped from 42% in 1995–6 to 31% in 2003–4 and to 25% in 2009–10, according to the Nepal Living Standards Survey.

16 J. Sharma and A. Donini (2010). *Towards a 'great transformation'? The Maoist insurgency and local perceptions of social transformation in Nepal*. Somerville, Massachusetts: Feinstein International Center. p.i.

17 United Nations Resident and Humanitarian Coordinator's (RCHC) Office (January 2013). *2013: Potential risks to peace and development*. Field Bulletin, Vol. 51. Nepal.

18 M. Racovita, R. Murray and S. Sharma (May 2013). *In search of lasting security: An assessment of armed violence in Nepal*. Geneva: Small Arms Survey.

19 UNRCHC Office (March 2013). *An overview of Tharu mobilisations*. Field Bulletin, Vol. 54. Nepal.

20 Interview with civil society organisation (CSO), 24 April 2013.

security among the majority,²¹ the lack of economic opportunities has fostered distrust and perceptions of growing crime in some parts, particularly in urban areas.²²

1.3 Gender roles in Nepal

As in all societies, gender roles develop and change over time, with different gendered expectations placed on men, women and SGM of different ethnic, regional, cultural, religious and social, especially caste, backgrounds. Therefore, there are no single forms of masculinity, femininity or third gender identity, and the forms that are considered hegemonic at any given point in time will depend on the frame of reference. For example, the masculine-coded martial attributes and expectations of service abroad linked to militarised Gurkha masculinities will differ from the expectations of restraint placed on higher-caste Brahmin men, while rural Dalit women might have greater freedoms to pursue economic activities outside of the home than urban, higher-caste women.²³

In spite of the broad variety, there are certain traditional expectations that tend to transect most social, religious and ethnic groups – such as respect of elders and the pre-eminence of men over women. These values and expectations underpin traditional family structures, which can often be an important source of support and care; however, they can also be a source of repression and violence, especially in contexts of economic pressure and social change.

Caste and gender inequalities are deeply ingrained in Nepal's patriarchal social system and traditions, which centre on values of honour, protection and family unity guided by religious and social dogmatism – yet “the burden of these values is disproportionately placed on women”.²⁴ This is manifested in cultural traditions such as the dowry system, early marriage, preference for sons,²⁵ stigmatisation of widows, seclusion (*purdah*) of women and *chhaupadi* (the physical segregation of women during menstruation).²⁶ Mothers-in-law generally have more access to power than daughters-in-law, but cultural practices are fluid and change with social processes such as urbanisation or conflict-related displacement.

Tamang points out that lower-caste Nepali women may be less disadvantaged in some ways than higher-caste women: “Women from different communities experience different realities according to the dissimilar patriarchal arrangements within those communities.”²⁷ There are regional and ethnic differences: for example, more orthodox Hindu communities in the Terai may largely

21 Seventy percent of household survey respondents in the Small Arms Survey reported improvements in their area between 2010 and 2011 [M. Racovita, R. Murray and S. Sharma (2013). Op. cit. p.13].

22 Residents in Kathmandu valley reported an increase in thefts and robberies, while a majority of Hills and Terai residents felt their security had improved between 2010 and 2011. Twice as many urban residents reported a worsened security situation compared with national averages, with the middle class seen as being particularly victimised through extortion and property crime [M. Racovita, R. Murray and S. Sharma (2013). Op. cit.].

23 A. Chisholm (May 2013). 'The silenced and indispensable – Gurkhas in private military security companies', *International Feminist Journal of Politics*. pp.26–47; M. Maycock (2012). *Masculinity, modernity and bonded labour: Continuity and change amongst the Kamaiya of Kailali district, Far-West Nepal*, PhD thesis. Norwich: University of East Anglia; S. Tamang (2002). 'The politics of developing Nepali women', in K.M. Dixit and S. Ramachandran (eds.), *State of Nepal*. Kathmandu: Himal Books. p.163.

24 Women's Rehabilitation Centre (2012). 'Holistic approaches to realising women's rights – Ensuring justice, ensuring rights: From victimhood to agency', Concept paper presented at the National Conference on Violence Against Women, 6–7 January 2012, Makwanpur, Hetauda, Nepal. p.2. Available at <http://www.worecnepal.org/news/holistic-approaches-realizing-women%E2%80%99s-rights-ensuring-justice-ensuring-rights-victimhood-agency>; see also: Committee on the Elimination of Discrimination Against Women (CEDAW) (2011). *Concluding observations of CEDAW – Nepal*, UN Ref CEDAW/C/NPL/CO/4-5, paragraph 76, 29 July 2011.

25 Sons are required to undertake their parents' funeral rites and are expected to be the future breadwinners of households. For women, giving birth to “a son is regarded as opening the door to heaven” in Hindu philosophy. S. Luitel (2001). 'The social world of Nepalese women', in Tribhuvan University (2001), *Occasional Papers in Sociology and Anthropology*, Volume 7, p.107. Available at http://himalaya.socanth.cam.ac.uk/collections/journals/opsa/pdf/OPSA_07_07.pdf

26 See, for example: United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) (not dated). *Harmful traditional practices in three countries of South Asia: Culture, human rights and violence against women*, Gender and Development Discussion Paper Series No. 21. Bangkok. pp.34–35. Available at http://www.unescapsdd.org/files/documents/SDD_pub_2530.pdf

27 S. Tamang (2002). Op. cit. p.163.

confine women to domestic and subsistence production, while in the more egalitarian Tibeto-Burman communities women tend to be more economically active;²⁸ elsewhere, some Tharu matriarchal societies show a reversal of roles, with the men being financially dependent and more vulnerable to abuse or divorce.²⁹ The conflict has accelerated ongoing changes in gender roles such as increased economic participation by women³⁰ and an 11% growth in female-headed households between 2001 and 2011.³¹

During the conflict, Maoists explicitly campaigned against traditional practices of gender- and caste-based discrimination in areas they controlled.³² However, this apparently backfired at times and resulted in unintentional harmful side-effects, such as increases in child marriages and dowries.³³ The long-term impact of this effort is also uncertain: our interviews revealed that, in some communities, banned practices, including *chhaupadi*, have been making a come-back after the conflict, linked to a yearning by some for a 'return' to a pre-conflict 'golden age' of strictly prescribed gender roles.

Many of these traditional practices have potentially detrimental consequences for women and girls. For instance, the way in which the tradition of *chhaupadi* is practised in certain rural areas can endanger the security and health of menstruating women and girls.³⁴ Although the Supreme Court has demanded that the government ban the practice, implementing this has been challenging.³⁵

The dowry system also reinforces gender discrimination, as it can lead to girls being perceived as a source of future financial pressure on families, whereas boys are expected to care for their parents in their old age. One of the consequences can be preferential treatment for boys, with girls being on average twice as likely to be malnourished as their brothers, for instance.³⁶ Moreover, since younger brides require smaller dowries, the system encourages child marriages³⁷ and consequently serious health and education impacts related to early pregnancies. The legal age for marriage of 18 years is not enforced, and early marriage remains widespread.³⁸ Patriarchal attitudes also encourage victim blaming – for example, blaming the wife if her husband divorces her or passes away or blaming victims of sexual and gender-based violence (SGBV). Most marriages in rural areas are not registered officially, making it difficult for wives to access funds or properties to which they are legally entitled.³⁹ The resulting structural financial dependencies on male family members and in-laws are a feature of Nepal's political economy that should be borne in mind in peacebuilding programming.

28 B. Pokharel (2001). 'Gender roles and activities among the rural poor households: Case studies from hill villages', in Tribhuvan University (2001), *Occasional Papers in Sociology and Anthropology*, Volume 7, p.68. Available at http://himalaya.socanth.cam.ac.uk/collections/journals/opsa/pdf/OPSA_07_05.pdf

29 S. Chandra Verma (2009). 'Amazing Tharu women: Empowered and in control', *Intersections: Gender and Sexuality in Asia and the Pacific*, Vol. 22. Canberra: Australian National University. Available at <http://intersections.anu.edu.au/issue22/verma.htm>

30 N. Menon and Y. van der Meulen Rodgers (2011). *War and women's work: Evidence from the conflict in Nepal*. Washington DC: World Bank.

31 Central Bureau of Statistics (2012). 'Major highlights of the 2011 census'. Kathmandu: National Planning Commission Secretariat, Government of Nepal. Available at <http://cbs.gov.np/wp-content/uploads/2012/11/Major-Finding.pdf>

32 While promoting gender equality was rhetorically high on the Maoist agenda, leading female Maoists were often critical of the gap between rhetoric and reality in the movement – see, for example: H. Yami (2007). *People's war and women's liberation in Nepal*. Kathmandu: Janadhwani Publications.

33 S. Shrestha-Schipper (2009). 'Women's participation in the people's war in Jumla', *European Bulletin of Himalayan Research*, 33–34 (2008–2009). pp 105–122. Available at http://himalaya.socanth.cam.ac.uk/collections/journals/ebhr/pdf/EBHR_33&34_05.pdf

34 During menstruation, some girls are expected to stay outside of the household or village in basic, insecure sheds or tents lacking basic sanitation and clean water. This leaves them vulnerable to diseases, sexual violence, stigma, wild animals, exposure, as well as interrupting schooling for girls. Other forms of *chhaupadi* oblige girls to be kept in dark rooms throughout menarche or after childbirth. Source: interview with Equal Access Nepal; and UNRCHC Office (April 2011). *Chhaupadi in the Far West*. Field Bulletin, Vol. 1. Kathmandu.

35 The Asia Foundation (2010). *Nepal – Preliminary mapping of gender-based violence*. Kathmandu. p.6.

36 Ibid.

37 UNESCAP (not dated). Op. cit. p.31. Nepal's Demographic Health Survey revealed that 63% of girls marry before the age of 18 and 7% before the age of 10.

38 The Asia Foundation (2010). Op. cit. p.1.

39 Interview with CSO, Terai, April 2013.

Newly wed couples traditionally live with the groom's family (with the exception of Tharu matrilineal communities), and wives are expected to obey both the groom and his parents. Conflict can occur between in-laws, at times violent in nature; sometimes this is related to dowry payments or other aspects of domestic life; other times, it takes the form of SGBV.⁴⁰ The cultural importance bestowed on marriage leads to discrimination against those who do not adhere to such heteronormative standards, such as widows and SGM.

Widows/single women⁴¹

Widows/single women often face the double trauma of grief and high degrees of social stigma. This stigmatisation is frequently compounded by destitution without the husband's income, with some struggling to make ends meet due to families or in-laws allegedly taking their husband's lands, house or assets.⁴² Widows traditionally continue living with the husband's family, unless conflicts ensue around the inheritance or the family blaming them for the husband's death.⁴³ Due to the early-marriage tradition, many widows are young,⁴⁴ and child widows (*Vaikalyas*) are particularly vulnerable and overlooked in government and CSO programming due to assumptions that widows are old women.⁴⁵ Many widows have been displaced due to conflict or family dynamics, such as forced expulsion by the family or voluntary escape from discrimination and violence.⁴⁶ Women for Human Rights (Single Women) found that widows are often "forced into prostitution, face sexual and other physical abuse and are ... being separated from their children" by family members.⁴⁷

While legal discrimination against widows has been abolished, traditional social taboos forbid their attendance at celebrations such as weddings or religious ceremonies, as well as the wearing of the colour red, which symbolises wedded status. Not wearing red indicates the lack of a husband's protection and exposes widows to exploitation and exclusion.⁴⁸ Some organisations are encouraging widows to return to wearing red to improve their self-esteem and to reduce discrimination; this can reduce harassment from strangers taking advantage of an 'unprotected' woman, although it can also lead to further stigma or discrimination by community members who are aware of their widowhood.⁴⁹ This stigmatisation and dispossession has emerged as a more pressing human rights issue due to the conflict-related increase in the numbers of widows. There are fewer widowers than widows due to the typical age differential between bride and groom. Remarriage of widows contravenes tradition, but it is becoming more common; the practice varies, with some ethnic groups not permitting widows to remarry and others prescribing remarriage to the husband's brother. Overall, in 2011 a quarter of widows in Nepal had remarried compared with nearly two-thirds of male widowers (see Table 1).

40 Interview, Terai, 2013; see also: UNFPA [2013]. *Tracking cases of gender-based violence in Nepal*. New York: United Nations Population Fund. Available at <http://countryoffice.unfpa.org/nepal/drive/TrackingViolence.pdf>

41 The leading CSO working with widows, Women for Human Rights (Single Women), encourages the use of the term 'single women' instead of 'widow', as the word 'widow' is linked to so much stigma it is likened to a social death.

42 L. Thapa [2011]. 'Nepal's single women instigate much needed change', *Gender Masala*, 7 March 2011. Available at <http://www.ips.org/blog/mdg3/2011/03/nepals-single-women-instigate-much-needed-change/>; and J. West [2011]. 'Woman in red', *Hand/Eye Magazine*, 23 November 2011. Available at <http://handeyemagazine.com/content/woman-red-0>

43 Being widowed is considered such bad fortune that widows are assumed to have caused their husband's death by misbehaving in this or a previous life (*karma*), with widows colloquially likened to the 'living dead'. See documentary: 'Nepal: The living dead', *Unreported World/Channel 4*, 13 November 2009. Available at <http://www.quicksilvermedia.tv/productions/production/nepal-the-living-dead>

44 Sixty-seven percent of them are aged between 20 and 35, and thus five years below the official cut-off age for 'youth' in Nepal. Of these, only 33% are literate and a mere 2% have received higher education. J. Ashdown [2012]. 'Nepal: "Colour is a birth right of all women"', *Womankind Worldwide*. Available at <http://www.womankind.org.uk/2012/04/nepal-colour-is-a-birth-right-of-all-women/>

45 M. Owen [2012]. 'The hidden lives of child widows', *openDemocracy*, 28 February 2012. Available at <http://www.opendemocracy.net/5050/margaret-owen/hidden-lives-of-child-widows>

46 For an outline of several widows' experiences of family in-laws confiscating their husbands' assets or government compensation, see: S. Basnet [2008]. *Displaced war widows of post armed conflict in Nepal*. Kathmandu: Social Inclusion Research Fund. p.32.

47 L. Thapa [2011]. Op. cit.

48 A recent UN Women regional baseline study on widows found that 26% had been victims of harassment in the last six months. M. Thakur [2012]. *From exclusion to empowerment: A baseline assessment of the UN women's programme for empowerment of widows and their coalitions*. New Delhi: UN Women. p.9.

49 J. West [2011]. Op. cit.

Table 1: Census 2011 statistics for widowed population in Nepal

	Widowed	Remarried	Total widowed	Percentage remarried	Total population (above 10 years of age)	Percentage of total population widowed in 2011 census (above 10 years of age)	Percentage of total population widowed in 2001 census
Women	490,606	165,401	656,007	25%	10,822,774	6.1%	3.7%
Men	161,231	247,314	408,545	61%	9,898,908	4.1%	1.3%

Source: Central Bureau of Statistics (2012). *National Population and Housing Census 2011*. Kathmandu: National Planning Commission Secretariat, Government of Nepal. p.121. Available at <http://cbs.gov.np/wp-content/uploads/2012/11/National%20Report.pdf>

The mindset towards widows was exemplified by a (short-lived) government initiative aimed at helping widows by granting NPR 50,000 (about USD 512) to men who married a widow. This measure was replaced in 2011 by a social security pension for widows from the government, although implementation is still incomplete. Government compensation to police and army widows has helped them to secure housing or lands in cases where they have been unable to access their husband's lands.

The same problems of stigmatisation, poverty, exclusion and lack of protection affect the wives of those who were 'disappeared' during the conflict. As 'disappeared' is not a legal category, these women exist in a legal limbo as 'half-widows', unable to access their husband's lands or assets without formal registration of death. Economic hardship and social discrimination compound the agony of not knowing what happened to their husbands.

Men and masculinities

Gender norms and roles are produced in relation to one another, and the value ascribed to them is defined by men and women alike. The norms and practices described for women, girls and SGM thus reflect the values and norms in relation to which masculinities are defined. As in other patriarchal societies, attributes and tasks that are coded masculine tend to be valued higher – or are valued higher when men carry out or embody them.

Given Nepal's highly nuanced caste system, there is no one way of 'being a man', but rather different expectations tend to be projected onto men of different ages and castes. Under the caste system, some men are expected to be manual labourers or clerical workers, but others fearless warriors, and some are expected to be ascetic Brahmin, who are seen as being at the top of the patriarchal hierarchy. Not adhering to expected gender roles ascribed to a given caste may lead to censure, and living up to the ideals ascribed to a different caste may be frowned upon, even if it is a higher caste. For example, Magar men, traditionally associated with the 'warrior caste', may be regarded as effeminate if they choose a more studious, civilian path in life (akin to Brahminic masculinities) rather than joining the military, even if they thus gain a higher socio-economic status. The assertion of potential physical violence is also tied to caste and age expectations, whereby older and higher-class/caste men are expected to have other men to draw on to engage in physical coercion for them.

While the range of masculinities and attendant societal expectations is broad, regardless of their ethnic, religious, caste or age background, men's privileges are coupled with expectations of taking on social and economic responsibilities once they reach maturity. Men are generally expected to be the primary breadwinners and respected heads of households. As a result, they are more likely to get a better education than their sisters, for example. Male respectability is strongly linked to being able to fulfil these roles and failure to do so can be a source of great frustration and shame, leading to such negative emotions being expressed through violence, substance abuse or suicide. National and international migration, which is predominantly a male phenomenon, is a common avenue for young men to achieve status, and in some communities it is seen as a kind of rite of passage.

As in many other predominantly patriarchal societies, young men's and young women's sexualities tend to be viewed differently in Nepali society. Heterosexuality is seen as the norm and, while young women are expected to remain chaste until marriage, young men are often expected to have numerous sexual partners before marriage. A common way for young men to gain sexual experience is by making sexually suggestive remarks to girls and young women in public, which can develop into sexual harassment, sexual abuse and, in some cases, rape. Local and international organisations have increasingly begun to work on reducing sexual harassment, exploitation, abuse and SGBV by working with men and boys to change attitudes and promote more positive masculinities.

Masculinities, like femininities, are in a constant state of flux – particularly in situations of social turmoil, such as the concurrent processes of urbanisation, massive migration, globalisation and post-conflict peacebuilding. While elements of the old, pre-conflict gender order will be retained or re-established, other new elements will be incorporated. In research conducted by Saferworld (2014) on Nepali masculinities, young Nepali men were as likely to name 18th-century Nepali kings as German footballers as their idols, espousing or yearning for symbols of modernity while feeling bound to traditional obligations and privileges. A strong sentiment raised in the Saferworld research and echoed in our field interviews was that young men are increasingly trying to assert – or being expected to assert – their masculinity and place in society through the visible display of consumer goods, something that has traditionally not been associated with Nepali ideals of masculinity and that is often beyond the socio-economic possibilities of most Nepali men.

Sexual and gender minorities

Based on our interviews, the conflict also involved violence against those who do not fit into heteronormative categories, including sexual and gender minorities (SGM) or 'third gender' persons. Transgender (male-to-female) women have been and continue to be particularly targeted due to the visibility of their transgressing of hegemonic performances of masculinity through their way of dressing/behaving, thus visually not conforming to the roles that society expected them to play.

However, the opening up of political space following the CPA has allowed SGM to come out and claim their political rights. A major milestone in the process towards today's progressive legal framework, also on a global scale, was a 2007 Supreme Court decision that overturned discrimination against SGM individuals and recognised a third gender. This decision required the government to include this provision in the constitution, making it the first country in Asia to do so.

A third gender was subsequently included as a category in the 2011 census. This development may have been partly building on indigenous forms of non-heteronormativity, such as the Methi tradition of 'selective kinship' bonds celebrated between same-sex partners. While it has not yet been passed, legalisation of gay marriage is being discussed among political parties and the government. On paper, the situation is very progressive, with all parties affirming SGM rights and the first Maoist administration including a budget provision for SGM. Moreover, there has

been little social or religious opposition to equal marriage rights and no major political party opposition to this.

Discrimination against SGM individuals

Despite the official Maoist policy of 'not punishing homosexuals', in March 2007 in Sunsari, two women were harassed by Maoists for being lesbians. The women were detained and questioned for hours, and obliged to return with their parents, which was not feasible due to their lack of support.

- Human rights case highlighted by Blue Diamond Society

On the ground, social acceptance varies widely and challenges remain in accessing justice: for example, the current legal framework recognises rape as something that only affects women or minors – not adult males or trans- and intersex persons, leaving them no legal recourse and frequently resulting in cases not being taken up by security and justice sector staff.

The Supreme Court has ruled that self-identified third gender citizens should receive citizenship cards and passports indicating this categorisation. Citizenship status is essential for accessing rights and services, which can be a challenge for transgender people whose appearance may not match the gender listed on their citizenship cards.

While the 2011 census attempted to include a third gender category, there were challenges in its implementation. The nature of information collection – with questionnaires being completed in front of families – was not conducive to SGM individuals making themselves known, for example due to possible family pressure. Instances of discrimination, threats and harassment of third genders continue and, in the future, gender-disaggregated data should be required for all data collected, including SGBV, harassment and other crime reports.

The experiences of SGM individuals are shaped by various factors, including their ethnicity, caste, age, geographic location and socio-economic status. For example, those in urban areas benefit from greater anonymity and economic opportunities than those in rural areas. Those with higher incomes and greater influence tend to be less discriminated against than those with no resources. On the other hand, social acceptance, based on anecdotal evidence, may be higher among the lower castes, who have less status to lose and more scope to be themselves without being subjected to the same labelling, prejudices and distrust they might encounter in the cities.

Wider social acceptance varies greatly. While many profess to be supportive of the progressive, anti-discriminatory policies in theory, in practice they would not accept this for their own family members. The social pressure for heterosexual marriage is immense, although interviewees indicated that the younger generation seem to be more accepting of other life choices than the older generation. In general, however, SGM individuals are at risk of discrimination – such as violence or labour market discrimination in terms of finding and keeping employment. The 2007 case of two army soldiers who were allegedly dismissed for being lesbians caused controversy as it breached not only the Nepal constitution but also international law.

A Ministry of Health official commented that the “police feel they can do anything to [SGM] people because there will be no consequences”. Yet, transgender sex workers may be less likely to be arrested under the Public Offence Act, as there was a perception that they were better organised than non-SGM sex workers. In terms of the spectrum of discrimination, a survey of 99 lesbian women found that nearly a quarter had to change their residence, 20% were excluded from social gatherings and over 70% experienced violence from intimate partners and others.

Shame and fear of disclosure can prevent SGM survivors from seeking external help. This discrimination contributed to a higher risk among SGM youth of attempted suicide, depression and substance abuse. Moreover, the lack of awareness of SGM needs among healthcare providers limits their access to the required healthcare. While discrimination is illegal, in practice harassment has not ceased.

Nepal's gender policy framework and machinery

In stark contrast to the situation before the conflict, the current legal framework in Nepal promotes gender equality. The Gender Equality Act 2006 amended 56 discriminatory provisions of previous acts. Moreover, the CPA included specific language on the protection of women and children's rights.

Commitments to eradicate violence against women and girls (VAWG) have been included in the policy documents of all relevant ministries and a Domestic Violence Bill was passed in 2009. The interim constitution included a 33% quota for women's political participation at all levels, although in practice the political parties fall short of this, especially at senior levels in the party leadership.

In February 2011, Nepal adopted a National Action Plan (NAP) for implementation of UN Security Council Resolutions 1325 and 1820, being the first country in South Asia to do so. Coordination committees were set up and achieved notable milestones such as the average 33% female participation in the Far Western Local Peace Committees (LPCs). Nevertheless, overall implementation on the ground has been uneven at best and hampered by the lack of necessary additional funds. Civil society plays an important role in raising awareness and building capacities to enhance NAP implementation at local, district and national levels. This is proving effective where it occurs, but more resources are required to roll out these programmes to all areas.

Local 1325 trainings: "A turning point"

A female member of an LPC spoke about a turning point in her participation in the LPC after the committee received training on UNSCR 1325. "Before, they [the male LPC members] did not want to listen to what I was saying. After the training, they know that the women's perspective and rights are important. Now they listen to my views."

– Interview, Terai

While women's empowerment and inclusion are state policies, implementation has been challenging at all levels. For example, there were no women in the Election Commission of Nepal in 2011. Gender discrimination remains pervasive in Nepal, including in terms of property rights, trafficking and sexual abuse, education and employment, reproductive health, marriage and family, and legal processes. Challenges remain around the concept of and ways to address marital rape as well as around current definitions of SGBV.

Another challenge relates to accessing citizenship documents, which are essential for acquiring government education and medical services. Citizenship is usually bestowed on children by their father, which causes problems for children of widows or the disappeared. In rural areas, many community members, especially women, are not registered as citizens and unaware of the benefits this can bring. The interim constitution provided for citizenship to be granted also by the mother; however, in practice, there are challenges in claiming this, particularly in remote areas. Nevertheless, civil society projects encouraging citizenship registration have been successful in helping citizens to register and in facilitating access to government benefits.

2. CROSS-CUTTING ISSUES

The following section takes a closer look at two cross-cutting issues, namely, Maoist ex-combatants and labour migration, which will tie in with the findings in the thematic section.

2.1 Maoist ex-combatants

“The future of the Maoist combatants is one of the most complex, challenging and important issues to settle for the successful completion of Nepal’s peace process.”

UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), 2011

Given the entrenched poverty and exclusion of large parts of Nepal’s rural population, the Maoists were able to mobilise support among the poorest and most excluded sections of society, but also among better-off people living in urban areas. The Maoist rhetoric embraced gender and caste equality, attracting significant numbers of women cadres: the PLA forces were estimated to have comprised between 30% and 40% women. One of the top-level female Maoists, Comrade Parvati (Hisila Yami), saw the “PLA [as] challenging the myopic view of sectarian feminists who see women as just victims of war, not as agents of change”. Female Maoists valued their sense of liberation and empowerment, stemming both from the indoctrination, the equal treatment among cadres and the very real power provided by guns.

Nonetheless, women remained underrepresented in leadership positions in the central committees and politburo of the UCPN-M, and were not represented in the 2003 negotiating team. More cynical observers argue that the high percentage of women stemmed less from emancipatory ideals than from the pressure of ‘One house, one Maoist’ recruitment drives, where families would send daughters rather than the ‘more valuable’ sons; moreover, it is partly attributed to the fact that girls had less options to migrate out of conflict areas.⁵⁰

“I married a Maoist from the same area, also a Dalit. Gender equality was discussed and practised in the PLA – even now, I help my wife. Society remains the same – they disapprove, but I do as I learnt; I don’t care what society thinks.”

MAOIST MALE EX-COMBATANT, GORKHA DISTRICT

After the CPA in 2006, just under 20,000 Maoist cadres were gathered into disarmament, demobilisation and reintegration (DDR) cantonments, which would take six years to close. The DDR process in Nepal was unusually drawn out due to decision-making delays connected with the persistent political quarrels. The DDR Action Plan was implemented by the United Nations Interagency Rehabilitation Programme (UNIRP), commencing three years after the signing of the CPA.

During the UN verification drive in the 28 cantonment sites, 19,602 members of the PLA were registered. A further 4,008 who were under 18 years at the time of the CPA or recruited thereafter were categorised as verified minors and late recruits (VMLRs) and ‘disqualified’ as ex-combatants. One third of the VMLRs were female. The VMLRs identified were discharged from cantonments in early 2010 and were offered individual choices of the following rehabilitation packages: vocational skills training; micro-enterprise development; health-related training and education; and formal or informal education. Psychosocial support was also made available to everyone. By 2013, 66% of the 1,774 who had completed training by then were in employment or had

⁵⁰ S. Shrestha-Schipper (2009). Op. cit.

started their own business, while the remaining 1,614 VMLRs were absent and were discharged in absentia. The UNIRP established that 60% of these had migrated abroad for employment. The programme encountered some challenges in the different subsistence allowances (some of which were inadequate, leading VMLRs to choose on the basis of immediate subsistence needs rather than long-term opportunities); misalignment also occurred between trainings and labour market needs due to a lack of engagement with the private sector during programme design. The use of the term ‘disqualified’ translated badly into Nepali, causing resentment among some VMLRs who felt their service, dedication and sacrifice were being discredited. Persistent discontent with the programme was expressed in *bandhs* and protests.

The ex-combatant cantonments were closed in 2012 and Maoist cadres were offered integration into the army (referred to as *reintegration* in Nepal); rehabilitation including capacity building; or voluntary retirement with a one-off cash payment dependent on the PLA rank.

No more than 6,500 ex-combatants were to be integrated into Nepali security forces. Initially, most Maoist cadres intended to join the army to continue serving their country; however, this changed during the five years of waiting for the political process to play out.

During these years, which had their own challenges, many cadres had fallen in love in the camps, married and had children. This resulted in a type of ‘pacification by baby boom’, as the new families now required steady incomes and more settled lives. In the end, 80% opted for voluntary retirement owing to the large cash retirement package. Only 100 female PLA fighters joined the army. Much of the planning and funding had been dedicated to the rehabilitation offers as most had been expected to take this route, but only six ex-combatants chose this option. The rest did not attend the re-verification and ‘were lost’ from the process for a variety of reasons: some of them had returned home and integrated themselves; many chose the cash retirement offered; others (primarily male) migrated abroad for work; and some female ex-combatants had left the cantonments to have children, thus missing out on the process.

“I invested my youth in the People’s War when I was most productive. We had high status in the PLA; now in society [our] status is decreased because we missed education and certificates. I now completed my SLC [school leaving certificate] due to society pressure. The VR [voluntary retirement] package was designed with family and traditional roles in mind, putting women back into the family role.”

FEMALE EX-COMBATANT

Many PLA cadres and officers lacked the required qualifications to join the army, as initially intended, because they were recruited from school at a young age, forfeiting their education to fight for their ideals. The army did not accept them in ranks equivalent to those they held among the Maoists, but for the PLA officers demotions were unacceptable. The army further deemed young and breastfeeding mothers as ineligible for army training. In addition, there were stark cultural differences between the Maoist principles of equality and those of the army, which remains more strongly characterised by caste hierarchies. After a six-year process, the integration of Maoist cadres into the Nepalese Army officially concluded with a ceremony in August 2013, “bring[ing] the integration chapter of the peace process to a successful conclusion”.

“Rather than joining the army with its different values, we built our own businesses with the money received. Inequality and conservatism are strong in the RNA [Royal Nepalese Army]; we are driven by ideology – that is why many ex-combatants did not want to join the army.”

FEMALE EX-COMBATANT

The mere provision of cash sums runs counter to internationally accepted good DDR practice, as it rarely succeeds in equipping ex-combatants with sustainable alternative livelihoods. This is why the voluntary retirement payments were funded by the Nepali government rather than

international donors. The cash settlements varied between NPR 500,000 (USD 5,124) and NPR 800,000 (USD 8,198) depending on rank, but entailed no further training or skills-building livelihood support. Such sums were significant by Nepali standards, but largely insufficient to establish sustainable civilian livelihoods. This left many former combatants struggling to earn a livelihood in the absence of marketable skills and a general lack of economic opportunities. Often the retirement package only enabled them to buy poor, less fertile lands in remote districts, where they lacked the skills and capital to farm successfully. Some former combatants are now calling for more support and training to improve their livelihoods.

“I joined the Maoists because there was no freedom, no justice. I am a Dalit. I joined for liberation. I spent eight years in cantonment, but visited home regularly. I came back home after. The package did not do us justice. We need more livelihood trainings; it is hard to make living from agriculture. Today, we live in peace. But if the party needs us, we would join again. We got promised a lot and yet sometimes did not get all we hoped for.”

MALE EX-COMBATANT, GORKHA DISTRICT

Based on the interviews, social acceptance of ex-combatants varies. Support for the Maoists remains high in their strongholds, where memorials commemorate those martyred during the People’s War and where “most seem to enjoy respect and dignity in the communities”. However, other CSOs are encountering lower social acceptance of ex-combatants, whereby ex-combatants are not welcomed back or are perceived as dangerous and violent.

Some perceive Maoists as criminals due to their fundraising through bank robberies and forcible raising of ‘revolutionary taxes’ during the People’s War. These perceptions exacerbate the challenge of finding paid employment in a high unemployment context. In addition, ex-combatants (as well as their non-ex-combatant peers) find that their salary expectations are not being met by the employment available. The other main economic option has been to open shops; however, key informants suggested that local people in some areas avoid buying products from shops owned by ex-combatants, although this was contested by others. For some ex-combatants, both family and social acceptance run out at the same rate as the voluntary retirement money, which had initially made it easier for communities to overlook their involvement in the conflict.

“We thought we would gain everything (gender equality) from Maoist victory. But society remains the same in attitude and behaviour. These patriarchal values remain within the party as well. Many cadres got married and had children, and now are back in the traditional role of looking after the family, myself included. We won on the big national issues but disappointments remain on lower levels – in the family, in the community.”

FEMALE EX-COMBATANT

Female members of the PLA felt empowered and fulfilled roles equal to the male cadres. However, on returning home, they faced the same village-level social structures as before, whereby their subservience was expected. There are accounts of communities rejecting female ex-combatants because they were seen as masculinised and violent and were assumed to have been promiscuous; as a result, they were not considered suitable as wives, as they would be expected to be docile, ‘good’ and obedient. Female ex-combatants also encountered family pressures (whether from their parents and wider family, or at times from their Maoist husbands) not to join the army even when this was their first choice, but to instead take the voluntary retirement payment and return to more peaceful ‘female’ ways by looking after the family.

The abovementioned cantonment baby boom was accompanied by a surge in inter-caste marriages, which were encouraged by the PLA as part of its socio-political agenda. However, such marriages have often encountered significant resistance from family members and communities in the cadres’ places of origin, including abuse, harassment or removing of spouses deemed to be from inappropriate castes. Many ex-combatants thus chose not to return to their community of

origin. Some remain dedicated to the Maoist cause and ideals of equality, and continue to identify strongly with the PLA. This has resulted, in some cases, in the clustering of ex-combatants in urban areas after receiving the voluntary retirement package or in ex-combatants buying lands close to one another to sustain the communities formed during the conflict and in the cantonments. Some ex-combatants see themselves as ambassadors for development, setting up new community development committees jointly with the Village Development Committees (VDCs) and taking the lead on development projects owing to their knowledge of government policies and procedures.

2.2 Labour migration

The lack of economic opportunities in Nepal is resulting in an unprecedented level of migration affecting one in four households: nearly one in five Nepalis, or 18% of the working-age population, has migrated abroad; the majority (87%) of them are male. India is the most common destination, with an estimated one million Nepalese migrants (albeit undocumented due to the open nature of the Nepal–India border); some of the migration to India, especially from the Terai, is seasonal and cyclical. Other Asian countries and the Gulf States are also frequent destinations. In addition, there is massive internal migration to urban areas in search of better opportunities. Migration is not new, but it “accelerated in the 1990s and dramatically increased in the mid-2000s” during the conflict escalation as people sought to escape the violence or the economic breakdown. The post-conflict economy has not yet grown vigorously enough to provide citizens with sustainable jobs and to end the migratory trend. The migrants include ex-combatants in search of better opportunities or who want to escape the perceived social stigmatisation.

Remittances sent by migrant workers have increased exponentially from USD 111 million in 2000 to USD 3,507 million in 2010, constituting a fifth of Nepal’s gross domestic product (GDP). This has contributed significantly to reducing poverty (resulting in 2% poverty reduction per year) and is essential for the survival of the one in two households receiving remittances. Migration started as a male occupation, with women starting to migrate for work (rather than as spouses) only in the 1990s. Most young men in rural areas “feel they have to migrate to work in other countries to support their family members financially” and see this as the primary means of fulfilling their obligations as responsible men providing for their families.

“Young people don’t want to live here because there are no opportunities here. They are not happy here. It is very hard to live without your children. But we have to let them go.”

ELDER WOMEN, FGD, BAGUA

Migration leaves entire villages in the Terai and hills “empty of young men”. This has varying impacts on young men and young women: in the absence of men, women in general (although not all) tend to take on more economic roles and decision-making responsibilities. These responsibilities are in addition to their pre-existing responsibilities and chores, contributing at times to heavy workloads for the women and girls who stay behind and the consequent reduction in agricultural productivity, as well as partly counteracting the impact of remittances in reducing poverty. In addition, the wives who stay behind can be vulnerable to sexual or other types of harassment from neighbours, relatives or in-laws, especially where other discriminatory practices such as seclusion are practised. The pressure of taking on additional roles can also contribute to depression among migrant wives, for instance resulting in nearly 50 suicides in 2013.

A further gendered danger is migrant workers contracting sexually transmitted infections including HIV/AIDS while away and infecting their spouse on their return; this is compounded by the fact that cultural taboos prevent wives from confronting their husbands about safe sex practices. CSO interviews revealed widespread perceptions of an increase in marriage breakdown and divorce coinciding with growing migration – for instance, men abandoning their families or the remaining spouse eloping with the remittances and a different partner.

Women and girls, as well as boys and men, are vulnerable to trafficking and forced labour, including forced sex work. Migrants may also encounter exploitation, physical and mental abuse, exclusion from the community, removal of rights, meagre pay, induced indebtedness and at times abuse. For instance, there have been recent news reports of Nepali migrant workers being trapped in Qatar in harsh working conditions and with minimal pay, at times leading to fatal consequences. Most returned migrant men tend to be reluctant to talk about the labour or sexual harassment or abuse they encountered when abroad, as this would risk eroding the image of strong masculinity that they seek to project. As the initial investment costs of migrating are high, wealthier families are better able to benefit from migration, while those with fewer resources and lower education are more vulnerable to traffickers and potential abuse.

Women migrants tend to be employed as domestic workers and can be entirely dependent on their employers, facing long hours, isolation, poor pay and physical and sexual abuse. Traffickers target women in particular for forced prostitution, which leaves some feeling unable to return to their communities of origin after their ordeal. In addition, government prohibition of economic migration for single women under 30 years of age has driven female migration into the illegal sphere, denying them their economic rights and leaving women vulnerable to exploitation.

3. SELECTED CASE STUDIES

This section reviews the approaches of three specific organisations in addressing gender in a peacebuilding context. These are by no means the only organisations working on these issues, but they were selected in order to showcase successful methods for addressing gender norms in a conflict-affected context.

3.1 CARE Nepal

Background

CARE Nepal has been working in the area of gender and peacebuilding through two of its projects – the Women and Youth Pillars of Sustainable Peace (WYPSP) project and the Women Empowerment for Transformation in the Churia area (SAKCHAM III) project. WYPSP aimed to develop civil society capacity to engage socially excluded groups of women and youth in the process of influencing democratic constitution in Nepal in order to achieve sustainable peace and realise their aspirations. The project was implemented in conjunction with national and local partners in the Terai (Rupandehi and Kapilvastu), Gorkha and Dhading. These districts were all severely affected during the conflict and by post-conflict unrest such as *bandhs*, threats, abductions and killings.

SAKCHAM aimed to contribute to gender equality for an equitable society by empowering women and enabling them politically, socially, culturally and economically to exercise and enjoy their rights. It targeted women from the poorest and most vulnerable socio-economic groups, including Dalits and Janajatis, single women, migrant women workers, and those living in poverty pockets excluded from development processes in 45 VDCs in Chitwan, Kapilvastu and Makwanpur. It was designed with a human rights-based approach and included active engagement of men for gender equality.

Activities

CARE Nepal's work on women, peace and security purposefully included men as change agents. Community meetings followed a REFLECT methodology and entailed separate meetings for women and men, followed by joint interaction. The approach emphasised gender and conflict sensitivity. It strategically worked with men to address power relations between men and women and to bring in pro-women strategies, while avoiding an over-focus on women as agency-less victims or risking backlash.

Potential for backlash

The social pressure against women attending trainings or spending the night away from the family was immense, particularly in the beginning:

“The advocacy training caused difficulty between me and my husband – it caused war at home.”

– National Forum for Women's Rights Concern (NFWORC), Rupandehi

The approach began with an analysis of ‘underlying causes of poverty’, considering economic and power dimensions of a community. Based on this analysis, the groups drew up plans of action. Youth and peace ambassadors were trained to resolve conflicts at family and community levels – for instance, intra-familial conflict such as the common mother and daughter-in-law conflicts. Their remit was to resolve current local conflicts and to foster dialogue about past conflicts. District-level peace groups were formed to address and advocate on the issues emerging from village-level groups. Vertical links were created between the community-level groups, district and national-level groups and networks to effectively advocate for the socio-political needs and interests of marginalised groups and to help them claim their rights.

“Now we can go and speak to the VDC president any time and talk about problems. We women used to be excluded, but now we’re the ones who are invited to important meetings with the VDC. Now, there is no problem seeking justice because we know our rights and are confident.”

NFWORC

“Now, when we call a meeting, the community comes. Now, if there is a high-level meeting, we get invited.” This respect has improved relations within the family: *“now my mother-in-law treats me like a daughter”*.

NFWORC

A major challenge was to address women’s vulnerability and the gendered power structures sensitively at the local level. Despite the national policy changes, discrimination remained high at the local level. In Rupandehi, for example, the group invested more time in working with traditional leaders because of the strong cultural traditions. The project addressed economic recovery through its livelihood component, aiming to tackle the root causes of the conflict. The local government’s set budget allocations for women, ethnic minorities and children (as prescribed by national government) were not previously discussed with the communities, so the projects raised awareness about this allocation and supported local women in claiming this from the authorities to use towards livelihood support. Apart from the livelihood impact, this successful claim raised the women’s confidence and self-esteem. It also increased respect for them both within the family and within the community, including with the local government and leaders, who started to recognise them as a group with rights and as people who were vocal about their entitlements.

“The situation has changed, women are empowered and know their rights [due to CSO work] ... They want money and they want to do things themselves. They want infrastructure, roads, water and buildings.”

VDC SECRETARY, BAHADURGANJ, KAPILVASTU

Impact

The project activities sensitised both men and women of all ages about human rights and women’s rights, enabling reflection of gendered power structures and workloads. The activities achieved a transformation towards more equitable social structures, better communication and conflict resolution within the communities and families. In addition, among some families, they increased respect for women’s rights and equality, as well as improving understanding between couples.⁵¹

Women report feeling freer and more empowered as a result of the project activities: they are able to leave the house, show their face and enjoy increased mobility. Some of the men help with domestic chores and encourage the women to take part in group participation rather than opposing it. This has had a transformative gender-relational impact, significantly improving the couple’s family life and their contribution to peace and conflict resolution in the community. Since many men have migrated, women now take the lead in development activities. If problems arise, they now go to the police as a group – and as a group, they are listened to. Domestic violence was considered a family matter, but now the group members all come together to find creative solutions, applying joint pressure when needed to resolve disputes through dialogue.

“[SGBV] is not a women’s issue; it is both women and men who should talk about the importance of education to eradicate SGBV.”

VDC SECRETARY, BAHADURGANJ

⁵¹ All quotes in this paragraph are taken from interviews in Gorkha, April and May 2013.

WYPSP follows an increasingly common trend of engaging men in preventing VAWG, but with a strong focus on gender equality and rights at the heart of the interventions, to avoid only rewarding male agency. The activities have empowered participating youth and women to resolve local conflict and become catalysts of change. The peace groups have created platforms for dialogue where the concerns of marginalised community members can be raised and addressed. Citizenship journalists discussing the absence of the foreseen 33% female participation in water and forest user committees inspired local women to join, raising participation to 50%. Even though the WYPSP project has ended, some of the peace groups are still meeting to discuss ongoing issues and to apply pressure where needed to achieve progress on justice issues. Challenges remain with political interference in SGBV cases: there are instances of victims and perpetrators enlisting the support of different political parties for their case.⁵² CARE Nepal's project exit strategy encouraged the merging of its groups with other groups and ongoing projects to ensure continued impact.

3.2 Saathi Sanga Manka Kura

Background

Saathi Sanga Manka Kura (SSMK) – or ‘chatting with my best friend’ in English – is a youth radio initiative in Nepal that aims to reach millions of young Nepalis to equip them with life skills and to raise their awareness about key issues concerning them.⁵³ Discussion of these issues is often limited by strict social hierarchies and taboos in traditional family structures. Teenagers in Nepal often have little access to information about the issues they are most concerned about: love, sexuality, marriage, education, employment, decision making and life skills. Radio listeners reported that teachers skipped over the sex education module in schools as they were too embarrassed to teach it, leaving teenagers in remote valleys and districts feeling that they had nobody to talk to about these issues.⁵⁴

Activities

SSMK is a peer-to-peer radio programme that broadcasts factual information about key issues presented through a mix of personal stories, mini-dramas and input from thematic experts. The format allows listeners to highlight and think critically about different aspects of each situation. Topics are presented by a core group of four hosts, who use a mixture of discussion and humour, engaging the audience and in effect becoming ‘best friends’ to the young listeners.

The topics covered include dating, sexuality, exploring new livelihoods, caste discrimination, participating in peace and reconciliation processes, and HIV awareness and prevention. Through discussion, the programme seeks to promote positive life skills. Programmes are carefully prepared to ensure that letters and issues are dealt with “in a non-judgemental and factually accurate manner, incorporating life skills such as the need for self-acceptance, the importance of setting personal goals, and how to think both critically and creatively in difficult situations”.⁵⁵ Although criticised initially for being inappropriate and too outspoken, SSMK feels comfortable in its role of pushing boundaries, e.g. in publicly discussing masturbation and questioning existing social norms.

The programme receives over 5,000 SMS messages, 1,400 letters and 200 emails every month.⁵⁶ Each communication is responded to and analysed according to one of 54 categories,⁵⁷ with the show striving to address the key issues raised by listeners and tailoring the programming according

⁵² Field interviews, May 2013.

⁵³ Initially initiated by UNICEF in 2001, SSMK has been managed by Equal Access Nepal since 2004. The project is still receiving support from UNICEF, but also from other donors including USAID.

⁵⁴ Interview, Equal Access Network, May 2013.

⁵⁵ Equal Access Nepal (2008). Op. cit. p.22.

⁵⁶ <http://www.equalaccess.org/country-programs/nepal/nepal-projects/chatting-my-best-friend/>

⁵⁷ The listener responses are categorised into main categories including Love, Personal, Marriage, Health, Program, Social, Sex and Miscellaneous, with further subcategories: for example, the Personal categories includes low self-esteem, career/study, dealing with peers, drugs/substance use, vocational training and physical appearance.

to these concerns. Listeners have felt the need to discuss the issues and formed listener clubs to listen together, discuss and provide mutual support. About 1,200 clubs of different sizes have been established, allowing youths to listen together, as many did not feel comfortable listening to sensitive subjects in the presence of parents or grandparents. For girls, it was easier to listen in a safe, semi-official space, and for poorer families the creation of clubs enabled them to give youths 'time off' from domestic chores to listen to the programme.

During the conflict, programmes addressed the impact it was having on young people and sought to find creative ways forward. For example, if schools were shut due to conflict or *bandhs*, they encouraged youths to study in groups or to enlist the help of educated village members. Young people were encouraged to engage in their own learning and to be active in the peace process, playing a positive role in their communities.

Impact

SSMK has, on average, six million weekly listeners and eight million monthly listeners, reaching 51% of youths aged between 14 and 24.⁵⁸ This makes it the second most popular radio show in Nepal. Based on listeners' feedback, SSMK's most immediate impact has been to raise the self-esteem of thousands of young people and to help them make informed decisions about difficult choices they might encounter in a wide range of situations.⁵⁹ A frequent topic of discussion is how to deal with marriage, including saying no to a proposal and parental expectations of marriage – usually through promoting life skills such as empathy, careful consideration and constructive communication. By supporting young men and women in identifying issues regarding relationships between the genders and generations, both within the family and within the wider community, and equipping them with the right skills, the project has achieved a positive gender-relational impact and is helping to resolve conflicts. "Empowering youth – tomorrow's leaders, parents and teachers – with self-esteem, the skills to create a better life and a sense of belonging to a supportive network of peers is one of the most powerful contributions that can be made to future generations."⁶⁰

3.3 Blue Diamond Society

Background

The Blue Diamond Society (BDS) works with local communities and at national level to help improve the sexual health, human rights and wellbeing of SGM in Nepal, including third genders and LGBTI. It advocates for the rights of SGM and provides direct support to them in terms of information, health, psychological, legal and medical support. BDS was launched in Kathmandu in 2001 by Sunil Babu Pant, initially as a sexual health organisation at a time when the constitution did not recognise the existence of sexual minorities. As outlined earlier, SGM are often targets of harassment and violence; last year, for instance, BDS staff experienced increased intimidation, including death threats and physical violence,⁶¹ which were not investigated or resolved.⁶²

The particular types of vulnerabilities suffered by SGM are often also overlooked in humanitarian relief efforts in disaster-prone Nepal as much as elsewhere. "Development staff often overlook gender identity and sexuality concerns because they cause unease and because of lack of protocols to deal with these issues across different cultural contexts."⁶³ This is partly due to a focus on heterosexual family units in relief efforts for analysing and distributing relief services – a

58 Equal Access Nepal (2008). Op. cit.

59 A study found that regular listeners tend to complete school, are more aware about HIV/Aids and practise less risky behaviour <http://www.equalaccess.org/country-programs/nepal/nepal-projects/chatting-my-best-friend/>

60 Ronnie Goldfarb in Equal Access Nepal (2008). Op. cit.

61 See: Press release, 12 December 2012, available at <http://inseconline.org/index.php?type=pressrelease&lang=en&id=617>

62 Human Rights Watch (2013). Op. cit.

63 K. Knight and R. Sollom (2012). 'Making disaster risk reduction and relief programmes LGBTI inclusive: Examples from Nepal', *Humanitarian Exchange Magazine*, Vol. 55. Available at <http://www.odihpn.org/humanitarian-exchange-magazine/issue-55/making-disaster-risk-reduction-and-relief-programmes-lgbtiinclusive-examples-from-nepal>

heteronormative approach that can lead to SGM individuals being overlooked in terms of relief efforts and their particular needs. For example, after floods destroyed villages in Sunsari in 2008, SGM families received only half the relief given to other families.⁶⁴ As a result, some SGM were forced into sex work to survive by relocating to India.⁶⁵ Similar shortcomings of exclusion and neglect of SGM needs and rights are likely to apply in peacebuilding, development and Truth and Reconciliation Commission (TRC) initiatives.

Activities

BDS undertakes a range of activities aimed at raising awareness about SGM issues, reducing discrimination and supporting SGM individuals exposed to discrimination or abuse. This included filing a lawsuit that resulted in the 2007 Supreme Court judgment officially ending discrimination against SGM and introducing a third gender category. In addition to lobbying for policy change, advocacy and media campaigns, BDS also undertakes sensitisation workshops with army and police staff on SGM. It also works to sensitise the broader public through regular awareness-raising initiatives on SGM. BDS directly supports vulnerable SGM through health promotion activities, psychosocial counselling, raising awareness of HIV/AIDS, and promoting human rights and sexual health. It provides a HIV prevention service as well as care, support and treatment services.

In addition, BDS plays a central role in documenting human rights violations and in supporting victims and their families with legal counselling and litigation services. BDS has documented cases of violence and abuse, including arbitrary arrests, attempted murder, rape, blackmail, and all varieties of physical and verbal abuse and discrimination at the workplace, in schools, medical facilities and elsewhere. BDS has done an exceptional job in publicising these incidents at local, national and international levels, bringing attention to this situation and thereby putting pressure on state service providers and policymakers to act. On the prevention side, BDS has provided income-generation activities to poor SGM to help reduce their vulnerability.

Impact

With around 750 staff, BDS has been able to reach about 350,000 SGM persons directly through its outreach work and to provide them with information, support and access to essential sexual health services. BDS has established networks in over 30 municipalities in Nepal through 37 prevention intervention centres, five regional care and support centres and five regional human rights posts. This allows the organisation to reach people in their district and to provide information and support locally to those otherwise marginalised, harassed or abused. BDS has provided legal and social support to over 5,000 SGM individuals. It has also formed the Federation of SGM Nepal with 36 other member organisations. BDS is the first Nepalese organisation to work for and with SGM on human rights, social justice and sexual health. It has played a key role in raising the SGM issue on the national agenda and in monitoring implementation, opening up new spaces for non-heteronormative ways of living.

Due to the dedicated lobbying of BDS, the SGM issue has been included in political party manifestos and in the draft constitution, as well as in secondary and third-level education curricula. The organisation has also succeeded in ensuring that the national AIDS framework addresses MSM (men who have sex with men) and third gender in its planning and in securing the appointment of an LGBTI focal point in the National Human Rights Commission. Sensitisation of the first Constituent Assembly members on SGM issues has resulted in a government budget provision for an SGM community centre. BDS is also the first organisation to address this often overlooked dimension of gender in the peacebuilding spectrum, which is key to ensuring a comprehensive approach to gender in Nepali peacebuilding.

⁶⁴ Manosh, a *meti* [male-bodied female], quoted in *Ibid.*

⁶⁵ *Ibid.*

4. THEMATIC ISSUES

This research project addresses four thematic issues that offer some explanation for the dynamics described above. These themes are analysed in this section, beginning with the economic dimensions of peacebuilding through a gender lens, followed by analysis of intergenerational dynamics, permutations of violence and access to justice.

4.1 Gender and economic recovery

“The conflict started because of the oppression of communities – that’s why we fought. Today, [there is] still a degrading economic situation and unemployment, and we foresee that this can fuel more conflict. Before, conflict was the main party objective. Now, economic growth has to be the main priority.”

EX-COMBATANTS, GORKHA DISTRICT

Poverty and inequitable access to the benefits of development were among the root causes of the conflict. Similarly, one of the main challenges facing post-conflict Nepal is to overcome the systemic poverty through a development process that is spatially equitable, reaching remote areas, and that benefits the groups currently excluded.⁶⁶ Unemployment remains high,⁶⁷ spurring growth in the informal sector, which contributes up to 40% of GDP.⁶⁸ However, workers in the informal sector tend to receive less protection from caste or gender discrimination, unfair dismissal or difficult working conditions. Child labour and abuse are still practised, despite having been outlawed in 1992, with an estimated 7% of Nepal’s workforce consisting of children.⁶⁹ Despite public debate about specific incidents of abuse – such as the case of 11 Kamlaris⁷⁰ who died recently in Kathmandu “under suspicious circumstances” – nobody has been prosecuted for child labour to date. Bonded labour in rural areas and domestic settings persists in fragile economic conditions. Bonded labour and child labour will remain “as long as landlessness, mass illiteracy, lack of skills and training, caste discrimination and (the consequent entrenched poverty) persist”.⁷¹

The lack of access to land was another root cause of the conflict and remains among the unresolved economic dimensions of the peacebuilding process. So far, CPA commitments to a comprehensive land reform have not been implemented. While the interim and draft constitutions grant women

66 United Nations Country Team (2007). *Common country assessment for Nepal*. Kathmandu. p.8.

67 Estimates put unemployment at between 20% and 46%, with underemployment also high. M. Racovita, R. Murray and S. Sharma (2013). Op. cit. p.29.

68 R.R. Subedi (2012). ‘Informalisation of work and its impact on economy’, Seminar organised by the Centre for Labour and Social Studies Nepal on 25 September 2012 for the Friedrich Ebert Stiftung Nepal. Available at http://www.fesnepal.org/reports/2012/seminar_reports/report_class.htm

69 This section draws on the Advocacy Project (2013). ‘Nepal’s laws leave child workers defenseless against abuse and death’, News bulletin 232, 29 July 2013. Available at <http://www.internationalpeaceandconflict.org/profiles/blogs/nepal-s-laws-leave-child-workers-defenseless-against-abuse-and>

70 For more on the system of bonded labour, see: ‘The Kamaiya system of bonded labour in Nepal’, available at http://www.omct.org/files/interdisciplinary-study/ii_b_3_nepal_case_study.pdf; see also: Asian Human Rights Commission (2010). ‘Nepal: The Haliya bonded labour slavery system must be abolished without further delay’, 26 August 2010. Available at www.humanrights.asia/news/alrc-news/human-rights-council/hrc15/ALRC-CWS-15-07-2010/?searchterm=ALRC-CWS-15-07-2010; and Anti-Slavery International (2009). ‘Forced and bonded labour in Nepal’, July 2009. Available at http://www.antislavery.org/includes/documents/cm_docs/2009/f/forced_and_bonded_labour_in_nepal_july_2009.pdf

71 International Labour Organization (ILO) (2013). ‘Fighting bonded labour in Nepal’, 2 August 2013. Available at http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_218496/lang--en/index.htm

the right to own land, female land and house ownership remains under 20%.⁷² This is partly due to the lack of economic resources, but also exacerbated by reported incidents of individual civil servants or local leadership obstructing female ownership. Such obstruction is particularly problematic for ‘single women’ (widows, divorcees, wives/daughters of the disappeared), of which there are higher numbers since the conflict.

One of the positive developments following the CPA has been the setting of specific local government budgets for groups considered vulnerable: at 10% for women, 10% for children and 15% for ethnic minorities and ‘scheduled castes’.⁷³ Like many national-level policies, the success and impact of this measure depends on how it is implemented locally and on which sections of the broad categories can participate in this process. In many areas, there is little awareness of this provision and it is allocated within the general local budget without consultation. However, where the local population has had the opportunity to claim the funds and to participate in priority setting and implementation, it has made a substantial difference. In particular, it has helped to improve the self-esteem of those involved, to increase the respect they enjoy within their families and communities, and to enhance their participation in local decision making.⁷⁴

Soon after the CPA, the Ministry of Peace and Reconstruction’s Interim Relief Programme (IRP) went some way towards providing immediate relief to direct conflict victims (including widows of the police and army) and internally displaced persons (IDPs). Despite some challenges in the implementation,⁷⁵ these measures provided much-needed assistance to the affected. Moreover, the timing was important (being disbursed while the PLA was still in cantonments) to help avoid community resentment towards ex-combatants who later received cash settlements, which could have created the perception that they were being rewarded for the violence.

However, accessing these benefits, like other state benefits, often depended on knowledge of the initiative and access to the required documentation and state institutions, therefore excluding the more remote, poorer and illiterate sections of the community.⁷⁶ For women, claiming the relief benefit was particularly challenging due to less access to information, domestic chores not permitting the time required to travel and claim, and trauma preventing some from discussing their claims. The structural discrimination anchored in the civil service led to some victims, such as Tharu women in Bardiya, receiving less than half of what had been set aside for their relief.⁷⁷ A major omission from the relief programme was consideration of victims of sexual violence and torture. Lastly, the relief offered was financial only; for families of the disappeared, state assistance in locating missing relatives or legal fees could also have been important.

4.2 Intergenerational dynamics

“Society has a negative perception towards youth.”

YOUTH PARTICIPANT, SEARCH FOR COMMON GROUND TRAINING

Along with gender and caste lines, society in Nepal in general is strongly hierarchical with regard to age, prioritising the views of the older generation, especially parents-in-law. This does not give

⁷² According to 2011 census. This is partly due to women generally having less access to the economic resources required to purchase land and to inheritance traditions favouring male heirs, although this varies strongly between different socio-economic groups.

⁷³ Government and legal documents often refer to those considered below the caste as ‘scheduled caste’ – that is, the Dalits or Harijans.

⁷⁴ By claiming the allocation, the communities started to benefit from their investments through new community school buildings. After this, the women found that local government officials involved them in decisions about development priority setting. Interviews with CARE supported community groups, May 2013.

⁷⁵ Initially, the families of the disappeared were only allocated a quarter of the relief given to those whose relatives were killed; this caused some families to re-register their husbands/fathers as deceased instead of disappeared to access higher relief. Moreover, controversially, the relief was not to be given to widows who remarried. R. Carranza [2012]. Op. cit. p.3.

⁷⁶ Community interviews in Kapilvastu, April 2013.

⁷⁷ Interview, SNV, April 2013.

young people much voice or agency, even though they form an increasingly significant proportion of the population: in 2010, nearly half of the population was under 18 years of age.⁷⁸ Nepal's National Youth Policy defines the 16–40-years age cohort as youth,⁷⁹ while civil society calls for an upper age limit of 29 years, both far exceeding the UN's definition of youth (15–24 years).⁸⁰

Nevertheless, the experience of youth is not homogenous, as the time of transition from childhood to adulthood varies strongly depending on location, ethnic group, gender and socio-economic conditions. Female youth, for example, will be expected to bear more responsibility earlier on based on reaching milestones such as their first menstrual period, marriage and motherhood. Male 'youth' aged between 16 and 40 can include both fathers and sons, who are likely to have quite different needs and views. The lack of voice and economic opportunities for young people is likely to have partly fuelled the Maoist recruitment drives. They particularly targeted students and young people for recruitment, organising cultural activities and ideological discussions in schools. Some perceive intergenerational tensions as one of the drivers of Maoist success in the absence of legitimate channels of dialogue between elders and the growing younger population.⁸¹ The post-conflict era has seen tensions along generational lines, such as in some cases with the in-laws of Maoist inter-caste couples.

One dimension of generational differences relates to agency: older generations appeared to display more fatalistic perceptions, while the younger generation demonstrated a more individualistic outlook on human action, having grown up in the context of development discourse.⁸² This is illustrated in the Occupy Baluwatar Movement, which called for an end to SGBV and impunity for conflict-era human rights abuses by occupying and protesting at the prime minister's residence. Beginning on 28 December 2012, a coalition of several peaceful CSOs used a social media campaign to galvanise younger people into action by highlighting particular cases of abuse (including the rape/robbery of a migrant worker, the unexplained death of a domestic worker and an honour killing in Nepalgunj). This movement drew not only on mainly urban, middle-class youth activists, but also on activists from marginalised groups such as the Dalits and Kamaiyas; with both women and men jointly calling for more accountability for cases of SGBV.

On a more positive note, strong family structures can provide support networks and strengthen resilience. Youth with strong social ties to their communities have a stronger sense of identity and are less likely to participate in violence.⁸³ Despite significant changes to the constitution outlawing discrimination, many youth, especially from marginalised castes, still face exclusion from development and political processes. Thus, some of the key conflict drivers remain intact. Nearly one in seven youths in urban areas was unemployed in 2008, with young people being twice as likely as adults to be without work.⁸⁴ This can leave the youth vulnerable to manipulation by political elites, who instigate ethnic unrest to further their political or personal gains.⁸⁵

78 A total of 12.9 million were aged under 18 out of the 26 million people counted in the 2011 census. UNICEF (2012). *Nepal: Country programme document 2013–2017*. Available at http://www.unicef.org/about/execboard/files/Nepal-2013-2017-final_approved-English-14Sept2012.pdf

79 Government of Nepal (2010). *National Youth Policy*. Kathmandu. Available at http://www.youthpolicy.org/national/Nepal_2010_National_Youth_Policy.pdf

80 P. Gupta, R. Kumar and S. Katwal (2011). *National Youth Policy 2010: Evolution, definition and implementation*. Available at http://www.youthpolicy.org/national/Nepal_2011_Youth_Policy_Paper.pdf

81 Interview with Search for Common Ground, April 2013.

82 L.M. Ahearn (2001). Op. cit. p.248.

83 K. Bennett and N. Nepal (2012). *Youth and peacebuilding in Nepal: The current context and recommendations*. Search for Common Ground. p.12.

84 M. Racovita, R. Murray and S. Sharma (2013). Op. cit. p.29.

85 Interviews with CARE Nepal, April/May 2013.

4.3 Permutations of violence

“[During the conflict] we lived here in fear. We worried about being raped or Maoists abducting children. We had to fear any new faces in town. We married our girls to India for safety, but no Indian girls were allowed to marry our boys.”

FGD, BAHADURGANJ, TERAI

The decade-long conflict involved serious abuses of human rights and humanitarian law: unlawful killings, torture, enforced disappearances, sexual violence and arbitrary arrests resulting in long-term imprisonment.⁸⁶ Several years after the peace agreements, different permutations of violence still persist in Nepal, ranging along the spectrum of: domestic violence (e.g. marital rape), psychological violence, SGBV, communal violence (including against alleged witches), criminal theft and extortion, political assassinations, district-level insecurities (e.g. *bandhs* and the phenomenon of new armed groups), and cultural-level structural violence (e.g. bonded labour and *chhaupadi*).

District Security Assessments revealed that, despite general improvements in perceived security, the perceptions of insecurity were gendered and depended on their location and ethnicity:⁸⁷ women reported a declining sense of security, with SGBV being the number-one cause of insecurity for women, including domestic violence, rape, dowry-related violence and human trafficking. Women with disabilities are particularly vulnerable, with over half of those interviewed having experienced violence.⁸⁸

For men, feelings of insecurity can be linked to a perceived rise in incidences of crime – such as robbery and physical attacks and, in border regions, the open border and armed groups operating there.⁸⁹ On average, those surveyed indicated that men and women are equally as likely to become victims of crime or violence in Nepal, but with regional particularities: women are the primary targets in Hill areas and men in the Terai, while civilian gun ownership is higher in Kathmandu valley than elsewhere.⁹⁰ Violent incidents such as targeted assassinations and violent clashes between political parties or their youth wings add to the concerns and weaken overall security.⁹¹

Of particular concern is the continued extent of SGBV, be this harassment or rape in public places, in the home or at work. Sexual and domestic violence are the biggest security risks for women,⁹² with the Women’s Rehabilitation Centre (WOREC) recording 259 cases of VAWG across Nepal, including murder, rape, trafficking and violence against those accused of witchcraft in one month alone.⁹³ Female sex workers are particularly exposed to violence: in a recent study, all interviewees reported experiencing some form of violence in the last year, be it at the hands of clients, restaurant owners, the police or husbands.⁹⁴ Meanwhile, the degree of SGBV against men, boys and SGM has barely been researched; such incidents can be assumed to be linked to other factors increasing vulnerability, such as low socio-economic status, age, dependence on higher-ranking individuals and the associated stigma of reporting. While SGBV against men and boys remains largely unreported, there is slightly more information available on sexual violence against the SGM community (see, for example, the section on the work of the Blue Diamond Society).

⁸⁶ UNOHCHR (2012). Op. cit.

⁸⁷ See: Saferworld et al (2013). *Snapshot of local security and justice perceptions in selected districts of Nepal – District assessment findings*. Kathmandu, Nepal.

⁸⁸ CREHPA (2011). Op. cit. p.2.

⁸⁹ C. Onslow (2010). *Breaking patterns of gender-based violence – Security and justice provision in post-conflict Nepal*. London: International Alert. p.8.

⁹⁰ M. Racovita, R. Murray and S. Sharma (2013). Op. cit. p.15.

⁹¹ Ibid (2013). Op. cit. p.17.

⁹² C. Onslow (2010). Op. cit.

⁹³ For statistics, see: Women’s Rehabilitation Centre (2012). Op. cit.; and WOREC Nepal (2014). ‘Monthly VAW report [mid-January to mid-February 2014]’. Available at <http://www.worecnepal.org/monthly-report/monthly-vaw-report-magh-2070-mid-jan-mid-feb-2014>

⁹⁴ CREHPA (2011). Op. cit.

Numerous CSOs undertake vital work to combat SGBV in Nepal through awareness raising and advocacy, prevention, relief and support, although significantly less support goes to the more remote northern districts in the Himalayas than southern or hill regions.⁹⁵ This work has contributed to growing awareness of gender equality, but funds have been insufficient to reach all areas and communities and some support actions provide temporary rather than lasting solutions. Initiatives must not only focus on the prosecution gathering data but also affirm the rights of survivors and give necessary medical and psychological support.

“Until the training, we did not know that beating women was wrong and unlawful. Now we know and don’t do it anymore.”

YOUNG MAN, TERAII VILLAGE

Working with men is essential to overcome cycles of violence; however, much, although not all, of the work aiming to prevent sexual violence is focused on women victims. Alcohol or other substance abuse problems⁹⁶ are often seen as contributing or aggravating factors in the occurrence of SGBV and other crimes.⁹⁷ Nepal has seen a rapid increase in the consumption, advertising and sale of alcohol in recent decades, according to the interviews. Some campaigns against SGBV take a militant stance against alcohol, calling for bans on sales and the destruction of breweries.⁹⁸ More research is needed, however, on societal and economic pressures, patriarchal gender norms, and personal agency both in terms of substance abuse and SGBV.

A further form of gendered violence concerns accusations of witchcraft, which tend to be disproportionately directed at elderly, marginalised and poor women, especially widows.⁹⁹ These women are often punished by severe and sometimes fatal¹⁰⁰ beatings, sexual violence and demeaning forms of punishment.¹⁰¹ The attacks are deeply traumatic for the victims and can be aimed at scaring away marginalised women in order to appropriate their lands and assets. While these attacks are outlawed by the Supreme Court and perpetrators increasingly face legal prosecution, they remain common, with almost daily newspaper reports of such incidents in the Kathmandu-based English-language press alone. Cases that emerged during the period of the field research occurred both in rural and urban settings. This complex topic requires much more research to better understand the complex dynamics involved.

4.4 Access to justice

Implementation of laws through the formal justice system is not consistent with a perception that access to justice is directly linked to the amount of political and economic influence wielded, thus undermining trust in the official justice system.¹⁰² In particular, cases of SGBV face a variety of challenges in the formal justice system – especially the financial and time burdens faced by victims, along with transport costs for those living further away from rural police stations. Reports persist

95 For a detailed list and mapping, see: The Asia Foundation (2010). Op. cit. Accessibility is often a key reason for the lack of services in remote Himalayan areas.

96 There are no figures for alcohol consumption in Nepal, but drug users are estimated to be in the region of 150,000 persons. K. Bhusal (2010). ‘Drug addiction and HIV rates on the rise in Nepal’, *Global Press Journal*, 15 March 2010. Available at <http://www.globalpressjournal.com/asia/nepal/drug-addiction-and-hiv-rates-rise-nepal>

97 UNOHCHR (2012). Op. cit. p.20; and M. Racovita, R. Murray and S. Sharma (2013). Op. cit. p.29. For examples of local peace groups blaming domestic violence on alcohol, see: CARE Nepal (2012). *Women and youth pillars of sustainable peace. Peacebuilding initiatives at the community level – Case studies*. Kathmandu: CARE Nepal.

98 See: CARE Nepal (2012). Op. cit.

99 UNESCAP [not dated]. Op. cit. p.38; and M. Racovita, R. Murray and S. Sharma (2013). Op. cit. p.43.

100 See, for example: ‘Woman killed on witchcraft charge’, *Kathmandu Post*, 17 August 2013. Available at <http://www.ekantipur.com/the-kathmandu-post/2013/08/17/nation/woman-killed-on-witchcraft-charge/252501.html>

101 See, for example: ‘Widow branded as witch, fed human excreta’, *Himalayan Times*, 7 August 2013. Available at <http://www.thehimalayantimes.com/fullNews.php?headline=Widow+branded+as+witch%26sbquo%3B+fed+human+excreta&NewsID=386502&a=3>

102 See: International Alert et al (2010). *Security and justice in Nepal – District assessment findings*. p.i. Available at http://www.international-alert.org/sites/default/files/Nepal_SecurityJusticeDistrictAssesment_EN_2010.pdf

of police officers being unwilling to register SGBV cases – whether due to lack of awareness, the officers' own gender norms or political interference.¹⁰³ Many women (as well as male and SGM survivors) feel unable to report SGBV incidents to male police officers due to cultural taboos, and women police officers are lacking in many areas.

The police force currently comprises only around 6% female officers, who are mostly clustered in the three lowest ranks.¹⁰⁴ However, Women and Children Service Centres, piloted in 1996, are now operating in all districts. Furthermore, seven metropolitan circles in Kathmandu valley¹⁰⁵ and one police station in Pokhara are staffed entirely by female officers.¹⁰⁶ The local police are often hampered by poor resources or lack of equipment, vehicles or fuel, and their time is frequently taken up with providing VIP security.¹⁰⁷ This has resulted in continued reliance on the traditional justice system in rural areas, such as the Tharu Badhkars and Muslim communities' religious mechanisms. While these are perceived as being more efficient and less costly than state mechanisms, the traditional mechanisms are largely male dominated, leaving women, younger men and traditionally marginalised groups at risk of exclusion.¹⁰⁸

The gap between the formal and traditional justice systems is partially bridged by informal mechanisms such as the Women's Para-Legal Committee (PLC),¹⁰⁹ which provides women with mediation training to support conflict resolution in their communities and assist in bringing SGBV cases in particular into the formal justice system. Any criminal transgressions that fall outside the mandate of these PLCs are referred to the formal legal system. While women are only recruited to the PLCs, they are supported by mixed Advisory Groups that comprise men of local influence, such as politicians, teachers and community leaders. Although these informal mechanisms have been successful entry points,¹¹⁰ the formal justice sector should be made more gender responsive to ensure that justice is formally upheld.

There are a number of factors that can prevent female victims of abuse from seeking justice or support: the importance placed on honour and family unity, the victims' social and economic dependency, and fear of exclusion.¹¹¹ This perpetuates impunity, especially for domestic violence and SGBV incidents, which are mostly committed within the family or community.¹¹² Domestic violence victims typically only seek help within the family, if at all, for fear of risking increased violence;¹¹³ thus, it is likely that the actual incidence is much higher than documented.

Gender equality was a particular focus of the People's Courts, the Maoist parallel justice mechanisms set up during the conflict in areas under its control. The UCPN-M tried to formalise these after the CPA and to legalise the judgments made by the People's Courts; however, this was overturned by the Supreme Court and the People's Courts were all dissolved following the CPA. There are mixed reports about their impact on gender relations: some argue that the courts were more effective at punishing perpetrators of SGBV; others were concerned about unintended

103 Field interviews, UK Department for International Development (DFID), April 2013.

104 For statistics on the 'current status of women police', see Nepal Police website available at <http://www.nepalpolice.gov.np>

105 See: Nepal Police website, available at <http://www.nepalpolice.gov.np>

106 P. Tuladhar (2013). 'Frauen im Job: Hier weiss jeder, dass wir knallhart sind', *Der Spiegel*, 3 March 2013. Available at <http://www.spiegel.de/karriere/ausland/in-einer-polizeiwache-in-nepal-arbeiten-nur-frauen-a-886305.html>

107 International Alert et al (2010). Op. cit.

108 CSO interviews, April, May and August 2013.

109 The PLC programme was started by UNICEF and continued with support from DFID; it is due to be taken forward by the Ministry of Women in the future.

110 For a case study on PLC successes, see: DFID (2013). 'Ending violence against women in Nepal', 22 March 2013. Available at <https://www.gov.uk/government/case-studies/ending-violence-against-women-in-nepal>

111 The Asia Foundation (2010). Op. cit. p.13.

112 A total of 59% of rapes were perpetrated by the victim's intimate partner and 8% by family members. Women's Rehabilitation Centre (2012). Op. cit. p.1.

113 CREHPA (2011). Op. cit. p.2.

harmful consequences (such as forced reconciliations between victims and perpetrators of rape or a woman committing suicide after being ‘outed’ as a sex worker through a public justice mechanism).¹¹⁴

In terms of access to transitional justice, the CPA’s commitment to set up a Truth Commission and a Commission of Inquiry on Disappearances was only recently met with the passing of the Truth and Reconciliation Bill on 25 April 2014. Despite a Supreme Court Order in January 2014 prohibiting amnesties for human rights abuses, Nepali and international CSOs remain concerned about the possibilities of granting amnesties to perpetrators of crimes under international laws during the conflict in contravention of international human rights law.¹¹⁵ The absence of any effective prosecution mechanism to date serves to strengthen the sense of impunity, which is further compounded by the widely perceived political interference resulting in the “withdrawal of hundreds of cases against persons accused of serious crimes amounting to violations of international humanitarian and/or human rights law committed during the conflict and since”.¹¹⁶ However, as the National Human Rights Commission (NHRC) is arguing, justice for and investigation of the various cases during the conflict era remain essential. However, justice for war crimes means more than just prosecutions. Families of the disappeared tend to elaborate needs rather than rights – primarily the need to know the truth about disappearances and to acquire the economic means to meet their needs.¹¹⁷

There are further challenging questions relating to caste and transitional justice: for example, why the Tharu were disproportionately affected by disappearances; and why the elite-dominated CSOs are more interested in prosecutions than in changing the entrenched socio-economic exclusion of certain castes that caused their victimisation during the conflict. Raising awareness of rights without placing the agency of victims at the heart of advocacy risks reproducing inequitable gender hierarchies.

114 See, for example: Advocacy Forum and International Center for Transitional Justice (2010). *Across the lines: The impact of Nepal’s conflict on women*. Kathmandu.

115 Interviews, International Alert and International Center for Transitional Justice, April 2013; L.D. Anderson (2014). ‘Nepal’s Truth and Reconciliation Commission: Revised, but revitalized?’, *OpenDemocracy*, 16 June 2014. Available at <http://www.opendemocracy.net/print/83716>; and Human Rights Watch (2014). ‘Nepal: Reject draft Truth and Reconciliation Bill’, 17 April 2014. Available <http://www.hrw.org/news/2014/04/17/nepal-reject-draft-truth-and-reconciliation-bill>

116 See, for example: Letter from Advocacy Forum Nepal, REDRESS and APT to Sir Nigel Rodley, Chairperson of Human Rights Committee, 25 April 2013. Available at http://www.apt.ch/content/files_res/loi-submission-nepal-af-redress-apt-1.pdf; and Advocacy Forum and REDRESS (2011). *Held to account. Making the law work to fight impunity in Nepal*. Available at <http://www.redress.org/downloads/publications/Nepal%20Impunity%20Report%20-%20English.pdf>

117 S. Robins (2012). ‘Transitional justice as an elite discourse’, *Critical Asian Studies*, Vol. 44, No. 1.

5. SUMMARY AND CONCLUSIONS

5.1 Lessons from selected projects – policy implications for Nepal

In summary, there have been significant improvements in the gender policy landscape of Nepal, achieved through a combination of the dedicated work by women's organisations and civil society, pressure and funding from international agencies and donor governments, and measures by the political parties, mainly the Maoists. Nevertheless, the top political leadership remains dominated by men; even among the Maoists, women in higher-level positions tend to be predominantly associated with male leaders. Thus, large gaps remain between the progressive policies and the reality on the ground. The very local interventions highlighted in our case studies have proven most effective when analysis and activities are community driven in a comprehensive empowerment approach, and linked to regional and national-level advocacy mechanisms.

The gap between policy and implementation appears not only in relation to women, but also with regard to other strands of exclusion and discrimination, such as caste discrimination and SGM. The work of BDS has been vital in raising awareness of SGM issues on the national (as well as regional) agenda and continues to drive this forward despite harassment and threats.

5.2 Interpreting gendered themes – lessons from the Nepal case

Gender and economic recovery

Persistent poverty and structural exclusion along gender, caste and regional lines were key drivers of the conflict and remain significant challenges for post-conflict Nepal. In practice, there has been limited improvement in the structural exclusion, which could be a potential source of future conflict. However, thus far, the memories of wartime deprivations and challenges appear to function as an effective deterrent to revolutionary action. Many citizens, particularly male youths, view migration as a better course of action in the absence of economic opportunities in their home communities. This is having a significant impact on society. On the one hand, there are positive effects such as sending remittances back home, which form an economic lifeline for many families. On the other hand, migration contributes to perceptions of social fragmentation by disrupting family unity and depopulating entire villages of their youth. This is changing gender relations and needs to be taken into account in peacebuilding, policy and CSO interventions.

Best practices in DDR were not consistently applied in Nepal, such that 80% of PLA cadres took a voluntary retirement payment rather than being supported in securing sustainable alternative livelihoods, contributing to the migratory exodus. Moreover, gender considerations were not comprehensively addressed and some women ex-combatants were unable to access the benefits. Now that the individual voluntary retirement funds are starting to be used up, the need to find sustainable peaceful livelihoods for both ex-combatants and the host communities is becoming a priority.

The conflict has also had positive social impacts in terms of increased inclusivity and socio-political consciousness.¹¹⁸ The central budget allocations to women, children and marginalised groups have been crucial to those groups who have been able to claim them. However, the implementation of this remains partial and CSO projects play a key role in informing local

118 M. Racovita, R. Murray and S. Sharma (2013). Op. cit. p.22.

groups and supporting them in accessing these funds. With better dissemination of this important information and greater assistance in claiming the funds, the budget allocation could substantially improve the lives of many more communities.

The continuum of gendered violence

SGBV remains prevalent in Nepal, although awareness about the issues is growing from the parliamentary to village level, much of it driven by civil society initiatives. WYPSP and SSMK exemplify effective ways forward in terms of transforming gender dynamics in a relational way at the community level. There are also promising government initiatives ranging from the localisation of the NAP to the creation of one-stop facilities to provide legal and medical aid jointly to victims. However, implementation of these measures remains fragmentary and needs to be improved to consistently reach all districts. Discrimination and harassment of SGM remains an issue in practice and the policy framework, although progressive, is being implemented too sparsely. For successful prevention of SGBV in the future, engaging with men will be a key factor.

Violent conflict has decreased since 2006, apart from regular spikes related to political events (such as the elections or the dissolution of the Constituent Assembly) and major upheavals such as the 2007 Madhesi unrests.¹¹⁹ One of the key challenges is the continuing impunity for violent incidents during the conflict era and for post-conflict violence. A comprehensive TRC process could be vital for recognising and compensating victims, as well as punishing those responsible. This would send out an important signal and might deter the ongoing political interference in judicial processes, which is currently hampering the workings of the justice system.

Intergenerational dynamics

Intergenerational dynamics, such as communication gaps and stark power differentials, contributed to the conflict and remain an issue. This has been partially exacerbated by the large-scale migration of the younger generations, particularly men. The challenge is to transform perceptions of youth from being seen as a threat to peace and potential spoilers or actors of violence to potential peacebuilding actors and resources. Projects like WYPSP and SSMK have demonstrated the transformative potential of youth if they are given access to information, encouragement and space to act; however, many still remain outside the spheres of influence of these projects.

Access to justice

There are challenges in accessing justice, particularly for SGBV incidents through the formal and traditional systems. New informal systems such as the PLCs or CSO-supported mediation groups have made justice and conflict resolution more accessible to the communities in which they are active. The absence of a formal, national TRC process is keenly felt. An IRP has given vital intermediary support to some of the conflict's victims, but it has not dealt with longer-term compensation and has excluded victims of SGBV. Although a formal TRC Bill has been drafted, it contains problematic clauses granting amnesties and forcing reconciliation.

5.3 Insights for gender in peacebuilding

Broadening the scope of gender in peacebuilding

The case studies underline the importance of broadening and deepening the scope of gender in peacebuilding to ensure that all groups, ages and genders are included. This includes all castes or social groups, including widows and third genders. It particularly requires engagement with men of all ages on positive masculinities. Failure to do so comprehensively has contributed to an increase in post-conflict identity politics and ethno-regionalism, which threaten the fragile peace process by reinforcing governance instability. The challenges in the ex-combatant discharge process illustrated the importance of ensuring that ex-combatants are successfully reintegrated

¹¹⁹ Ibid. p.23. These clashes centred around ethno-regional identity politics and long-term perceptions of exclusion.

with sustainable civilian livelihoods, including women who have had children. Besides purely economic support, complementary measures are required to address the different social stigma directed at female ex-combatants.

Gender-relational peacebuilding

The case of Nepal illustrates the interplay between the different aspects of identity – such as gender and caste or social class, regional or ethnic identities, and urban and rural locations. It also underlines the importance of addressing these identities by building skills such as those encouraged by the WYPSP and SSMK projects: developing critical reflection, self-analysis and awareness about rights, building empathy, negotiating on issues and increasing resilience by working with others to address key problems. Such methodologies will support the building of a truly positive and equitable peace in Nepal.

