

IFP GENDER CLUSTER

COUNTRY CASE STUDY: NEPAL

# BREAKING PATTERNS OF SEXUAL AND GENDER-BASED VIOLENCE:

## Security and Justice Provision in Post-Conflict Nepal

Charlotte Onslow

December 2010

International Alert.



INITIATIVE FOR PEACEBUILDING



THIS INITIATIVE IS FUNDED  
BY THE EUROPEAN UNION

## ABOUT IFP

The Initiative for Peacebuilding (IfP) is a consortium led by International Alert and funded by the European Commission. IfP draws together the complementary geographic and thematic expertise of 10 civil society organisations (and their networks) with offices across the EU and in conflict-affected countries. Its aim is to develop and harness international knowledge and expertise in the field of conflict prevention and peacebuilding to ensure that all stakeholders, including EU institutions, can access strong independent analysis in order to facilitate better informed and more evidence-based policy decisions.

This document has been produced with the financial assistance of the EU. The contents of this document are the sole responsibility of IfP/International Alert and can under no circumstances be regarded as reflecting the position of the EU. To learn more, visit <http://www.initiativeforpeacebuilding.eu>.

## ABOUT INTERNATIONAL ALERT

International Alert is an independent peacebuilding organisation that has worked for over 20 years to lay the foundations for lasting peace and security in communities affected by violent conflict. Our multifaceted approach focuses both in and across various regions; aiming to shape policies and practices that affect peacebuilding; and helping build skills and capacity through training.

Our field work is based in Africa, South Asia, the South Caucasus, Latin America, Lebanon and the Philippines. Our thematic projects work at local, regional and international levels, focusing on cross-cutting issues critical to building sustainable peace. These include business and economy, gender, governance, aid, security and justice. We are one of the world's leading peacebuilding NGOs with more than 125 staff based in London and our 13 field offices. To learn more, visit [www.international-alert.org](http://www.international-alert.org).

Cover image: © Nicola Romagna

© Initiative for Peacebuilding 2010

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without full attribution.

# BREAKING PATTERNS OF SEXUAL AND GENDER-BASED VIOLENCE:

Security and Justice Provision in Post-Conflict Nepal

## AUTHOR PROFILE

### **Charlotte Onslow**

Charlotte Onslow is Senior Gender Programme Officer for gender and peacebuilding at International Alert. She works in the Peacebuilding Issues Programme.

## ACKNOWLEDGMENTS

The author would like to thank the following members of Shanti Malika who were integral to the district research: Tulsa Lata Amatya, Babita Basnet, Hari Priya Pandey and Sharada Pokharel. Shanti Malika is a Kathmandu-based network focused on women, peace and security. In addition, the author would like to thank Rebecca Crozier and Sadhana Ghimire Bhetuwal for their contributions to the final report.

# CONTENTS

Acronyms	6
Background	7
National- and International-level Responses to Gender Justice and Security	8
Methodology	10
Key Findings	11
Gendered Security Concerns	11
Assessing women's security concerns	12
Assessing Security and Justice Provision from a Gender Perspective	13
Challenges to women accessing frontline security services	13
Challenges to women accessing justice	14
Conclusion	15
Recommendations	16

## ACRONYMS

<b>CA</b>	Constituent Assembly
<b>CDOs</b>	Chief District Officers
<b>CPA</b>	Comprehensive Peace Agreement
<b>CSOs</b>	Civil society organisations
<b>DfID</b>	Department for International Development
<b>FGDs</b>	Focus group discussions
<b>IfP</b>	Initiative for Peacebuilding
<b>JSSR</b>	Justice and security sector reform
<b>KIIs</b>	Key informant interviews
<b>NP</b>	Nepal Police
<b>NGOs</b>	Non-governmental organisations
<b>SGBV</b>	Sexual and gender-based violence
<b>UNSCR</b>	UN Security Council Resolution
<b>WDO</b>	Women's Development Office
<b>WPCs</b>	Women's Police Cells

## BACKGROUND

Following the 10-year conflict between the Communist Party of Nepal (Maoist) and the government of Nepal, the Comprehensive Peace Agreement (CPA) and the Constituent Assembly (CA) elections signalled the start of the peace and recovery process. Security provision and enabling access to justice are generally seen as core functions of the state, as well as fundamental building blocks for good governance, stability and socio-economic development. The development of an adequately functioning, accessible and accountable security and justice system is therefore a critical component of the international community's support to Nepal's post-conflict reconstruction process. At present, the EU and six key donor countries are providing ongoing support to the strengthening of the security and justice systems in Nepal.<sup>1</sup> Sometimes termed justice and security sector reform (JSSR), donor support in Nepal comprises the following thematic focus areas: improving police effectiveness; establishing civilian oversight of the security forces; and strengthening the legal framework of the security and justice sectors as a whole.

If investments in the security and justice sectors are to take hold and be sustained in the long term, these reforms should contend with and adequately address the diverse security needs of Nepalese communities and citizens. Yet, four years after the peace process began, Nepali women, men, communities and the private sector continue to experience a multitude of distinct and often overlapping security threats. Current analysis by International Alert highlights the following five broad areas of security concerns in Nepal:<sup>2</sup> an increase in armed groups; proliferation of small arms and light weapons; rise of crime (theft, physical assault and drunken disorder); political strikes (*bandhs*); and sexual and gender-based violence (SGBV).

Among women in Nepal, sexual and domestic violence is identified and perceived as the biggest risk to their security and one that is yet to be tackled effectively by the security and justice sector. The purpose of this case study is therefore to provide further insights into women's experiences in three different districts with the provision of security and justice in Nepal. In addition, it offers a number of recommendations to international donors, particularly the EU, to ensure that the security and justice sectors in Nepal become more responsive to women's security concerns and priorities. The analysis and key findings are based on research conducted between April and May 2010 by Alert and Shanti Malika, a national-level network of Nepali women's organisations.

<sup>1</sup> Key donor countries focusing on JSSR interventions are Denmark, Japan, Finland, Norway, the UK and the US.

<sup>2</sup> The paper is linked with R. Crozier and Z. Candan (2010). 'Participation and obstruction: Justice and security sector reform in Nepal'. IfP Security Cluster.

## NATIONAL- AND INTERNATIONAL-LEVEL RESPONSES TO GENDER JUSTICE AND SECURITY

In the last five years Nepal has made some steps towards reducing structural gender discrimination. On 2nd May 2005 a Supreme Court verdict abolished all discrimination against women; and in 2006 the CPA included a provision endorsing the principle of non-discrimination and equality of women and girls.<sup>3</sup> Nonetheless, reforms in the legal and justice system are lagging behind. According to the Forum for Women, Law and Development, 'over 118 clauses/Sections/Rules, two Rules in their entirety, and 67 Schedules/Annexes/Forms in 54 different laws including the Constitution are discriminatory against women'.<sup>4</sup> Main areas of gender discrimination relate to property, trafficking and sexual abuse, education, employment, health including reproductive-health rights, marriage and family, and legal procedure and court proceedings. Despite the passing of the Domestic Violence Bill (2009) and 2010 being declared the prime minister's Domestic Violence-Free Year, SGBV remains the most pervasive security threat that confronts women.

At a recent conference marking the 10th anniversary of UN Security Council Resolution (UNSCR) 1325 hosted by Baroness Cathy Ashton, Head of the European External Action Service, and the Brussels Presidency, the EU recognised that 'protection mechanisms and judicial responses [for women in conflict-affected countries] remain weak, to the point of creating environments of relative impunity for grave crimes against women'. The EU called for 'the intensification of international, regional and national efforts to end impunity for perpetrators who commit gross violations of women's rights under international humanitarian and human rights law, by strengthening legal systems and by enacting and enforcing legislation, and to provide national justice systems with the necessary resources to prosecute alleged offenders'.<sup>5</sup> Despite international- and national-level commitments to protect and empower the women of Nepal, they continue to be marginalised from formal security and justice systems, and their security needs remain of secondary importance.

Across the Nepali local and national judiciary, there are only seven female judges and a mere 5.28 percent of the National Police Force are women. Low female representation is compounded by the fact that the National Police Force lacks the human capacity, infrastructure, training and equipment needed to do its job effectively and to provide for the diverse and gender-specific needs of individuals and communities. Additionally, bodies such as the Special and Technical Committees for the Integration and Rehabilitation of the Maoist Army are overwhelmingly male in their membership and Kathmandu-centric. Current discussions around security and justice have not engaged key stakeholders at the community level. There are a plethora of organisations both in Kathmandu and across all districts working on gender and peacebuilding, most from a women's rights perspective, which have valuable insights into community security that should be fed into discussions. Indeed, strong and sustained advocacy initiatives led by these organisations resulted in new legislation such as the Domestic Violence Act, passed in August 2009. However, these organisations, particularly at the local level, lack the access, capacity and knowledge to be able to influence wider JSSR-related issues from a gender perspective.

3 '7.6. Both sides fully agree to provide special protection to the rights of women and children, to immediately prohibit all types of violence against women and children, including child labour, as well as sexual exploitation and harassment, and not to include or use children who are of eighteen years or below in the armed forces.' CPA (2006). Available at <http://www.satp.org/satporgtp/countries/nepal/document/papers/peaceagreement.htm>

4 [http://www.fwld.org/research\\_discriminatory.php](http://www.fwld.org/research_discriminatory.php)

5 'Ensuring women's participation in peace and security', Conference conclusions, Brussels, September 2010. Available at [http://www.eutrio.be/files/bveu/media/documents/Conference\\_Conclusions\\_1325.pdf](http://www.eutrio.be/files/bveu/media/documents/Conference_Conclusions_1325.pdf)

A significant proportion of donor investment in security and justice has been directed at the Nepali informal justice sector. According to a recent mapping, up to 40 percent of justice and security funding has been spent on shoring up informal mechanisms to improve access to justice for marginalised groups.<sup>6</sup> Paralegal committees in particular have proved to be an important entry point for women accessing justice and relieve some of the burden from the state in the process. However, while these transitional structures can be supportive of women's needs in the short term, attention needs to be paid to addressing longer-term gender-sensitive reform of the formal security and justice sector.

---

6 A mapping of international community support to the security and justice sector was undertaken by Alert in 2010. It is a living document and does not claim to cover every intervention supported by the international community. However, it is currently the most comprehensive mapping of its kind and covers the interventions implemented and supported by most of the major bilateral and multilateral partners, including the Department for International Development (DfID), the EU and UN entities.

## METHODOLOGY

This paper forms part of an initiative implemented by Alert between October 2009 and September 2010 to build the capacity of civil society organisations (CSOs) to inform and monitor public security reform processes from a gender perspective. Alert worked in close partnership with Shanti Malika, a network of Nepali organisations promoting peace from a gender and women's rights perspective. The project worked with women's organisations at the local, district and national level to generate concrete evidence of gender-specific security concerns and to support the delivery of evidence-based advocacy with Nepali policymakers, service providers and the international community. Given the lack of women's voices within the security and justice sector at both policy and implementation levels, the initiative looks at security from the perspective of women's access to and experience of security and justice services, rather than from a broader gender perspective.<sup>7</sup>

The research was designed and conducted by Alert and Shanti Malika, and aims to understand women's specific concerns within the present security context in three districts and the provision of security and justice more broadly. The current need in Nepal is not necessarily for more discussions with policymakers about *why* gender is important; rather, it is necessary to establish what are the specific obstacles to addressing it, and to support civil society to acquire the skills and tools to ensure policymakers listen to and are convinced by the arguments for gender-sensitive reforms and then implement those reforms.

The analysis put forward here is based on focus group discussions (FGDs) and key informant interviews (KIIs) held in Mahottari, Rasuwa and Rukum districts during April and May 2010. Conversations were held with a range of interlocutors including Chief District Officers (CDOs), representatives of the security forces, representatives of the judiciary and the Bar Association, civil society representatives, those working in women's organisations and networks, and local community members. FGDs were held with all-female and mixed-sex groups, inside and outside of the district headquarters. The compiled research was validated with national women's organisations during a two-day workshop in Kathmandu before being consolidated.

---

7 It is intended that later projects and research initiatives will examine broader gender dimensions of public experiences of, and access to, security and justice.

## KEY FINDINGS

### GENDERED SECURITY CONCERNS

The security context and key issues differ substantially between the three districts under review, with respondents in Rasuwa reporting fewer security concerns in comparison with respondents in Rukum and Mahottari.<sup>8</sup> Respondents in Rukum and Mahottari felt that, on the whole, the security situation was improving, but that political interference in the security and justice sectors was a major cause of weak public trust in the providers of these essential services. Both male and female respondents recognised issues of armed groups and criminal gangs, political party interference in the security and justice sectors, and the lack of local governance structures as key contributing factors to insecurity at the district level.

#### District Background: Rasuwa, Rukum and Mahottari

**Mahottari** is the most populated of the three districts studied. Located in the central region of Nepal, the district covers 1,002 sq. km and borders India to the south. According to the 2001 census, it has a population of around 554,000, the majority of which (84 percent) are Hindu, 13.5 percent are Muslim, and the remainder are Buddhist, Kirat, Jain, Christians, Sikh and Bahai. Key security concerns in the district were cited as domestic violence, often fuelled by alcohol consumption; open-border security threats, such as trafficking of people and drugs; armed gang violence; and abduction and extortion.

Like Mahottari, **Rasuwa** is also a border district. Situated due north of Kathmandu in the Bagmati zone of the Central Development region, it shares a border with China to the north and covers an area of 1,544 sq. km. At the 2001 census, Rasuwa had a population of 44,731 with the majority ethnicity being Tamang (63.75 percent) and Brahmins (15.83 percent), Gurungs (6 percent), Chhetris (3 percent) and other ethnicities comprising the rest. Rasuwa relies on agriculture for its income, although tourism is also important, and the district is home to several tourist attractions including Langtang National Park and the popular trekking routes of Langtang and Gosainkunda.

**Rukum** is in the Rapti zone in the mid-west region of Nepal covering an area of 2,877 sq. km with a population of 215,270 as of the 2001 census. Like Rasuwa, agriculture is the mainstay of the economy but, with an average of one person per household employed abroad, migrant-worker remittances are also economically important. The Maoists launched their campaign in 1996 in the hilly mid-western districts of Rukum and Rolpa and both districts remained their stronghold throughout the 10-year civil war (1996–2006). Types of crime currently reported by local police include rape, domestic violence, theft, looting, land disputes, political clashes and disputes over natural resources, specifically herbal products in the region.

Female respondents overwhelmingly cite SGBV as the number-one cause of insecurity for women. The most common forms of SGBV include domestic violence, rape and dowry-related violence in Mahottari and human trafficking. Male respondents, on the other hand, link feelings of insecurity to a perceived rise in incidences of crime such as robbery and physical attacks and, in Mahottari, the presence of the open border and armed groups that operate in the border region.

<sup>8</sup> Lower perception of insecurity in Rasuwa can be attributed to the small population (44,731 ; 2001 Nepal Census) and the existence of the National Park in the district. The lower number of border-related security concerns were attributed to the presence of the park.

## ASSESSING WOMEN'S SECURITY CONCERNS

- *Domestic violence:* Domestic violence, including rape, physical violence and psychological abuse, is reported as prevalent, particularly in Mahottari and Rukum. In both districts, the Nepal Police (NP) reported an increase in the number of such cases being reported, with police in Mahottari seeing two to three cases per week. Such levels of domestic violence are closely linked to the pervasiveness of patriarchal structures. In Rasuwa, domestic violence was reported as being less common, and respondents attributed this to the relatively egalitarian customs and practices of the dominant Tamang community, in contrast to the highly patriarchal Brahmin/Chhetri and Madhesi communities, which comprise majorities in Rukum and Mahottari districts respectively.

### Gender Relations in Nepal

Nepalese society is largely patriarchal in structure. A woman's identity is primarily defined by her father or husband; a fact which is reflected in the practices of patrilocal residence, patriarchal descent and inheritance systems. Very few women own land in their own right. Only 10.8 percent of land and 5.5 percent of households were female-owned, according to the 2001 census. Women's lower socio-economic status is reflected by Nepal's adult literacy rate, which stands at 34.9 percent for women and 62.7 percent for men.

Any gender analysis undertaken in Nepal must be cognisant of how gender relations differ across the 100 ethnic groups. The public sphere is largely dominated by the Indo-Aryan origin Brahmin and Chhetri ethnic groups, whose social practices are highly patriarchal in nature. These groups' customs contrast with those of the less patriarchal indigenous peoples of Mongolian or Tibeto-Burmese origin. In Sherpa communities, it is often the woman who heads the family business and can play an equal part in decision-making both in public and in the household.

External analysts and practitioners must be responsive to the heterogeneous experiences of women and men in Nepal's ethnically diverse population for reforms to be effective.

*Data from government of Nepal, Central Bureau of Statistics, 2001 National Population Census*

- *Patriarchal customs:* Customs such as dowry giving and polygamy are key drivers of female subordination and increased levels of domestic violence. Although such violence cuts across class, caste and age, high levels of poverty and illiteracy compound patriarchal norms and domestic violence. Dowry exchanges in Mahottari were cited as causing disputes between families and within marriages in communities along the border. Conflict over size and provision of dowries causes violence, and in severe cases sometimes leads to murder. Suicide among women in dowry-giving communities is high, and as much as one case per week in Mahottari, although it is suspected that some suicide cases could be homicide. In Rukum, illegal polygamy triggers inter-family conflict and violence, in some cases between wives. Male alcohol abuse is an escalating problem in Nepal due to unemployment and is a key factor fuelling domestic violence. The nexus between poverty, lack of education and patriarchy drives female insecurity and the subordination of women. Continued subordination and exclusion of women undermines their capacity both to protect themselves from violence and to gain access to justice.
- *Human trafficking and out-migration:* Poverty and poor education levels are deemed to be key drivers of out-migration for young girls. High female out-migration was reported as a security issue in border communities, particularly in Rasuwa district. Girls as young as 12 years old are reported to be applying for passports, prompting concern at the paucity of monitoring systems that track the wellbeing of such young migrants. Women and girls from the Tamang community in particular were felt to be vulnerable to being trafficked to brothels in India and as far as the Arab states, due to lack of livelihood opportunities in the community. In addition, border communities, particularly in Mahottari, reported a sense of increased insecurity due to border-security personnel. Human rights organisations report a number of cases during the previous 12 months where Indian border police had sexually abused women. High levels of criminal activity, a long and porous border with India, poverty and low levels of awareness among parents continue to leave young girls and women vulnerable to sexual exploitation and human trafficking.

## ASSESSING SECURITY AND JUSTICE PROVISION FROM A GENDER PERSPECTIVE

Men and women experience the formal provision of security and justice in markedly different ways in Nepal. Districts report that the pervasive lack of understanding of gendered insecurities and the acute shortage of female police and judicial staff are major obstacles for women approaching and using these services. Men are perceived to be better networked and connected and therefore to have more access and influence when approaching the police or courts. This situation is highlighted in cases of SGBV, which involve women taking men to court. As the Women's Development Officer in Mahottari explained, 'if a man is politically connected, it is extremely difficult to get him to appear in court'.<sup>9</sup>

### CHALLENGES TO WOMEN ACCESSING FRONTLINE SECURITY SERVICES

- *Low female representation and lack of specialist police:* Women's Police Cells (WPCs) were established in Nepali districts to provide a first entry point for women to report gender-specific crimes. Many WPCs are unable to provide adequate services to those who need them. These specialist police cells are rarely headed by high-ranking officers and, although staff receive some training, they remain acutely underqualified for dealing with SGBV cases, particularly rape. This is corroborated by the research in all three districts. WPCs are in operation in Mahottari and Rukum districts and there is a male-headed Women's Unit within the District Police Office in Rasuwa district. The Mahottari and Rukum WPCs are extremely limited in their effectiveness. Neither employs sufficient personnel and each district WPC head is a junior-ranking officer (head constable). Low-ranking officers undermine the authority of the WPCs and their ability to successfully pursue gender-based violence cases. Lack of experienced female staff is a serious problem. Non-specialist police regularly view domestic violence and rape as a private issue and demonstrate a reluctance to intervene. When male police staff do pursue such cases, evidence suggests that they feel unable to deal with them and sometimes even ask their wives to support and counsel rape victims.<sup>10</sup>
- *Lack of awareness of state-provided security entitlements:* Many women in Nepal, particularly in marginalised, ethnic-minority communities, are unaware of the role of the police and of the security entitlements afforded by the state, such as protection from domestic violence or the criminality of rape. The research suggests that up to 70 percent of women spoken to in Mahottari did not know they should contact the police if they were a victim of crime. The police are regularly bypassed by women, with victims looking to non-governmental organisations (NGOs) and the informal sector or the Women's Development Office (WDO) as their first point of contact. Language is a barrier to many women obtaining access to security services for themselves or benefiting from awareness-raising programmes and campaigns about security entitlements. In addition, women in highly patriarchal Muslim and Madhesi societies are dependent upon male family members to access state services and even for permission to leave the home or village. This is highly problematic if women must seek permission from the male perpetrator to leave.
- *Poor infrastructure and lack of sheltered housing:* WDOs, local representative bodies of the Ministry of Women, Children and Social Welfare, play a key frontline role in receiving and referring cases of SGBV, particularly domestic violence. In both Mahottari and Rukum, the WDO engages local mediation over domestic-violence cases at the community level. However, these offices are insufficiently resourced to cope with all SGBV cases. If a woman is in need of shelter, WDOs have been required to double as sheltered housing. The Mahottari Women's Development Officer noted that the office is often used to shelter women for periods of up to three days, after which they might be referred to local NGOs. Inadequate safe housing makes re-victimisation of women experiencing domestic violence a significant issue. Limited sheltered housing requires police or CSOs to attempt to mediate the problem and return domestic-violence victims home.

<sup>9</sup> Alert and Shanti Malika interview, Jaleshwor, May 2009.

<sup>10</sup> Male police officers interviewed in Rukum, May 2010.

## CHALLENGES TO WOMEN ACCESSING JUSTICE

- *Lack of trust in the formal justice system:* An overwhelming majority of cases related to the security of women are first reported to informal justice mechanisms. Traditional village courts (such as Kachahari) or paralegal committees are often women's preferred justice entry points over formal sector bodies, such as district courts. Reasons for this include time taken to refer and pursue a case through formal courts, as well as cost and fear of the case becoming public. Unmarried women and their families felt particularly disinclined to take the formal justice route, fearing the negative impact on their marriage prospects and being ostracised by the community.
- *Mandate-creep of informal justice sector:* Growth in the informal justice sector has been driven by international donors with over a third of international JSSR support in this field. Paralegal and community mediation committees have made progress in successfully addressing local-level disputes and aim to support better access to justice for women and marginalised groups. However, there is concern that the lack of monitoring of informal justice provision is resulting in these mechanisms exceeding their mandate. Of particular concern are referrals of rape cases to paralegals, which are then arbitrated rather than prosecuted. Furthermore, cases of SGBV are being referred straight to civil society groups to be mediated and addressed. This occurs in Rukum, where, rather than referring cases to the district court, police pass them to the Democratic Women's Network (*Loktantrik Mahila Sangh*), a district-level network comprising of female members of the Nepali Congress and Communist Party of Nepal (Unified Marxist Leninist) set up in response to the prime minister's declaration that 2010 is Domestic Violence-Free Year. As argued elsewhere by Alert, continued informal justice sector support without gender-sensitive monitoring mechanisms could potentially result in a two-tier system, risking further exclusion of already marginalised groups, such as women.<sup>11</sup>
- *Low levels of sensitivity to SGBV cases and limited female staff:* Police attitudes are a significant obstacle to SGBV cases being referred to the justice system. Senior police officers in Area Police Posts report negative reactions from seniors in the District Police Office when referring domestic-violence cases (seen as "petty" cases) to the district headquarters for further action. If cases do reach the formal justice system, there is a shortage of female staff in the judicial sector and low numbers of female lawyers, as indicated by the absence of female members of the Mahottari Bar Association. In Nepal, there are only seven female judges; this discourages women from pursuing a case through the court system for fear of gender-insensitive approaches of the judiciary.<sup>12</sup>

---

11 R. Crozier and Z. Candan (2010). Op. cit.

12 There are seven female judges in Nepal. One is in the Supreme Court, five in the Appellate courts and one in a district court.

## CONCLUSION

SGBV is one of five key security challenges currently in Nepal: left untackled, high levels of SGBV; increased armed groups; proliferation of small arms and light weapons; rises in crime and political strikes pose a risk to the success of the peace process.

Women's experience of high levels of domestic violence, including rape, physical attacks and murder, are compounded by patriarchal customs such as dowry giving and polygamy. Police capacity to protect women from security risks and to respond to SGBV incidents is extremely limited. Women's trust in the state security and justice system is low and they rarely pursue cases through the formal justice system for fear of publicity, cost and gender-insensitive approaches to cases. Furthermore, the informal justice sector is mediating cases which should be prosecuted as criminal cases. Impunity for such crimes is reinforced at the community level, where poor and illiterate women and families have minimal awareness of security entitlements and rights.

## RECOMMENDATIONS

With regard to strengthening protection mechanisms and judicial responses for women in post-conflict Nepal, the EU and other donors supporting more accessible and accountable security and justice in Nepal should consider the following three recommendations:

### 1. Promote women's participation in the security and justice reform processes and build local understanding of security entitlements

- *Support the NP and Armed Police Force to engage with informal mechanisms and local civil society bodies.* This could include bringing together these stakeholders, local leaders and women's organisations, in a dialogue process to discuss responses to SGBV and opportunities for strengthening coordination. Such processes will build trust between stakeholders and ensure increased knowledge and networking to tackle sensitive issues appropriately and effectively. It will also help to delineate the responsibility of informal mechanisms vis-à-vis formal procedures and structures.
- *Support local civil society to build community awareness of statutory security entitlements and the role of the police in the district.* This could include the development of multilingual media (e.g. radio programming and print) that clarifies what security protection and services women and men should expect; the police's role in preventing SGBV; and how women specifically can access district services. Strong community awareness of statutory security provision would also support improved local monitoring of formal and informal security provision.

### 2. Strengthen the capacity of the formal security sector providers to more effectively prevent and respond to SGBV

- *Provide support for the NP to recruit and train female police officers.* The EU and other donors could support an in-depth analysis of structural and cultural blockages to women entering the NP and to their rural deployment. Donors could also support the delivery of training of male and female police to deal with cases of SGBV in a sensitive manner. Overwhelmingly, police, government and civil society respondents in all three districts called for more female police with the appropriate training. It was felt that this would support the stronger and wider outreach of the WPC, which was largely confined to the district headquarters in the districts assessed.
- *Champion the promotion of women to senior positions within the NP.* In all three districts, respondents felt that there needed to be at least one woman of assistant sub-inspector rank or above to head the WPC, in order to ensure that the cell had more influence within the police and with district administration.<sup>13</sup> The EU and other donors should support the delivery of advanced police training targeted at women police and should promote the use of incentives. Incentives that encourage women to take up positions with increased responsibility could include enhanced remuneration, improved living quarters, family-sensitive leave and more flexible working hours.

---

<sup>13</sup> Assistant sub-inspector is the lowest-rank commanding officer, and therefore has at least some influence within a District Police Office.

### 3. Promote a system-wide approach to security and justice in Nepal, emphasising the linkages between formal and informal justice provision to ensure that SGBV cases are not solely addressed by the informal sector

- *Support the development of a value-chain monitoring mechanism to establish how women navigate through informal and formal justice systems. A “value chain approach” is one that follows the user from beginning to end of the security and justice process and helps ensure an integrated approach across both.<sup>14</sup> It helps highlight the obstacles for women when accessing the formal justice systems for criminal cases, such as rape cases.*
- *Reassess the potential of the WDO to play a key role in supporting women’s access to security and formal justice. Although not formally part of the security service, in most cases, the WDO is highly active and the Women’s Development Officer, as often the most senior female civil servant in the district, has the potential to play a stronger role in supporting women’s access to security and justice in collaboration with the WPC. For this to happen, an assessment needs to be made of the potential for creating stronger linkages between the WDO and the WPC in districts.*
- *Assist with the promotion of gender-sensitivity among staff across the formal justice system. To build women’s trust in the formal justice system, staff at all levels must be trained to understand the serious and pervasive nature of SGBV and how to treat victims with dignity and sensitivity. Donors should support the delivery of advanced training on sexual and gender-based crime to lawyers and judges. Impunity for such violence will only be reduced if the capacity of security and justice sector staff are built in parallel, allowing women to navigate with confidence from the point of entry to prosecution.*

---

14 For more on value-chain approaches to security and justice in Nepal, see R. Crozier and Z. Candan (2010). Op. cit.

## INITIATIVE FOR PEACEBUILDING

c/o International Alert  
205 Rue Belliard, B-1040 Brussels Tel: +32 (0) 2 234 5792 Fax: +32 (0) 2 234 5799  
ifp@international-alert.org www.initiativeforpeacebuilding.eu



THIS INITIATIVE IS FUNDED  
BY THE EUROPEAN UNION

## PARTNERS



International Alert.

