

NEPAL

A decade after the end of the civil war, many Nepalese continue to suffer the enduring consequences of conflict related sexual violence. Survivors face stigmatisation, inadequate access to services, limited victim/witness protection and threats from their own community.

1. What are the issues surrounding the stigma faced by survivors of sexual violence, their families, communities etc.

- The lack of official recognition of sexual violence survivors as “conflict-affected persons” limits their access to relief. There are no dedicated services for survivors provided by the Government.
- No robust safeguards to prevent individuals accused of serious human rights violations from being retained and promoted within the security forces.
- No state-led investigations or prosecutions for conflict-related sexual violence crimes. Partly due to 35 days statute of limitation (now extended to six months) on reporting rape as a crime; and to political consensus that all conflict-era cases should be dealt with under transitional justice mechanisms. These mechanisms are now operational but are not fully compliant with international law.
- Social and cultural taboos make victims reluctant to share their stories out of shame or for fear of being blamed. The fear of repercussions of further victimisation if the perpetrators were reported is widespread.
- Lack of support, protection and redress mechanisms necessary for victims to be able to speak out and many incidents occurred in geographically remote areas where reporting was difficult.

2. Who is doing something already in these countries incl. FCO, DFID, Champion countries, local initiatives (NGO, government, leaders)

- **UNDP** providing legal aid service to victims of sexual harassment, gender based violence etc and has formed a task force led by UN Resident Coordinator Office to lobby on possible ways to support CRSV not included in interim relief program.
- **IOM** has developed documentation protocols and case management tools to assess the needs and ensuring appropriate and ethical referral of survivors to CRSV and is currently being implemented in some pilot districts.
- **UN Women** conducted a review of reports on CRSV to ascertain what information is presently available on the occurrence of CRSV and the extent to which CRSV is being addressed. Preparation for second phase of the National Action Plan on 1325 and 1820 with specific focus on CRSV s being down in coordination with the Ministry of women, children and social welfare.
- **DFID** Integrated Program for Strengthening Security and Justice (IP-SSJ) works with Government of Nepal, Civil Society Organizations and Multilateral to prevent gender based violence against women and children, including sexual violence by community mobilization and strengthening the capacity of service providers.

3. Specific activities that need doing e.g. access to legal or medical care, judicial reform, evidence gathering etc.

- The Government should be encouraged to recognise victims of CRSV as “conflict-affected persons” to remove barriers that may prevent them from accessing justice, and to accelerate the second phase of its National Action Plan on Security Council resolutions 1325 and 1820.¹
- Need to reform rape legislation in line with international standards to improve access to justice for the survivors.
- Even though serious human rights violations committed during the conflict have been extensively investigated and reported, documentation of sexual violence remains scarce.
- Mechanisms for adequate protection of survivors and witnesses should be taken to ensure victim’s access to justice and successful prosecution of the case.

¹ SRSR Report: Conflict Related Sexual Violence 2016