

Armed Conflict in Nepal and Women

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Madam chair and members of CEDAW Committee,

On behalf of Forum for Women, Law and Development, Nepal, we would like draw your attention:

As decade long armed conflict in Nepal resulted deaths, disability and disappearance, among them 11percent were women. Sexual violence, especially rape, was reported. Women from marginalized groups, who were discriminated and excluded, joined the Maoist insurgency, largely as an opportunity to challenge their position in the social structure and ideology of the state. During conflict, there was a rampant violation of the right to life, security and freedom of people

Though Women constituted 40 percent of the total Maoist rebel forces, after the peace process started their number has gone down to 10 percent in the cantonment. Even though 33 percent women are engaged in Constitution making process, no women are seen in peace negotiation process as a result peace agreement and process has failed to acknowledge different impact of conflict on women. Discussion on integration of the Maoist army into national army is posing questions on how the married women ex-combatant or women ex-combatant with children would be integrated, and whether the needs of disqualified women ex-combatant and stigmatization associated with them would be responded or not.

Due to lack of job opportunity many women are either forced into the exploitive entertainment sector or migrate illegally to foreign countries for jobs. This increases their vulnerability to different forms of exploitation.

Though government has made some effort to recognize women's right in interim constitution and National Plan of Action on UNSCRs 1325 and 1820 has been adopted, implementation is yet to be seen. Transitional justice has not been ensured due to non enactment of necessary laws, constitution and non formations of necessary commissions including TRC.

In this context, We would like to urge the Committee to take into consideration not only the concern of women during conflict and post conflict but gender discrimination as one of the root cause of the conflict.

General recommendation should include accountability to take preventive measures to minimize the risk and vulnerability of women during and post conflict.

The recommendation need to focus on transitional justice arrangement to ensure no amnesty in case of sexual violence and also to ensure that transitional justice mechanism does not limit justice due to limited time to register the case.

The recommendation need to clarify who could be person as a victim of conflict (immediate and extended) and women who can be combatant force (direct and indirect).

It should include improvements in institution to ensure security and justice and reduce impunity.

It should also include the strengthening of investigation, prosecution and adjudication mechanism to ensure justice to victim of sexual violence with legal aid and necessary support system.

Relief and reparation programs should be gender responsive. Gender friendly system needs to be defined and institutionalized.