

Briefing on the Implementation of  
National Action Plan II for the  
Implementation of the UN Security  
Council Resolutions 1325 and 1820 on  
Women, Peace and Security



ADVOCACY FORUM-NEPAL

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**Advocacy Forum - Nepal**

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1325 and 1820 on Women, Peace and Security

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## BACKGROUND

Seventeen years after the Comprehensive Peace Agreement (CPA) brought an end to the conflict, Advocacy Forum is calling for long-overdue action to redress the long-term and continuing gender discrimination in terms of women, peace and security in Nepal.

The government launched its second (and, it has said, final) National Action Plan (NAP) for the implementation of United Nations (UN) Security Council Resolution (SCR) 1325 and 1820 on women, peace and security (WPS) on 7 May 2023. NAP II had been long in the making. It followed the NAP of 2011, when Nepal became the first South Asian country to launch a NAP to address WPS issues after the conflict. Although NAP I helped to bring women's agenda in political participation, significant shortcomings remained, including the inability to address conflict-related sexual violence (CRSV).

NAP II was developed in consultation with various actors from 2020 onwards. It was adopted by the cabinet in August 2022, but its launch was delayed till May 2023 due to the elections and drawn-out negotiations on the formation of a new government.

NAP II officially runs for three years from April 2022 to April 2025 (Nepal financial years 2078 to 2081). Its overall objective is “to fully guarantee the proportional and meaningful participation and security of women in the entire

process of conflict transformation and peace building”.<sup>1</sup> It further aims at “contributing to establishing a sustainable peaceful, just, and inclusive society by ensuring meaningful participation of women and children and addressing their needs and priorities so that they can enjoy equality and dignified life.”

NAP II has four pillars. The first one is (Participation) aims to increase women’s participation and create a fairer and inclusive society where women’s contributions are recognized and their views are heard in decision-making processes. The second (Protection and Prevention) pillar internalizing gender awareness at all levels of government. Under this pillar, the transitional justice system will be made effective to address the problems related to women and girls survivors of sexual violence and rape during the armed conflict. The third pillar (Relief and Recovery) focuses on tailored programs that cater to the specific needs and capacities of conflict-affected women which will include providing them with employment opportunities and necessary skills training to help reduce the long-term impacts of conflict. Finally, the fourth pillar (Capacity Development, Resource Management, and Monitoring and Evaluation) embodies the infrastructure required for the successful implementation of NAP II. It underscores the participation of victims/survivors

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<sup>1</sup> NAP II, p. 11.

and stakeholders in all phases of implementation, ensuring that their voices are integral to the plan's execution.

NAP II envisions the involvement of 26 different types of government agencies at different levels (sixteen national entities, five provincial entities, four district-level entities, and local-level governments) to implement the Plan.

## CONTEXT OF CONFLICT-RELATED SEXUAL VIOLENCE (CRSV)

The internal conflict left at least 13,000 people dead and more than 3,200 missing.<sup>2</sup> Thousands more were arbitrarily arrested, detained, subjected to torture, and sexually abused.<sup>3</sup> Rape, attempted rape, threats of rape, gang rape, forced nudity<sup>4</sup>, and rape in front of one's children were the most common forms of sexual violence during that period. Pregnant women, lactating mothers, and women with mental disabilities were among many women sexually abused during this period. Further, many victims lost their life as a result of

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<sup>2</sup> The TRC website could not be accessed to check for exact figures of complaints in respect of killings. The CIEDP website lists 3,288 complaints. See <https://ciedp.gov.np/en/introduction/#:~:text=Why%20was%20CIEDP%20formed%20in.prosecution%20to%20the%20accused%20ones>

<sup>3</sup> Office of the United Nations High Commission for Human Rights (OHCHR), Nepal conflict report, 2012, [https://www.ohchr.org/sites/default/files/Documents/Countries/NP/OHCHR\\_ExecSumm\\_Nepal\\_Conflict\\_report2012.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/NP/OHCHR_ExecSumm_Nepal_Conflict_report2012.pdf), p.4.

<sup>4</sup> OHCHR, p. 23 and 172.



unwanted pregnancies caused by rape or during the course of abortion following such pregnancies.<sup>5</sup> Girls, some as young as 10, were targeted and subjected to multiple forms of sexual and gender-based violence. In fact, research by the UN Office of the High Commissioner for Human Rights (OHCHR) showed that more than one-third of the victims were children, with many of those victims under 15.<sup>6</sup>

While the CPA ensured women's representation in the Constituent Assembly, from a women's perspective, the CPA nevertheless had many shortcomings:

- There were no women involved in the CPA negotiations.
- The issues affecting CRSV victims were not adequately addressed in the CPA.
- The rehabilitation and reintegration of female combatants was ignored.

The CPA promised to make the whereabouts of those forcefully disappeared public within 60 days. However, that promise still remains unfulfilled even after 17 years. The Commission of Investigation on Enforced Disappeared Persons (CIEDP) was established together with the Truth and Reconciliation Commission (TRC) in 2015, under the Investigation of Enforced Disappearances, Truth and

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<sup>5</sup> OHCHR, p. 172.

<sup>6</sup> OHCHR, p. 12.

Reconciliation Commission Act, 2014 (TRC Act) with the responsibility of finding truth and investigating the conflict-related human rights violations, including enforced disappearances. Despite spending millions of taxpayers' money, these Commissions have not fully addressed even one complaint.

A number of sections of the TRC Act were challenged by the victims as they mandated the Commissions to recommend amnesty for those involved in gross violations, including enforced disappearances. The Supreme Court in 2015 ordered the Government to amend the Act, remains overdue. A Bill for the Amendment of the TRC Act (TJ Bill) was tabled in the Federal Parliament on 19 March 2023. After several months, a sub-committee of the Human Rights Committee of Parliament submitted a report to the Committee. Several of the sub-committee's proposals – if they are adopted – would help address concerns that had been raised but several shortcomings remain.

From the perspective of transitional justice, women were equally discriminated against:

- The two commissions (Truth and Reconciliation Commission (TRC) and Commission for Investigation of Enforced Disappearances of Persons (CIEDP)) set up in 2015 failed to address the concerns of the conflict-affected women as they did not develop an enabling environment, mechanisms to ensure

confidentiality of information and win confidence of victims.

- The commissions failed to collect data of CRSV and prepare a database.
- The Interim Relief Program (IRP) introduced in 2008 to address the immediate needs of conflict victims excluded victims of rape and other sexual violence, as were victims of torture.<sup>7</sup> The survivors of rape and sexual violence were not even considered “conflict-affected” by the Interim Relief Program.<sup>8</sup>

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<sup>7</sup> [https://fwld.org/wp-content/uploads/2020/02/B25-Report\\_compressed.pdf](https://fwld.org/wp-content/uploads/2020/02/B25-Report_compressed.pdf) The fact that women and girls who are victims of the armed conflict do not benefit from interim relief resulting from the narrow definition of the eligibility criteria set forth on the Interim Relief Program (IRP). According to the CPA, the government was required to provide relief packages - including financial assistance - to conflict victims, defined as those maimed, widows, the abducted, the internally displaced and those who lost property during the conflict. However, survivors of rape and sexual violence (RSV) were not considered “conflict affected” and therefore been excluded from the IRP. There is also an absence of official data on RSV cases. RSV are also not mentioned in the MoPR guidelines for psycho-social counseling (2013).

<sup>8</sup> Advocacy Forum, Discrimination and Irregularities. The Painful Tale of Interim Relief in Nepal, 2010, [https://www.advocacyforum.org/downloads/pdf/publications/Discriminations\\_and\\_Irregularities\\_A\\_painful\\_tale\\_of\\_Interim\\_Relief\\_in\\_Nepal.pdf](https://www.advocacyforum.org/downloads/pdf/publications/Discriminations_and_Irregularities_A_painful_tale_of_Interim_Relief_in_Nepal.pdf)

## MAPPING

Advocacy Forum has conducted a mapping exercise, identifying the government entities entrusted with the responsibility of implementing NAP II, NGOs and victims' associations engaged in the process and the progress in its implementation to date.

While it is encouraging that NAP II is aiming to address the shortcomings outlined above and has identified addressing the overall needs of women and children victimized and affected by gender-based and sexual violence during the conflict as one of its strategic objectives, Advocacy Forum's analysis raises alarm at many levels:

- There is a lack of knowledge of NAP II, including among government officials responsible for its implementation.
- The 753 local governments entities, the primary stakeholders in executing NAP II, are yet to be made fully aware of their responsibilities under NAP II and properly equipped with resources and necessary technical support.
- The focal ministry, the Ministry of Home Affairs (MoHA), is yet to take substantive initiatives and make efforts to secure the necessary resources to ensure the NAP's successful implementation. This is likely linked to the frequent transfers of

undersecretaries responsible for WPS issues. Over the past seven months, three different undersecretaries have been assigned to this role, and each has been transferred within an exceedingly short timeframe, often within a month or two of their appointment.

- Senior MoHA officials responsible for the NAP II implementation, including an undersecretary, admitted to being entirely unaware of it and appeared reluctant to engage with NGOs, despite the NAP II identifying them as key partners in its implementation.
- Similarly, officials at the provincial level, who should have been involved in the drafting of the NAP II, also were unaware of it and of the specific responsibilities for provincial authorities outlined in it.
- There are no dedicated annual and periodical plans and allocated financial resources for NAP II to date.

In terms of the NGOs and victims' associations engaged in the process and the progress in its implementation, the Conflict Victims Women's Network (CVWN) has taken a lead responsibility for engaging with the drafting of NAP II. NAP II formally recognizes CVWN as a direct implementing partner. NGOs working for the NAP II implementation have also entrusted CVWN to work as the secretariat. It was also decided to develop a membership system for organizations to be part of the secretariat responsible for overseeing the NAP II implementation process. At the time of writing, 13

organizations (CSOs and Victims' groups) have formally expressed an interest to become members of the NAP II Secretariat. Advocacy Forum, Nagarik Awaz, the Story Kitchen, Conflict Victims Women Network, Women for Human Rights (WHR), and the Single Women Group, UN Women and the UN Development Programme (UNDP). It has been proposed that the Secretariat is developed as a collective platform to convene various entities, fostering the exchange of insights, progress reports, and the development of a collaborative strategy for effective implementation of the action plan. Secretariat members collectively agreed to fund meetings on a rotating basis, addressing financial needs as they arise.

As part of the mapping exercise, Advocacy Forum identified the following problems in respect of the non-governmental side of the NAP II implementation:

- The Secretariat lacks resources and coordination and cooperation from the Government entities. It has also not been able to generate a wider civil society support and enthusiasm as many organizations working on the issue of WPS have been reluctant to join the secretariat.
- While there have been positive local efforts following some orientations, significant coordination gaps persist at the federal, provincial, district, and local levels between CSOs and victims' groups, but also

between them and the 26 different types of government agencies at different levels they need to work with at federal, provincial, district and local level.

In addition to government agencies at various levels and the NGOs and victims' organizations, UN Women, UNDP and other UN agencies are also engaged with NAP II. Both UN Women and UNDP played pivotal roles in the formulation of the NAP II. UN Women is pursuing a project focused on WPS in Nepal. It is internally mapping the various UN bodies in Nepal to assess their potential contributions to the implementation of the NAP II. Collaborating with the drafting members of NAP II, UN Women has developed a Standard Operating Procedure (SOP) aimed at operationalizing the plan at both provincial and district levels. As a member of the secretariat, it is also helping the secretariat to have meetings with CSOs. It is preparing a National Level Inception Workshop for local government, in coordination with the Home Ministry, although the specific date for the workshop has yet to be determined.

The implementation of NAP II faces a challenge as Nepal's bilateral donors including embassies are yet to prioritize it. Advocacy Forum has written to several embassies<sup>9</sup> seeking information but received information only from the German and Norwegian embassy. Other donors, including Finland,

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<sup>9</sup> Advocacy Forum wrote to xx embassies.

Switzerland's web page state they allocating budgets for work on WPS, but not specifically on NAP II implementation to date.

## RECOMMENDATIONS

With only a year and a half left before NAP II ends, there is an urgent need for the implementing partners to step up their efforts and insert some urgency into their actions to have any chance of meeting these very ambitious but critically important objectives. Otherwise, without resources, plans and a proper coordination, NAP II is doomed to fail and women will once again be let down and their seemingly eternal wait for truth, justice and reparation for the harm inflicted on them during the armed conflict will continue.

Based on its analysis and the mapping, Advocacy Forum makes the following recommendations:

### **A. TO THE FEDERAL GOVERNMENT OF NEPAL**

- Develop annual and periodical plans and projected budgets for the three fiscal years in order of priority as provided for in NAP II and ensure all targets set will be met by the end of NAP II
- The MoHA as focal ministry for the overall implementation of NAP II to urgently allocate necessary resources and technical support



- The MoHA to distribute the NAP II document to all relevant government entities at national, provincial and local level with a request for them to report on the plans to ensure their responsibilities are delivered on in time
- Work with provincial and local governments to train relevant personnel on the implementation of NAP II and provide technical support where needed
- Urgently amend the TRC Act, and ensure it substantially addresses CRSV issues
- Ensure the needs of victims of CRSV who were discriminated against in the 2008 Interim Relief Program are addressed, through the TRC and CIEDP or other process
- Address the coordination gaps between the different government entities at federal, provincial, district and local level and the CSOs and victims' groups involved in the implementation of NAP II

## ***B. TO THE TRC AND CIEDP, ONCE RECONSTITUTED***

- Ensure victims of CRSV can file complaints in a confidential way, and guarantee their security and privacy, as well as those of witnesses
- Collect data on CRSV and prepare a database

### **C. TO WOMEN'S ORGANIZATIONS, VICTIMS' ORGANIZATIONS AND CSOs**

- Ensure effective coordination between all civil society stakeholders, through the secretariat
- Take an inclusive approach to ensure the most vulnerable stakeholders are equally involved in the implementation of the various components of NAP II

### **D. TO THE INTERNATIONAL COMMUNITY**

- Support the CVWN as a direct implementation partner of the NAP II and secretariat for its non-governmental programs
- Closely monitor the implementation of the NAP II and hold the government accountable for any failures
- Be transparent about the funding allocated for the implementation of NAP II and coordinate with partners to ensure there are no critical gaps nor major overlaps

Advocacy Forum (AF) is a leading non-profit, non-governmental organization working to promote the rule of law and uphold international human rights standards in Nepal. Since its establishment in 2001, AF has been at the forefront of human rights advocacy and actively confronting the deeply entrenched culture of impunity in Nepal.

AF's contribution in the human rights advocacy in Nepal has been recognized by Human Rights Watch (HRW) in terms of "One of Asia's most respected and effective Human Rights Organization". AF is a recipient of a number of awards including "Women In Leadership Award" (conferred by Swiss Agency for Development and Cooperation).



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