

## NEPAL INFORMATION REPORT

### Submission to the Special Rapporteur on truth, justice and reparation

#### Presentation

[REDRESS](#) is an international human rights organisation aiming to ensure justice and reparation for survivors of torture and advocates for legal and policy reforms to combat torture and provide effective reparations. REDRESS has represented several victims of Conflict Related Sexual Violence (CRSV) and other forms of torture in Nepal for more than 10 years at the international level in collaboration with national organisations.

[Advocacy Forum, Nepal \(AF\)](#) is a non-profit organisation working to promote the rule of law and uphold international human rights standards in Nepal. AF has been at the forefront of human rights advocacy and actively confronting the deeply entrenched culture of impunity in Nepal.

The [Human Rights and Justice Centre \(HRJC\)](#) is an NGO that aims to improve access to justice for victims of human rights violations in Nepal such as torture, enforced disappearances, extrajudicial executions, and sexual violence.

#### Introduction:

1. This report seeks to contribute to the Special Rapporteur's visit to Nepal on assessing the measures adopted by the State to address serious human rights violations committed during the armed conflict (1996-2006). It focuses on the persistent lack of implementation of decisions issued by the Human Rights Committee (UNHRC), which award reparations to victims and their families for violations perpetrated during the armed conflict. It examines four decisions concerning survivors of CRSV and analyses their significance for the country's ongoing transitional justice process.

#### About the HRC Decisions

2. The UNHRC has adopted at least four decisions—Communications No. 2245/2013 (Purna Maya v. Nepal), No. 2556/2015 (Fulmati Nyaya v. Nepal), No. 2615/2015 (Devi Maya Nepal v. Nepal), and No. 2906/2016 (R.R. et al. v. Nepal)—finding that Nepal breached its obligations under the International Covenant on Civil and Political Rights (ICCPR) in cases involving CRSV against women.<sup>1</sup> These cases involve multiple acts of sexual violence perpetrated by members of the security forces during the armed conflict in Nepal, including rape and gang rape, based on accusations that they or their relatives were affiliated with or supported Maoist groups.
3. In all cases, the UNHRC found a widespread pattern of CRSV during the armed conflict in Nepal, particularly targeting women perceived to be Maoists or supporters.<sup>2</sup> In the cases of Fulmati

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<sup>1</sup> Human Rights Committee, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2245/2013, CCPR/C/119/D/2245/201; Views adopted by the Committee under the Optional Protocol, concerning communication No. 2906/2016, CCPR/C/134/D/2906/2016, 20 May 2022; Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2556/2015, CCPR/C/125/D/2556/2015; Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2615/2015. 14 June 2022.

<sup>2</sup> As part of the evidence, the Committee noted the findings in the Office of the United Nations High Commissioner for Human Rights (OHCHR), Nepal Conflict Report (2012) who explained the generalized feature of the sexual violence during the conflict in Nepal.

Nyaya and R.R. et al., the direct victims were children at the time the violations occurred. R.R. was also killed after being raped.

4. These cases were not adequately investigated by the national authorities, and, to date, no reparation measures have been implemented by the State despite the passage of more than 20 years since the events. These decisions were adopted in a context of widespread stigma against survivors of CRSV in Nepal.<sup>3</sup> Additionally, there has been a persistent lack of adequate reparation measures for victims of such crimes in the country.<sup>4</sup>
5. In each decision, the UNHRC awarded reparations, including both individual and collective measures, some of which were aimed at addressing the structural barriers faced by women, in accessing justice.
6. Some of the reparation measures ordered by the UNHRC were consistent across the cases, including:
  - Full compensation
  - Rehabilitation measures for victims, and for their relatives
  - Effective investigations and the prosecution and sanctioning of those responsible
  - Measures of satisfaction
  - Removal of legal and other barriers to justice and reparation for CRSV victims, including statutes of limitation, and ensuring confidentiality and protection for victims
  - Facilitation of a national dialogue on sexual violence against women to increase the visibility of the issue and improve the status of victims in society
  - Training and awareness-raising campaigns on violence against women

**About the lack of implementation of the decisions:**

7. Nepal has yet to implement these decisions. Their failure to do so reflects a persistent and systemic lack of political will to provide reparation to survivors and to establish a clear mechanism for implementing recommendations issued by international human rights bodies.
8. These two obstacles were evident during a workshop organised in March 2024 by REDRESS, AF, and the HRJC with the support of the Global Survivors' Fund (GSF), which brought together victims' groups and a range of stakeholders, including representatives from provincial authorities, the Prime Minister's Office, the Ministry of Health, and the National Human Rights Institution. During the event, public officials referred to a lack of technical expertise to implement such decisions and the absence of a clear regulatory framework, particularly regarding UNHRC Views. This inaction persists despite repeated efforts by survivors to engage with key stakeholders, including meetings with national and provincial authorities aimed at advancing the implementation of these decisions following the workshop, demonstrating that the lack of implementation is more linked to lack of political will than to technical obstacles.
9. The lack of implementation of these decisions has had serious consequences for the individual survivors. Two of them continue to suffer from severe health conditions linked to the violence endured, including permanent uterine damage and anxiety disorders, compounded by significant economic hardship. In the cases of Purna Maya and Devi Maya, these challenges are further exacerbated by conditions of extreme poverty.

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<sup>3</sup> Global Survivors Fund and others, Nepal: [Global Reparations Study](#) (June 2022), p. 51.

<sup>4</sup> Ibid, pp. 75-78.

10. In the case of Devi Maya, the consequences extend beyond the individual survivor. A child born because of the rape, now an adult, continues to face stigma, further compounding the family's exclusion. The State has failed to recognise or address these intergenerational consequences, with no form of support, protection, or acknowledgment.
11. Beyond the impact on the individual cases, this failure also has broader implications for survivors of CRSV in Nepal. The failure to provide reparation to survivors inflicts ongoing harm, including frustration, shame, re-victimisation, and deepened mistrust in institutions. It sends a clear message of the State's lack of commitment to adequately address such violations, even in cases where survivors have exhausted all available avenues, including international mechanisms, in their pursuit of redress. This omission perpetuates and contributes to the social stigma that survivors face.
12. While some amendments to the statute of limitations have been made, reporting deadlines remain short, and convictions for perpetrators of such crimes are exceedingly rare. For instance, none of the perpetrators in the four cases have been held accountable and the statute of limitations for reporting cases of torture remains limited to six months.
13. Implementing those general measures in Nepal would ensure accountability and fulfil the State's obligations towards survivors of CRSV. Beyond addressing individual cases, implementation carries broader implications for Nepal's rule of law, its transitional justice process, and its long-term commitment to non-repetition.

#### **Some comments on the transitional justice process**

14. The amended Truth and Reconciliation Commission (TRC) Act reopened the opportunity for filing of CRSV complaints, yet imposed a restrictive, one-time three-month statute of limitations.<sup>5</sup> This has already lapsed, and the commissions have not independently registered cases, effectively blocking access to justice. The limited timeframe has been condemned by both victims' groups and civil society actors,<sup>6</sup> citing violation of international law and Supreme Court jurisprudence.<sup>7</sup>
15. While the TRC has begun provincial consultations their conduct raises concerns regarding compliance with the UNHRC decisions. Fulmati was contacted and asked to appear the same day, making attendance impossible given the distance. When she was eventually able to attend, complainants were gathered in a single crowded room and asked to provide statements simultaneously, without privacy or confidentiality. Concerns raised by Fulmati about being interviewed by a male staff member were dismissed, as were concerns about insufficient travel reimbursement. Concerns stem from a secretive appointment process without transparent criteria or open hearings, which has undermined their legitimacy and credibility.
16. Additionally, the new government's 100-day action plan does not include transitional justice, and victim groups' requests for formal engagement with the Ministry have received no response. A reparation fund has been established with international support but remains inaccessible due to the absence of TRC regulations.

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<sup>5</sup> TRC Act, Third Amendment (2024), Section 13(2)(6)(a)

<sup>6</sup> Charan Prasai, 'Unfolding Crisis: Transitional Justice in Disarray' (My Republica, 27 May 2025). <https://myrepublica.nagariknetwork.com/news/unfolding-crisis-transitional-justice-indisarray-31-45.html> accessed 19 January 2026

<sup>7</sup> Statutes of limitation for rape also directly violate the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture (CAT) jurisprudence and contravene Nepal's obligations under international law to ensure access to remedies for gross human rights violations, see, Advocacy Forum Nepal, 'Submission On Transitional Justice To The 51st Session Of The Working Group On The Universal Periodic Review January - February 2026' (Advocacy Forum Nepal, 17 July 2025), para 34.

### **Importance of implementing the decisions for the transitional process in Nepal**

17. Nepali society is characterised by the marginalisation of survivors of CRSV who are then excluded from social and economic life. These structural dynamics have also informed State responses, including restrictive statutes of limitations and the historical exclusion of CRSV from reparation programmes. Only in the recent amendments to the Transitional Justice Act has CRSV been explicitly incorporated, largely because of sustained advocacy by survivors' groups and civil society organisations.
1. In this context, full and good-faith implementation of the relevant decisions remains critical. This includes, *inter alia*, the formal recognition of sexual violence as a widespread and systematic pattern of abuse, the adoption of adequate measures of satisfaction, such as public acknowledgements and official apologies, and the implementation of structural measures, including a national dialogue on sexual violence against women as stated by the UNHRC. Such steps are essential to addressing entrenched stigma, facilitating the social reintegration and empowerment of survivors, and advancing reconciliation.
18. Implementing the UNHRC decisions is essential for reinforcing Nepal's adherence to its obligations under the ICCPR and other treaties. As a State party, Nepal is required to provide effective remedies when violations occur. The persistent gap between Nepal's formal commitments and its domestic practice undermines both the credibility of its human rights framework and the integrity of the treaty body system.

### **Conclusion**

19. The lack of implementation on the four decisions reflects a broader pattern of political inaction and systemic barriers that continue to deny justice to survivors of CRSV. Nepal has not taken the necessary steps to operationalise its obligations under international law, leaving survivors without meaningful avenues for redress and undermining the credibility of both domestic and international accountability mechanisms. The consequences of this are clear: survivors continue to experience re-victimisation and exclusion, while the structural conditions that enabled CRSV during the conflict remain largely unaddressed, including impunity.
20. For those reasons, we kindly request to the Special Rapporteur to:
21. Consider in its visit to Nepal to request information on the steps taken by the State to implement the decisions awarding reparation to the CRSV victims of the armed conflict.
22. Communicate to the State on fulfilling its obligation to implement the decisions and to provide reparation more broadly to facilitate the understanding of the nature of those decisions.
23. Promote the establishment of a mechanism for the implementation of decisions and recommendations adopted by UN bodies, including the UNHRC.
24. Recommend prioritising a national dialogue on violence against women and the stigma they face.