

Gender, Conflict-Related Sexual Violence, and Transitional Justice in Nepal

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**Submitted to the Special Rapporteur on the promotion
of Truth, Justice, Reparation and guarantees of non-
recurrence**



GENDER AND TJ NETWORK
Initiatives for Gender Justice

I. INTRODUCTION

1. Nepal's internal armed conflict (February 1996-November 2006), fought between the Government of Nepal (GoN) and the Communist Party of Nepal -Maoist (CPN-M), formally ended with the Comprehensive Peace Accord (CPA) of 2006. The decade-long armed conflict resulted in over 13,000 deaths and more than 3,200 missing¹. Thousands were arbitrarily arrested, detained, subjected to torture, sexual exploitation, abuse, and rape.²
2. Both parties to the conflict committed serious violations of international human rights and humanitarian law against civilians, including extrajudicial killings, torture, enforced disappearances, arbitrary detention, and Conflict-Related Sexual Violence (CRSV).³ Many of these violations amount to crimes under international law, yet remain uninvestigated and unpunished.
3. Nearly two decades after the CPA, Nepal's transitional justice (TJ) process has failed to deliver truth, justice, reparation, or guarantees of non-recurrence.⁴ Despite legal frameworks recognising victims' rights, systemic gaps persist, including non-compliance with Supreme Court rulings, inadequate alignment with international standards, lack of institutional independence, and prolonged failures in implementation, which have eroded victims' trust.
4. In 2014, Nepal enacted the Commission of Inquiry on Enforced Disappearances, Truth and Reconciliation Act (TRC Act), which established the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) a year later. In 2015, the Supreme Court (SC) struck down provisions allowing amnesties for serious human rights violations, deeming them unconstitutional. Despite this ruling, the Government failed to amend the law for nearly a decade. Although the Act was amended in 2024, concerns remained over accountability, meaningful victim participation, and access to effective remedies, as consistently highlighted by victims' groups, civil society, and international human rights mechanisms.

¹ Office of the United Nations High Commission for Human Rights (OHCHR), *Nepal Conflict Report: An Analysis of Conflict-Related Violations of International Human Rights Law and International Humanitarian Law between February 1996 and 21 November 2006* (OHCHR 2012), https://www.ohchr.org/sites/default/files/Documents/Countries/NP/OHCHR_ExecSumm_Nepal_Conflict_report2012.pdf, accessed on 18 January 2026

² Ibid, p.4.

³ International Center for Transitional Justice and Centre for Research on Environmental Health and Population Activities, *'To Walk Freely with a Wife Heart: A Study of the Needs and Aspirations for Reparative Justice of Victims of Conflict-Related Abuses in Nepal'*, (ICTJ, September 2014), p.7. <https://www.ictj.org/sites/default/files/ICTJ-Report-Nepal-Reparations-2014.pdf>, accessed on 25 January 2026.

⁴ *'Position of Human Rights Organizations Working in the Field of Transitional Justice: A Process That Has Lost Victims' Trust, Confidence and Legitimacy Cannot Deliver Transitional Justice'*, (Advocacy Forum Nepal, Press release, 4 June 2025), <https://www.advocacyforum.org/statement/position-of-human-rights-organizations-working-in-the-field-of-transitional-justice-a-process-that-has-lost-victims-trust-confidence-andlegitimacy-cannot-deliver-transitional-justice-engli/>, accessed on 23 January 2026.

5. The TRC and CIEDP commission⁵ has remained widely discredited due to politicised appointments, lack of meaningful consultation with victims, and repeated term extensions without results. Current Commissioners were appointed through a highly partisan political arrangement, prompting stakeholders to reject the legitimacy of the bodies.⁶ Inadequate safeguards for victims' privacy, dignity, and security, particularly for survivors, have further discouraged their participation.
6. The consequences of unresolved conflict-era violations were starkly demonstrated during the 8-9 September 2025 "Gen Z" protest, when security forces killed at least 19 protesters.⁷ The excessive use of force during the protest was a reminder that unaddressed past human rights violations create conditions for present-day violence.⁸ An investigation committee established later to examine the incidents submitted its report to the interim government on 8 March 2026.⁹ However, the Government of Nepal has not officially released the report, even though it was leaked, sparking significant controversy.¹⁰ To date, no perpetrators have been held accountable, and no reparations have been provided, reinforcing Nepal's long-standing pattern of delay and denial.

⁵ The transitional justice commissions were established in February 2015 with a two-year mandate, later extended twice until 2019. A second tenure began in January 2020, but in July 2022 the government extended it again without appointing new leadership. Despite objections from civil society and victims' groups, the mandate was further extended for a third time in May 2025. See 'Government extends tenure of TRC and CIEDP transitional justice mechanisms by a year', (The Himalayan Times, 09 February 2017) <https://thehimalayantimes.com/kathmandu/govt-extends-tenure-trc-ciedp-transitional-justice-mechanisms-year>; Binod Ghimire, 'Government appoints office bearers in two transitional commissions' (*The Kathmandu Post*, 14 May 2025) <https://kathmandupost.com/national/2025/05/14/government-appoints-office-bearers-in-two-transitional-commissions> accessed 19 April 2026.

⁶ Binod Ghimire, 'Nepal's transitional justice shortlist sparks controversy', (*The Kathmandu Post*, 8 December 2024) <https://kathmandupost.com/national/2024/12/08/nepal-s-transitional-justice-shortlist-sparks-controversy> accessed on 16 January 2026. Victims' groups and CSOs proposed several qualified candidates for appointments to both TJ bodies. These nominees were entirely disregarded, and politically affiliated individuals were selected instead.

⁷ Amnesty International, '*We went there to raise our voice, not to be killed: Nepal's deadly crackdown on protesters*', (Amnesty International Report, ASA 31/0529/2025, 8 December 2025), p.6 <https://www.amnesty.org/en/documents/asa31/0529/2025/en/>, accessed on 27 January 2026.

⁸ Human Rights and Justice Centre (HRJC), '*HRJC Condemns Excessive Use of Force and Unlawful Killings of Protesters and Calls for an End to Impunity*', (Press statement, 9 September 2025), <https://hrjc.org.np/wp-content/uploads/2025/09/hrjc-condemn-excessive-use-of-force-and-unlawful-killings-of-protesters-and-calls-for-an-end-to-impunity.pdf> ; Human Rights Watch, '*Nepal: Unlawful Use of Force During 'Gen Z' Protest- Credibly Investigate Role of Security Forces, Others in Two Days of Deadly Violence*', (News release, 19 November 2025), <https://www.hrw.org/news/2025/11/19/nepal-unlawful-use-of-force-during-gen-z-protest>; International Commission of Jurists, '*Commissions of inquiry in Nepal: Denying Remedies, Entrenching Impunity* (June 2012) <https://www.icj.org/wp-content/uploads/2012/06/Nepal-Commissions-of-Inquiry-thematic-report-2012.pdf> accessed on 27 January 2026.

⁹ 'Karki-led commission submits report' (*Kathmandu Post*, 8 March 2026) <https://kathmandupost.com/national/2026/03/08/karki-led-commission-submits-report> accessed 25 April 2026.

¹⁰ 'Report on Recent Protests Leaked to Media Before Official Release' (*Ratopati*, 25 March 2026) <https://english.ratopati.com/story/55541/home-minister-aryal-says-the-government-has-not-received-the-electronic-version> accessed 27 April 2026.

II. CURRENT STATUS

7. Although the third amendment to the TRC Act in 2024¹¹ introduced some positive changes, but it still falls short of international human rights standards and binding Supreme Court verdicts, particularly regarding accountability for serious violations, victims' consent, and effective remedies.¹² The Government has failed to ensure transparent, inclusive, and merit-based appointments to the TJ commissions, further undermining their credibility and independence.
8. Since reconstitution, the TRC has received above 15,000 additional complaints, bringing the total number of registered cases to nearly 78,000.¹³ The National Association of Conflict Rape Victims submitted 794 sealed applications from CRSV survivors, conditional upon informed consent for formal registration.¹⁴ Despite the scale and sensitivity of these cases, the TRC continues to function without a structured regulation,¹⁵ and meaningful victim engagement, severely limiting its effectiveness. In May 2025, victim groups jointly submitted a letter to the UN, denouncing the appointments of commissioners as flawed, opaque, politically compromised, and inconsistent with international standards.¹⁶ In parallel, 334 conflict victims across the country filed a writ petition before the Supreme Court, challenging these appointments and seeking further amendment of the TRC Act; the case remains sub judice.¹⁷ Civil Society organizations and victims' groups have also criticized the UN/OHCHR statements as legitimizing a flawed process and have called for the suspension of such endorsement and funding until reforms are made.¹⁸

¹¹ The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act (TRC Act), 2071 (2014) Third Amendment (2024).

¹²International Commission of Jurists, *Nepal: New Transitional Justice Law a Flawed Step Forward* (20 August 2024) <https://www.icj.org/nepal-new-transitional-justice-law-a-flawed-step-forward/> accessed 27 April 2026.

¹³ 'Over 15,000 new complaints filed with TRC, many related to rape and sexual violence' (*Republica*, 7 September 2025) <https://www.myrepublica.nagariknetwork.com/amp/news/over-15000-new-complaints-filed-with-trc-many-related-to-rape-and-sexual-vi-65-35.html> accessed on 15 January 2026. Previous TJ commissions have registered 63,718 complaints, among which 314 were related to rape and sexual violence. '

¹⁴ Documentary, 'DEVI' <https://youtu.be/kjP1z3cOXCU?si=xH4L3RBa3Gxqfli5>, accessed on 15 January 2026. As per the informal discussion with the victim groups, the number of CRSV so far has been totaled to around 4000, which will be registered if a competent mechanism is established.

¹⁵ Till the date of the writing, the regulation guiding the role of the commission has not been publicly endorsed or presented, despite the commission confirming the formation of the rule.

¹⁶ Advocacy Forum Nepal and others, *Nepal: Submission on Transitional Justice to the 51st Session of the Working Group on the Universal Periodic Review* (17 July 2025) <https://www.advocacyforum.org/wp-content/uploads/2025/09/upr-submission-on-tj-july-2025.pdf> accessed 20 January 2026.

¹⁷ 'Conflict victims file petition against transitional justice appointments' (*The Kathmandu Post*, 13 August 2025) <https://kathmandupost.com/national/2025/08/13/conflict-victims-file-petition-against-transitional-justice-appointments> accessed 27 April 2026.

¹⁸ 'Rights organisations say transitional justice process has lost victims' trust and legitimacy' (*The Kathmandu Post*, 4 June 2025) <https://kathmandupost.com/national/2025/06/04/rights-organisations-say-transitional-justice-process-has-lost-victims-trust-and-legitimacy>; 'Conflict victims slam UN support for "flawed" transitional justice bodies' (*The Kathmandu Post*, 2 July 2025) <https://kathmandupost.com/national/2025/07/02/conflict-victims-slam-un-support-for-flawed-transitional-justice-bodies> accessed 27 April 2026.

9. The 2025 Gen Z protests significantly altered Nepal's political context, leading to the formation of an interim government comprising representatives from civil society, academia, the judiciary, and the media. This interim administration was widely perceived as a non-partisan civilian government with a renewed opportunity to restore the rule of law and advance accountability. However, the victims again met with disappointment when the interim government only prioritized their mandate to hold elections, ignoring the repeated pleas of the conflict victims.¹⁹
10. The formation of a new government in March 2026 raised cautious hope among conflict victims, as major parties had pledged to conclude the transitional justice process in their manifestos. The Minister for Law, Justice, and Parliamentary Affairs of the newly formed government also publicly affirmed this commitment. However, transitional justice has not been prioritized in the government's 100-day action plan²⁰, and a request from victim groups for formal engagement with the Ministry has gone unanswered, prompting them to issue an open letter to the prime minister.²¹ Although the government has accepted a grant of one million Swiss francs and established a reparation fund with international support, the absence of a comprehensive reparation policy raises concerns that the assistance will be temporary and limited.²² Meanwhile, provincial-level activity by the TRC and CIEDP has proceeded without meaningful consultation, which victims view as an attempt to weaken their collective voice.

IV. GENDER, CONFLICT-RELATED SEXUAL VIOLENCE, AND TRANSITIONAL JUSTICE

11. CRSV survivors in Nepal continue to face heightened vulnerabilities and systematic marginalization, as TJ institutions have largely failed to address their specific needs. Although the amended TRC Act formally recognises survivors of sexual violence as victims, this has not translated into meaningful engagement or protection. Gender representation within the commissions remains deeply inadequate: of 34 shortlisted candidates in 2025, only six were

¹⁹ Conflict victims repeatedly sought engagement with the interim Ministers of Law, Finance, and Home Affairs to discuss concrete pathways for advancing Nepal's TJ in the post-Gen Z protest context. Initial requests were deferred, limiting its mandate to electoral matters, but following sustained advocacy, the interim government eventually convened a meeting and assured victims of its commitment to uphold their rights and interests. Although an ordinance to reform the commissions was reportedly prepared, the Nepali Army opposed the initiative and conveyed its objections directly to the Prime Minister. As a result, the interim government subsequently withdrew the proposed reforms and retained both commissions in their existing form. In response to continued exclusion and institutional stagnation, and loss of confidence in state-led mechanisms, victims are now considering the establishment of a parallel citizens' commission to pursue truth and documentation independently.

²⁰ For details, visit <https://pratipakchya.com/>.

²¹ 'Open letter from conflict victims to the Prime Minister to prioritize transitional justice' (*Ratopati*, 23 April 2026) <https://english.ratopati.com/story/60234/open-letter-from-conflict-victims-to-the-prime-minister-to-prioritize-transitional-justice> accessed 27 April 2026.

²² Govt to accept Swiss grant for transitional justice process, (*Khabarhub*, 15 April 2026) <https://english.khabarhub.com/2026/15/544332/> accessed 27 April 2026.

women, and four were appointed to the ten-member commissions, a pattern widely criticized as tokenistic.²³

12. While the amended TRC Act reopened the filing of CRSV complaints, it imposed a restrictive, one-time three-month statute of limitations,²⁴ which has already lapsed, and the commissions have not independently registered cases, effectively blocking access to justice. This limited timeframe has been condemned by both victim groups and civil society actors alike,²⁵ citing the violation of international Law and Jurisprudence.²⁶
13. While the Act formally recognises the right to reparations, including interim relief for victims of rape, sexual violence, and torture after a preliminary investigation into such offences,²⁷ No CRSV survivors have received redress.²⁸ Many continue to lack access to basic medical and psychosocial services, as well as support for children born of rape, highlighting the persistent gap between legal recognition and meaningful implementation.
14. Families of the disappeared, particularly wives and elderly parents, further face persistent legal, economic, and social exclusion, including barriers to inheritance, citizenship, and livelihood support.²⁹ Women are disproportionately affected, both as direct survivors and as primary caregivers. Access to rehabilitation, assistive devices, healthcare, and psychosocial support remains severely limited, leaving survivors marginalized and at risk of exclusion from reparations, truth-seeking, and social reintegration.
15. In September 2022, the GoN launched its Second National Action Plan (NAP II) on Women, Peace and Security (WPS) with a mandate of three years. The plan aimed to address the legal gaps, including the identification of CRSV cases and the provision of reparations to survivors. It established a framework to recognize CRSV survivors as conflict victims entitled to justice, and emphasizes providing dedicated services and resources to help them rebuild their lives

²³ UPR Submissions (n 16).

²⁴ 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.

²⁵ UPR Submissions (n 16).

²⁶ 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.

²⁷ Section 23 (1b), TRC Act (third amendment) (n 11).

²⁸ After signing the Peace Agreement, the GoN introduced a different scheme for interim relief for conflict victims; however, victims of torture, rape, and sexual violence were largely excluded from receiving interim relief. International Center for Transitional Justice, 'From Relief to Reparations: Listening to the Voices of Victims' (ICTJ, 28 February 2012) <https://www.ictj.org/latest-news/relief-reparations-listening-voices-victims> accessed 19 January 2026.

²⁹ Aging parents who hold critical ante-mortem information are gradually dying, threatening future forensic identification and closure for the disappeared. Experts emphasize the urgent need to preserve DNA samples and establish a national DNA bank to secure evidence before it is lost, see, International Commission of Jurists, 'Nepal: Experts Work to Strengthen the Legal Framework for Forensic Investigation, Facilitate Effective Transitional Justice' (ICJ, 20 May 2024) <https://www.icj.org/nepal-experts-work-to-strengthen-the-legal-framework-for-forensic-investigation-facilitate-effective-transitional-justice/> accessed 19 January 2026.

with dignity.³⁰ However, NAP II, like its predecessor NAP I, had largely failed to achieve its objectives.³¹ Its implementation has stalled due to a lack of funding, institutional support, and policy clarity.³² Furthermore, a clear lack of correlation between the TRC Act and the NAP II resulted in CSOs, victims, and other stakeholders refraining from fully endorsing the latter for extension.

V. RECOMMENDATIONS

In light of the above-mentioned context and situation, the Gender and TJ Network urges the Special Rapporteur to draw the attention of the GoN to the following issues:

1. Reinforce victims' demands to reset the appointment process for transitional justice bodies to ensure independent, competent, impartial, transparent, and accountable commissioners, with meaningful participation and ownership of conflict victims.
2. Urge Nepal to comply with its obligations under international law by amending the TRC Act to explicitly criminalize war crimes and crimes against humanity, ensure these crimes are not subject to amnesty or limitation, and guarantee access to independent judicial remedies.
3. Call for a comprehensive, co-created reparations policy grounded in victims' rights, prioritizing CRSV survivors, families of the deceased and disappeared, and persons with conflict-related disabilities.
4. Urge the establishment of specialized, survivor-centered investigative and support mechanisms for CRSV, including the removal of statutory limitations, confidential and gender-sensitive procedures, and long-term, gender-responsive reparations addressing physical, psychological, and socio-economic harm.
5. Take measures to harmonize and link efforts of TJ bodies and the NAP–II implementation mechanisms to facilitate, enable, and promote participation of victims of CRSV and to address their rights and needs through holistic, comprehensive reparations³³
6. Call on the State to recognize and protect the rights of children born of conflict-related rape, ensuring immediate birth registration, access to citizenship, and protection from stigma, discrimination, and exclusion, in line with the best interests of the child.
7. Call for meaningful institutional reforms, including security sector reform, strengthened civilian oversight, human rights education, memorialization, and official public

³⁰ Nepal: National Action Plan on Women, Peace and Security (2023–2027) (UN Women Asia-Pacific Regional Office, November 2023) <https://asiapacific.unwomen.org/sites/default/files/2023-11/np-english-nap-2023-s.pdf> accessed 27 April 2026.

³¹ UPR Submissions (n 16).

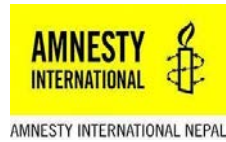
³² International Commission of Jurists, 'Nepal: Failure to Address the Rights of Conflict-Related Sexual Violence Survivors in the Transitional Justice Process', (31 July 2025) <https://www.icj.org/nepal-failure-to-address-the-rights-of-conflict-related-sexual-violence-survivors-in-transitional-justice-process/#> accessed 29 January 2026.

³³ ICJ, "The Place of Economic, Social and Cultural Rights in Nepal's Transitional Justice Process" (March 2026), available at: https://www.icj.org/wp-content/uploads/2026/03/Nepal_ESCRs-TJ.pdf accessed 27 April 2026.

acknowledgment of past violations, embedding truth and accountability into national policy and public narrative to prevent recurrence.

Endorsed by

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