

REPARATIVE JUSTICE

“To Walk Freely with a Wide Heart”

A Study of the Needs and Aspirations for
Reparative Justice of Victims of Conflict-
Related Abuses in Nepal

September 2014



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Acknowledgements

The successful completion of this study is the outcome of the collaborative efforts of the International Center for Transitional Justice (ICTJ) and the Centre for Research on Environment Health and Population Activities (CREHPA). Anand Tamang, Dr. Mahesh Puri, and Romi Giri from CREHPA and John Tynnela, a consultant who has worked with the United Nations and intergovernmental and nongovernmental organizations in Nepal since 2006, wrote the initial drafts. Lucia Withers, formerly ICTJ Head of Office in Nepal who has also worked with Amnesty International, Child Soldiers International, and with UN missions in Afghanistan and Nepal, developed the final text that we present here. We also gratefully acknowledge the support of partners who made the research presented in this report possible. These include the British Embassy in Kathmandu; the Embassy of Denmark in Kathmandu; the Royal Norwegian Embassy in Kathmandu; the Embassy of Switzerland in Kathmandu; as well as the victims groups and representatives, and nongovernmental organizations working on behalf of victims in Nepal. ICTJ also sincerely thanks the victims, district-level government officials, and representatives of NGOs who participated in the research, and representatives of the Relief and Rehabilitation Unit of the Ministry of Peace and Reconstruction, who supported the training of researchers and provided information on the current status of the government’s Interim Relief Program. It was supported by staff at ICTJ’s Nepal Office, in particular Nirupama Paudyal, Bhupendra Khanal, and Nirajan Thapaliya, as well as ICTJ’s reparative justice and gender justice experts.

Researchers

The research was designed jointly by CREHPA and John Tynnela. Field research was implemented and resulting data compiled and analyzed by CREHPA. The CREHPA study team included, besides the initial drafters mentioned above, research officer Binu Lama, research support staff Deepak Joshi, Shyam Pokhrel, Shophika Regmi, Jyotsna Tamang, and Shrijana Tamang; field supervisors Badri Dulal, Umesh Giri, Kamala Karki, T.P. Paudel, Achala Shrestha, and Punam Shrestha; field researchers Rajeev Chaudhary, Zinita Dhakal, Ajaya Mahara, Santosh Mishra, Ganga Pokhrel, and Poonam Sharma; and project support staff Dev Chandra Maharjan, Radhika Singh, and Sabina Tamang. A critical role in supporting the design and implementation of the research was performed by “conflict-victim facilitators” in each study district: Bhagiram Chaudhary (Bardiya), Bhim Bahadur Nepali (Jumla), Dharma Bahadur Chaudhary (Kanchanpur), Geeta Rasailee (Kavre), Jas Bahadur Rai (Udayapur), Ramkaran Yadav (Dhanusha), Ramujagir Chaudhary (Kapilvastu), Renu Karna (Siraha), Sabitri Khadka (Baglung), Sharmila Lama (Kavre), and Shree Kumari Roka (Rolpa).

About ICTJ

ICTJ assists societies confronting massive human rights abuses to promote accountability, pursue truth, provide reparations, and build trustworthy institutions. Committed to the vindication of victims’ rights and the promotion of gender justice, we provide expert technical advice, policy analysis, and comparative research on transitional justice approaches, including criminal prosecutions, reparations initiatives, truth seeking and memory, and institutional reform. For more information, visit www.ictj.org

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ACRONYMS

AF	Advocacy Forum
AWC	Accountability Watch Committee
CA	Constituent Assembly
CDO	Chief District Officer
CoID	Commission of Inquiry on Disappearances
CPA	Comprehensive Peace Agreement
CPN (M)	Communist Party of Nepal (Maoist)
CREHPA	Center for Research on Environment Health and Population Activities
DAO	District Administration Office
DDC	District Development Committee
ESES	Employment/self-employment services
FES	Focused ethnographic study
HUREC	Human Rights and Rural Environment Protection Centre
ICRC	International Committee of the Red Cross
ICTJ	International Center for Transitional Justice
IDI	In-depth interviews
ID	Identity cards
IHL	International humanitarian law
IHRL	International human rights law
NGO	Nongovernmental organization
INSEC	Informal Sector Service Center
IOM	International Organization for Migration
IRP	Interim Relief Program
LPC	Local Peace Committee
MAHURI Home	Madhesi Human Rights Home
MoPR	Ministry of Peace and Reconstruction
NAP	National Action Plan
NFGD	Narrative focus group discussions
NHRC	National Human Rights Commission
NPR	Nepali Rupees
OHCHR	Office of the High Commissioner for Human Rights
RRU	Relief and Rehabilitation Unit
SGBV	Sexual and gender-based violence
SSI	Semi-structured interview
TRC	Truth and Reconciliation Commission
VDC	Village Development Committee
WCO	Women and Children Office

1. Executive Summary

In 2008, the government of Nepal introduced a relief program to provide assistance to victims of the 1996–2006 internal armed conflict. Since then, tens of thousands of “conflict-affected persons” have received benefits under the Interim Relief Program (IRP) in the form of cash payments, scholarships, reimbursement of medical costs, compensation for loss of or damage to property, and skills training. A final, psychosocial support component is due to be piloted in late 2014.

The IRP was a first response. It is not, and was never intended to be, a comprehensive reparations program. Rather, it has been anticipated that responsibility for recommending reparations would rest with the long-awaited Truth and Reconciliation Commission (TRC), the establishment of which is a requirement of the 2006 Comprehensive Peace Agreement (CPA). As the IRP winds down, and there is renewed attention on the establishment of a TRC and accompanying Commission on Investigation of Disappeared Persons (CoID), important questions must be answered as to how reparations rights will be translated into policy and practice. This report is intended to contribute to these policy discussions.

The research for the report took place among more than 400 victims of human rights abuses by state and Maoist forces in the course of the 10-year armed conflict, with the aim of hearing directly from them what would constitute a satisfactory response to the harms they suffered. It looked at the short- and longer-term harms resulting from violations and at the continuing needs of victims and their expectations of reparative measures, both with regard to immediate needs and longer-term aspirations.

The findings serve as a stark reminder of the extent of suffering by victims of human rights abuses committed during the armed conflict and the multiplicity of harms—physical, mental, social, and economic—endured by them. The report also highlights how, in the absence of effective measures to address these harms, they are compounded and multiplied as each year passes. Research participants, many of whom were already economically or socially disadvantaged before the conflict, are now commonly living in situations of extreme deprivation, unable to meet their basic needs. Torture survivors, in particular, spoke of their deteriorating physical and psychological condition and their anger and frustration at having received no care. Many have expended the few resources they had on medical bills, searching for disappeared relatives, legal costs, and basic living expenses. Land has been sold, loans have been taken out, and children withdrawn from school.

When participants were asked to identify their immediate needs, it is therefore unsurprising that socioeconomic needs were emphasized. Financial support, employment, free education, free medical care, and subsistence needs (“food, shelter, and clothing”) were consistently raised across the two main categories of respondents: relatives of the deceased or forcibly dis-

appeared (those who were eligible for and who received compensation and other relief under the IRP) and survivors of torture (those who were effectively excluded from the IRP).¹

Different emphases emerged. For example, all respondents regarded free medical care as an immediate need, but for survivors of torture, rape, and other forms of sexual and gender-based violence (SGBV), it was a higher priority and involved specialized care needed to treat serious physical and mental injuries and ailments. Men and women differed slightly in the priority they gave to their financial, employment, and education requirements. But all raised a set of basic subsistence or livelihood needs that were not only urgent but a right to which they are entitled, not simply as victims of human rights abuses but as citizens of Nepal.

However, material measures are regarded as insufficient for repairing harms and delivering what respondents considered to be justice. Contrary to assertions by some that the needs of victims are primarily economic or that they will forgive and forget if provided with adequate livelihood support, the findings revealed a more integrated relationship between material and nonmaterial needs and a holistic notion of the meaning of justice. Given the opportunity, broader aspirations for reparations that address moral as well as material harms were articulated, including “punishment of perpetrators;” truth seeking; searching for the disappeared; long-term security and protection, including from human rights abuses; and measures that would strengthen good governance.

These and other nonmaterial needs were raised more frequently and given a higher priority when discussions moved to future “hopes” or “aspirations.” However, there is no simple hierarchy. Rather, measures for social and economic recovery are intertwined with measures that would acknowledge and affirm them as victims of human rights abuses (or, as many described them, “martyrs”), restore their place as equal citizens, and ensure protection against future harms. Equally, socioeconomic needs continued to feature in discussions of longer-term hopes and aspirations, pointing to the desire for permanent solutions and secure futures, not only for the participants but also for their children. As one torture survivor explained, victims will “walk freely, with a wide heart” only when they are recognized and their dignity is restored.

Within these broader patterns, the findings show that the extent and nature of the impact of harms on victims and their families is also determined by the sociodemographic profile of the victim and the context in which he or she lives. Such variations give rise to differing needs, requiring tailored responses.

Findings related to gender, for example, show how, even when subjected to the same forms of violence, the harms that ensue are different. Most women respondents in this study were poor and illiterate, or semi-literate, and many were from marginalized communities. They reported deteriorating physical and mental health while continuing to carry enormous economic burdens, often resulting from the loss of a husband or other family breadwinner. To these hardships, a third burden was added in the form of shame, social stigmatization, and isolation, which were not generally experienced by their male counterparts. This social impact marginalizes women further and acts as a barrier to their seeking or accessing assistance. In the case of survivors of rape and other forms of sexual and gender-based violence (SGBV), discrimination has been reinforced and suffering deepened by their exclusion from the IRP.

Although further research is needed, findings also point to a similar relationship between harms and needs based on caste. Dalits, who are at the bottom of the Nepali caste hierarchy,

¹ The IRP includes provision for reimbursement of medical costs for treatment of physical injury sustained during the conflict, but many torture survivors and victims of rape/sexual and gender-based violence were de facto excluded including because they have not received treatment or could not provide documentary evidence that they had done so.

are seen by respondents as more vulnerable to harms, less able to cope, and less likely to be able to access assistance. Similar conclusions are suggested in relation to some ethnic groups and those with fewer economic resources and without political connections. Although the interrelationship between gender, caste, ethnicity, and poverty levels was not specifically explored in this research, increased hardships were reported, for example, by Dalit women and women from particular ethnic groups, who endure a double burden of caste/ethnic discrimination and gender discrimination.

The IRP, while providing some immediate assistance to those who were eligible, has not begun to address the full harms suffered by conflict victims or significantly contributed to repairing them. Rather, the government has effectively subordinated any meaningful consideration of victims’ right to reparations to protracted negotiations over legislation on the establishment of a TRC, the latest version of which has once again been criticized by the UN and widely rejected by victims and civil society. In the meantime, many needs are so acute that to further postpone addressing them will only increase victims’ physical suffering and lead to greater despair and resentment and, with passing years, the death of the more elderly and infirm.

In view of the continued uncertainty regarding the establishment and functioning of the TRC, and the time it will take once established before it is in a position to make recommendations, reparative measures must be pursued autonomously. This should include urgent steps to provide for the basic needs of victims. Additionally, the government should initiate preparatory steps for a more comprehensive reparations program. In particular, wider consultations are needed to fully understand the reparative needs and expectations of victims; the ways in which they are informed by gender, caste, ethnicity, socioeconomic status, and other differences; and how programs should be designed and administered to take into account such variables. The outcome of such consultations could be used to inform and even fast-track TRC recommendations or, in the event that the TRC is further delayed, to support and guide government-initiated programs.

Key elements of any reparations measures, short- or longer-term, must recognize the moral nature of conflict-related harms and be framed as a right, rather than as humanitarian assistance. With this in mind, and based on the findings, detailed recommendations in this report include the following immediate measures:

- **Establish an urgent reparations program to alleviate the most acute socioeconomic needs of victims, including:** 1) compensation and other financial support to provide for basic economic needs and rehabilitation of the most vulnerable victims; 2) medical assistance, including surgery, for those with conditions that are life threatening or that physically prevent them from working or which are the result of sexual violence; and 3) scholarships and financial support (for transportation, uniforms, school books etc.) for all school-age children of victims.
- **Issue government directives to secure the legal interests of spouses or families of the disappeared to land or other property.**
- **Review the planned psychosocial support program under the IRP to ensure inclusion of survivors of torture, rape, and SGBV.**

In support of the design and implementation of more comprehensive measures, the following recommendations are made:

- **Undertake consultations with victims to ensure that longer-term reparations measures respond to the specificity of conflict harms and the related needs and aspirations of survivors.** Variables to take into account during the consultation should include: the type of abuse(s) suffered; the long-term consequences of harms for survivors and

families; the gender-impact of harms; and individual capacities for coping influenced by gender, caste, ethnicity, economic status, and political affiliation.

- **Establish a sequencing of benefits and objective, transparent criteria for prioritizing beneficiaries within each sequence and type of benefit**, which should include: 1) livelihood support to alleviate financial hardships; 2) employment support based on an evaluation of the effectiveness of existing vocational training programs for victims in providing sustainable employment; 3) education for all surviving children of victims of human rights abuses and others whose schooling was interrupted as a result of violence, regardless of their current age; 4) health care directed at victims suffering from physical or mental ailments resulting from human rights abuses and other conflict-related violence.
- **Link material measures to nonmaterial measures that acknowledge the status of the beneficiaries as citizens who were harmed as a result of human rights violations committed against them**, including: 1) public recognition or acknowledgment of victims; 2) truth seeking, including clarification of the fate of the disappeared; and 3) resources committed to implementing coherent and efficient prosecution strategies for serious crimes under international law. In the absence of such a policy, those who wish to pursue criminal cases should be provided with legal assistance to do so.
- **Initiate dialogues with victims, development partners, and other relevant stakeholders on how reparations policies could contribute to addressing the root causes of the conflict and human rights violations** and ways in which broader development projects can be designed to support reparations.

1. Introduction

The right to an effective remedy, including reparations, for gross violations of human rights, war crimes, or crimes against humanity, is established under international standards. The UN Basic Principles and Guidelines on the Right to Remedy and Reparations for Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles, 2005) “identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law which are complementary though different as to their norms.”² The Basic Principles define reparations as having five components: 1) restitution, 2) compensation, 3) rehabilitation, 4) satisfaction, and 5) guarantees of nonrepetition.³

The precise form of a reparations program, or programs, will be unique to each context. However, as the most victim-oriented component of transitional justice, reparations must be informed by an understanding of the actual harms suffered by victims and the particular needs arising from these harms. Although the sort of violations that reparations are meant to redress may often be irreparable (for example, the loss of a parent or child), measures should also respond to what victims identify as needs and what victims say constitutes justice.

The IRP was not built around such considerations; rather, it took the form of humanitarian relief, with broadly uniform, mainly financial benefits distributed to some, although not all, categories of victims of the armed conflict. In particular, victims of torture, rape, and other forms of SGBV were effectively excluded. For those who qualified, IRP benefits were relatively equitable once early disparities were addressed. However, the benefits did not respond to specific harms resulting from abuses, nor were they tailored to address the different ways in which harms might be experienced by victims due to their identity or economic status, and the different needs arising from these variations.

This report looks beyond the IRP to the continuing needs and expectations of victims. Two broad categories of victims participated in the research: 1) conflict victims who were eligible for benefits under the IRP as family members of victims of enforced disappearance or killing, and 2) conflict victims who were not specifically addressed by the IRP, notably victims of torture. The research explored the impact of human rights abuses on these two groups and the needs resulting from the harms. In addition to identifying immediate needs, respondents were also provided with the opportunity to consider their longer-term aspirations or hopes for a comprehensive reparations program.⁴

² Preamble, Basic Principles, General Assembly Resolution 60/147, December 16, 2005, paragraph 7 to the annex.

³ The definition given to reparations in the guidelines overlaps with the general approaches to transitional justice generally, which address the rights and duties related to criminal justice, truth, reparations and nonrecurrence. This paper focuses largely on the reparative aspect of transitional justice.

⁴ There is no Nepali word for “aspiration”, but the concept was conveyed in the research in terms of “other things that are needed to address conflict harms,” or “hopes” (*aasha*) of how conflict harms could be addressed.

In an effort to avoid oversimplified rankings, in which immediate economic needs often dominate, research methodologies were designed to draw out differences and relationships between immediate or urgent needs and longer-term aspirations or demands, and between material and nonmaterial needs. The research also explored variations in harms and needs or aspirations by gender and, to a lesser extent, by caste, ethnicity, socioeconomic status, and political affiliation. However, further research is needed to fully identify relationships among these variables.

The research, jointly designed by the International Center for Transitional Justice (ICTJ) and the Center for Research on Environment Health and Population Activities (CREHPA) was qualitative. The findings, therefore, are not statistically representative of all conflict victims. However, they provide an important indication of the range of views and types of issues that should inform future reparations policies. It also builds on an extensive past body of work on the IRP and reparations in Nepal by ICTJ and other organizations, which are cited where relevant.⁵

5 See for example: ICTJ, “Beyond Relief: Addressing the Rights and Needs of Nepal’s Wives of the Disappeared” (2012); ICTJ, “From Relief to Reparations: Listening to the Voices of Victims” (2011); Advocacy Forum and ICTJ, “Across the Lines: The Impact of Nepal’s Conflict on Women” (2010); ICTJ, “Nepali Voices: Perceptions of Truth, Justice, Reconciliation, Reparations, and the Transition in Nepal” (2008), <http://ictj.org/publication/nepali-voices-perceptions-truth-justice-reconciliation-reparations-and-transition-nepal>

2. Background

Human Rights Abuses During the Armed Conflict and Government Responses

Nepal’s 10-year internal armed conflict between the forces of the state and the then Communist Party of Nepal (Maoist) (CPN(M)) (February 1996 to November 2006) directly or indirectly affected tens of thousands of people. Unlawful killings, enforced disappearances, arbitrary detention, torture, rape and other forms of sexual violence, and cruel, inhuman, and degrading treatment were widespread and committed by all parties to the conflict.⁶ According to the Office of the High Commissioner for Human Rights (OHCHR), up to 9,000 cases of serious violations of international human rights or humanitarian law may have been committed, although there is a widely acknowledged problem of underreporting, particularly in relation to cases of sexual violence.⁷ Many also suffered disruption to education, health, and basic government services; exacerbation of existing economic hardships; and insecurity and fear.

Dalits (the lowest group in Nepal’s caste hierarchy) and members of indigenous nationalities or ethnic groups (Janjatis) were victims of human rights abuses in disproportionate numbers.⁸ Their victimization was rooted in long-standing caste and ethnic discrimination. In the context of the armed conflict, Dalits and Janjatis were particularly liable to human rights abuses because, on the one hand, they were suspected by the state of being sympathetic to the insurgency and, on the other, they were vulnerable to coercion to join or support the CPN (M) and its armed forces.⁹ Despite efforts to address discrimination, such groups continue to represent the majority of the “ultra poor” in Nepal and remain vulnerable to exclusion and exploitation.¹⁰

6 On the side of the state, the main parties to the conflict were the Nepal Police (NP), and after 2001, the Royal Nepal Army (RNA, now known as the Nepal Army), and the paramilitary Armed Police Force (APF). The main armed force of the CPN-M was the People’s Liberation Army, although armed militias also existed.

7 OHCHR, “Nepal Conflict Report” (2012), www.ohchr.org/EN/Countries/AsiaRegion/Pages/NepalConflictReport.aspx

8 The traditional caste hierarchy places Brahmins (priests and teachers) at the top, followed by Chhetris (rulers and soldiers), and Vaisyas (merchants and traders). The lowest position is held by Dalits (laborers, cobblers, and manual scavengers). According to the 2001 census, Dalits comprise over 13 percent of Nepal’s population, although it is claimed that the proportion is much higher. Forty-three ethnic groups with a population of 8.27 million, or 37 percent of Nepal’s population, were enumerated in the 2001 census. However, according to an original schedule listing there were 61 Janajati groups, which was later reduced to 59 in the law. There are many disparities among the different Janajati groups. According to the Nepal Federation of Indigenous Nationalities (NEFIN), nine groups are “endangered,” 12 “highly marginalised,” 19 marginalised,” 14 “disadvantaged,” and two “advanced.” See www.nefin.org.np/list/Categorization-of-Indigenous-People-based-on-development-/5/95/6

9 See, “Report of the UN High Commissioner for Human Rights on the Human Rights Situation and the Activities of Her Office, Including Technical Cooperation, in Nepal. Note by the Secretary-General,” UN General Assembly, 60th session, Agenda Item 73, UN Doc. A/60/359; and Center for Human Rights and Global Justice, NYU School of Law, “The Missing Piece of the Puzzle: Caste Discrimination and Conflict in Nepal” (2005), www.chrgj.org/docs/Missing%20Piece%20of%20the%20Puzzle.pdf

10 Almost half of Dalits are reported to live below the poverty line, and poverty incidence among Hill Janjatis is also significantly higher than the national average. For further information see: Department for International Development (DFID) and World Bank, “Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal.” (2006), <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part1.pdf>

The CPA (2006) brought an end to the conflict and provided a road map for the peace process. It included commitments to address conflict-related crimes, including to uncover the truth about human rights abuses through the establishment of a "High-level Truth and Reconciliation Commission," to provide relief to conflict victims, and "not to encourage impunity."¹¹ These commitments are reiterated in the 2007 Interim Constitution, which includes the provision of relief to families of victims on the basis of the report of an investigation commission mandated to investigate cases of conflict-related enforced disappearances.¹² The commitments have been reinforced by Supreme Court judgments endorsing the right of victims to remedy, including the right to truth, and relief measures to be taken without prejudice to the rights of victims to seek judicial remedy.¹³ Further, Nepal, as a state party to international human rights treaties, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is obliged to provide effective remedy, including judicial remedy, to victims of human rights violations.

Despite such commitments and obligations, there has been little progress and much resistance to establishing genuine justice processes. The establishment of the TRC and CoID, or a combination of the two, has dominated policy discussions for more than seven years. However, efforts to agree on legislation that satisfies the main political parties and the security establishment, on the one hand, and victims and civil society, on the other, has been characterized by controversy and several failed attempts.¹⁴

Most recently, on May 11, 2014, an Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation (CoID-TRC Act) providing for the establishment of parallel truth and disappearance commissions was signed into law by the president. Although endorsed by the main political parties, the act has been criticized by the UN's High Commissioner for Human Rights and UN experts, and representatives of Nepal's human rights and victim communities have called for it to be revised.¹⁵ A legal challenge to the act was also lodged in the Supreme Court by 234 victim representatives, the outcome of which was pend-

11 CPA, Article 5.2.3 requires both sides to make public within 60 days of signing the agreement the identity of those disappeared or killed during the war. Article 5.2.4 provides for the establishment of a National Peace and Rehabilitation Commission and to "run relief and rehabilitation activities for the victims of conflict and those displaced." Under Article 5.2.5, both sides agreed to set up a high-level Truth Commission "to investigate the truth about people seriously violating human rights and involved in crimes against humanity, and to create an environment of reconciliation in society." Article 7.1.3, guarantees "the right to relief of the families of victims of conflict, torture and disappearance." Article 7.5.3 states commitment by the signatories "to provide medical treatment to those injured in the course of the conflict and to work for their rehabilitation."

12 Obligations under the Interim Constitution include "arrangements for appropriate relief, recognition and rehabilitation of family members of deceased persons, the disabled and helpless persons due to injury during the course of the armed conflict" (Article 33(p)); the provision of "relief to families of the victims, on the basis of the report of the Investigation Commission constituted to investigate the cases of disappearance made during the course of the conflict" (Article 33(q)); "a special program to rehabilitate displaced..." (Article 33(r)); and the establishment of "a high-level Truth and Reconciliation Commission..." (Article 33(s)).

13 See for example: *Rabindra Prasad Dhakal on behalf of Rajendra Prasad Dhakal (Advocate) v Government of Nepal* (June 1, 2007), Nepal Supreme Court, and *JuRI-Nepal and Ram Kumar Bhandari et al v Government of Nepal* (January 2, 2014).

14 Draft bills for the establishment of a TRC and CoID, which had been the subject of consultations and parliamentary review for several years, were withdrawn from the Constituent Assembly in advance of its dissolution in May 2012. A replacement Ordinance on Investigation of Disappeared Persons, Truth and Reconciliation Commission, combining the functions of the TRC and the CoID, was promulgated in March 2013 but was immediately subject to legal challenges. A Supreme Court verdict of January 2, 2014, ruled that provisions relating to amnesties, criminal prosecutions, and a 35-day limitation period for filing criminal cases were noncompliant with the Interim Constitution, international standards, and accepted principles of justice, and that the legislation should be revised accordingly.

15 See OHCHR press statement, "Nepal: Pillay Warns against New Attempt to Grant Amnesties for Serious Human Rights Violations," May 14, 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14510&LangID=E; OHCHR news release, "Nepal: Truth-Seeking Legislation Risks further Entrenching Impunity, Alert UN Rights Experts," July 4, 2014, www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?NTID=PRS;

Accountability Watch Committee (AWC), Press statements, May 13 and July 13, 2014, available at <http://twitdoc.com/view.asp?id=138379&sid=2YRV&ext=PDF&lcl=AWC-press-statement-on-TRC-Act.pdf&usr=TJNepal&doc=225571118&key=key-USvPqtg2z4QnboiaLo7J> and <http://twitdoc.com/view.asp?id=145489&sid=349D&ext=PDF&lcl=AWC-Statement-13-Jul-2014-ENG-.pdf&usr=TJNepal&doc=233952959&key=key-10xhIFKDGj05el8Y5jCE>; "Concerns of the Conflict Victims' Community on the Bill Relating to the Commission on Disappearance of Persons and Truth and Reconciliation Commission," April 27, 2014, reported in *Himalayan Times*, www.thehimalayantimes.com/fullNews.php?headline=Conflict+victim+concerned+over+endorsed+Bill&NewsID=413026; and "Serious Concern of the Conflict Victims' Community on the Act under Consideration Relating to the Commission on the Investigation of Disappeared Persons, Truth and Reconciliation," May 10, 2014.

ing at the time of drafting. ICTJ has also made public its concerns about the act, including its unrealistic focus on investigating individual cases and initiating acts of reconciliation between victims and perpetrators, the potential for recommending amnesties for serious crimes under international law, and the marginal place given to victims in its proceedings.¹⁶

Successive versions of legislation for the establishment of a TRC have included provisions on reparations. The newly adopted act similarly empowers commissioners to recommend compensation, restitution, rehabilitation, and other reparative measures, including free education and health care; skills training and employment; support for housing; and financial assistance in the form of loans.¹⁷ However, the slow progress in establishing official truth-seeking mechanisms has delayed reparations. As this report shows, such delays have pushed many victims further into destitution and despair.

The protracted debate over the TRC and CoID has also stalled progress in other areas, including in relation to criminal accountability. Successive governments have argued that conflict-related cases will be addressed by the TRC, which, when established, will be empowered to recommend “action” in the form of amnesties or recommendations for criminal investigation. According to the CoID-TRC Act, a Special Court will be set up to try cases recommended by the TRC or CoID. On the basis that the future TRC will adjudicate which cases should be subject to investigation and potential prosecution, successive governments have ordered the withdrawal of investigations into over 1,200 criminal cases, many relating to the conflict period.¹⁸ The cumulative effect of the delays in establishing the TRC and the withdrawal of criminal cases has been to erode confidence in the government’s willingness to address conflict-related crimes, undermine the independence of the judiciary, and further entrench impunity in Nepal.

Likewise, institutional reform, including of the state security forces responsible for committing many of the human rights violations that took place during the conflict, has not advanced. Commitments in the CPA and the Interim Constitution for the democratization of the Nepal Army have been ignored.¹⁹ A 2012 Supreme Court order requiring the government to introduce a legal framework to screen the recruitment, promotion, and transfer of officials, including those from the security services, has yet to be implemented.²⁰ In the meantime, police and military personnel suspected of committing human rights violations have continued to serve in both forces.

Interim Relief Program

The IRP represents the Nepalese government’s most tangible response to conflict-related human rights abuses to date. Although it does not fulfill victims’ right to reparations, it does represent a first step toward complying with commitments under the CPA and the Interim Constitution to provide relief and rehabilitation to conflict victims.

The stated policy goal of the IRP was to provide “economic assistance and relief” for anyone harmed by the conflict up to the signing of the CPA in November 2006.²¹ “Victims” were defined to include individuals and family members affected by killing, abduction, enforced

16 See Op-ed by director of ICTJ Truth and Memory Program, Eduardo González Cueva, “Truth Be Told: Truth Commissions, Even with All Limitations, Should Give Victims a Platform to Tell the Nation How They Suffered,” May 21, 2014, www.ekantipur.com/2014/05/21/opinion/truth-be-told/389837.html

17 Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, Section 23, Recommendation for Reparation.

18 See TRIAL et al., “Written Information for the Adoption of the List of Issues by the Human Rights Committee with Regard to Nepal’s Second Periodic Report (CCPR/C/NPL/2)” (April 2013), www.trial-ch.org/fileadmin/user_upload/documents/CAJ/Nepal/NEPAL_REPORT_to_HRC_TRIAL.pdf

19 Comprehensive Peace Agreement, Article 4.7, and 2007 Interim Constitution, Part 20, Provisions Relating to the Army, Article 144 (3-4).

20 *Sunil Ranjan Singh and Dipendra Jha v Office of the Prime Minister and Council of Ministers et al*, Writ No. 067-WO-1198 (August 12, 2012). The Court was responding to a petition lodged by two advocates demanding that the promotion to inspector general of the Nepal Police of Kuber Singh Rana was cancelled on the grounds that he is suspected of involvement in the enforced disappearance, and subsequent killing, of five students in Dhanusha district during the armed conflict.

21 IRP Policy Document, dated April 25, 2008.

disappearance, displacement, or destruction of property.²² The definition notably excluded victims of torture, rape, and other forms of sexual violence.

As of February 2014, a total of 128,424 applications for relief under the IRP were deemed eligible, and a total of 3.65 billion Nepali rupees (NPR) (approximately USD \$36.5 million) in financial benefits have been distributed.²³ These include lump-sum benefits for direct relatives of those killed (14,201 recipients); direct financial assistance for widows (4,552 recipients of 9,000 deemed eligible) and wives of the disappeared (648 recipients of 1,000 deemed eligible); scholarships for up to three children (benefitting over 8,000 children); lump-sum benefits for those “mutilated” (8,191 recipients, representing all of those deemed eligible); and financial support to orphans (620 recipients, covering all eligible applicants). By far the largest number of IRP recipients (34,124) is represented by those who were displaced or who lost property or had their property damaged during the conflict.²⁴

Since July 2011, eligible conflict victims have also benefitted under the Employment and Self Employment (ESES) component of the IRP, involving skills training and job placement.²⁵ The program, which has been rolled out in 54 districts, is said to have provided training in a range of skills to 14,770 persons.²⁶ No information is available on the numbers who have successfully found employment or set up their own businesses as a result of the training.

Guidelines for a psychosocial support program, the final component of the IRP, were adopted by the government in August 2013, with implementation due to commence in late 2014.²⁷ This program is designed to provide various levels of psychosocial counseling and support to “conflict-affected persons,” ranging from more general, community-based services, such as peer support groups and family resilience training, to specialized services for individuals suffering from more serious psychological problems, who are in need of specialized medical services and longer-term support.

While recognized for its relatively rapid rollout and usefulness as a short-term response, the IRP has been criticized on normative, substantive, and procedural grounds. Most fundamentally, the IRP neither treats beneficiaries as victims of human rights violations nor acknowledges the state’s responsibility for those violations (by commission or omission);²⁸ yet, reparations are founded on the recognition that rights have been violated and that the state is obligated to repair the consequences.

The design of the program has also been criticized, most notably in relation to inequity and exclusion amounting to discrimination against certain categories of victims, in particular

22 IRP Policy Document, “Measures for Financial Support and Relief for Conflict Victims Pursuant to Cabinet Decision,” April 25, 2008.

23 RRU response to ICTJ request for information, February 7, 2014.

24 According to data from the Task Force for the Collection of Data of the Conflict-affected Individual, Families, and Structures, a unit within the MoPR established to support data collection for the IRP, 79,571 victims of displacement and 17,484 people who had property lost or damaged have received relief. “Task Force Report” (in Nepali only), <http://116.90.236.110/cms/victims/reports/reportExternal.php>

25 Guidelines to Provide Employment/Self Employment Services to Persons Victimized during the Course of Armed Conflict 2068 BS (2011).

26 Skills training has been provided in areas such as agriculture, mechanics, carpentry, crafts, tourism, hair dressing/beauty, tailoring, and catering.

27 Guidelines for Operation of Psychosocial Counselling Services 2070 (2013).

28 A detailed treatment of the relative responsibilities of the state and rebel forces for violations cannot be given here, and a brief summary will have to suffice. The state’s obligation for violations by nonstate actors is limited to a question of due diligence and taking all reasonable steps to guarantee protected rights. (See for example Christine Chinkin, “A Critique of the Public/Private Dimension,” 10(2) EUR. J. INT’L L. 387 (1999); Luigi Condorelli, *The Imputability to States of Acts of International Terrorism*, 19 ISR. Y.B. H.R. 233, 241–42 (1989); and the ECHR Grand Chamber judgment of *Moldovan v Romania*, (no 2) July 12, 2005, paragraphs 93–98). On the other hand, rebel forces that come to power may be held liable as state actors for violations incurred as rebels (Article 10(2) of ILC Draft Articles on State Responsibility; Atlam, “National Liberation Movements and International Responsibility,” in M. Spinedi and B. Simma (eds.), *United Nations Codification of State Responsibility* (1987) at 35–56), but this position is subject to possible caveats (See *Short v Iran*, 1987 Iran-US CTR 67). ICTJ takes the view that in the particular circumstances of Nepal, where both sides committed serious violations and both sides have held power since the end of the conflict, that it is best to consider all serious violations of either side in the conflict as subject to state liability, at the very least as a policy issue, and arguably as a legal issue.

women. Early inequalities between benefits available to families of victims of killing and victims of enforced disappearance were addressed, ensuring equal lump-sum relief payments for widows and wives of the disappeared. However, this did not occur before many families of the disappeared, particularly the most destitute and in need of support, had declared their relatives deceased in order to access the higher cash benefits initially awarded to families of those killed.

The exclusion of many survivors of torture, rape, and other forms of SGBV has not been corrected, however. In theory, IRP provisions relating to disabilities, which provide for the reimbursement of medical costs where physical injury can be demonstrated, could include torture survivors.²⁹ However, in reality, the poorly designed policy de facto excludes most, if not all, torture survivors because it is unavailable to those who have not received medical treatment, who have accessed treatment outside of Nepal (costs are reimbursed only when treatment was received in Nepal), or who lack receipts or other documentary evidence to support their claims. Women survivors of rape and other forms of SGBV are particularly disadvantaged because shame and fear of stigmatization often prevents them from seeking assistance, and the connection between their injuries and conflict-related crimes is unlikely to be made unless medical staff are trained and sensitized to the impact of SGBV.

More generally, the benefits provided under the IRP are not designed to address the long-term impacts of torture or provide for the specialist care that survivors often require. Moreover, the IRP’s narrow focus on physical injury does not take into account the psychological impacts of torture and sexual violence. The government has reproduced and reinforced these exclusions in the design of the planned psychosocial support program, which is available only to those previously eligible for benefits under the IRP.³⁰

Finally, IRP procedures have been widely criticized for their complexity, lack of transparency, and inaccessibility to those living in poor and remote communities or those who face additional barriers due to their gender, caste, ethnicity, or economic status. In particular, the detailed and multilayered requirements set out in cabinet guidelines for applying for and accessing benefits were ill designed for facilitating access by conflict victims.³¹

29 IRP Policy Document, “Measures for Financial Support and Relief for Conflict Victims Pursuant to Cabinet Decision,” Section 2 “Medical Treatment of Injured Persons,” April 25, 2008.

30 According to the International Organization for Migration (IOM), which is responsible for developing the field manual for the implementation of the psychosocial program, victims of torture, rape, and SGBV will be able to access basic, community-based services under the program but will not be eligible for referral to specialized services for those suffering more serious psychological or physical problems requiring specialized, long-term care. There are legal mechanisms for obtaining torture compensation, but these have been inaccessible and ineffectual due to either threats against claimants in relation to court proceedings or the routine failure to execute court-ordered compensation.

31 For detailed concerns related to process and other aspects of the IRP, see ICTJ, “From Relief to Reparations: Listening to the Voices of Victims” (2011), <https://ictj.org/publication/relief-reparations-listening-voices-victims>, and Advocacy Forum, “Discrimination and Irregularities: The Painful Tale of Interim Relief in Nepal” (2010), http://advocacyforum.org/downloads/pdf/publications/Discriminations_and_Irregularities_A_painful_tale_of_Interim_Relief_in_Nepal.pdf

3. Methodology

Profile of Study Population

Two main categories of participants took part in the research: 1) conflict victims who are eligible for and have benefited from the IRP, and 2) conflict victims who have not benefitted due to policy exclusions. Within the broad category of “IRP beneficiaries,” participants were close relatives of victims of either conflict-related killing or enforced disappearance. Within the category of “non-IRP beneficiaries,” participants were male or female torture survivors. Female participants were specifically selected on the basis of having suffered rape or other forms of SGBV, although most had in fact suffered additional forms of torture, ill-treatment, and/or other human rights abuses. The criteria was chosen, in part, because of methodological challenges (see below), but were also intended to enhance the visibility of this neglected category of victims and to better understand the range of harms experienced by them, their resulting needs, and their own expectations for justice.

Of the 410 conflict-victim who participated 274 were IRP beneficiaries (124 males and 150 females), 114 were male torture survivors, and 22 female torture survivors. A balance was sought between victims of serious crimes by state and Maoist forces, by ethnicity, and by caste. In addition, 55 district-based government and nongovernmental stakeholders involved in administering the IRP or providing other support to victims were interviewed. These included local government officials and representatives of Local Peace Committees (LPC)³² and selected nongovernmental organizations (NGOs).³³

Participants came from one of 10 districts: Siraha and Udayapur (Eastern Region); Dhanusha and Kavre (Central Region); Baglung and Kapilvastu (Western Region); Bardiya, Jumla, and Rolpa (Mid-Western Region); and Kanchanpur (Far-Western Region). Districts were selected to achieve coverage to the extent possible of Nepal’s sociocultural diversity, the main political-administrative (east to west) zones, ecological zones (mountains, hills, and terai), and the areas most affected by the conflict. The selection was also informed by the presence of conflict-victim leaders, human rights organizations, and other civil society leaders who were able to assist in identifying participants and referring any for support services if required. (See Appendix I for further details of participant profiles.)

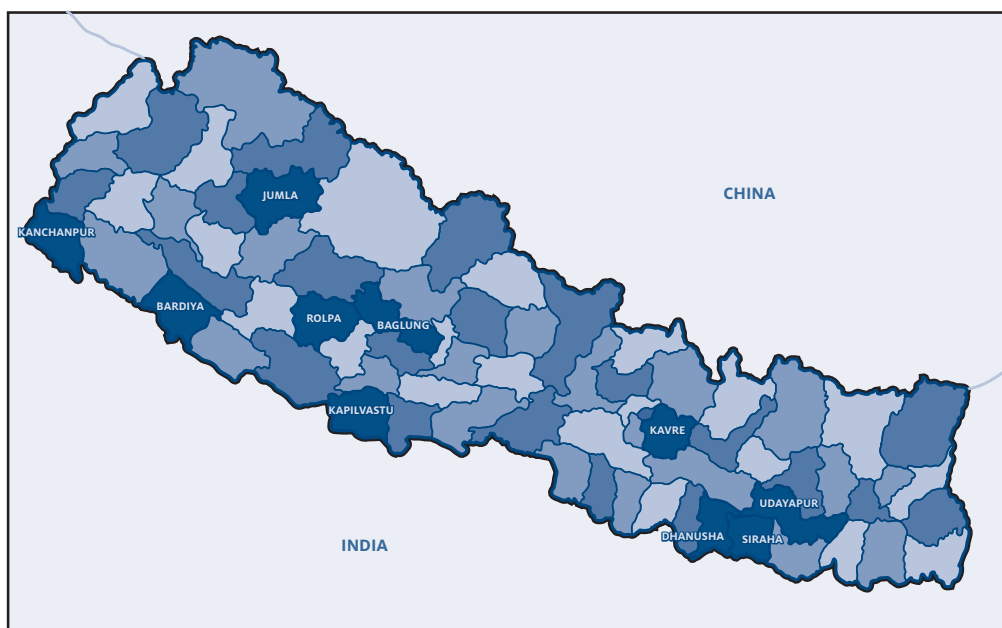
In each district, one “conflict-victim facilitator” worked with ICTJ and CREHPA to identify respondents and facilitate and support their participation. In Kavre, two facilitators were

³² LPCs were created as a temporary mechanism to promote and facilitate the peace process at the local level after the signing of the peace agreement in 2006. They are nonelected district-level bodies that draw their members from political parties, civil society, and representatives of victims. They have played a central role in the IRP, being responsible for verifying the eligibility of applicants and forwarding recommendations for support to the District Administration Office.

³³ Respondents are quoted extensively in the report. These citations represent their views alone.

contracted. Most of the facilitators were themselves conflict victims, although they did not participate as respondents in the research. All facilitators are actively engaged in, and in some cases lead, district-level victim organizations and have strong contacts with and extensive experience of working among local communities of victims. The facilitators, together with national-level victim leaders, were additionally consulted in the design of research, the analysis and interpretation of findings, and formulation of recommendations.

Map of the 10 Districts in Nepal Selected for Research



Research Tools

Four qualitative research tools, summarized below, were developed jointly by ICTJ and CREHPA to elicit discussion on the research questions. Further details on research design and implementation can be found in Appendix II, and research questions are available online at www.ictj.org/Nepal-Reparations-Report-Annex.pdf.

- **In-depth interviews (IDI)** conducted with female torture survivors.
- **Semi-structured interviews (SSI)** conducted with district-based government and NGOs representatives.
- **Focused ethnographic study (FES)**, a type of rapid assessment procedure to systematically assess preferences and priorities, used with male and female IRP beneficiaries and male torture survivors.
- **Narrative focus group discussions (NFGD)**, a methodology that uses a fictional story and related questions to elicit discussion. NFGDs were used with male and female IRP beneficiaries and male torture survivors, with a different story constructed for each category of respondents that was relevant to their specific experience. The stories revolved around three characters, summarized below. (For full narratives, see Appendix II.)

1) *Maili* [NFGD narrative for female IRP beneficiaries]. Maili is a 30-year-old woman from a poor, rural village whose husband disappeared in 2004. Despite Maili’s efforts to find her husband, there is no information about his fate. Maili is in ill health, but she and

her children are working in a brick factory. Her in-laws, with whom she lives, blame Maili for the disappearance of their son. She is ostracized by her neighbors and subjected to harassment by male coworkers.

2) **Saila** [NFGD narrative for male IRP beneficiaries]. Saila is a 50-year-old man from a poor, rural village whose son, an unmarried primary school teacher, disappeared in 2004. Ten years on, his fate remains unknown, although Saila continues to search for him. Saila's wife blames herself for their son's disappearance and has become ill and depressed. Both Maili and Saila learned that conflict victims would be entitled to relief. Although unhappy that the families of the disappeared would receive less than the relatives of those killed, they both nevertheless applied. Both were persuaded by local government officials and neighbors to declare their relative dead so that they could receive a higher amount of compensation. The government held consultations about what to do after the IRP, but neither Maili nor Saila were aware of the consultations and did not take part.

3) **Kaila** [NFGD narrative for male torture survivors]. Kaila, a primary school teacher, lives in a poor, rural village with his wife and three children. In 2003, he was taken away by armed men and detained for approximately 10 days at an unknown location. He was beaten, humiliated, and threatened with execution before being left on the side of the road. He has received some medical treatment but cannot afford further care. Kaila's wife is increasingly desperate and fears that the bank will repossess their land. She was advised that they could apply for medical expenses under the IRP, but Kaila has destroyed the receipts and other documentary evidence linking his injuries to the conflict. The government holds consultations about what to do after the IRP, but Kaila is unaware of them and does not take part.

Challenges and Limitations of the Research

The research for this report took place in just 10 of the 73 districts affected by Nepal's 10-year armed conflict and among only a small sample of the many thousands of victims of human rights abuses. Purposive selection criteria ensured that the districts were broadly representative and that respondents represented victims of some of the most serious crimes under international law. However, more extensive, countrywide consultations are needed to gather additional more detailed and representative information.

Specific issues that impacted this research include:

- **Researching gender dimensions of harms and needs.** The criteria for selecting female torture survivors (as survivors of rape/SGBV) risked reinforcing the tendency of human rights documentation to narrowly focus on women as victims of sexual violence. In reality, however, many of the women interviewed had experienced violations other than rape/SGBV. Issues of access prevented the use of broader criteria to select participants. There were, nevertheless, challenges in gaining access to female torture survivors based on the narrow definition used in this research, with only 22 of 40 targeted interviews achieved. Additionally, although the separation of discussion groups by gender was effective in ensuring that distinctions in views and experiences between men and women were captured, the research tools did not always support detailed analysis of the reasons for differing responses by women and men.
- **Researching the impact of caste and ethnicity.** Research tools were designed to support exploration of the ways in which caste, ethnicity, economic status, and political affiliation impact how harms are suffered and the needs and aspirations arising from these harms. However, the methodology (for reasons of time and resources) did not allow for separate meetings with representatives of different castes, ethnicities, and economic status. In the assessment of the researchers, representatives from lower castes and some ethnic groups, and those of lower economic status were less outspoken, with the result that the research did not fully capture their views and experiences.

- ***Literacy levels.*** From the outset, it was understood that the FES’s effectiveness would depend on the literacy level of participants. In practice, the research team dedicated significantly more time than anticipated to supporting participants in writing down their answers, which limited the time available for discussion. However, findings from these FES discussions can be triangulated against the separate NFGD exercises, which covered the same issues. Comparisons between the two can still be effectively drawn.

4. Conflict Harms

The consequences for family members of killings and enforced disappearances and for male torture survivors were explored through FES exercises (listing and ranking) and NFGD discussions. In the FES sessions, respondents were asked to list harms. The results of the listing exercise were then analyzed to identify the frequency with which a particular harm was referenced and the saliency or priority of the harms, assigning a higher relevance and importance if a harm tended to appear, on average, closer to the top of individual lists. A second exercise was conducted to rank the listed harms in terms of severity. More detailed discussions of the issues took place in the NFGDs with separate groups, based on the following questions: “*Who are the victims of the conflict in the story? What kinds of harms did [Saila, Maili, or Kaila] and other victims suffer because of the conflict?*” In the case of female torture survivors, in-depth one-on-one interviews were used.

In discussing harms, respondents often did not distinguish between actual human rights abuses and their consequences. Both types of harm are recorded in the same lists (and rankings) in order to accurately reflect participant testimony. However, the discussion and analysis that follow focus on harms that are consequences of, or exacerbated by, conflict-related human rights abuses, because it is these that inform the types of reparations needed.³⁴

Although respondents were selected on the basis of specific criteria (that they were a family member of a victim of killing or enforced disappearance, a recipient of benefits under the IRP, or a survivor of torture), a significant number had also directly or indirectly experienced other human rights abuses. This pattern is most pronounced in relation to torture survivors, particularly women (see section “Harms Suffered by Torture Survivors” below), dispelling any notion that victims can be easily categorized on the basis of a single human rights abuse and reinforcing the importance of reparations programs that are responsive to the multiple harms often experienced by a single person.

Harms Suffered by Families of Victims of Killing and Enforced Disappearance (IRP Beneficiaries)

During FES discussions, families of the deceased and disappeared described two main types of harms: 1) physical or psychological abuse that occurred during the conflict, including but not limited to the killing or enforced disappearance of a family member (or multiple family members); and 2) the consequences of the abuse, both immediately after and later on.

A total of 43 harms were listed by male respondents and 53 harms by female respondents. These ranged from human rights abuses committed against family members or in some cases

³⁴ Additional time was required than available to more clearly distinguish between the two kinds of harm when gathering data. Rather than interrupt discussion, researchers opted to allow a free flow of information regarding, for example, the experience of losing a family member and, in the same narration, the longer-term consequences.

against themselves (including killing, enforced disappearance, torture, rape); related fear and insecurity; property-related harms, such as displacement, destruction of homes or businesses, or stealing of “household valuables”; financial and livelihood problems, including unemployment and the inability to provide adequate food, shelter, and clothing; difficulty in accessing basic services, such as education and health care; and negative impacts on social status and family relationships. Figures 1 and 2 below set out the most significant results of the FES, indicating both the frequency of reported responses and their saliency.³⁵

Figure 1: Top 10 Harms Suffered by Female IRP Beneficiaries (percentage and saliency)

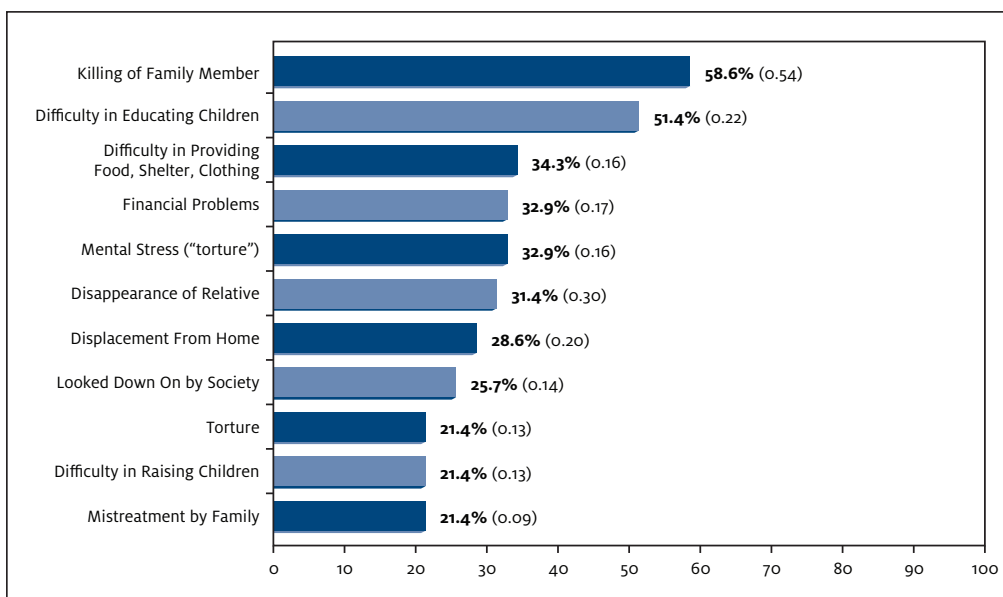
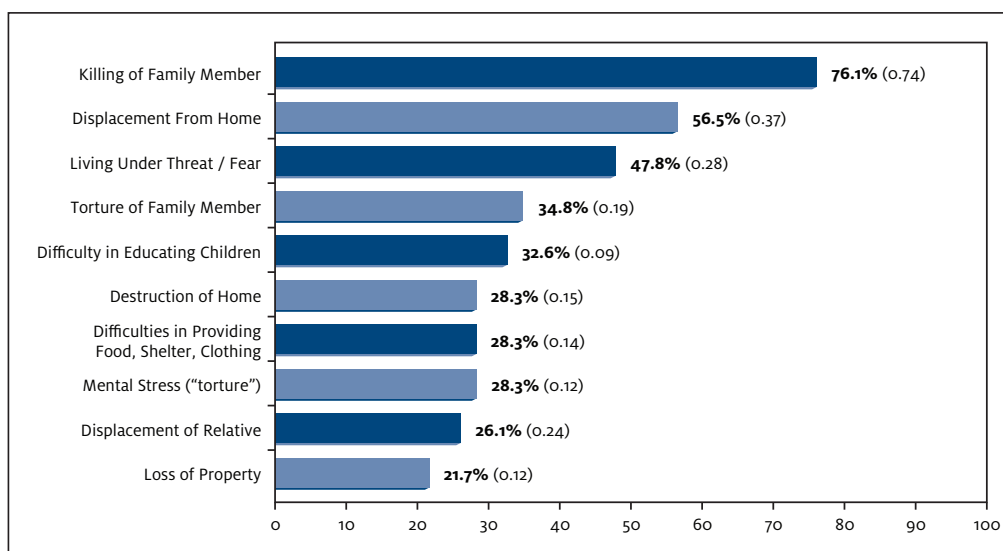


Figure 2: Top 10 Harms Suffered by Male IRP Beneficiaries (percentage and saliency)



NFGD participants described a similar range of physical harms (killing or enforced disappearance, physical injury, and disability), psychological harms (trauma, mental disorder/ill-

³⁵ For the complete lists of both male and female responses, see Annex Tables 1 and 2, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

ness), economic harms (poverty or economic deprivation and unemployment), social harms (impact on health, inability to fund their children’s education, social stigma, and discrimination), and loss of security (threats, fear of retribution).

For both male and female IRP beneficiaries, killing, enforced disappearance, and displacement were among the 10 most-frequently cited harms to themselves or family members and were ranked among the top 5 harms in terms of severity. Male respondents tended to focus more on physical harms to themselves, their families, or their property. For example, one-third of male respondents referred to the torture of a family member (34.8 percent), over one-quarter to the destruction of their home (28.3 percent), and one-fifth to the loss of property (21.7 percent). Killing, displacement, enforced disappearance, torture of a relative, and destruction and loss of property were ranked by men first, second, fourth, fifth, ninth, and tenth respectively, in order of severity (see Table 1 below).

While women referred to similar harms, they generally did so with less frequency and with lower rankings. Rather, women tended to place greater emphasis on economic harms, harms related to the education or well-being of their children, and social harms (see section “Gender Dimension of Harms” below). Although the precise reasons for this difference were not discussed, it is possible that the greater stress on socioeconomic harms results, at least in part, from the particular challenges faced by women who have become the sole breadwinners after the loss of their husband.

Responses also point to continuing trauma suffered as a result of these abuses, which in the case of the crime of enforced disappearance is recognized under international human rights law as severe anguish and stress to relatives that amounts to a human rights violation in its own right.³⁶ Both men and women frequently referred to the experience of living under “threat and fear,” as well as “mental stress” resulting from human rights abuses, which was often described as “torture.” Living under “threat and fear” was raised by close to half of men and ranked third in severity by them, while over one-quarter (28.3 percent) referred to the resulting mental stress (“torture”), ranking this eighth in severity. One-third of women reported suffering mental stress/“torture” (32.9 percent) and ranked it fourth in terms of negative impacts or harm. In the words of a female NFGD participant from Siraha district: “I cannot do anything or move forward due to mental stress. I often get ill due to this, and over the years it has made me very weak.”

Severe economic impacts also featured high among the harms described by both men and women. These findings highlight the acute poverty in which many victims of conflict-related human rights abuses live and the limited extent to which the IRP addressed these harms. One-third of women (34.3 percent) and over one-quarter of men (28.3 percent) reported shortages of “food, shelter, and clothing” (*gaas, baas, ra kapas*). “Financial problems” were frequently reported (32.9 percent of women; 17.4 percent of men). Difficulty in finding employment was also cited by men (6.5 percent) and, to a greater extent, women (14.3 percent). Both men and women ranked the inability to provide basic food, shelter, and clothing within the top 7 harms and other “financial problems” within the top 11 harms suffered as a result of the armed conflict.

In many cases preexisting hardships were exacerbated by conflict. Displacement and flight resulted in short-term disruption to economic circumstances but also had long-term implications, particularly for those already in poverty. Likewise, for some the loss of a breadwinner

³⁶ The UN Human Rights Committee, for example, has held that “the anguish and stress caused to the mother by the disappearance of her daughter and by the continuing uncertainty concerning her fate and whereabouts” meant that the mother of a woman who “disappeared” was herself a victim of a violation of Article 7 of the International Covenant on Civil and Political Rights. Similar human rights violations are recognized within the Inter-American system; see for instance: *Elena Quinteros Almeida and Maria del Carmen Almeida de Quinteros v. Uruguay*, Inter-American Court, (1983), para.14.

through death or enforced disappearance has had disastrous long-term consequences on already-precarious family economies. Participant responses demonstrate the way that the cultural context also shapes the experience of these harms. Parents, for example, described the impact of the loss of a son or daughter in terms of cultural norms that ensure social support to the elderly.

It’s a reality and also a tradition that the son earns and looks after his parents and children. Parents also expect a lot from their son, and our life is useless without a son. Only a parent who has a son will know the feeling of love and what we feel for them.

- Male IRP Beneficiary from Kapilvastu, aged 56 (FES)

It is unknown whether they are living or dead. They have not returned back since they were taken; no letters have arrived from them yet either. I have lost a son and daughter-in-law who were the breadwinners of the family. I am old now, but my difficulties have grown.

- Male IRP beneficiary from Bardiya, aged 70 (FES)

Table 1: Ranking of Harms by Female and Male IRP Beneficiaries³⁷

	1	2	3	4	5
Female	Family Member Killed	Difficulty in Educating Children	Family Member Disappeared	Mental Stress / “Torture”	Displacement
Male		Displacement	Living with Fear / Threats	Family Member Disappeared	Family Member Tortured
	6	7	8	9	10
Female	Difficulty in Providing Food, Shelter, Clothing	Family Member Tortured	Social Discrimination	Mistreatment by Family	Difficulty in Raising Children
Male	Difficulty in Educating Children	Difficulty in Providing Food, Shelter, Clothing	Mental Stress / “Torture”	Destruction of Home	Loss of Property

The intergenerational impact of human rights abuses was also evident. A frequent and tangible manifestation of the harms suffered by children of the deceased and disappeared is being forced to leave school, with all the negative consequences that this entails for their life chances. Difficulty in educating children was ranked by both men and women within the top six harms in terms of its seriousness (ranked second by women and sixth by men).³⁸ In FES exercises, over half of the women (51.4 percent) and one-third of men (32.6 percent) noted the difficulty of educating their children. Some men also noted the “disruption of schooling” (10.9 percent).

If my husband were alive, then we would not have tension or difficulty in each and every aspect of our lives. Since he was the one who earned the money, the children’s future is highly affected. The children haven’t been educated as they should’ve been, and they haven’t been able to get the love or care they need from their father.

- Female IRP beneficiary from Siraha, aged 42 (FES)

Women in particular noted broader impacts on children more frequently than men, including the orphaning of children (18.6 percent of women, 4.3 percent of men) and the negative psychological impact of the conflict on children (10 percent of women, 4.3 percent of men).

³⁷ See Annex Tables 3 and 4 for the complete list of rankings for male and female respondents, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

³⁸ Discontinuation of school was also referred to by some respondents and was ranked 13th by men and 26th by women in terms of severity.

Harms Suffered by Torture Survivors

Female Torture Survivors

In the course of the in-depth interviews, female torture survivors described a range of harms, the most prominent of which were physical and psychological injuries resulting from sexual violence, beatings, threats, and other forms of torture or cruel, inhuman, or degrading treatment. Several had also experienced other abuses, including in one case the enforced disappearance of a husband; in another the death of a mother in a bombing; and in others property-related harms, such as looting or the destruction of a home. Economic and social harms resulting from these abuses were also described.

Of the 22 women interviewed, 12 stated that they had been raped (including four cases of gang rape). Others reported attempted rape and/or a range of other forms of sexual violence, including acts of sexual humiliation, beatings, threats, and verbal abuse. Many of the incidents occurred in the family home, sometimes in front of family members, including children. In three cases, the survivor had been a child at the time of the abuse (10, 12, and 15 years old). A total of four respondents reported that they were detained in police or military facilities, in some cases for many months, during which time they described having been subjected to rape, sexual violence, beatings, and other forms of torture and cruel, inhuman, and degrading treatment.

Consistent with findings from other studies, the majority of women interviewed alleged that the perpetrators belonged to state forces.³⁹ Nine incidents involved the army, six involved the police, and one involved members of anti-Maoist vigilante groups, or Village Defence Committees.⁴⁰ Each of the 16 respondents who identified state forces as being the perpetrators believed that they were targeted because they or a family member were suspected of affiliation with the CPN-M. Some reported being verbally accused by their assailants of sympathizing with or supporting the CPN-M.

They [members of the army] entered my house, asking me about the Maoists and if I had hidden them. When I denied their accusation, they attacked me. Afterward two of them went toward the door, and the others pushed me down as I started to shout. They beat me severely. They took off my clothes and raped me, one by one. While raping me, they brutally beat me.

A policeman visited our home twice, asking whether we had hidden guns. One day when my mother went out to fetch water and I was with my nine-year-old nephew, the same policeman arrived asking about weapons. He moved me toward the bed, then took off his clothes. He was going to attack me. I cried, “Mother! Mother!” My mother came. When he saw her, he ran away.

In three cases, CPN-M forces were reported to be responsible. Two women described rapes/sexual assaults, beatings, and threats by masked men, allegedly Maoists, in their home, and a third described being dragged from her home and gang-raped by four men in a nearby forest. These women believed that they were targeted because they were suspected of spying for state security forces.

The physical consequences of these abuses are severe. The women interviewed described a range of injuries and conditions that they attributed to rape or other human rights abuses. These

39 According to the OHCHR, recorded incidents indicate that state security forces perpetrated the majority of cases of sexual violence. In OHCHR’s assessment there is insufficient evidence to establish whether sexual violence committed by security forces was institutionalized or systematized, but implicit consent may have been given at higher ranks, which served to encourage a culture of impunity for opportunistic sexual violence. See OHCHR, “Nepal Conflict Report” (2012).

40 Village Defence Committees, known as Pratikar Samiti, existed in some districts of the Terai and acted as proxy forces against the CPN-M. Comprising civilians, they were reportedly armed and trained by state security forces. See, OHCHR, “Nepal Conflict Report” (2012).

included prolapsed uterus (six women), difficulties with menstruation (two women), need for hysterectomy (two women), difficulty in walking (five women), chronic pain (five women), and other disabilities that they associated with their torture/ill-treatment, including loss of hearing (three women) and decline in vision (two women). Many are unable to afford or access medical treatment or had done so only belatedly and at considerable personal costs.⁴¹

I was 14 years old when the police took me into custody. This was soon after declaring the emergency. I thought they would release me, but at midnight they attacked me. I was then held in custody for three months. Now my jaw doesn't work, this hand hurts, and my thigh was cut with a knife and then doused with salt and chili. My bodily parts don't function properly. Right now I don't have a house. It was bombed. My mother was killed in the bombing.

They battered me here [gestures toward her genital area]. I was severely injured. I had to take medication daily for six months. It was difficult for me to stand and sit. After four or five years I went to Nepalgunj, where they told me to have an operation. It cost me 50,000 rupees [approximately USD \$500].

A range of debilitating psychological impacts was also described by women respondents. These included depression (*nirasa*, *bolna man nalagne*, *khana man nalagne*, *katai jana man nalagane*), tension (*pir*, *chinta vayeko*), memory loss (*birsina thaleko*, *hosh harayeko*), fear (*dar lagne*), and suicidal thoughts (*marna man lagne*, *bachna man nalagne*). Two women described having considered suicide, and one reported that her daughter, who was also raped at the age of 10, allegedly by Maoists, later attempted suicide. Given that some children were forced to witness assaults on their mothers, unsurprisingly several respondents also expressed concern about the psychological impact on their children (*chhora-chhori ko dimag ma ke asar parla*, *chhora-chhori le ke sochlan*). In the absence of adequate assistance, the suffering of these women, and by extension their families, continues.

I became ill after that incident, and it got worse day by day. I went three or four times to the Kamala River to commit suicide, but each time I stepped back, thinking of my children.

Our life was much better before. Now my husband always gets angry. Sometimes I think about committing suicide by taking poison or hanging myself. But it's the love of my children that inspires me to live.

Several of the women described dire economic circumstances, including the inability to repay loans taken out to pay for medical treatment. Others also alluded to severe economic hardships resulting from or exacerbated by human rights abuses committed against them. One described how her property was looted and then destroyed. Another, whose husband was also beaten by security forces, explained that they had sold their land to pay for medical treatment. Several are too unwell to work. Most others are employed in subsistence or low-income work, such as farming, day laboring, collecting and selling firewood, working as a street vendor, or tailoring.

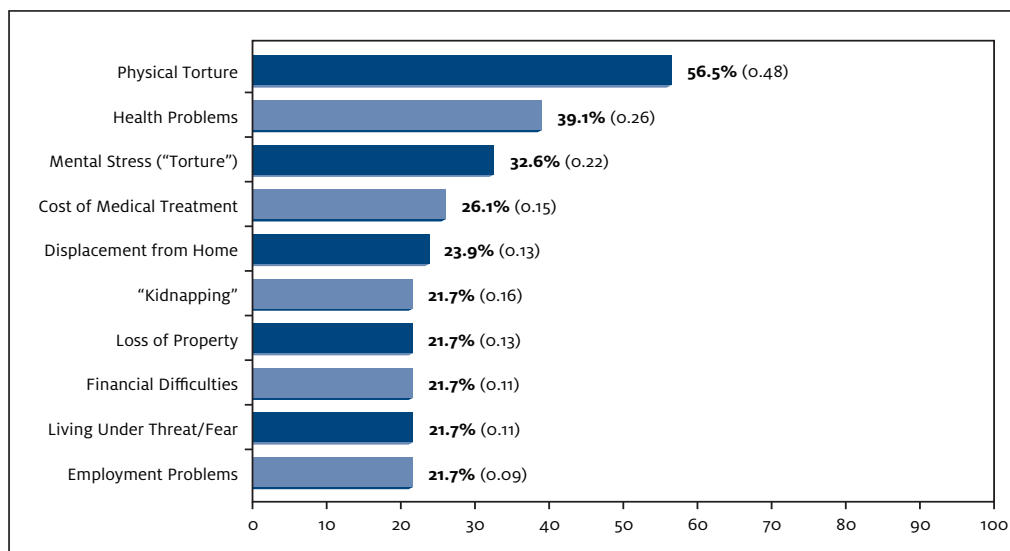
Male Torture Survivors

The continuing and distressing impact of human rights abuses on male torture survivors was also apparent. Some became emotional, openly weeping or displaying anger and aggression when relating their stories. In listing exercises, a total of 75 different types of harms were identified. Again, physical or psychological abuses that occurred during the conflict were merged with the immediate and/or continuing physical, psychological, social, and economic consequences of those abuses.

⁴¹ None of the respondents made reference to either pregnancy or abortion resulting from rape. It is not known whether this is because it had not occurred among the small group interviewed or because they were unwilling to discuss the issue.

The range of harms showed some similarities to the harms experienced by families of those killed or disappeared, including economic harms, such as financial and employment problems; loss or destruction of property; social problems, including difficulty in educating children; and loss of security, including living under threat or fear. However, as with female torture survivors, the harms most frequently mentioned and ranked highest were those relating to the actual experience of torture or other ill-treatment and the resulting physical and psychological injuries, both immediate and longer term.

Figure 3: Top 10 Harms Suffered by Male Torture Victims (percentage and saliency)⁴²



Physical and mental problems resulting from torture were listed by some two-thirds of respondents: “health problems” (39.1 percent) and “mental stress” (32.6 percent). The experience of “physical torture” was raised by over half of participants. Over one-quarter of respondents listed the cost of medical treatment (26.1 percent) as among the harms suffered. Significant numbers also referred to other economic harms, including loss of property, financial problems, and under-employment or unemployment, all of which were listed by close to one-quarter of participants.

When asked to rank harms, among the most serious were physical torture, health problems, mental stress/torture, and the cost of medical care (first, second, fourth, and fifth, respectively). However, property- and livelihood-related harms, including loss of property, displacement, unemployment, and financial problems, also featured among the top 10 ranking.

Closely echoing the FES results, NFGD participants identified harms arising from the narrative of “Kaila” and their own experience of torture as physical assault (physical torture, “battering,” illegal detention and “cuffing,” abduction, and murder), psychological harms (mental torture, trauma, humiliation, fear of being attacked), economic harms (economic hardship due to loss of property, arson and destruction of houses, loss of job), and social harms (disruption of children’s education, displacement, separation of families, discrimination, and social stigma).

Respondents emphasized the physical and mental injuries resulting from the torture, both in terms of their personal suffering and their impact on the economic status of their family. According to one NFGD participant from Baglung, “Many of us have lost the physical and

⁴² See Annex Table 5 for the complete list, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

mental capacity to work. As a result many of us were compelled to quit our jobs.” Another, from Kapilvastu, described how his three-year detention affected his family:

The police arrested me while I was sitting at home. I was physically and mentally tortured for three years. After the peace agreement was made between the state and Maoists, I was released. When I returned home, I found my family in worse economic circumstances. My children had to leave school.

Table 2: Ranking of Harms by Male Torture Survivors⁴³

1	2	3	4 (Joint)	5
Physical Torture	Health Problems	Loss of Property	Displacement & Mental Stress / “Torture”	Medical Treatment Needed
6	7	8	9	10
Preventative Detention	Kidnapping	Difficulty in Finding Employment / Unemployment	Financial Problems	Illegal Detention

For many, the cost of medical treatment had added to their already strained economic circumstances. According to a male torture survivor from Kapilvastu (NFGD):

I was tortured badly by the security forces. They accused me of sheltering the Maoists. I had severe injuries and had to spend over four lakh [NRS 400,000 or approximately USD \$4,000] for treatment. I have four daughters and two sons to take care of. No one has supported me. I’ve spent all of my savings on my treatment. Now I’m worried about my children. How can I feed them and educate them?

Other male torture survivors also worried about their children, expressing concern about the way in which the impact of torture or other human rights abuses on them affects the well-being of and prospects for the next generation. According to a male torture survivor from Bardiya (NFGD):

My children don’t speak. They’re depressed about our economic situation. They don’t feel like working either; they feel low and frustrated comparing themselves with others. It has become a torture for a lifetime, not only for me but for my children as well.

Again, respondents could not be neatly categorized as victims of a single type of human rights abuse, nor could they necessarily isolate harms as having occurred within the 10-year conflict period. Among the respondents were some who had experienced the killing or enforced disappearance of family members or destruction and loss of property. In particular, respondents from Kapilvastu district, where there have been several periods of political violence before and after the November 2006 peace agreement, found it difficult to distinguish between harms resulting from different periods of upheaval.

Gender Dimension of Harms

Although both men and women reported many of the same harms, there were important distinctions between these groups that reinforce findings from previous studies. These include additional economic burdens faced by women and negative social consequences of human rights abuses that are not experienced, or are experienced less severely, by their male counterparts.

43 See Annex Tables 6 for the complete list of rankings, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

Female and male IRP beneficiaries (family members of victims of killing or enforced disappearance) ranked the most significant four or five conflict harms very similarly, after which differences appear (see Table 1, above). After referring to physical and mental harms, displacement, and stress, women relatives of the deceased or disappeared identified social harms not mentioned by their male counterparts: “social discrimination” and “mistreatment by family” (ranked eighth and ninth, respectively). In contrast, within this same range, men emphasized “mental stress” and the destruction of home and property. Harms to social status were described by men, specifically loss of dignity and being looked down on by society, but these were ranked much lower in terms of importance (17th and 24th, respectively).

There was broad consensus among male and female IRP beneficiaries of the link between gender and the experience of harms and their aftermath. Rare exceptions to these views were heard from male NFGD participants from Baglung and Bardiya and among some female respondents from Kapilvastu, but further research is required to understand these apparent distinctions. In general, however, participants regarded women as having been more vulnerable to gender-specific abuses, and wives and other female relatives of the deceased and disappeared were seen as bearing heavier economic burdens than male relatives.

In the view of participants, economic hardship experienced by women is compounded by low literacy levels and the lack of vocational skills, which condemns them to low-paying work or, in some cases, no means of income generation. Several women participants related how they had been forced to beg. In one case, an elderly woman from Kavre whose son had been killed explained that her husband had become mentally ill as a result of their son’s death and that she was compelled to beg at bus stations for several months. A 27-year-old woman from Siraha described how she was thrown out of her home by her in-laws and survived for several months by begging:

I was pregnant when my husband was killed. I was thrown out by my in-laws and had nowhere to go. A neighbor gave me shelter. Because I had nothing to eat, I had no other option but to beg, even after I gave birth. I spent four or five months begging.

The treatment of the woman from Siraha by her husband’s family is not unique. Similar social harms were described by other female NFGD participants who had been forced out of their homes or subjected to abuse, rejection, and isolation by family members.

If a woman loses her husband, she isn’t respected at all in the house; she isn’t even noticed. If a man loses his wife, he’ll leave his children and marry another woman, but a woman can’t do the same. If a woman loses her husband, no matter what, she’ll stay in the same house, work hard, and raise her children. A man can’t take responsibilities and do all this. He’ll go to India if he starts feeling that he can’t manage the responsibilities.
- *Female IRP beneficiary from Kapilvastu, aged 40 (NFGD)*

My in-laws and the brothers mistreated me a lot. They used to call me names and say whatever they wanted after my husband died. They say that it’s inauspicious to look at me before leaving for work.
- *Female IRP beneficiary from Udayapur, aged 45 (FES)*

The social harms also extend to the wider community. Cultural pressure on the wives of the disappeared to behave as widows, for example, by exchanging red saris (traditional attire for married women) for the white robes of widowhood and exclusion from religious and cultural events, have been well documented elsewhere but was also described by women participating in this research.⁴⁴ These unsympathetic or hostile reactions result in marginalization and can discourage women from seeking or accessing assistance.

44 For further details see: Advocacy Forum and ICTJ, “Across the Lines: The Impact of Nepal’s Conflict Women” (2010); and ICTJ, “Beyond Relief: Addressing the Rights and Needs of Nepal’s Wives of the Disappeared” (August 2013), <http://ictj.org/publication/beyond-relief-addressing-rights-and-needs-nepal-wives-disappeared>

Villagers look down on me. They say, “She wears tika and bangles.⁴⁵ Why does she need to wear all those things when her husband isn’t around?” They even say bad things about me and accuse me of going places to get money when I attend programs.

- *Female IRP beneficiary from Baglung, aged 35 (FES)*

While similar perceptions and experiences were shared across the study districts, female participants in certain cultural contexts considered their situation to be more oppressive than in other parts of the country.

Being a woman from the Madheshi community, I’m not allowed to go outside the home. If I have to leave home for any work or training, my in-laws and neighbors don’t approve. Because of this, I’ve missed many trainings for conflict victims.

- *Female IRP beneficiary from Siraha, aged 27 (NFGD)*

Female torture survivors also described the negative social impacts of their experience of sexual violence, referring frequently to “social stigma” and “loss of dignity and social respect.”⁴⁶ Such harms are in marked contrast to those described by male torture survivors, who for the most part described having received sympathy and support from their communities.

Most of the female torture survivors reported that their families were generally supportive. There were, however, exceptions where relations with spouses had deteriorated following the rape/sexual violence. In one case a respondent had been abandoned by her husband when he learned what had happened. Another was initially accused by her husband of offering sex to members of the military, although he later recognized that the fault was not hers and took her to see a doctor.

Negative reactions from neighbors were more commonly reported. Interviewees described feeling vulnerable to abuse from the wider community, particularly if she was single or lacking the support of her family. One described being falsely accused of offering sexual favors to her perpetrators. The following comments are representative of the ostracism that some female survivors have had to endure:

When my husband was arrested, our neighbors started to look at us differently. They labeled our house as the “Maoist home.” People hated us, and people walking near our house used to talk about our affiliation with the Maoists. They even “tortured” our children by talking about their father.

- *Female torture survivor (IDI)*

When I returned to my village after being detained by the army, women started to accuse me of sleeping with the army, police, and Maoists. They even took me inside and pulled off my clothes to see if I’d aborted or done something wrong. Being a woman, I still couldn’t gain the sympathy of other women.

- *Female torture survivor (IDI)*

Impact of Caste, Ethnicity, Economic Status, and Political Affiliation

In addition to exploring the impact of gender on the experience of harms, the research also sought to identify the extent to which caste, ethnicity, economic status, and political affiliation have had a bearing on the immediate and longer-term consequences of human rights abuses. As noted previously (see “Challenges and Limitations of the Research” above), participants from lower castes, different ethnic groups, and lower economic status were, in the assessment of researchers, inhibited in speaking out in group sessions (FES and NFGDs). Nevertheless, findings indicate the relevance of a victim’s profile to harms and the capacities to cope with them. There were mixed reactions among all NFGD

45 Red tika (applied to the forehead) and bangles are symbols of marriage and are only worn by married women.

46 The Nepali words used were: social stigma (*samajik lanchhana*, *samaj bata naramro kura sunnu parne*, *hela*, *samaj bata gali*, *galoch*, and *beijati*) and loss of dignity and social respect (*samaj bata ijjat gumaunu parne*).

participants (families of disappeared, killed, and male torture survivors) to the question of whether the nature of human rights abuses would be different if the fictional characters (Maili, Saila and Kaila) had been Dalits. Some participants, although not all, recognized that the lower economic and social status of Dalits made them more vulnerable to abuses. One non-Dalit participant from Baglung gave a concrete example based on his experience of detention by state forces, during which, he stated, that Dalit detainees were more severely tortured than those held in his area.

There was broader agreement that Dalits face greater difficulties in coping in the aftermath of abuse and that the difficulties for Dalit women would be greater still. Female IRP beneficiaries in some districts (Rolpa, Siraha, and Kapilvastu) thought that a Dalit conflict victim would receive less sympathy from the public and Dalit women would face particular discrimination in accessing education and employment. In Dhanusha, participants suggested that a Dalit woman's suffering “would be doubled,” in part because she would be unable to access loans to support her family and her children's education.

If someone is Dalit, more difficulties and hindrances would be suffered compared with others. Discriminatory practices still affect Dalits.

- Female IRP beneficiary from Kavre, aged 24 (NFGD)

If Saila were a Dalit, he'd have received no attention from anyone, not even his neighbors. Everyone runs a mile away when Dalits face problems. Harms suffered would have definitely been different.

- Male IRP beneficiary from Dhanusha (NFGD)

The majority of NFGD participants (relatives of the disappeared and killed) did not consider ethnicity to be an important factor in the experience of conflict, with the exception of female participants in Kavre and Bardiya and male participants in Dhanusha. However, further research is needed to understand why perceptions of respondents conflict with evidence that members of certain ethnic groups were more vulnerable to human rights abuses and presumably, therefore, also to harms arising from them.

In contrast to unchangeable factors of caste and ethnicity, choices relating to political affiliation were widely seen as important, both in terms of vulnerability to abuse and in being able to access support to mitigate the resulting harms. Male relatives of victims of killing and enforced disappearance from Baglung, Jumla, and Kapilvastu elaborated further and explained that political affiliation, real or perceived, made someone a target for attack. Once the conflict had ended, political connections and access to information and influence that they bring were seen as being important in obtaining relief under the IRP as well as access to education (including scholarships), employment, higher earnings, and pensions. Male and female torture survivors also believed that political affiliation was an important factor in their own victimization:

The army beat me up because they thought I was lying to them about the whereabouts of the Maoists. They beat me with the butts of their rifles, and because of this I am partially deaf now. I don't take part in religious activities or other activities due to the pain in my body, but people criticize me for this.

- Male torture survivor from Baglung, aged 50 (NFGD)

Another male participant whose brother and nephew had been allegedly killed by Maoist insurgents explained:

The Maoists accused me of being a spy for the army. They cut off my right leg. I had to stay in the hospital for six months, and my children had to leave school. Later on, my children went abroad, and my wife had to leave for another district. I can't work because I'm unable to sit in one place for a long time. I still have problems, like swelling in my leg.

- Male torture survivor from Baglung, aged 57 (NFGD)

Similarly, the majority of male torture survivors, particularly those from Bardiya, Kanchanpur, and Kavre districts, perceived political affiliation as being useful in helping to cope with the impact of human rights abuses. In particular, they noted that political parties would protect their members and that those with affiliations with a party would have greater access to benefits, including medical care. Tellingly, however, some among the male torture survivors, particularly from Kapilvastu and Udayapur, thought that political affiliation was irrelevant, both in relation to vulnerability to the original violation or to the consequences. According to these respondents, all torture victims had been equally neglected.

5. Interim Relief Program, Its Impact, and Access to It

IRP Benefits Received and Beneficiary Attitudes

With a view to understanding the extent to which the IRP is considered to have addressed the harms described above and other forms of help that have been received, IRP beneficiaries were asked to list the types of assistance they had received and to rank their importance. Parallel discussions in NFGDs explored attitudes toward the program in more detail. These discussions were based on questions relating to the fictional narratives of Maili and Saila: “*Do you think that the IRP compensation should satisfy Maili/Saila, or do the harms she/he and her/his family suffered require other kinds of responses as well?*” and “*Did the IRP provide justice to Maili/Saila in any form? If so, how was justice delivered?*” Respondents were also asked for their perceptions about whether gender, caste, ethnicity, or political affiliation affected access to benefits.

The majority of participants in the category of families of the deceased or disappeared had received benefits under the IRP. These included financial payments of NPR 300,000 (approximately USD \$3,000), which had been received by 93.5 percent of male participants and 85.7 percent of female. The single woman allowance of NPR 25,000 (approximately USD \$250) had also been received by 55.7 percent of female respondents. Both male and female respondents also referred to having received smaller financial benefits from the government. Nearly half of female respondents made reference to receiving scholarships for their children (42.9 percent), although only 8.7 percent of the men mentioned this benefit. Around one-third of both men and women referred to having received vocational training (32.9 percent of women, 39.1 percent of men).

Some respondents also reported having received assistance from nongovernmental organizations and others. This included financial or other material support provided by the International Committee of the Red Cross (ICRC) and a wide array of small-scale support from NGOs, such as small sums of money, household goods, livestock, support for educational costs, medical treatment, counseling, and assistance in the pursuit of legal cases. A few participants, both male and female, also made reference to support, both material and symbolic, provided by political parties.⁴⁷

Consistent with the emphasis on financial and other material harms, financial support, scholarships, vocational training, and material support in the form of household goods and livestock were ranked high in importance by both male and female respondents. In particular, financial support, both under the IRP and from the ICRC, was ranked by men within the top three benefits received in terms of importance and within the top six by women. For

47 See Annex Tables 7 and 8 for the complete lists, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

women, scholarships for their children’s education were ranked a high second, while men ranked it sixth. Vocational training provided under the IRP was also ranked high by both male and female respondents (second by men and fourth by women).

Table 3: Ranking of Assistance by Female and Male IRP Beneficiaries⁴⁸

Rank	Female	Male
1	IRP Assistance for Families of Those Killed or Disappeared (NPR 300,000)	IRP Assistance for Families of Those Killed or Disappeared (NPR 300,000)
2	IRP Allowance for Single Women (NPR 25,000)	IRP Vocational Training
3	IRP Scholarships for Children’s Education	ICRC Assistance (NPR 7-10,000)
4	IRP Vocational Training	IRP (NPR 3,100)
5	NGO Assistance in Form of Household Goods	NGO Assistance in Form of Household Goods

Both the NFGD and FES discussions across all the study districts were characterized by ambivalence toward the IRP. In the NFGDs, participants expressed their understanding of the IRP in terms of fulfilling their “immediate needs” (*tatkalin awasekta haru pura hunu*) or “ointment on the wound of a minor scale” (*ghau ma alikati vaye pani malam lagayeko chha*). To that extent, the IRP is considered, at least by some respondents, as having contributed to alleviating some of their most pressing needs, resolving “hand-to-mouth problems” or enabling the fulfillment of cultural and religious obligations.

I married off my daughter to a good family. If the government hadn’t given me that money, she’d be married to a poor family and face even more difficulties. The government gave that amount so that we could solve our hand-to-mouth problem. We’re now able to survive, so it’s definitely a relief.

- Female IRP beneficiary from Kapilvastu, aged 40 (NFGD)

I received a total of NPR 300,000 [approximately USD \$3,000] in three installments, which I spent on medical treatment and the funeral ceremony for my wife.

- Male IRP beneficiary from Rolpa, aged 41 (NFGD)

In response to the question about whether benefits under the IRP were satisfactory, some male and female participants considered it to be a “fair response,” providing some level of “satisfaction” for the harms they had suffered. However, even those who regard the IRP favorably considered there to be a need for longer-term support for health care, children’s education, employment, and pensions. Most, however, complained that IRP cash benefits were insufficient.

There was broad consensus that the IRP does not amount to “justice” (*nyaya*). For many it is a simple issue: financial assistance cannot replace or compensate for the loss of a loved one. This does not necessarily preclude financial support as part of a broader response to harms. However, as a stand-alone measure it is seen as insufficient and even regarded with hostility by some. Some participants viewed the IRP as an attempt to distract conflict victims from pursuing justice. Several described it as “rinsing out the eyes” (*aankha ma chharo halne*), meaning that it is a superficial response. Others used the phrase, “bolting the mouth shut” (*mukh ma bujho lagaune*), meaning an effort to silence the victims.

48 See Annex Tables 9 and 10 for the complete list of rankings, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

Access to the IRP

Reiterating findings from other studies, participants expressed frustration about three main issues in relation to accessing IRP benefits:

- *Overly long and complicated bureaucratic procedures.* Participants pointed to the arduous requirement of submitting documents each time that an application for relief was made under different, and frequently amended, IRP policies. They also complained about the number of documents required (such as death, marriage, and citizenship certificates; bank account details; letters from various government offices; and police reports). According to one man from Udayapur district, it took him three years to produce all of the supporting documents and multiple visits to the district headquarters before he was finally able to collect his relief money.
- *Corruption.* Concerns about corruption were widely raised, in particular by women who, it appears, may have suffered more from corrupt practices. (Only male NFGD respondents in Dhanusha and Kapilvastu identified the issue). The most commonly reported problem was the requirement to make payments to officials to process their applications. Female respondents in 9 of the 10 study districts referred to such practices, in some cases involving significant amounts of money (according to one respondent, as much as NPR 10,000 [approximately USD \$100]). Both men and women also raised concerns that “fake victims” were able to access benefits, because of poor procedures for verifying applications or corruption.
- *Discrimination based on gender, caste, and ethnicity.* Gender and caste were regarded by many as important in determining the ease with which benefits under the IRP could be accessed. Although perceptions relating to gender differed along cultural and ethnic lines, some female IRP beneficiaries reported confronting discrimination from government officials, suspicion, and family tensions, in addition to corruption (noted above). Female participants from the Terai reported that women in these areas faced additional barriers due to low self-esteem and lack of confidence, lack of education, lack of awareness and access to information about public services, inability to influence public authorities, and the gender-biased attitudes of male-dominated public institutions. By contrast, in Kavre and Rolpa, where participants were mainly from Tamang and Magar ethnic groups, respondents thought there was little distinction between the experiences of men and women in accessing the IRP. These findings suggest the complexity of gendered perceptions and experiences and the way in which these may be influenced by social and cultural conditions, although more research is required to fully understand the differences.

Most male and female participants agreed that caste affected access to the IRP and that Dalits encountered greater difficulty than others in applying for and receiving benefits because of lower education levels and lack of economic and political influence. In contrast, the majority of IRP beneficiaries thought that members of indigenous communities had not experienced the same levels of discrimination in accessing the IRP as Dalits.

Those with higher economic status were generally regarded as being able to use their influence to access benefits under the IRP. While this could refer to payment of bribes, by definition, those with economic power are more likely to be men and/or of higher caste, who are more able to access and navigate official processes. In some cases for those of lower economic or social status, procedures for applying and receiving relief reinforced existing inequalities.

Effects of Exclusion from the IRP

Survivors of torture, who for the most part had not benefitted under the IRP, were also asked about any assistance they had received. NFGD participants were asked various questions, including, “*What difficulties did Kaila and his family face in accessing IRP benefits?*” and “*Did the benefits available under the IRP address the effect of harms suffered by Kaila?*” In one-on-one

interviews, female torture survivors were asked whether they or their family members had sought or received any support in response to the harms that they had identified.

The hardships described by both male and female torture survivors above already speak to the severe consequences of exclusion from the IRP of untreated, often debilitating physical and psychological injuries, including on victims’ health and livelihoods. Although male torture survivors participating in NFGDs generally felt that all conflict victims faced similar hardships, they were clearly angry and embittered at having been denied relief. Several described how the lack of financial assistance has prevented them from seeking the medical care that they desperately require, thereby exacerbating existing hardships. While several had applied successfully for their medical costs to be reimbursed, they complained that there is no support for subsequent, on-going treatment.

If only we’d received interim relief, then we could’ve sought better medical care. If we could’ve done that, we’d now be living a better life.

- Male torture survivor from Bardiya (NFGD)

The [IRP benefits] guideline says that a person who has been imprisoned for more than 25 days gets NPR 25,000 [approximately USD \$250] from the government. This amount is nothing to a torture victim, who needs up to a million rupees [approximately USD \$10,000] for medical care.

- Male survivor from Kanchanpur (NFGD)

We’re excluded from the relief provided by the government, even though we have all of the documents needed. It’s our right to have that relief. This could be given, like assistance, to help people in need, but it’s our right because we’re victims of the state.

- Male torture survivor from Bardiya (NFGD)

When asked the specific question “*If Kaila were eligible for a program like the IRP, would it deliver justice for him?*” almost all male torture survivors responded that they would welcome having benefits already received by other victims under the IRP. However, there was a general view that this would not amount to “justice” or in the words of some it would represent only “partial justice.”

Several of the 22 female torture survivors interviewed had sought support from human rights organizations and received assistance for their immediate specific material needs, financial assistance, or, in some cases, accompaniment in legal proceedings. However, the majority had not received any form of help. With few exceptions, most had not reported the abuse to official authorities. The main reason given by respondents for not seeking assistance or pursuing their cases legally was the fear of bringing “shame” on herself and on her family in the event that the abuse becomes public knowledge. For others it was due to a lack of knowledge about where to go for help.

6. Immediate and Long-Term Needs of IRP Beneficiaries

The immediate needs and long-term aspirations or expectations for reparative justice were explored using the same research tools (FES listing and ranking exercises and NFGDs). A general first question was asked about what should be done to address the harms suffered (in the case of NFGDs, “*What are Maili/Saila’s immediate needs?*”), and second, if the immediate/urgent needs already identified were met, what other measures are necessary to address the harms suffered (in the case of NFGDs, “*If these immediate and urgent needs were met, what other things do you think may be necessary to address the harms that Maili/Saila and her/his family suffered?*”).

The distinction between immediate and longer-term needs was not always easy for participants to understand, requiring a leap of imagination to a situation where subsistence and other urgent needs have been responded to. However, given the opportunity to consider what further measures might contribute to repairing harms, shifts in emphasis were evident between material and nonmaterial needs or expectations, which should be factored into the design of reparations programs and transitional justice processes more generally.

Immediate Needs

Both FES and NFGD discussions of immediate needs of families of the deceased and disappeared produced consistent results, with three shared characteristics. First, respondents prioritized socioeconomic measures as immediate needs. Second, immediate needs also included nonmaterial measures, such as judicial and nonjudicial accountability processes. And third, immediate needs were to some extent shaped by gender.

Immediate material needs

Male and female participants in FES discussions identified a range of immediate needs, with socioeconomic needs emerging as the most dominant. The fact that over half of participants cited basic subsistence needs points to the difficulty that many have in surviving from day to day. It also reinforces the point that while the IRP may have alleviated some pressing needs, it has not provided short-term economic security.

The economic needs most frequently referred to were direct financial support, employment, and “food shelter, and clothing.” Financial support, which was identified by over half of women (55.7 percent) and close to three-quarters of men (71.7 percent), included various forms of monetary support, such as compensation, allowances for single women, financial allowances, and full payment of benefits due under the IRP. Close to three-quarters of women and three-fifths of men identified employment as an immediate need (women 71.4 percent; men 60.9

percent), and just under half of women and over half of men identified “food, shelter, and clothing” as an immediate need (women 48.6 percent; men 56.5 percent). Respondents also listed other economic needs, although with less frequency and lower salience. These included vocational training (12.9 percent of women; 6.5 percent of men), reconstruction of homes (10.9 percent of men) or businesses (2.2 percent of men), reservation of employment in government/civil service (1.4 percent of women), and transportation facilities (2.2 percent of men).

Figure 4: Top 10 Immediate Needs of Female IRP Beneficiaries (percentage and saliency)⁴⁹

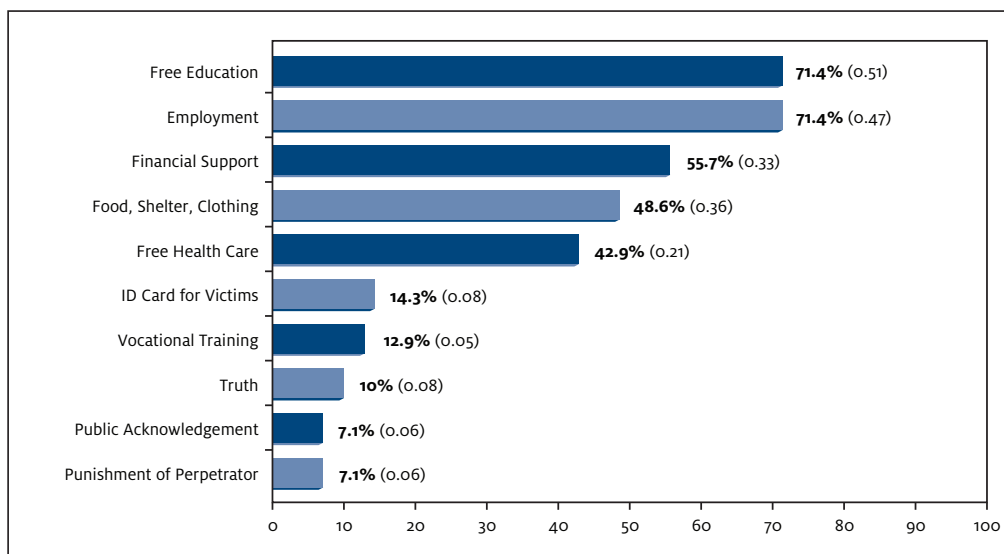
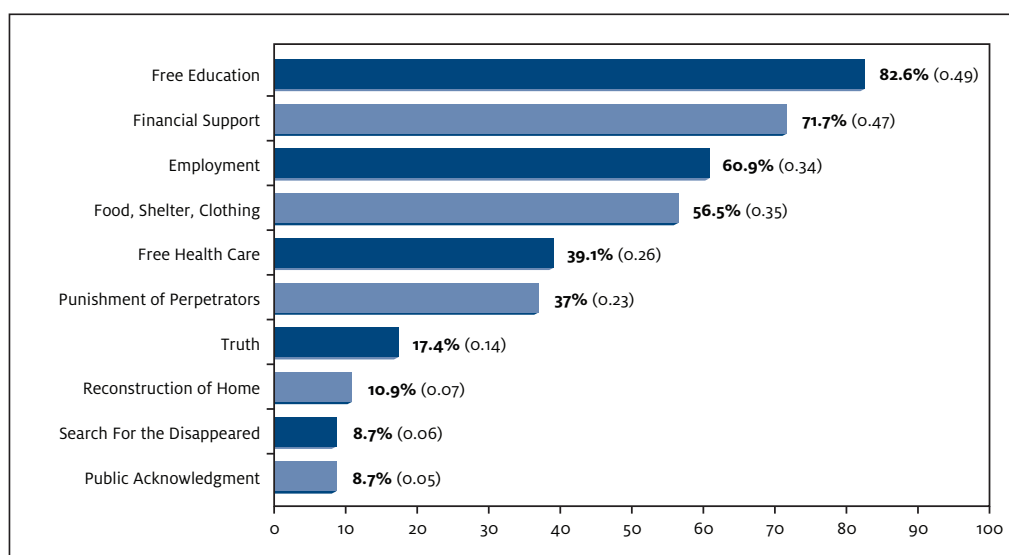


Figure 5: Top 10 Immediate Needs of Male IRP Beneficiaries (percentage and saliency)⁵⁰



Participants also stressed the importance of accessing basic services. Overall, nearly three-quarters of female IRP beneficiaries and over four-fifths of male IRP beneficiaries reported free education as an immediate need making it the most frequently raised need (71.4 percent, and 82.6 percent, respectively). Access to medical care was also identified by many,

49 See Annex Table 11 for the complete list, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

50 See Annex Table 12 for the complete list, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

with over one-third of male and female FES participants listing free medical care as an immediate need (39.1 percent and 42.9 percent, respectively).

The same emphasis on financial support, employment, free education, and “food, shelter, and clothing” was reproduced in the ranking exercises and in NFGDs. Male and female IRP beneficiaries ranked the four most significant immediate needs nearly identically, with employment, financial support, immediate subsistence requirements, and free education leading these rankings (see Table 3 below). Free medical care was ranked fifth by women and sixth by men. NFGD participants also referred to pensions for the elderly, a need that was not raised by FES participants.

Table 4: Ranking of Immediate Needs by Female and Male IRP Beneficiaries⁵¹

	1	2	3	4	5
Female	Employment	Financial Support	Free Education	Food, Shelter, Clothing	Free Medical Care
Male	Financial Support	Free Education	Employment		Punishment of Perpetrators
	6	7	8	9	10
Female	ID Card	Truth Finding	Vocational Education	Public Recognition	Punishment of Perpetrators
Male	Free Medical Care		Reconstruction of Home	Search for Disappeared	Public Recognition

The emphasis on education is noteworthy. Under the IRP, relatives of those killed or disappeared may apply for scholarships for up to three children. This benefit had been received by significant numbers of research participants and was ranked relatively high in terms of importance (third by women and sixth by men) (see section “IRP Benefits Received and Beneficiary Attitudes” above). Nevertheless, responses indicate that it remains an ongoing need, with support for education listed within the top three most important needs for both men and women. This finding reflects complaints that ICTJ regularly hears from victims and their families that the IRP’s limit of three scholarships per family excludes children from larger families and that scholarships do not cover the real costs of sending a child to school, including books, uniforms, and transport. The cut-off age of 18 years for scholarships is also widely criticized, both because many children of victims had already turned 18 before the benefit became available and also, as noted by an NFGD participant, there is no support for further education.

Responses also suggested that where subsistence needs cannot be met, even where scholarships are available, a child’s labor may be prioritized over his or her education, such that existing inequalities in accessing or completing schooling may be reinforced by human rights abuses.⁵² The following comments highlight the way in which economic and social needs are interrelated and that financial hardship affects not only food security but also access to basic services.

⁵¹ See Annex Tables 13 and 14 for the complete list of rankings, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

⁵² According to a 2006 DFID/World Bank report, 43 percent of Hill Dalits, 76 percent of Terai Dalits, and 45 percent of Hill Janjatis have not been to school, compared to fewer than 30 percent of Brahmins and Chhetris. Dalits also have the lowest completion rates for completion of primary and secondary-level education. See “Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal” (2006), <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part1.pdf>

I've been spending all of my hard-earned money feeding my family. I couldn't afford to send my son to school after he turned 18. Scholarships for children under 18 don't help us anymore. My son is now a laborer just for family survival. I can't expect much from my son for my future. He was so eager to study in university.

- *Female IRP beneficiary from Kanchanpur (NFGD)*

If a victim's family member is sick, they can't afford treatment because their main breadwinner is no longer with them. We're facing this problem. The government should provide health care to the family members of victims.

- *Female IRP beneficiary from Dhanusha (NFGD)*

It is also evident that delays in providing more comprehensive reparations are resulting in increasing hardships for many. There are mounting economic burdens associated with, for example, costs involved in searching for disappeared relatives, medical bills, and school fees. Over time, these and other costs can push victims further into debt and destitution.

We are like Maili. We all have faced the same thing that Maili has suffered. Our immediate concern at that time was living under threats and fear, and then after some time we started spending our money to search for the disappeared. But the money was spent in vain, and from then onward we faced the need for food and clothing. We had lost our family breadwinner. Mountains of problems have increased after the disappearance of our husbands.

- *Female IRP beneficiary from Kanchanpur, aged 38 (NFGD)*

It is therefore unsurprising that employment was also stressed as an immediate need because it represents the route out of poverty toward a more secure economic future. Employment was ranked as the top priority by women and third by men. Both also gave relatively high rankings to vocational training (eighth by women and twelfth by men). This emphasis is indicative of the desire of participants not simply for handouts, but rather for the opportunity and means to independently support themselves and their families. In the absence of the means to generate sufficient income, respondents referred to emergency coping strategies, like selling land to pay for their children's education or other costs. In some cases, however, there is nothing to fall back on.

We need a job to earn money for the family. If any member of our family is employed, we can manage enough food and reduce our hunger.

- *Female IRP beneficiary from Kavre (NFGD)*

I need employment of any kind so that it will build my confidence. I could educate my children too if I were employed. I could save for my children too. I could also have a house of my own.

- *Female IRP beneficiary from Jumla, aged 32 (FES)*

I sold my land in order to educate my son. He is now educated, but he doesn't have a job. Employment is important.

- *Female IRP beneficiary from Siraha, aged 40 (FES)*

Immediate nonmaterial needs

Although subsistence needs and access to basic services tended to dominate discussions around immediate needs, nonmaterial needs also featured as short-term priorities. “Punishment of perpetrators,” truth finding, and public recognition/acknowledgment were raised by significant numbers of both male and female FES participants, although with different frequency, salience, and rankings.

“Punishment of perpetrators,” understood to mean criminal investigation and prosecution, was raised by over one-third of men (37 percent), but only 7.1 percent of women. Truth finding was listed by close to one-fifth of men (17.4 percent) and 10 percent of women. Close to 9 percent of men and 7 percent of women listed public recognition as a priority. It is notable that in terms

of importance all 3 are ranked within the top 10 immediate needs by both men and women. Equal emphasis is placed on truth seeking (ranked 7th by both men and women), but men placed greater emphasis on punishment of perpetrators, ranking it 5th, while women ranked it 10th. The strength of feeling of some participants on this issue is reflected in the following quote:

Whether the 10-year conflict was caused by the state or the Maoists, the innocent victims from the villages were the ones who were falsely blamed and killed. Those who killed should not be forgiven [*aam maaf*]. They should be given a life sentence or the death penalty, and all their property should be seized. This is the only thing that will give us peace, and that is why this is the most urgent need for me.

- Male IRP beneficiary from Kapilvastu, aged 26 (FES)

In relation to truth seeking, only male FES respondents referred specifically to the search for the disappeared (8.7 percent). Although not cited by women directly, it is implicit in the need for “truth seeking.” The search for the disappeared was also specifically referred to by female NFGD participants, for whom the relationship between truth seeking and other needs is apparent. This is consistent with other research conducted by ICTJ among wives of the disappeared and with ongoing interactions with families of the disappeared, who consistently demand to know the fate of their relatives.⁵³

If he [the missing person] is dead, we need at least a proof of death or the dead body. When he is declared dead, we could then have a single pain. The victims have lost their property to pay for treatment of mental health problems caused by the loss of their beloved family member. The government should arrange for treatment of such patients. Compensation and other forms of support should be provided as soon as possible. For all these, the truth behind the incident must be revealed first.

- Female IRP beneficiary from Dhanusha (NFGD)

Specific forms of acknowledgment were identified as immediate needs by FES and NFGD participants. Men in particular identified the need to have victims recognized as martyrs (6.5 percent) and the erection of statues to martyrs (also 6.5 percent), ranking these 11th and 12th overall. Both women and men ranked “public recognition” generally within their top 10 immediate needs (9th and 10th, respectively). The importance of remembrance and memorialization was also raised in NFGDs. In the words of the mother of a son killed during the conflict:

My son was killed and became a martyr nine years ago. Every year on the same day, I distribute 50 sets of bowls, glasses, plates, 500 rupees [approximately USD \$5], and certificates in the name of my son. I have also erected a statue to my son, planted a tree where travelers can find shade, and hung signboards with my son’s photo. I have done all this for my own peace, for my son’s soul. I hear people asking for economic assistance and everything, but whatever is done, the person who died should be remembered.

- Female IRP beneficiary from Jumla, aged 65 (NFGD)

As the previous quote illustrates, in the absence of official recognition, some families of victims take it on themselves to erect memorials or carry out other acts of remembrance. The extent of these practices is unknown. However, based on two scoping missions by ICTJ in December 2013 to Dang, Morang, and Sunsari districts they are thought to be quite widespread. Eight separate memorials to victims of killings/enforced disappearance were mapped during these missions. With one exception, all were initiated, built, and funded by victims’ families without external support. However, for participants in this research, such acts were not regarded as a substitute for official acknowledgment of victims. As the following quote suggests, public acknowledgment may be only one of a range of measures required to achieve satisfaction:

53 See ICTJ, “Beyond Relief: Addressing the Rights and Needs of Nepal’s Wives of the Disappeared” (2013), <https://ictj.org/sites/default/files/ICTJ-Briefing-Nepal-WivesofDisappeared-2013.pdf>

A martyr’s park should be established for their remembrance. For satisfaction, the state should be responsible for identifying the truth and punishing the perpetrators.

- *Male IRP beneficiary from Siraha (NFGD)*

A range of other nonmaterial needs or demands were also raised. Those listed by both men and women include identity (ID) cards for conflict victims (referred to by 6.5 percent of men and 14.3 percent of women, and ranked 6th by women, although only 12th by men). This is a long-standing demand of victims that is particularly relevant given the bureaucratic obstacles to obtaining relief under the IRP, referred to earlier in this report, in particular, the burdensome requirement to provide documentary evidence for each category of relief that a victim may apply for. Other research has highlighted the way in which ID cards could help to improve access to benefits and reduce vulnerability to discriminatory behavior that is often experienced by women in their encounters with government officials.⁵⁴

The government has taken steps to introduce ID cards, issuing guidelines in 2012 for their distribution to families of the deceased and disappeared with the objective of enabling them to access various government service and facilities. (The initiative did not, however, include victims of other human rights abuses, such as torture and SGBV.) However, the process was halted following a legal challenge by representatives of victims’ organizations and the imposition of an interim stay order on implementation by Nepal’s Supreme Court in August 2013.⁵⁵ The case was scheduled to be heard by the Supreme Court in August 2014, but has been further postponed until December 2014. In the meantime, the newly adopted CoID-TRC Act also provides for identity cards to be issued to victims.⁵⁶

Some respondents, although relatively infrequently, referenced measures that could be broadly described as preventive or supporting nonrecurrence of human rights abuses. Male FES participants, for example, referred to “generating awareness of human rights” (2.2 percent) and “establishing rule of law throughout the country” (2.2 percent). In NFGDs some women pointed to the need to ensure “nonrecurrence” of harms, and several referred to “security” and “reconciliation.”⁵⁷ Male NFGD participants also made occasional mention of “peace and harmony.”

It’s the main responsibility of the state to provide security to the citizen. If the nation were able to establish peace and security, conflict wouldn’t take place and we wouldn’t have to face such problems. So, peace and security in the country is one of the most essential needs for us. \

- *Female IRP beneficiary from Siraha (NFGD)*

Longer-Term Aspirations and Demands

As noted previously, participants did not express a sharp distinction between their immediate and longer-term aspirations. However, results show some general tendencies, including both continuities and variations between immediate and longer-term needs. The main distinction is a shift in emphasis toward nonmaterial measures. The findings also indicate a range of views, some gender differences, and also, importantly, the connection between notions of immediate socioeconomic needs and longer-term nonmaterial aspirations.

Longer-term nonmaterial aspirations

When asked to identify their longer-term needs or aspirations for reparative justice, both male and female IRP beneficiaries listed nonmaterial measures more frequently than for immediate

⁵⁴ Ibid.

⁵⁵ A petition, filed in the Supreme Court on July 24, 2013, challenges the wording on the ID card, which refers to the 1996–2006 armed conflict as “the People’s War”—a term usually associated with the Maoists but which is rejected by victims of Maoist abuses. The petition demands that the phrase be changed to victims of the “armed conflict,” a term that is generally considered to be more neutral and is used in other official documents, including the Interim Constitution.

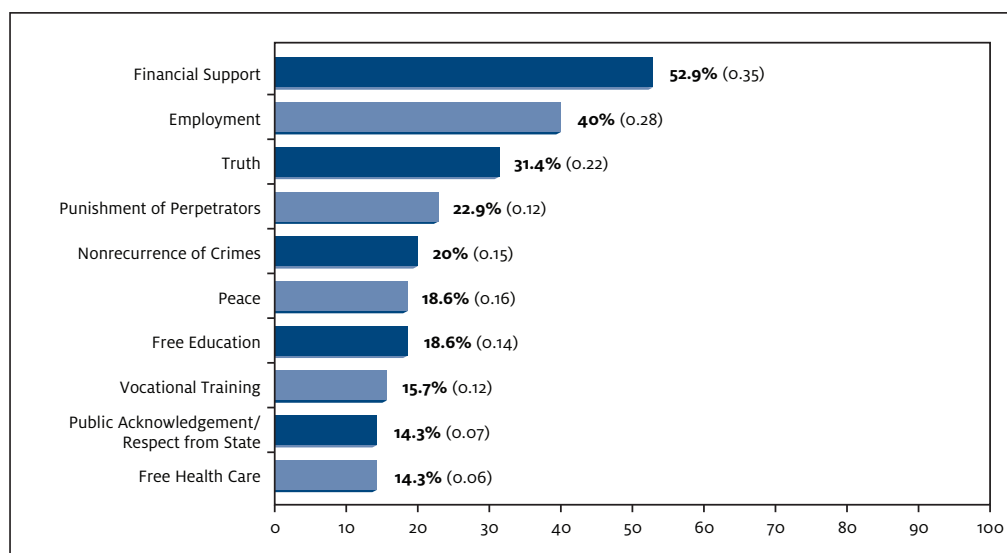
⁵⁶ Act on Commission on Investigation of Disappeared Persons, Truth and Reconciliation 2071 (2014), section 13(f).

⁵⁷ The Nepali terms used by participants for nonrecurrence were *dwanda feri na-dohoriyos* or *feri dwanda nahos*.

needs, and ranked them higher. Within the top 10 most frequently cited aspirations, both men and women referred to various measures already identified as immediate needs. These included public/official recognition, which was listed by over half of men (men 52.2 percent, women 14.3 percent); truth seeking, listed by close to a third of women (women 31.4 percent; men 10.9 percent); and “punishment of perpetrators,” which this time was referred to more frequently by women (women 22.9 percent; men 10.9 percent). ID cards for conflict victims were referred to by 19.6 percent of men (6.5 percent listed it as an immediate need).

Other needs that had not featured prominently, or at all, as immediate needs emerged as priorities for the longer-term. “Peace” was referred to by just under one-fifth of men and women (19.6 percent and 18.6 percent, respectively). One-fifth of women (20 percent) also referred specifically to “nonrecurrence” as a longer-term aspiration. “Social security,” which referred to a range of issues, including personal safety, absence of threats, and protection from further human rights abuses, as well as to socioeconomic security, was raised by 17.4 percent of men, although by only 8.6 percent of women.

Figure 6: Top 10 Longer-Term Aspirations of Female IRP Beneficiaries (percentage and saliency)⁵⁸



The shift in emphasis toward nonmaterial needs or aspirations is also reflected in rankings. Although certain socioeconomic needs continue to be ranked high, once urgent needs have been addressed, public recognition became the most important demand for men, taking precedence over material needs. Public acknowledgment is also ranked relatively high by women (5th highest) as a longer-term aspiration.

Most respondents expressed recognition in terms of “declarations of martyrdom,” and responses suggest that recognition of sacrifice for a cause may be more important for many than recognition as a victim of human rights violations.⁵⁹ Male IRP beneficiaries described martyrdom as a way for future generations to remember the sacrifices of victims and the events of the conflict and indicated that families would derive satisfaction from

58 See Annex Table 15 for complete list, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

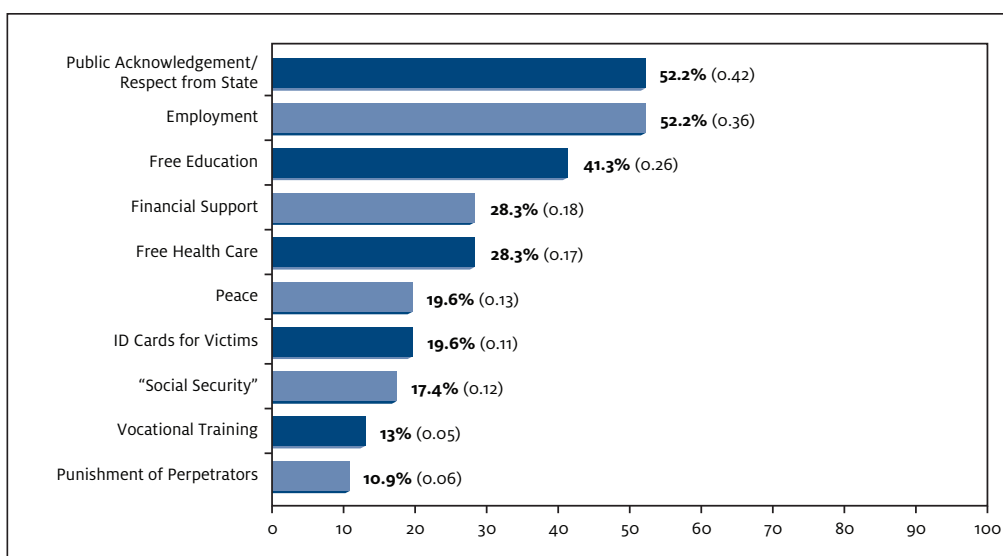
59 The Nepali word for “martyr” is shahid. It emerged in the context of anti-state and prodemocracy struggles of the 1940s, 1960s, and 1990 “People’s Movement” but became established in the 1996–2006 armed conflict, during which the term was applied by the Maoists to its members who were killed or others killed or disappeared by the state. Subsequently, it has been used by different political forces, both to recognize victims and capitalize on the benefits of martyrdom. For further information on the issue of martyrdom in Nepal, see Marie Lecomte-Tilouine, “Martyrs and Living Martyrs of the People’s War in Nepal,” *South Asia Multidisciplinary Academic Journal* (2010), <http://samaj.revues.org/3018#tocto1n2>

the respect and recognition given to their loved ones by the state. Concrete examples of possible symbolic measures were given, included naming public facilities (public parks, schools, meeting halls, roads, and bridges) after martyrs or erecting statues to them. The following comment from a male IRP beneficiary relates to the significance of public recognition of martyrs:

The government declared our son dead, and now they should declare him a martyr by the state. A statue should be made to him in our village. This will give us happiness.

- Male IRP beneficiary from Dhanusha, aged 55 (FES)

Figure 7: Top 10 Long-Term Aspirations of Male IRP Beneficiaries (percentage and saliency)⁶⁰



Public recognition (also articulated in the form of declarations of victims as martyrs or memorials to martyrs) likewise emerged as more important to female participants as a longer-term aspiration, although it was not given quite the same level of priority as by men. Nevertheless, the following comments suggest the importance of recognition and remembrance in giving meaning to loss is shared.

We will be satisfied if my husband is declared a martyr by the state. We will no longer be angry. We’ll feel that my husband’s blood did not flow into the river in vain.

- Female IRP beneficiary from Jumla, aged 32 (FES)

It’s necessary to make statues of those who were killed or disappeared during the armed conflict with their date of birth and death, as well as a public park at VDC [Village Development Committee] level. This way, I’ll be happy too, and the next generation will also remember them.

- Male IRP beneficiary from Kanchanpur, aged 25 (FES)

Peace, ID cards, and truth seeking were ranked sixth, seventh, and ninth, respectively, by men. Punishment of perpetrators, which was ranked fifth by men as an immediate or urgent need, drops to eleventh in the ranking of longer-term aspirations.

Greater priority is given by women to “punishment of perpetrators” as a longer-term aspiration. For them, punishment appears to be understood both as a preventive measure and a source of satisfaction through acknowledgment that a crime had been committed and recognition of the dignity of the deceased. In the words of one woman from Kavre district:

60 See Annex Table 16 for complete list, at www.ictj.org/Nepal-Reparations-Report-Annex.pdf

Punishing the perpetrators would provide a kind of mental relief to the conflict victims. It would give satisfaction to the families of conflict victims. If the perpetrators were punished, they wouldn't commit the same crimes in the future.

- Female IRP beneficiary from Kavre (ID2) (FES)

Table 5: Ranking of Long-Term Aspirations by Female and Male IRP Beneficiaries⁶¹ (Ranking of “immediate needs” in parentheses)

	1	2	3	4	5
Female	Financial Support (Employment)	Employment (Financial Support)	Truth Finding (Free Education)	Peace (Food, Shelter, Clothing)	Public Recognition (Free Medical Care)
Male	Public Recognition (Financial Support)	Employment (Free Education)	Free Education (Employment)	Financial Support (Food, Shelter, Clothing)	Free Medical Care (Punish Perpetrators)
	6	7	8	9	10
Female	Punish Perpetrators (ID Card)	Nonrecurrence (Truth Finding)	Vocational Training (Vocational Training)	Free Education (Public Recognition)	Free Medical Care (Punishment of Perpetrators)
Male	Peace (Free Medical Care)	ID Card (Truth Finding)	Social Security (Reconstruction of Home)	Truth Finding/ Search for the Disappeared (Search for the Disappeared)	Vocational Training (Public Recognition)

Truth seeking, already identified as a priority for women as an immediate need, was considered more important to them in the longer term (women ranked truth finding third, while men ranked it ninth). Important observations were made about the role of truth in contributing to peace and protecting against the possibility of future acts of revenge. According to a wife of a victim of enforced disappearance:

In order to establish peace and harmony in the state, it's of utmost importance to find out the truth. Our children will know how and why their father disappeared, otherwise they might end up doing something bad.

- Female IRP beneficiary from Bardiya (NFGD)

A similar point is made in the following quote by a woman from Kanchanpur, who also relates truth seeking to address the social stigma experienced by women whose husbands are missing and highlights the difficulty in separating socioeconomic or material needs from nonmaterial needs, like truth seeking.

The needs of Maili are not only related to raising her children and educating them, but also to finding her husband. All she does is chant her husband's name night and day. Society looks down on her and calls her bad names just because she doesn't have her husband. That is the main problem, and the solution is to find out the truth about her husband. The state is the one responsible for identifying the truth and declaring whether her husband is alive or dead.

- Female IRP beneficiary from Kanchanpur, aged 29 (NFGD)

In general, female respondents who have lost a husband or other family members tended to focus on the need for measures to prevent the recurrence of human rights abuses and provide a safe and secure future for their children. However, both women and men expressed aspirations for peace as the basis of the country's future development, ranking it fourth and sixth, respectively.

61 See Annex Tables 17 and 18 for complete list of rankings, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

Finally, reflecting the psychological harms (mental stress/“torture”) and social harms (social discrimination and mistreatment by family) identified by female relatives of the deceased and disappeared, female NFGD participants more than males tended to focus on the rehabilitative dimensions of recovery. This included the need for psychosocial counseling, greater support from the community, more mobility within the society, official apologies, and efforts to avoid the repetition of harms. Again, pointing to the relationship among different reparative measures, the importance of official acknowledgment or recognition of harms by the state was seen by some as an important element in restoring their place within their families, communities, and broader society. In the words of one woman from Rolpa:

Everyone looks down [*hela garchha*] on me and puts me under pressure. If the government shows me respect, I won't be treated badly anymore.

- *Female IRP beneficiary from Rolpa, aged 38 (FES)*

Longer-term material aspirations and demands

Although participants focused more on nonmaterial needs when the question was posed, “*What else is needed to address harms once urgent needs are met?*,” financial and other material needs continued to be raised. Subsistence needs of “food, shelter, and clothing” were raised less frequently and were ranked lower by both men and women, presumably based on the assumption that survival needs would have been addressed. However, other socioeconomic needs identified as immediate continued to feature as longer-term expectations for reparative justice. These included, in particular, financial support, employment, vocational training, free education, and free medical care. The ranking of these needs differed slightly between men and women, with longer-term aspirations focused on remedies that may reflect gendered roles and the additional burdens that women carry, particularly as widows or wives of the disappeared.

As noted earlier, women tended to highlight nonmaterial aspects of reparations that would restore them fully to society (truth finding, peace, public recognition, and punishment) once material needs were met, ranking them higher and referring to them more frequently than men. They also placed greater emphasis on material aspirations that would result in long-term economic security. Over half of the female IRP beneficiaries (52.9 percent) listed continuing financial support as a longer-term aspiration, ranking it as their top priority. Financial support was also listed by male IRP beneficiaries but only by just over one-quarter (28.3 percent) and with a lower ranking (fourth highest). Both women and men ranked employment as their second most important long-term aspiration. Support for education and medical care continued to feature for both genders, but men placed more emphasis on long-term access to these services, ranking them third and fifth, respectively, compared to women, who ranked them ninth and tenth, below nonmaterial priorities.

Equality of benefits, material or nonmaterial, was raised particularly by women. Although noted as an immediate need, it featured more prominently in relation to longer-term aspirations. Equality was referred to in terms of ensuring equal benefits not only between different categories of victims but also to victims of both parties to the conflict. Reference was also made to differences between “farmers’ wives” and “relatives of service holders,” which is understood to mean between poor relatives of the deceased and disappeared and the relatives of members of the security forces who were killed or missing as a result of the armed conflict.⁶²

62 Equal benefits to families of martyrs (deceased) and families of the disappeared was ranked 14th as a long-term aspiration; equality between victims of state and Maoist forces, 15th; and equal benefits between “farmer’s wives” and relatives of “service holders” 18th.

7. Immediate and Long-Term Needs of Torture Survivors

The immediate needs of torture survivors and their long-term aspirations or expectations for reparative justice were explored using the same tools: FES and NFGD (using the fictional account of Kaila) for men and in-depth interviews for women.

Both identified a range of immediate and longer-term needs and demands. However, what distinguishes torture survivors from relatives of the deceased and disappeared is their urgent need for medical treatment for physical and psychological injuries resulting from torture and other ill-treatment. Although some have managed to find funds to pay for care, others have had little or no medical attention. The longer that reparations are denied to them, the more their health deteriorates and the worse their socioeconomic situation and that of their families becomes.

Despite the acuteness of many basic socioeconomic needs, torture survivors who participated in this study also regarded justice as entailing more than financial handouts or other forms of material support. As with families of the deceased and disappeared, nonmaterial measures—such as “punishment of perpetrators,” truth seeking, rehabilitation and the restoration of dignity, and broader goals of reconciliation, peace, and security—feature as both immediate needs and longer-term aspirations, although with different degrees of emphasis by men and women. Male torture victims were unique, however, in identifying measures in support of good governance, such as anticorruption measures and screening of public officials for “loyalty” and “trustworthiness.”

Immediate and Long-Term Needs of Male Torture Survivors

Immediate needs

Socioeconomic demands dominated the immediate needs of male torture victims, with six out of eight of their most frequent responses relating to material needs. Close to two-thirds of FES participants identified financial support as an immediate need (73.9 percent), followed closely by free medical treatment (67.4 percent), for which the saliency was the higher of the two (0.55). Free education for children, employment, and “food, clothing, and shelter” also featured but with lower frequency than for relatives of the deceased and disappeared. Free education was listed by 23.9 percent of respondents, employment by 17.4 percent, and “food, shelter, and clothing” by 13 percent.

These were almost exactly mirrored in the ranking of immediate needs, of which the five highest ranked were socioeconomic (see Table 9 below). By far the greatest emphasis was placed on financial support and free medical care, with the former including “relief,” support for repayment

of loans, pensions to mitigate for loss of employment, and compensation. Financial support was also closely linked to the issue of medical treatment. As participants explained, their economic situation often makes medical treatment unaffordable. In some cases, payment of medical bills had created additional debts for torture survivors. The desperate situation in which many found themselves was described by participants from Kanchanpur and Baglung districts:

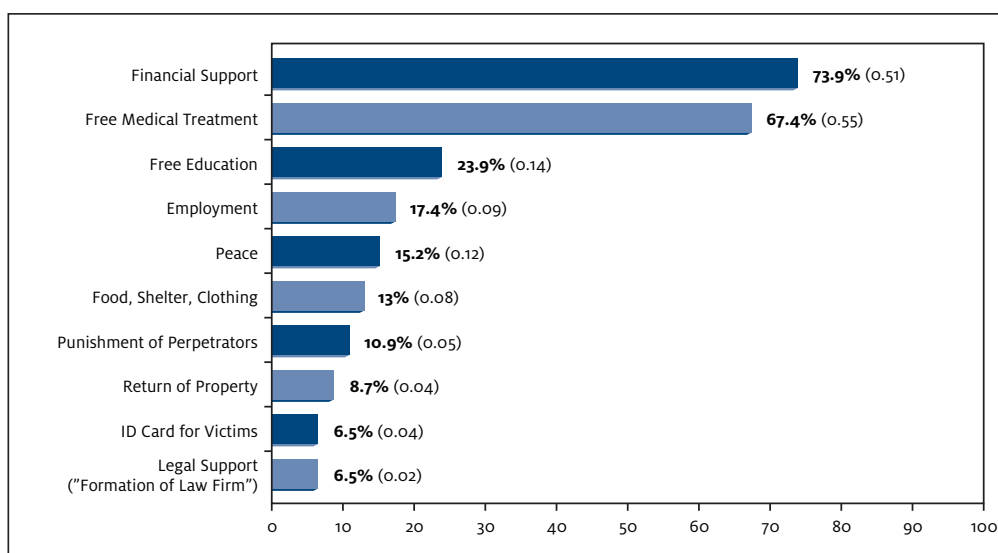
I’ve spent more than three lakh rupees [NPR 300,000, or approximately USD \$3,000] to treat the results of the physical torture I endured. I’m not able to afford more medical expenses, even to buy prescribed medicine. My kidney is infected. I have no money for treatment of the injury in my pelvic bone. Death would be better for me.

- Male torture survivor from Kanchanpur (NFGD)

No one has supported me until now. I’ve undergone four operations. Even when we cut our finger with a knife, there’s pain. You can imagine how much pain I’m going through. I survived the operations, but I still have backaches, my nerves get swollen and I cannot sit upright. I need medical treatment.

- Male torture survivor from Baglung, aged 57 (FES)

Figure 8: Top 10 Immediate Needs of Male Torture Victims (percentage and saliency)⁶³



Free education, employment assistance, and subsistence needs (“food, shelter, and clothing”) were ranked third, fourth, and fifth, respectively. Although, again, there was a clear relationship between the different needs, and some found it difficult to prioritize. Fear was also expressed that without such support, their situation would deteriorate further.

Because our physical condition is very weak, we can’t compete with others for jobs. The state must arrange a job for us by recognizing our abilities. Otherwise, our family’s situation will keep deteriorating.

- Male torture survivor from Kanchanpur (NFGD)

The most essential needs of torture victims like us are food, shelter, and clothing. We also need medical treatment. The state must provide free education for our children. Relief must be given immediately.

- Male torture survivor from Udayapur (NFGD)

Male torture survivors also included nonmaterial measures within the category of immediate needs, although listing them less frequently and ranking them lower than their male IRP beneficiary counterparts. “Punishment of perpetrators,” for example, was ranked eighth, and

63 See Annex Table 19 for the complete list, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

referred to by 10.9 percent of male torture victims, compared to 37 percent of male IRP beneficiaries, who ranked it sixth. However, male torture survivors also specifically raised the need for legal representation (which they articulated as the need to form a law firm), which they ranked 10th. For some, judicial remedy appeared to be essential to achieving satisfaction.

We could kill the perpetrator, but he should be punished according to the law. As torture victims, we will get justice by punishing the perpetrators.

- Male torture victim from Kapilvastu (NFGD)

We would be satisfied if the perpetrator were punished. We're the innocent ones who were victimized, but the wrongdoers are still enjoying their lives and working freely. We haven't received any kind of assistance. Even if we were given money or services, they'd only help us survive, but our truth would not be known. For making the truth known to all, perpetrators should be punished equally.

- Male torture victim from Bardiya (NFGD)

Further discussions on the issue of justice in relation to longer-term needs revealed different opinions about the role of the courts and the meaning of justice (see longer-term aspirations and needs, below).

Other broader aspirations also featured as immediate needs. These included “peace,” which was listed by 15.2 percent of participants and ranked sixth overall. Although official recognition was not listed, ID cards, which imply a form of official acknowledgment, was ranked ninth as an immediate need. A sense of the importance of recognition also emerged from NFGD sessions in which the need for state acknowledgment of the harms suffered was raised, as were measures to ensure a safe and dignified living environment. In this regard, the failure to include torture victims as a specific category within the IRP has reinforced feelings of marginalization and undermined the healing process.

We have not received any relief. No rehabilitative program has been set up for people like us yet. How can we be restored?

- Male torture survivor from Kavre (NFGD)

Longer-term needs and aspirations of male torture survivors

A comparison of the immediate needs and future aspirations of male torture survivors reveals a similar pattern to relatives of the deceased and disappeared. In particular, there was a shift in emphasis from material to nonmaterial measures, combined with a continuing expectation of longer-term socioeconomic support.

Employment, free education, free medical care, financial support (including regular monetary allowances, compensation, and other forms of financial relief), and subsistence needs (“food, shelter, and clothing”) continued to be ranked within the top 10 measures aspired to in the longer-term (ranked first, third, fourth, fifth, and seventh respectively). The same longer-term aspirations were also among those most frequently raised. Half of participants listed employment (50 percent), over one-third referred to free education (39.1 percent), over one-quarter to financial support (26.1 percent), and just under one-quarter to free medical treatment (23.9 percent). The expectation of continuing support for food, clothing, and shelter was raised by 15.2 percent of respondents. Vocational training, which did not feature as an immediate need, was ranked eighth as a long-term demand, and listed by 13 percent of participants.

NFGD discussions reinforced these priorities and provided insights into the rationale behind them. The most highly ranked aspiration—employment—was discussed at some length, with support for income generation seen by some as an essential response to addressing harms and providing for future security. According to some responses, employment is also considered important to contributing to peace and stability.

To tell you the truth, my life is very long to be lived. It becomes really very hard to raise a family without a job. If we had employment opportunities, we'd be able to support our livelihood. After 20 years of serving, we'd get a pension. That's why we ought to get employment opportunities, then our wishes would be fulfilled.

- Male torture survivor from Siraha (FES)

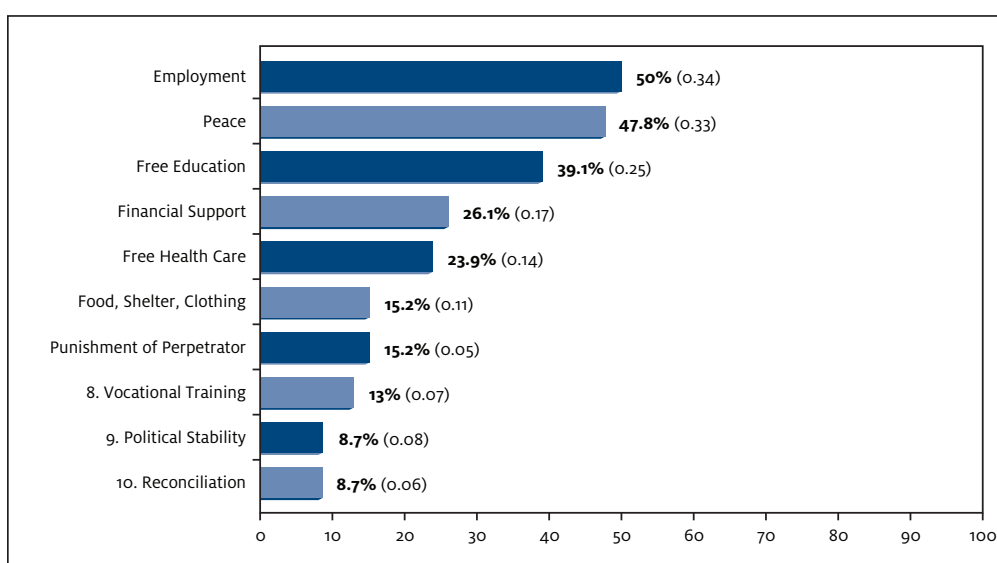
If only all of the public were assured jobs, conflict would certainly come to an end.

- Male torture survivor from Jumla (FES)

Citizens of our country are very poor, so there should be a provision to have one house-one employment opportunity for all.

- Male torture survivor from Jumla (FES)

Figure 9: Top 10 Long-Term Aspirations of Male Torture Survivors (percentage and saliency)⁶⁴



There was also discussion regarding financial support and the role of compensation in repairing harms. However, for some, the physical or mental scars resulting from torture made work difficult or impossible, and the enormity of their injuries caused them to question whether there were any way to compensate for their losses.

Because of the torture, one side of my body is paralyzed. I can't move, and I need somebody to help me to do any work. I'll need support from others for the rest of my life.

There's no compensation for this suffering.

- Male torture survivor from Kapilvastu (NFGD)

I was a national karate competitor. I was about to represent the country at an international match when the Maoists attacked me at home. Because of that attack, I became physically disabled and couldn't continue with my sport. My life was ruined. Compensation can't address the harm I suffered.

- Male torture survivor from Baglung (NFGD)

Financial support or “compensation” was nevertheless seen by most as important for paying for much-needed, and often highly specialized, medical care, or in the case of some, to repay loans, recover land lost resulting from defaulting on loans, pay school fees, and resolve other economic problems. Material support leading to economic security was also seen by some as having broader, longer-term rehabilitative benefits, including restoring “self-respect” and “dignity.”

64 See Annex Tables 21 for the complete list, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

The self-respect of conflict victims, their social rehabilitation, encouragement, and economic empowerment all help. Monetary compensation can also help with physical and psychological harm.

- Male torture survivor from Kavre (NFGD)

The need for restoration of dignity was, in turn, seen as linked to other measures, in particular, recognition by the state and the broader society of torture survivors as victims of human rights abuses. However, male torture survivors, unlike relatives of the deceased and disappeared, did not discuss recognition in terms of martyrdom but rather focused on the need for acknowledgment that they were victims of wrongdoing. In the words of a torture survivor from Kavre district:

The foremost thing to do for a torture victim is to recognize him, and to restore his dignity the state should respect him by saying that he is a torture victim. The next thing to do is to create an enabling environment where a torture victim can live with full dignity and feel proud that he will be known as a conflict victim in society. It is the responsibility of the state to make an environment where he can walk freely with a wide heart [*chhati khulayera*] without any fear or tension.

- Male torture survivor from Kavre (NFGD)

Table 6: Ranking of Immediate Needs and Long-Term Aspirations by Male Torture Survivors⁶⁵

Rank	Immediate Needs	Longer-Term Aspirations
1	Financial Support	Employment
2	Free Medical Care	Peace
3	Free Education	Free Education
4	Employment	Free Medical Care
5	Food, Shelter, Clothing	Financial Support
6	Peace	Punishment of Perpetrators
7	Return of Property	Food, Shelter, Clothing
8	Punishment of Perpetrators	Vocational Training
9	ID Card for Conflict Victims	Reconciliation
10	Legal Representation (through formation of law firm) (Public Recognition)	Political Stability & Drafting of Constitution Incorporating Issues of Conflict Victims (Vocational Training)

Official acknowledgment also featured as part of broader understandings of justice. For example, most NFGD participants emphasized the importance of revealing the truth about what happened and “punishing perpetrators.” Male torture survivors ranked punishment eighth as an immediate need and sixth as a longer-term aspiration, although it is listed by less than one-quarter of FES participants (15.2 percent). This apparent ambivalence may be explained by contradictory views among respondents about whether justice can be achieved through the courts. For some, criminal prosecution is clearly an important measure.

65 See Annex Tables 20 and 22 for the complete rankings, www.ictj.org/Nepal-Reparations-Report-Annex.pdf

They beat up innocent farmers like me and other neighbors who did nothing to them. So these people should be prosecuted as soon as possible for causing harm to people like us.
- *Male torture survivor from Udayapur, aged 31 (FES)*

The government hasn't done anything until now to punish the perpetrators. These perpetrators are living with us in the community, and they are free to walk around. They should be immediately brought under investigation and prosecuted.
- *Male torture victim from Udayapur, aged 51 (FES)*

It is mandatory to go to the CDO [Chief District Officer] and court to get justice. But because we don't have documents to prove we are conflict victims, we can't go. So, we don't get justice.
- *Male torture victim from Kapilvastu (NFGD)*

Others appeared to have less confidence in formal criminal justice processes. Some also expressed doubts about what it might deliver. They instead placed greater emphasis on “social justice” or reconciliation. The precise meaning of these concepts or how they are best achieved was not fully explored, but even among male torture survivors whose own personal sense of justice does not include prosecutions, it was nevertheless evident that justice is not limited to material responses but also entails measures that recognize the harm inflicted and support survivors' social and economic rehabilitation.

The courts may not understand the reality, but society does. The court only understands on the basis of proof, which we don't have. So, social justice is better for victims like us.
- *Male torture victim from Baglung (NFGD)*

Why should we go to court when there's no law for us? We are all torture victims, and it is well understood by society, but how can we submit a claim?
- *Male torture victim from Bardiya (NFGD)*

If other organizations help us to get compensation and live in society with dignity, it's not always necessary to go to the court for justice.
- *Male torture victim from Kavre (NFGD)*

It seems to people that they can get justice by going to the court, but it's better for both the perpetrator and victim to adjust within their society through social reconciliation.
- *Male torture victim from Udayapur (NFGD)*

Several male torture victims also referred to a range of measures aimed at strengthening government and administrative institutions. Although touched on as immediate needs, these measures featured more prominently as longer-term aspirations. They included specific reference to “development of good governance” (ranked 16th); discouragement of corruption and establishment of reliable administrative bodies (15th); ending corruption (also 16th); and establishing vetting processes to assess the loyalty and trustworthiness of government employees (also 16th).

Immediate and Long-Term Needs of Female Torture Survivors

In-depth interviews with female torture survivors explored the same themes of immediate needs and longer-term aspirations. Respondents were asked questions about: their own immediate needs resulting from the harms described and those of their family; their expectations for future measures, assuming that their immediate needs are addressed; what types of measures would give them a sense of satisfaction; and who should be responsible for implementing these measures.

The results of the interviews show similarities and differences with other categories of respondents. Female torture survivors, even more than others, made little distinction between their immediate and longer-term needs, tending to list all of their needs as immediate and repeating them when asked about longer-term hopes. For this reason, the two

are covered in a single section below. However, as with other categories of victims, when provided with the opportunity to consider more aspirational measures or needs beyond the immediate, nonmaterial expectations featured more prominently.

Consistent with all other research participants, the most frequently raised needs (both immediate and longer-term) were socioeconomic. The demands of female torture survivors almost exactly mirrored those of their male counterparts, including for financial support, within which they specifically identified monthly cash allowances and support for repayment of loans, basic subsistence needs (“food, shelter, and clothing”), free health care, free education, and employment. Respondents were also equally resentful of perceived state neglect, and some expressed anger that members of the state security forces are better cared for than them. In the words of one woman:

We should get timely and free treatment, similar to what the army and police receive. We are also citizens of the state, like the army and police. They get a monthly salary. Why can't we even receive free treatment?

Unsurprisingly, medical treatment was stressed as a need by all of the women. Despite the severity of the physical and mental harms they had suffered, some had received no treatment. Others had taken out loans or sold property to pay for health care, with the result that they have plunged further into poverty and debt (like male torture survivors). Several women spoke about the acuteness of their needs:

I took out a loan for my medical treatment, which I haven't paid off yet. The government could help us to repay the loan. Due to a lack of money, I couldn't have an operation. I'm always afraid that someday the landowner will ask us to leave his land. We aren't able to eat twice a day. Maybe they [the government] could help us to eat once a day.

I am ill and can't get treatment due to a lack of money. In our family, we have small kids, and it's very difficult to raise them. It will be harder in the future with their schooling. My husband is also disabled, and no one is there to feed us. Instead of getting relief for our problem, we are getting more problems. The government needs to do more to support us. We are not in a situation to work and feed ourselves.

A Dalit woman explained the particular obstacles facing her as a lower-caste woman:

Being a Dalit, I am also poor and uneducated. I don't know how or where to seek support. I'm in great pain. I'm sick and don't have money for medical treatment. I have a hard time getting enough food.

Although there is clearly a desperate need for financial and medical support, women survivors of torture also displayed a more holistic sense of what justice means to them. Ten of the twenty-two women interviewed referred to prosecutions (*doshilai karbahi, sajaya*), truth seeking, and prevention of future human rights abuses. Researchers noted that such measures were particularly stressed by women who had been subjected to multiple human rights abuses.

Echoing the views of many male torture survivors, criminal justice was regarded by some as necessary to achieve internal peace and satisfaction and as a way of restoring their dignity and honor. However, also consistent with their male counterparts, some expressed doubts about whether this was possible in Nepal.

They saw my whole body, assaulted me, and took away my honor [*ijjat*]. How can I get justice in this situation? I want those three people to be punished. Then I could get some relief. I desperately want to hear that they've been punished.

For me, justice is to identify those people who attempted to rape me, to investigate why they tried to do it and who they are. These things need to be investigated, and they should be hanged. Only then could I get peace. But unfortunately criminals are imprisoned for a day and released the next day. How can people like us get justice?

If the people who did this to me were prosecuted, I'd be satisfied, but it's also important for me to get some money so that we can earn an income for our livelihood.

Closely linked to the desire for accountability was the aspiration articulated by some women for inquiry into the facts and public disclosure. In particular, they talked about documentation, investigation, disclosure of the truth about serious crimes they had suffered, and identification of perpetrators. In the words of one:

Everyone in the community, my family, my husband, they have all condemned me, but they don't know what exactly happened. The government should investigate who was responsible for doing such things so that the truth can be revealed and those people can be punished.

The desire for truth seeking and prosecutions by some should be carefully balanced with concerns about maintaining victims' confidentiality. Of the 22 women interviewed, most had told their husbands about the rape or other abuses they had suffered. However, only approximately half had told family members or neighbors, fearing that public knowledge of their treatment would lead to shame and social stigmatization.

How can I reveal my experience to someone else when I've already lost my honor [*ijjat*]? If I seek support from someone, they'll talk about me and look down on me.

My sister, sister-in-law, father—no one knows about this incident. Otherwise, it could bring dishonor on them. My husband told me that if others found out about it, he would leave me.

Where would I go to tell that police have done this to me? Who would listen to me? If others know they will accuse me and may call me *randi* [a loose woman].

For one interviewee, future prevention of such abuses was as important as material assistance, if not more so. Her words are a reminder of why individual material reparations in the absence of measures to prevent nonrecurrence are likely to be seen as inadequate:

We were the victims, but from now on what we want is that such incidents and conflict should not be repeated and that nobody should suffer such pain. Neither our future generation, nor our mother and sister should suffer such pain. This is my number-one demand. We can survive anyway, whether we get a relief package or not.

8. Perceptions of Harms and Responses Among Local Government and NGO Stakeholders

To be effective, reparations programs must be informed by victims and their needs and perceptions of what would constitute, or contribute to, justice. However, the design and delivery of reparations also involve a range of other stakeholders whose support and cooperation is essential. Local government officials, for example, have performed a key role in administering the IRP, while NGOs have been instrumental in assisting victims to access the program and navigate complex application processes. They have also provided direct help to victims, including financial and other material support and support to pursue legal cases.

As institutions with an active role or interest in the IRP and any future reparations program, their views were sought on the same range of issues explored with victims, including harms suffered, the impact of the IRP (both positive and negative), whether further relief or reparations are required, and if so, in what form. Semi-structured interviews were held with 55 district-level government representatives of District Administration Offices, District Development Committees, and Women and Children Offices;⁶⁶ representatives of official bodies, such as the National Human Rights Commission; representatives of LPCs;⁶⁷ and staff of NGOs working with victims at the grassroots level.⁶⁸

Conflict Harms and the Rights and Needs of Victims

Most respondents were aware of the range of human rights abuses committed during the conflict and commonly referred to loss of life, mental and physical torture, enforced disappearance, and loss of property or displacement as among the most serious harms. However, relatively few (18 of 55) mentioned rape or sexual violence as among conflict-related abuses, reinforcing concerns about the invisibility of victims of SGBV.

Although there was general recognition of the long-term negative consequences of human rights abuses for victims, the responses suggest an incomplete understanding of the severity of the socioeconomic harms and the resulting deprivation suffered by victims.

66 Most applications for relief under the IRP are made to the District Administration Office, headed by the Chief District Officer (CDO), who is responsible for verifying applications and submitting them to the Data Collection Task Force of the MoPR for onward processing. The CDO is also responsible for disbursing or authorizing that relevant local government department (for example District Education Office, District Health Service Office) to disburse the relief.

67 LPCs have a mandated role to monitor the implementation of MoPR programs and to provide necessary support to the Task Force constituted by the government of Nepal for the collection of the data on conflict-affected persons for the purposes of relief. See Terms of Reference for LPCs, http://cprnepal.org/wp-content/uploads/2011/08/ToR_LPC_Eng_Feb-2009.pdf. In reality, the LPC's role was largely limited to recommending names of victims and, in some cases, assisting applicants to support their claims.

68 Advocacy Forum (AF), Human Rights and Rural Environment Protection Center (HUREC), Informal Sector Service Center (INSEC), and Madheshi Human Rights Home.

Almost all government and NGO respondents identified as forms of harm: psychological stress (52 of 55); physical injury (43 of 55); and social hardships, such as discrimination, isolation, and marginalization (42 of 55). “Moral” and economic harms were referred to by only around a quarter of those interviewed, although several did point to specific problems, including educating children, accessing health care, and dealing with loss of employment. This incomplete understanding of the impact of abuses, even among those in close contact with victims, highlights the importance of direct consultation with victims to ensure that their experiences and views are reflected in the design of reparative and other transitional justice measures.

Despite the limited understanding of the extent of suffering endured by many victims, there was nevertheless general consensus that victims’ needs should be addressed as a matter of urgency. Out of the 55 stakeholders interviewed, only one, a district-level government official from Kapilvastu, suggested that harms should not be addressed now, although even he accepted that compensation could be provided. Most saw it as the state’s responsibility to provide remedy for conflict victims (52 of 55) and thought that the violation of rights should be the basis for further measures.

Perceptions of Relief Measures to Date

Most respondents did not have a complete overview of the IRP or range of benefits provided under it, although most were aware that the government has provided financial compensation to victims (51 of the 53 who agreed to respond to these questions). Fewer seemed aware of reparative scholarships (38 of 53), vocational training (29 of 53), and subsidized medical care (19 of 53). Nevertheless, respondents were generally aware of the limitations of the program, and many of them echoed concerns raised by victim respondents. A total of 46 respondents stated that the IRP did not respond effectively and/or fully to the needs of conflict victims, although six stakeholders (three local governments, two NGOs, and one LPC representative) viewed the IRP as an adequate response to the needs of victims.

For those who consider the IRP to be insufficient, concerns about both substance and process were raised:

- *Limits of compensation.* The amount of compensation provided under the IRP was regarded as inadequate by the majority of respondents (39 of 55). Most were also critical of the focus on financial measures and questioned whether money was sufficient to compensate for harms and losses suffered. In the words of a senior government representative in Bardiya district, “The amount of relief . . . is very little compared to the life of a human.”
- *Exclusion of torture survivors.* Several interviewees expressed concern that the IRP does not adequately respond to torture survivors and that the program denies support to victims suffering from disabilities.
- *Lack of follow-up to vocational training.* Government officials were particularly concerned that although vocational training has provided victims with new skills, due to budget constraints support has not been available to ensure employment for recipients.
- *Complexity of the process and political interference.* The majority of representatives from government, LPCs, and NGOs shared the view of victims that the application process and receipt of benefits has been overly complex and lengthy. Concerns were also raised about the vulnerability of the process to political influence or interference and about “fake” claimants receiving benefits to which they were not entitled.

However, other stakeholders, like victim respondents, acknowledged the IRP has responded to some immediate needs, in particular, livelihood needs.

Perceptions of Further Needs and Future Reparations Measures

Responses to the question “*What should victims expect from the state in response to the violation of their rights?*” were varied. In many cases, further measures identified by local government officials, LPC members, and NGOs match those identified by victims themselves and also suggested a high degree of sympathy for conflict victims, at least among those interviewed.

Interviewees suggested measures to support employment, educational opportunities, truth seeking about violations, restitution and rehabilitation where possible, institutional reform, and the accountability of perpetrators. A small number highlighted the particular situation of children orphaned as a result of the conflict. There were some differences in opinion between state representatives and NGOs. For example, local government representatives particularly highlighted the role of the state in promoting employment, although it was also raised by others (21 of 55). NGO representatives tended to include more accountability-orientated measures, in particular criminal investigations and prosecutions of perpetrators (raised by 17 out of 55 respondents) and truth seeking.

In response to a specific question about whether public acknowledgment by the state is important, all but two respondents thought that it was necessary and offered various ideas as to why. These included providing satisfaction and a sense of justice to victims, strengthening social solidarity with victims, reducing social stigma, contributing to truth and supporting the punishment of perpetrators, preventing a recurrence of the conflict, and giving a positive message to future generations. However, two individuals expressed concern about the risk of opening old wounds and the potential risks to victims if their experiences became public.

Despite being supportive of reparative justice, most considered that there were significant obstacles to delivering reparations. Some specifically pointed to the presence of perpetrators in positions of power as presenting hurdles to prosecutions; others cited a lack of public resources, political instability, and the risk of further divisions if justice were pursued and the loss of trust in the state by conflict victims. Nevertheless, almost all (49 of 55) agreed that conflict victims should expect justice from the state. In the eyes of some, justice was also understood quite broadly to include measures aimed at improving the economic situation of individuals (such as compensation, vocational training with follow-up support leading to employment, and return of land and property) as well as measures that would contribute to respect for conflict victims and secure and peaceful conditions conducive to reconciliation.

9. Conclusions

Urgency of Basic Socioeconomic Needs

Participants’ accounts of harms suffered by themselves and their families, as well as by the fictional characters of “Maili,” “Saila,” and “Kaila,” highlight the shattering and ongoing consequences of conflict-related human rights abuses. In the absence of adequate or in many cases any assistance, the situation of conflict victims has worsened over time, as their physical and psychological conditions deteriorate, scarce resources are consumed, and capacities to cope eroded.

The emphasis by research participants on subsistence needs and having their livelihoods restored, and in the case of torture survivors the desperate need for medical care and psychosocial support, suggests that reparations cannot be further delayed, raising serious concerns about requiring victims to wait for recommendations from the TRC to receive redress.

Some of the more prominent examples of reparations programs in Argentina, Chile, and South Africa might suggest that reparations are better designed and more comprehensive and enjoy wider public support if they follow the recommendations of a truth commission. However, this is neither necessarily true nor supported by the way that the relationship between truth commissions and reparations unfolded. In these countries, truth commissions catalysed reparations, but the actual programs were ultimately a product of victim and civil society mobilization and the work of the reparations institutions.

There are also many examples (Colombia, Indonesia, Philippines, Timor-Leste, and Tunisia) where reparations programs have been implemented in the absence of truth commissions or where such bodies have not yet completed their work.⁶⁹ Despite limitations, such programs have responded to the most urgent needs of victims and/or helped to open or sustain opportunities for truth seeking and accountability.

The IRP, despite its flaws, shows that it is possible to provide relatively rapid support to victims independent of a truth commission. Although speed should not come at the expense of consultations and lessons still need to be learned and applied in relation to problems encountered in the design and administration of the IRP, there is a clear case for responding to the most pressing needs among the most vulnerable populations of victims in advance of the planned TRC.

69 Colombia enacted a Victims Reparation and Land Restitution Law in 2011 that is being implemented while peace negotiations are ongoing and in which the nature and scope of truth-seeking processes is being discussed. In Indonesia’s Aceh province, a rehabilitation program for victims and combatants was implemented while a bill to create a truth commission was proposed only in 2013. In the Philippines, a 2013 law established a reparations program for victims of the 1972–1986 Marcos dictatorship, which includes truth-telling processes in which victims and survivors can request the state to document their experiences and use these in memorialization efforts. In Timor-Leste, an urgent reparations program was administered alongside the truth commission process. Most recently, Tunisia has implemented several reparations programs even before it passed a law that created its Truth and Dignity Commission.

Holistic Nature of Reparative Needs and Expectations

Although many participants were preoccupied with the daily challenges of survival, when given the opportunity to discuss needs beyond the most urgent ones, their responses reveal views that are at odds with the discourse in Nepal that often reduces victims’ demands to the socioeconomic. The research findings show that this is over simplistic. Rather, when the opportunity for deeper discussion was presented, participants demonstrated more holistic views on what they regard as justice and have broader ideas on the measures needed to remedy human rights abuses committed against them or family members. To ignore victims’ definition of their needs and expectations is to deny them not only their rights but also a voice in determining their own future and that of Nepal.

For the majority of respondents, nonmaterial needs were regarded as important and were not seen as being deferrable to a distant future or tradable for compensation or other forms of material support. Rather, measures that affirm the dignity of victims, afford them recognition, and protect them against further harm are regarded as a necessary part of recovery. Although the emphasis may differ among and between different categories of respondents, and nonmaterial measures, such as truth seeking, “punishment of perpetrators,” and public acknowledgment, are prioritized higher as longer-term aspirations, significant numbers also regarded them as immediate needs.

The findings indicate that victims make rational decisions when prioritizing their needs. When faced with a daily struggle to subsist, they are more likely to emphasize socioeconomic measures over nonmaterial needs. Thus, while there is a generally held view that financial compensation cannot fully restore victims’ losses or satisfy justice demands, in a situation where little assistance is offered, it features as a primary demand because it makes it possible to feed and educate children, pay medical bills, and address other urgent hardships.

Likewise, where the criminal justice system is weak and inaccessible to the poor, as is in Nepal, victims may invest less hope in the possibility of successful prosecutions or the likelihood that such prosecutions might concretely alter their situation. There may also be a divergence of views. The findings show differences of opinion on the value and role of criminal justice processes, which is not uncommon in post-conflict situations. What is important is that victims who wish to pursue criminal cases are given the opportunity and support to do so, and that the state also fulfills its legal duty to independently investigate and take action against individuals allegedly responsible for serious human rights violations in accordance with domestic and international law.

Importance of Understanding Victim Profiles

Many of the harms experienced as a result of human rights abuses are common across all four categories of participants; others are more specific to the nature of the abuse. However, the findings also show how the profile of a victim can determine the nature and extent of the harm. Variations in the experience of harms and capacities to cope are most clearly illustrated in relation to gender. However, caste and ethnicity are also shown to be relevant in creating greater vulnerability to the original abuse and, in many cases, resulting in greater harms than those suffered by others. Dalits in particular were seen by a significant portion of respondents as having lower capacities to cope and experiencing greater obstacles to accessing assistance.

Dalit women, therefore, as well as women from certain indigenous communities, can be doubly disadvantaged. As the findings show, even where women suffer the same abuses as men, the resulting harms are often more extreme and have additional social dimensions (shame, stigmatization, marginalization, exclusion) that can exacerbate economic hardships, detrimentally affect family and community relationships, damage psychological health, and push women deeper into poverty and marginalization.

Harms suffered by women can also give rise to differing needs, or differently prioritized needs. For example, all of the female torture survivors interviewed for this report clearly required specialist medical care. However, as is the case with other female participants, these women also spoke of the need for their place in their families and communities to be restored and to be recognized as victims of crimes deserving of remedy, not ostracism.

The government has recognized that specific measures for the relief and recovery of women and girls affected by the armed conflict are needed. Nepal’s five-year (2011–2016) “National Action Plan on the Implementation of UN Security Council Resolutions 1325 and 1820” contains specific provisions relating to reparation.⁷⁰ Nepal has recently reaffirmed its commitment to prioritize responses to violence, including SGBV, against women and girls through, inter alia, the removal of barriers to women’s access to justice, punishment of perpetrators, and affordable and accessible health care services, including sexual and reproductive health, at the March 2013 session of the UN Commission on the Status of Women.⁷¹

Despite these and other commitments, the rights and gender-specific needs of women who were victims of human rights abuses during the armed conflict continue to be overlooked. In the case of victims of SGBV, their exclusion from the IRP, including the planned psychosocial program, amounts to discrimination. The fact that many women, and most especially survivors of SGBV, may not wish to be publicly identified and are not in a position to advocate for themselves is not an argument for inaction. Indeed, the women interviewed were adamant that the state is responsible for addressing the harms suffered by them as a result of human rights abuses. Rather it highlights the importance of developing reparations programs that can be accessed by women, including survivors of rape and sexual violence, and that are designed in a way that respects their confidentiality and does not retraumatize them or subject them to further harm.

The challenge of designing reparations programs that facilitate access without publicly identifying women as victims of rape or sexual violence has been addressed in various ways in other countries. For example, to avoid stigmatization and identification, NGOs working with and, therefore, already trusted by survivors have assisted in identifying and registering women so that they are not required to self-identify. Processes have been designed so that survivors of SGBV are not separated from other women in a way that would lead to their identification. Neutral terminology has been used, such as “mother alone,” which allows mothers of children born of rape to apply for the same benefits as widows of the deceased or wives of the disappeared. Access has also been encouraged and supported by providing services to women at the same time and same location that benefits for their children are received, ensuring that the mother’s needs are not subordinated to those of her family and that repeated visits to access different services are not required.

In Nepal, the reverse has occurred. Exclusion from the IRP, rather than protecting women’s confidentiality, has contributed to their stigmatization, implicitly implying that their experiences are too shameful to be addressed. While not underestimating the challenges, examples from other countries show that it is possible to provide support in a way that is sensitive to social and cultural pressures but that does not contribute to or reinforce harms.

Addressing Root Causes of Conflict Through Reparations

A clear continuum of needs, from basic survival needs to measures that would support longer-term self-sufficiency and security, suggests that many participants wish not simply

70 The National Action Plan on Implementation of the UN Security Council Resolutions 1325 and 1820, approved by the government of Nepal, February 1, 2011. Matrix, 7.3.4, on Relief and Recovery, includes commitments to gender-sensitive health, education, physical, financial, and economic recovery programs for conflict-affected women and girls. Matrix, 7.3.2, on Protection and Prevention, commits the government to investigating cases of SGBV, undertaking necessary legal reform to make prosecutions of conflict-related rape cases possible, and providing legal services to women to pursue cases in the courts.

71 UN Commission on the Status of Women, March 4–15, 2013, Adopted Conclusions, UN Doc. E/2013/27.

for a return to their preconflict socioeconomic status but aspire for an improved, more secure situation, where conditions that made them vulnerable to human rights abuses are addressed. The frequently repeated concerns about harms to children and the consistently raised demand for support to their education likewise indicate the importance attributed to ensuring that the next generation enjoys improved life chances and is not condemned to suffer the consequences of human rights abuses committed against their parents.

For the most part, identified needs relate to victims and their immediate families. However, some participants also suggested measures that would have wider benefits, including provision of services to villages (electricity, drinking water, drainage, schools, public libraries)⁷² and a safe, secure environment. Although not explored in detail in this research, further consideration is needed of how reparative measures targeting individuals might also have more collective benefits or respond to collective harms.

The conventional approach to reparations has been based on the assumption that because rights pertain to individuals, violations should be remedied individually. However, even where reparations have focused primarily on violations of civil and political rights, they have generally included access to services or goods (such as health, education, or housing) that have addressed some of the material consequences of the original abuse and at the same time contributed to allowing victims to enjoy economic, social, and cultural rights. More recently collective reparations have been referred to in international standards and treaties.⁷³

There are tensions inherent in this approach, between the right to reparation in the context of transitional justice and economic, social, and cultural rights that should be available to all.⁷⁴ But there is also a risk that targeted economic support could lead to tensions and division between conflict victims and others suffering similar levels of poverty and exclusion. As some IRP beneficiaries noted, the receipt of benefits can create resentment and reinforce marginalization, with victims seen unfairly to benefit to the exclusion of nonvictims.

Several states have taken innovative approaches to reparations that have attempted to address inequalities and other factors that contributed to armed conflict.⁷⁵ In Nepal, as ICTJ has previously argued, this might mean adopting reparations policies that are “informed by and contribute to redressing the root causes of the broader range of human rights violations” experienced by victims.⁷⁶ One way in which this can be done is to link reparations measures meant to respond to the long-term needs of victims to development programs that are targeted at broader populations of lower-caste, rural, landless, and poor communities or the regions in which they live. In so doing, development actors (government, donors, and development agencies) can take into account the specific needs of victims, either by incorporating specialized services within the overall social service or economic development program or by prioritizing within these services or programs individuals or families made acutely vulnerable by human rights or humanitarian law violations.

72 Although raised infrequently, and ranked low, such types of needs were nevertheless raised by both male and female IRP beneficiaries and by male torture survivors.

73 The UN Basic Principles refers in part V, paragraph 8 to victims “who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law.” The Rome Statute in Article 75 gives the ICC the power to award reparations, and Rule 97 of the Court’s Rules of Procedure and Evidence contemplates “reparations on an individualised basis or, where it deems it appropriate, on a collective basis or both.”

74 A 2014 OHCHR report, “Transitional Justice and Economic, Social and Cultural Rights,” captures some of the conceptual dilemmas that reflect these tensions. See OHCHR, “Transitional Justice and Economic, Cultural and Social Rights” (2014), www.ohchr.org/Documents/Publications/HR-PUB-13-05.pdf

75 In Peru, for example, the truth commission (Comisión de la Verdad y Reconciliación) recommended multiple reparations programs that, when combined, were aimed at providing redress for crimes suffered individually (for example, violations of civil and political rights) but also at addressing deep socioeconomic disparities and providing conditions for full citizenship to inhabitants of historically marginalized communities. See, ICTJ, “Reparations in Peru. From Recommendations to Implementation” (June 2013), <https://ictj.org/publication/reparations-peru-recommendations-implementation>

76 See ICTJ briefing, “Relief, Reparations, and the Root Causes of Conflict in Nepal (2012), <http://ictj.org/sites/default/files/ICTJ-Nepal-Reparations-2012-English.pdf>

Recommendations

The recommendations set out below focus first on a series of discreet reparative measures that ICTJ considers urgent. These are followed by recommendations relating to a more comprehensive reparation program, the groundwork for which should proceed pending the establishment of the TRC. These recommendations are informed by views expressed by victims who participated in research for this report as well as findings from previous research by ICTJ in Nepal. They are not exhaustive but are intended to orientate policy discussions by government, victim representatives, civil society, and donors and, where needed, further consultations.

Immediate Measures

1. Extend the IRP or implement a separate reparations program to alleviate urgent socio-economic needs of victims but incorporate symbolic forms of recognition of harms in the process of delivering these measures. An urgent program should be based on a rapid assessment of the gravest needs and target the most vulnerable victims. Benefits provided must explicitly acknowledge recipients as survivors and victims of human rights violations and not simply as “conflict victims.” Whether urgent or longer term, reparation programs should be based on clearly defined, nondiscriminatory criteria. Urgent responses should at a minimum include:

- Compensation and other financial support to provide for basic economic needs and rehabilitation of the most vulnerable victims (for example, the elderly, widows, single mothers, orphans, children with special needs, and victims with physical or mental disabilities). Particular attention should be paid to identifying those who may already be disadvantaged as a result of their caste, ethnicity, or economic status
- Medical assistance, including surgery, for those with conditions that are life-threatening, that physically prevent them from working or otherwise supporting themselves, or that are the result of torture or sexual violence
- Scholarships and support for other costs (inter alia, transportation, uniforms, school books) for school-age children who have stopped going to school because of the inability of their families to cover costs or who are excluded from education benefits under existing IRP guidelines

2. Immediate action should be taken to secure the legal interests of wives/families of the disappeared to land or other property without them having to declare the disappeared person deceased. As a short-term measure to reduce the economic and social vulnerability of wives and families of the disappeared, government directives should be introduced to transfer the title of ownership of a disappeared person’s property to not depend on the person being declared dead.

In the longer term, revision of relevant laws is required, including to the “Birth, Death and Other Personal Events (Registration) Act, 2033 (1976),” to include “enforced disappearance” as a “personal event,” with civil effects similar to death. This change would enable relatives to be recognized as heirs and, especially the spouse of the victim, to fully exercise rights in the areas of inheritance, labor, pensions, mortgages, banking, custody of children, dissolution of marriage, administration and full disposal of movable and immovable property, administration and full disposal of tenancy rights, and so on.

3. To avoid reinforcing discrimination further and to provide desperately needed support to victims of torture and SGBV, the planned psychosocial support program under the IRP should be reviewed and torture and SGBV survivors included. The precise design of the services should be determined in close consultation with male and female torture survivors and victims of SGBV to ensure that the services respond to victims’ specific immediate

and longer-term needs. Close consultation with victims and other stakeholders is also needed to establish how such services are best accessed to facilitate the widest possible participation, while at the same time protecting confidentiality.

Considerations for Comprehensive Reparations

In the event that the TRC is established it is hoped that the following recommendations for more comprehensive reparations will help to inform its mandated role to recommend reparations. However, the initiation of a reparations program will require preparatory steps, including mobilization of resources and development of capacity that should not be dependent on the TRC, but should proceed immediately. Comprehensive reparations will also require careful consideration of priorities, sequencing, and targeting of benefits, consultations which could likewise be initiated in the short-term. In support of this, ICTJ makes the following recommendations:

4. Organize consultations with victims to ensure that longer-term reparations measures are sufficiently complex to respond to the specificity of conflict harms and related needs and aspirations of survivors. Research findings affirm that reparations cannot be based upon global assumptions about the needs and aspirations of conflict victims. Rather they should respond to differing impacts of harms and of needs based on relevant variables including:

- The type of physical integrity or other violation suffered and specific harms resulting from it (for example, loss of breadwinners resulting from unlawful killing, economic deprivation, social discrimination, legal uncertainty and psychological trauma resulting from disappearance, physical and mental injury resulting from torture, etc.)
- The long-term consequences of these harms for survivors and families of victims
- Gender variations, both in relation to gender-specific abuses including rape/SGBV and ensuing harms, and to the gendered impact of other human rights abuses.
- Individual capacities for coping, influenced by caste, ethnicity, economic status, and political affiliation

To more precisely determine victims’ needs and expectations for reparations, the impact of the previously mentioned variables on the nature and extent of harms, and the relationships between them, a national survey or consultation among victims should be undertaken. This could be initiated in advance of the establishment of the TRC, and its findings should be used to support TRC recommendations on reparations or other policy formulation. An independent evaluation of the IRP to review the extent to which it has responded to victims’ needs is also necessary to support the design and administration of future reparations programs. A final report of such an evaluation should be submitted to the Constituent Assembly and made publicly available to victims, donors, and other stakeholders.

5. Establish a sequencing of benefits and criteria for prioritizing beneficiaries within each sequence and type of benefit. Comprehensive reparations will necessarily stretch already restricted resources. This is likely to necessitate sequencing, which, beyond the prioritization of urgent needs (above), may also require the identification of priorities for more comprehensive reparations and for the state to commit to implementing specific programs over a fixed period of years (for example, 10 years) with a corresponding multiyear budget. Based on the needs and aspirations identified by respondents in this research, the following measures should be among the priorities:

- **Employment/livelihood support.** Participants identified material needs that include immediate assistance to alleviate urgent economic hardships and longer-term measures (inter alia, “vocational training” and “employment”) that show a desire for longer-term financial independence and security. As a starting point, the effectiveness of the ESES

program under the IRP should be assessed by the government, including the extent to which it has resulted in sustainable employment or self-employment for participants. The views of beneficiaries should be sought as the basis for this review, and they and other victims (i.e., those excluded from the IRP) should be consulted on the specific needs that they have for training, technical, financial, or other support to assist them in seeking employment or other livelihoods that provide them with long-term financial security.

- **Education.** Support for the education of children of victims of human rights abuses should be directed to all surviving children and others whose schooling was interrupted as a result of violence, regardless of their current age. This should cover school fees/tuition; school supplies and uniforms; exam and other fees levied by schools, and, where required; and student housing, meals, and transportation. To discourage parents from withdrawing children from school for work, compensation to a parent beneficiary should be conditioned on the registration of all school-age children in primary or secondary school.

To support older children or young adults, university or college scholarships should be made available to those who wish to pursue further education. For individuals who are no longer of school age, adult literacy or other adult education/vocational training programs should be introduced on the basis of a careful needs assessment.

- **Health care.** Directed at victims suffering from physical or mental ailments resulting from human rights abuses and other conflict-related violence, measures should include delivering basic health care services (ideally through the public health network) to all conflict victims and their families, prioritizing children, women, the elderly, and those with debilitating injuries or ailments. Long-term specialist treatment should be made available to those requiring it, in particular, survivors of torture, rape, and other forms of SGBV.

Building on plans under the psychosocial support program, community programs could be developed to provide emotional support and to generate greater awareness among communities of the harms resulting from human rights abuses. Education and outreach programs that promote health and prevention and improve the health care network infrastructure could also provide specific benefits to victims and to broader communities. Specific public education programs should be developed to address the continuing prejudice against women who were victims of sexual violation.

6. Link material benefits to measures that acknowledge the status of the beneficiaries as citizens whose rights were violated and that respond to priority nonmaterial needs. The relationship between material and nonmaterial needs is clearly established by the research findings, with a combination of both required to address victims’ expectations of justice. Indeed, the degree to which reparations address both material and nonmaterial needs may ultimately prove as important as, for example, the amount of compensation. Various measures were identified by participants, some of which should form a part of reparations programs, and others that should be pursued as parallel transitional justice processes:

- **Public recognition or acknowledgment** was identified as an immediate need by many respondents and regarded as among the highest priorities in the longer term, particularly by male relatives of the deceased and disappeared. Concrete suggestions were made by participants about the form that this should take, but more widespread consultations among victims and the communities in which they live are necessary to determine and agree on specific, local symbolic measures, with care taken to ensure that memorialization initiatives are inclusive and do not create or reinforce political or social divisions.

More general responses, such as annual commemorations of all human rights victims, or official apologies should be incorporated into any future reparations policies. An ID card, as well as serving the practical purpose of facilitating access to benefits, may also

represent a form of official acknowledgment for victims, recognizing that benefits are provided not as charity but as a response to the right to remedy and reparation. However, they can serve this purpose only if they are seen as politically neutral and distributed on the basis of transparent, objective criteria. Those representing the state, political parties, and government institutions directly involved in the commission of human rights and humanitarian law violations during the conflict should consider making formal apologies for those violations and accept state and institutional responsibility.

- ***Truth seeking*** was likewise identified both as an immediate need and a long-term aspiration. A credible, independent TRC and CoID would in many ways respond to this demand. However, some elements of truth-seeking can proceed independently, potentially contributing to the work of these bodies when established. In particular, the government should act immediately to clarify the fate and whereabouts of the disappeared by establishing a specialized institution or search group led by forensic experts to compile premortem information from families, identify and protect sites of interment, and conduct exhumations.
- ***Commit resources to the development and implementation of prosecution strategies.*** Many participants expressed the desire for perpetrators to be punished. The responsibility to pursue investigations and prosecute serious crimes under international law rests with the state, which should develop credible criteria for and commit resources to implementing coherent and efficient prosecution strategies. In the absence of such a policy, those who wish to pursue criminal cases should be provided with legal assistance to do so. Under no circumstances should the receipt of compensation or other forms of relief or reparation be conditional upon giving up such claims.

7. Maximize the potential of reparations to address root causes of conflict. The study found that many victims and survivors see access to justice in the form of reparation as dependent on political power and, to a lesser degree, their position in Nepali society’s gender and caste hierarchies. Reparations policies should have an explicit objective of avoiding reinforcing patterns of inequality and structural poverty that preexisted the conflict and, to the extent possible, contribute to addressing the underlying causes of the conflict. Concretely they would assist in ensuring that victims/families have equal access to state services that more privileged citizens have (or can afford from private providers). At the same time they could help mitigate potential tensions by providing broader populations of lower-caste or other disadvantaged groups with access to basic services. This involves taking into account existing patterns of inequality and poverty in the design and implementation of programs including:

- The specific circumstances that created vulnerability to human rights abuses, which, if responded to effectively, could contribute to reducing discrimination and marginalization
- The socioeconomic impacts of conflict harms, which may constitute human rights violations in their own right.
- The barriers to accessing assistance encountered by women, individuals belonging to lower castes or ethnic groups, or who are otherwise of a lower socioeconomic status.
- The links between compensation, education, employment, medical care, and other reparative measures for victims to broader socioeconomic strategies aimed at benefitting wider communities, as a way of maximizing opportunities to reduce broader disadvantage and vulnerability to human rights violations and to mitigate the risk of social divisions.

8. Based on lessons learned from the IRP and further consultations with victims, processes to apply for and receive benefits should be designed to ensure that reparations (urgent or longer-term) are easily accessible to all victims, regardless of their gender, economic and social status, or geographic location.

Appendix I: Profile of Research Participants

Conflict Victims

A total of 410 victims participated in the research. These included 274 beneficiaries of the Interim Relief Program (IRP) (124 males and 150 females), 114 male torture survivors, and 22 female torture survivors (out of an original target of 40). Of the 124 male IRP beneficiaries, 73 percent were victims of state agents (police, army, or state-backed vigilantes) (“state victims”) and 27 percent victims of Maoist forces (“Maoist victims”). The breakdown for female IRP beneficiaries was 80 percent state victims and 20 percent Maoist victims; male torture survivors were 70 percent state victims and 30 percent Maoist victims. Of the female torture survivors, 73 percent were state victims, and 13.5 percent Maoist victims. The remainder were unable to identify their assailants.

Efforts were also made to ensure representation of lower-caste groups (Dalits) and indigenous communities (Janjatis), although this was not fully achieved in relation to Dalits. In the category of IRP beneficiaries (male and female), close to 9 percent of respondents were Dalits and 34 percent were from indigenous communities. In the category of male torture survivors, 8.7 percent were Dalits and 31 percent were from indigenous communities. Among the female survivors of torture, 22 percent were Dalits and 50 percent were from indigenous communities.

Table 7. Gender Breakdown of Conflict-Victim Respondents

Category of Participant	NFGD	FES	IDI	NFGD
IRP Beneficiary: Male	78	46	-	124
IRP Beneficiary: Female	80	70	-	150
Torture Victims: Male	68	46	0	114
Torture Victims: Female	-	-	22	22
Total Participants				410

Table 8. Sociodemographic Profiles of Male and Female IRP Beneficiaries

Characteristics	NFGD				FES			
	Male IRP Beneficiary		Female IRP Beneficiary		Male IRP Beneficiary		Female IRP Beneficiary	
	N	%	N	%	N	%	N	%
Age								
Up to 19	3	3.8	-	-	1	2.2	1	1.4
20-29	17	21.8	9	11.3	9	19.6	7	10.0
30-39	11	14.1	32	40.0	14	30.4	26	37.1
40+	47	60.3	39	48.8	22	47.8	36	51.4
All Age	78	100.0	80	100.0	46	100.0	70	100.0
Median Age	45.0		38.5		38.0		40.0	
Education								
Illiterate / NFE	6	7.7	58	72.5	13	28.2	48	68.6
Primary	24	30.8	11	13.8	6	13.0	7	10.0
Secondary	36	46.2	6	7.5	18	39.1	14	20.0
Higher	12	15.4	5	6.3	9	19.6	1	1.4

Table 8, Cont'd

Marital Status								
Never Married	8	10.3	3	3.8	2	4.3	2	2.9
Married	70	89.7	5	6.3	35	76.1	32	45.7
Widow / Widower	-	-	59	73.8	1	2.2	28	40.0
Not Specified	-	-	13	16.3	8	17.4	8	11.4
No. of Children								
None	11	14.1	4	5.0	4	8.7	4	5.7
1	8	10.3	14	17.5	3	6.5	8	11.4
2	22	28.2	17	21.3	6	13.0	16	22.9
3	16	20.5	18	22.5	13	28.3	18	25.7
3+	21	26.9	27	33.8	12	26.1	16	22.9
Not Specified	-	-	-	-	8	17.4	8	11.4
Average Children	3.0		2.9		3.3		2.9	
Occupation								
Agriculture	55	70.5	39	48.8	32	69.6	39	55.7
Service Holder	3	3.8	2	2.5	3	6.5	5	7.1
Business	6	7.7	5	6.3	2	4.3	6	8.6
Labor	3	3.8	6	7.5	3	6.5	4	5.7
Housewife	-	-	27	33.8	-	-	15	21.4
Student	9	11.5	1	1.3	3	6.5	1	1.4
Unemployed	-	-	-	-	1	2.2	-	-
Old Age	-	-	-	-	1	2.2	-	-
Disabled	-	-	-	-	-	-	-	-
Other	2	2.6	-	-	1	2.2	-	-
Caste / Ethnicity								
Brahman / Chhetri	28	35.9	29	36.3	11	23.9	29	41.4
Janjatis	21	26.9	23	28.8	23	50.0	27	38.6
Terai origin	20	25.6	24	30.0	4	8.7	7	10.0
Dalits	8	10.3	2	2.5	7	15.2	7	10.0
Other	1	1.3	2	2.5	1	2.2	-	-

Table 9. Sociodemographic Profiles of Male Torture Survivors

Characteristics	NFGD		FES	
	N	%	N	%
Age				
Up to 19	-	-	-	-
20 - 29	6	8.8	1	2.2
30 - 39	16	23.5	11	23.9
40+	46	67.6	34	73.9
All Age	68	100	46	100
Median Age	42.0		48.5	

Table 9, Cont'd

Marital Status				
Never Married	2	2.9	2	4.3
Married	55	80.9	44	95.7
Widow/Widower	-	-	-	-
Not Specified	11	16.2	-	-
No. of Children				
None	2	2.9	3	6.5
1	1	1.5	1	2.2
2	12	17.6	9	19.6
3	9	13.2	11	23.9
4+	33	48.5	22	47.8
Not Specified	11	16.2	-	-
Average Children	3.9		3.9	
Occupation				
Agriculture	44	64.7	28	60.9
Service Holder	9	13.2	10	21.7
Business	4	5.9	3	6.5
Labor	2	2.9	-	-
Disabled	-	-	1	2.2
Other	9	13.2	4	8.7
Caste/Ethnicity				
Brahman/Chhetri	25	36.8	24	52.2
Janjatis	21	30.9	14	30.4
Terai Origin	14	20.6	4	8.7
Dalits	6	8.8	4	8.7
Other	2	2.9	-	-

Table 10. Sociodemographic Profiles of Female Torture Survivors

ID	Age	Education	Caste/ Ethnicity	Marital Status	No. of Children	Occupation	District
1	25	Class 4 / Primary Level	Dalit	Married	1	Housewife	Baglung
2	40	Class 4 / Primary Level	Chhettri	Husband Disappeared	3	Agriculture	Baglung
3	27	Class 9 / Secondary Level	Magar	Married	1	Housewife	Rolpa
4	50	Illiterate	Chhettri	Married	8	Housewife	Kapilvastu
5	30	Illiterate	Tharu	Married	2	Agriculture	Kanchanpur
6	27	Illiterate	Tharu	Married	2	Housewife	Kanchanpur
7	38	Non-formal Education	Tharu	Married	3	Agriculture	Kanchanpur
8	40	Illiterate	Tharu	Married	6	Agriculture	Kanchanpur
9	37	Illiterate	Tharu	Married	3	Agriculture	Kanchanpur
10	40	Illiterate	Tharu	Married	2	Agriculture	Kanchanpur
11	32	Illiterate	Tharu	Widow	3	Daily Wage Laborer	Bardiya
12	35	Illiterate	Tharu	Married	2	Street Vendor	Bardiya
13	45	Non-formal Education	Tharu	Married	3	Small Shopkeeper	Bardiya
14	48	Literate	Brahman	Married	3	Housewife	Udayapur
15	30	Class 5 / Primary Level	Daunuwar	Married	2	Agriculture	Udayapur
16	39	Non-formal Education	Brahman	Married	4	Agriculture	Udayapur
17	28	Class 9 / Secondary Level	Chhettri	Married	2	Tailoring	Udayapur
18	70	Illiterate	Terai Dalit	Married	3	Vegetable Shopkeeper	Siraha
19	20	Illiterate	Terai Dalit	Married	4	Housewife	Siraha
20	26	Illiterate	Terai Dalit	Married	2	Housewife	Siraha
21	52	Illiterate	Terai Dalit	Widow	3	Daily Wage Laborer	Siraha
22	25	Class 5 / Primary	TeliShaha	Married	1	Housewife	Siraha

Local Government and NGO Stakeholders

A total of 55 district-based government and nongovernmental stakeholders, involved in administering the IRP or providing other support to victims were interviewed. These included local government officials, representatives of Local Peace Committees, and select nongovernmental organizations.

Table 11. Professions of Local Government and NGO Stakeholder Respondents

Category of Participant	
Local Government Officials	22
Local Peace Committee Members	14
NGO Representatives	19
TOTAL	55

Appendix II: Research Tools and Methodology

Research Tools

Four qualitative research tools were used in the research:

- 1) **In-depth interviews (IDI).** IDIs were carried out with women survivors of torture. A distinct and tailored methodology was designed to ensure their comfort and confidentiality in participating in this research; these goals were not achievable in the regular NFGD or FES exercises (see below). IDIs were carried out by female researchers. The research tool was made as compatible as possible with the other study groups in order to be able to compare results.
- 2) **Semi-structured interviews (SSI).** One-on-one SSIs were conducted with district-based government and nongovernmental stakeholders, including human rights defenders and advocates, using open-ended questions about the conflict, its impact, the IRP, and the situation faced by conflict victims in terms of rights and access to justice and other services.
- 3) **Focused ethnographic study (FES).** An FES is a type of rapid assessment procedure that systematically assesses the preferences and priorities of respondents. Two interconnecting FES tools were used: free-listing (to establish frequency) and rating/ranking (to establish priority). From the free-listing exercise, an item was inferred to be more or less “salient” (meaning “of importance”) depending on where it appeared in a list of items. FES sessions were held with male and female IRP beneficiaries and male torture survivors. Respondents participated in either an FES or an NFGD, but not both.
- 4) **Narrative focus group discussions (NFGD).** NFGDs were based on a fictional story. The story was used to introduce the issues, on the basis of which a series of follow-up questions were asked. The technique was used to encourage participation and discussion of sensitive topics by allowing participants to express views and opinions in relation to the third party described in the story, while at the same time providing the opportunity to share their own personal experiences and perspectives. NFGDs were held with male and female IRP beneficiaries and male torture survivors, with a different narrative for each. (See below for full NFGD narratives.)

Preparatory Training and Piloting of Research Tools

A six-day joint training workshop organized by the International Center for Transitional Justice (ICTJ) and the Center for Research on Environment Health and Population Activities (CREHPA) was held at CREHPA’s office in Kathmandu from April 19–24, 2013. The training combined technical expertise in research methodology and transitional justice concepts. Participants included the 11 conflict-victim facilitators from the 10 study districts and 18 CREHPA researchers.

The training was designed to: introduce the objectives of the study; provide basic information on reparations concepts and familiarize CREHPA researchers with these; introduce and provide training on research tools; and further refine aspects of research design and implementation, based on input from conflict-victim facilitators and researchers. An additional and important objective was to build mutual trust and understanding between the conflict-victim facilitators, who shared their experience of victims’ realities, and the researchers, who were better able to appreciate the challenges of conducting research on this sensitive and complex issue. This training also included pilot exercises, during which researchers tested the research tools on volunteers from among victim communities in Kathmandu. Research tools were refined on the basis of these exercises following their implementation in the first research district (Kavre) from July 10–16, 2013.

This initial training was supplemented by an additional three-day interaction from July 8–10, 2013, including virtual participation by ICTJ experts in New York. The research team benefitted from the participation of a representative from the Relief and Rehabilitation Unit (RRU) of the Ministry of Peace and Reconciliation, who provided an overview of the IRP.

The research instruments were pretested and modified before deployment to the field. The final research tools were translated into Nepali and Maithili languages. In addition, a reference guide on the functional definitions of key terms used in the research instruments was developed as a reference for field researchers.

NFGD Narratives

Narrative for Female IRP Beneficiaries

Part I—The Conflict-Related Harm

Maili is a 30-year-old woman from a poor, remote rural village who lives with her four young children and in-laws in a joint family. One day in 2004, her husband did not return home from the fields. Maili went looking. Neighbors said that both Maoists and the Nepal Army were in the area that day. Maili went to see the police, the army, the Chief District Officer (CDO)—everyone—month after month for a year. No one could tell her anything. Almost 10 years later, Maili’s kids are working because she doesn’t have the money for them to go to school. She is ill but can’t afford a doctor. She sold her cattle and ornaments to feed her children and is working at a brick factory. Her in-laws blame her for being inauspicious. She is also subjected to harassment from her male coworkers each time she goes to the brick factory. The neighbors humiliate and pressure her to adopt widow’s clothing, but she still believes that her husband is alive and wears red vermillion on her forehead and puts on a red tika (traditionally worn by married women). She waits for news of her husband.

Part II—The IRP

The government announced plans in 2008 to provide relief to conflict victims. Maili was at first happy but became saddened to learn that wives of disappeared receive much less than widows. On top of all of this, she had to prove that her husband had been a victim. This took a long time, with a lot of confusing paperwork and many costly trips from her village to the District Headquarters, many times returning without accomplishing anything, and sometimes she felt humiliated by the comments made by some men. The CDO and neighbors pressured her to declare her husband dead, conduct the necessary rituals, and receive the full widow amount. Finally, although feeling shame, she did so and received the same amount as a widow. A political party member helped her to do this. Now she is wearing white. Her in-laws have hardly talked to her since the ritual of death was conducted. There is more tension in the family. She shared half of the money with her father-in-law, but they accuse her of planning to remarry and take family property with her.

Part III—Changes to the IRP

Maili keeps searching for her husband. A local women’s organization told her that widows should not be forced to wear white, especially if their husbands were only missing. She gets some support from them. Now she has also learned that wives of disappeared get the same amount as widows. She feels guilty and angry that she declared her husband dead. She no longer wears white but cannot imagine wearing her red sari. again She feels depressed most days.

Part IV—Aspirations and Options

The government holds a consultation with conflict victims and human rights organizations about what to do after the IRP is finished. Some say that the IRP has responded

to victim needs and nothing more is required. Others say, no, this was only temporary relief. Another asks what more is needed. Some say official and public recognition of the conflict harms is needed. Others say, no, this will just cause more conflict. Another says that victims have rights that must be fulfilled. Maili is far away from the consultation in her village and hears nothing about it. Whenever there is an unexpected visitor at the door, she wonders if it is news about her husband.

Narrative for Male IRP Beneficiaries

Part I—The Conflict-Related Harm

Saila is a 50-year-old man from a poor, remote rural village who lives with his ill wife. One day, in 2003, their only child, a young and still unmarried primary school teacher, did not return home from work. Saila and his wife searched endlessly without result. His wife became ill and depressed and now rarely leaves her room. Somehow she blames herself for their son’s disappearance. Their neighbors said that both Maoists and the Nepal Army were in the area that day. Saila still regularly visits the police, the army, and the Local Peace Committee (LPC), but no one can tell him anything. Saila’s neighbors suggest he should remarry. Saila refuses to give up hope and insists he must now also take care of his wife. Lately he has sold his cattle in order to afford medical expenses for her.

Part II—The IRP

The government announced plans in 2008 to provide relief to conflict victims. Saila was at first relieved that he might get help but then learned that the next of kin of the disappeared receive much less than widows of those killed. The CDO and neighbors pressured him to declare his son dead, conduct the necessary rituals, and receive the full amount. Finally, although feeling shame, he did so and received a higher amount. A political party member helped him to do this. When he picked up the money after a long period of waiting, there was no recognition of his loss, just a sum of money. He even heard that some fake victims were receiving relief money through political connections. Saila felt frustrated and saddened by the whole process. He took the money home to take care of his ill wife.

Part III—Changes to the IRP

Saila keeps searching for his son. One day at the District Headquarters, a member of the Local Peace Committee (LPC) tells him that the next of kin of disappeared now get the same amount as relatives of the deceased. He feels guilty and angry that he declared his son dead. If he had waited he would have received the same amount, but he tells himself he could not have known. He would like to change this decision if he could. He asks the LPC to conduct a ceremony to remember the conflict victims and raise money for a memorial, but the LPC thinks this will be difficult in the current situation. Saila returns home to take care of his wife.

Part IV—Aspirations and Options

The government holds a consultation with conflict victims and human rights organizations about what to do after the IRP is finished. Some say that the IRP has responded to victims’ needs and no more is required. Others say, no, this was only temporary relief. Another asks what more is needed. Some say official and public recognition of the conflict harms is needed. Others say, no, this will just cause more conflict. Another says that victims have rights that must be fulfilled. Saila is far away from the consultation in his village and hears nothing about it. Whenever there is an unexpected visitor at the door, he wonders if it is news about his son.

Narrative for Male Survivors of Torture

Part I

Kaila has lived for 15 years in a poor, rural village with his wife and 3 children. In 2003, a group of armed men in plain clothes took Kaila from the primary school where he was teaching. He doesn't know where he was taken. For about 10 days, he was regularly beaten, humiliated, threatened with execution, and asked questions that he was unable to answer. He fell unconscious one day and later woke up alone on the side of the road. He received some treatment in India but still cannot walk properly and has nightmares. He wakes up many nights, shouting, “Don't kill me!” Sometimes, he behaves very abnormally and starts crying at any moment. He finally had to leave his job as a schoolteacher. His wife has a hard time knowing how to handle Kaila and spends most of her energy trying to provide for their children. They are at risk of losing their land to the bank because they cannot pay back the loans. Kaila doesn't know what to do. There is no money for more treatment. Members of the community avoid him. He feels depressed and useless.

Part II

Kaila's wife is becoming desperate. There is a risk that the bank is going to take possession of their land. She borrows more money to travel to the District Headquarters with a friend who helps her to speak to a member of the LPC. She explains about her husband's torture and the resulting illness. He suggests that she try to get reimbursed for some of the medical expenses under the IRP, but Kaila and his wife destroyed most of the receipts out of fear, and the other receipts do not include any information to link that treatment to the conflict. The LPC member informs her that there is no compensation directly for torture victims under the IRP, but she can try to take the case to court. She then goes to a nongovernmental organization (NGO) and asks about initiating a court case. She is told that it will take a long time and cost money and, after, it will be difficult to get any compensation. The NGO representative also says that her case is difficult to prove. Kaila's wife feels even more depressed.

Part III

The government holds a consultation with conflict victims and human rights organizations about what to do after the IRP is finished. Some say that the IRP has responded to victim needs and nothing more is required. Others say, no, this was only temporary relief. Another asks what more is needed. Some say official and public recognition of the conflict harms is needed. Others say, no, this will only cause more conflict. Another says that victims have rights that must be fulfilled. One official reminds the government that torture victims were excluded and that courts have not been very accessible. Kaila and his family are far away from the consultation in their village, and they hear nothing about it.

Research Implementation and Follow-Up

Fieldwork took place between July 10 and August 13, 2013, by three teams of CREHPA researchers. With the exception of Kavre, where all researchers were present, each team was assigned three districts. Research in each district took seven to eight days. Conflict-victim facilitators were provided with detailed schedules, specifying the date on which each category/group of respondents should be assembled, but this was subject to changes based on the advice of conflict-victim facilitators.

At least one in-depth interview with a female torture survivor was held in every district, except Bardiya, Jumla, and Kavre. A total of 40 group meetings of IRP beneficiaries or male

torture survivors (15 groups of women and 25 groups of men) were facilitated, each with an average of 8 to 10 participants. Each of these 40 groups participated in either an FES or an NFGD, but not both. Conflict-victim facilitators were not present during the sessions to minimize actual or perceived risk of partiality or external influence.

Informed consent forms were read out to participants at the start of each session, and participants were provided with the opportunity to withdraw from the study at any point, although none did so. All NFGDs and most IDIs were recorded on digital audio recorders, for which respondents were also asked to provide verbal consent. Researchers were prepared in advance of the research to end sessions early if necessary, facilitate the withdrawal of participants, or refer them to external assistance.

On completion of interviews or NFGD/FES sessions, recorded information was transcribed verbatim in Nepali on the same or the following day before the next round was conducted. CREHPA’s research team manually compiled the NFGD and IDI transcripts and digitalized the FES data using ANTHROPAC software. Completed SSI questionnaires were coded manually and digitalized using CSPro software. After checking consistency and range, data was transferred to SPSS software for further analysis. All data is stored in a way to protect the identity of respondents. The audio recordings and transcripts are kept in secure premises, and all electronic files are password-protected to ensure confidentiality.

Initial analysis of the data was undertaken by CREHPA. A two-day meeting between CREHPA and ICTJ national staff, thematic experts, and the research consultant was held in December 2013 to review the findings and ensure accuracy of analysis and interpretation. The final CREHPA study report, submitted in February 2014, forms the basis for this report. Draft findings, conclusions, and recommendations were presented to the conflict-victim facilitators and victim leaders at a one-day meeting in Kathmandu in March 2014. Their responses further supported the interpretation of the findings and the refinement of conclusions and recommendations.

ICTJ

Justice
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ICTJ New York
5 Hanover Square, 24th Floor
New York, NY 10004
Tel +1 917 637 3800
Fax +1 917 637 3900
www.ictj.org

ICTJ Nepal
Soaltee Mode, Kalimati
P.O. Box 8975 EPC 2125
Kathmandu, Nepal
Tel +977 1 4030561
Fax +977 1 4030572