

## **Examining Post CPA Nepal from a Gender Perspective**

### **Introduction**

The armed political movement led by the Communist Party of Nepal - Maoist (CPN-M), known as the People's War, started in 1996 with the aim of eliminating all kinds of discriminations including caste, class and gender-based discriminations (see the 40-points demand, 1996; the Maoist Manifesto 2001; Bhattarai, 1990; Rai, 2016). The People's War was launched by a small group of supporters of the Maoist ideology, which was later joined by a group of enthusiastic youth who were frustrated with the political instability, corruption and continuation of the same old system even after the establishment of democracy in 1990. The movement grew fast and became popular, especially among poor and marginalized people (see Yadav, 2016a; Thapa, 2012; Thapa & Sharma, 2009; Pathak, 2005). Although gender discrimination was not their main agenda in the beginning, they included what they called 'women's question' (see Yami, 2007) in the second year of their movement. Although it was a strategic decision to attract more women into the movement, they received overwhelming participation from women after the inclusion of the 'women's question' (Yadav, 2016). There were various reasons why women joined the Maoist movement (see Shakhya, 2003; Frieden, 2012; Panday, 2012). However, the main reason for their overwhelming participation was the desire to bring about positive social change in Nepal (Yadav, 2016a).

How many women were involved in the People's War is still a question, as the estimates vary. Some cite 40% whereas others 33%. However, there seems to be an agreement on one third of women's participation in the people's War (see Leve, 2007; Aguirre & Pietropaoli, 2008). The disagreement about the number and the confusion is somewhat explicable. There were at least two categories of people involved in the Maoist movement. The ones who picked up guns and fought on the battlefield and the 'others' who supported the movement from outside, by contributing from wherever they were, such as doctors, engineers, journalists, artists, students, intellectuals and 'just supporters'. Some people were providing the Maoist cadres with food and shelters, and others supported them as messengers to relay their messages to their

families and friends. These people were equally guilty in the eyes of the state. Therefore, hundreds of people were arrested and sentenced only because they were supporters or ‘perceived as supporters’ of the Maoist. The counting of the number of people involved in the Maoist movement often seems to have missed the ‘others’ who were not on the battlefield but had significant roles to play.

### **Gendered Impacts of the People’s War**

The People’s War ended in 2006 with the Comprehensive Peace Agreement (CPA). During the war over 14000 people were killed, over 1400 people disappeared, and hundreds of thousands of people displaced (see UNOHCHR, 2012; UNWOMEN, 2015; IDMC 2006). These are just the estimated figures. The actual number could be a lot higher. For instance, although official document suggests only 1400 disappearance during the war, in their recent call for complaints the Commission of the Investigation on Enforced Disappeared Persons (CIEDP)<sup>1</sup> received 2,864 complaints of disappearance (see Tiwari, 2016; Rai, 2016).

The consequences of the war are much wider and deeper than these numbers. Thousands of young women become widows<sup>2</sup>, thousands of children lost either one or both parents, people lost their properties and livelihoods, thousands of people lost jobs, hundreds of schools were closed, which meant children had to discontinue their education<sup>3</sup>. People were psychologically traumatized as they had seen their loved ones being killed in front of their eyes (Yadav, 2007; 2016a). People were taken away from their homes and the enforced disappearances were taking place from both sides.

Besides these, there was a fear among the general population, who were neutral in their views. They feared for their lives, as they did not feel safe in their homes. Children, especially girls were scared to go to school, “as they feared that they were at risk of sexual assault” (see Standing and Parker, 2011, p. 188). The situation got worst in 2002 after the announcement of the State of Emergency. People felt trapped between the two fighting forces – the security forces and the Maoist. They started

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<sup>1</sup> See CIEDP website for more details about the work of CIEDP - <http://www.ciedp.gov.np/index.php>

<sup>2</sup> Yadav (2016b) discusses in details about the status of widows in Nepal post-CPA.

<sup>3</sup> See Standing & Parker (2011) on the impact of the People’s War on schooling. Full article is available from: <http://esj.sagepub.com/content/6/2/181.full.pdf>

fleeing their homes in search of a safer place to live. Since Kathmandu was perceived as a safer place to live because it was easy to hide in the crowd, thousands of people came to Kathmandu (Yadav, 2007). Over 200,000 people displaced during the ten years of war and the majority of these IDPs were women and children (IDMC, 2006; Caritas, 2005).

People who displaced were living in fears even in Kathmandu. People who were displaced by the security forces were perceived as Maoists or the supporters of the Maoist. Therefore, they were seen as terrorists. On the other hand, people who had to displace due to the Maoists were scared to declare their identity because they were seen as corrupt people. As mentioned earlier, people even though they did not support the Maoist movement, if for some reason they were 'perceived by the security forces as the allies of the Maoist' they were sentenced, tortured and the whole family was in trouble. Therefore, despite facing a lot of problems in the new city, the majority of IDPs did not disclose their identity (See Yadav, 2007). Moreover, there was no IDP policy in Nepal until 2007. Therefore people who were displaced by the security forces were not even recognized by the state as IDPs. Only 2500 people had registered themselves as IDPs until 2007 with the organization called the Maoist Victims' Association (MVA).

After the Comprehensive Peace Agreement (CPA), Nepal started getting back to normal. The Maoist joined the mainstream politics. The government announced small incentives for IDPs to return without any mechanism in place for their rehabilitation. Therefore, this small monetary support was seen tokenistic. Some people returned to their village. However, around 50,000 IDPs are still in Kathmandu (IDMC, 2013). Although some research suggests that people do not want to go back mainly because of "unresolved land and property issues, and security concerns" (IDMC, 2013), there are various other reasons why IDPs, especially women do not want to or are not able to go back to their homes.

The majority of IDPs were from rural villages of remote districts. The national literacy rate among women was only 42.8% in 2001 with less than 30% in conflict-affected areas such as Accham (16%), Kalikot (17%), Rolpa (23%) and Rukum (29%) (CBS, 2001). Although they did not have skills to compete in the literate job market,

they had to work for survival. Therefore, many of these women ended up working in conditions, which they would otherwise have never considered. Research carried out by IDMC in 2008 suggests that 40,000 women worked in dance bars, cabin restaurants, and massage parlors, out of which 58% women were IDPs. These cabin restaurants, dance bars and massage parlors, which emerged in mid-1990s, can be seen in every location in Kathmandu. Although they are called restaurants and bars, they operate like a semi brothel, where women and girls who work there are forced into prostitution (see IRIN news 2008, 20 June). I met Sarita in 2006<sup>4</sup>. She was only 25 years old then. She shared with me how she ended up in a cabin restaurant:

*I am from a rural village of Khotang district, which is in the Eastern Hills of Nepal. I have to hike for three days to get to my village. While the Maoist revolution was at its peak, most of the young people either joined the Maoist or left the village. My father died when I was very young, and I lived with my mother and two brothers. My elder brother stayed separately after his marriage. My younger brother left the village because of the fear from Maoists, leaving my mother and me alone at home.*

*One day, a group of Maoists came to our house and asked me to join their movement. They persuaded me saying even a seven-year-old had joined them. But I refused. And eventually, I left my village and came to Kathmandu.*

*After coming to Kathmandu, initially, I stayed with a known neighbor from my village who I used to call 'uncle.' I joined a garment factory for survival. After staying with them for a while, my Uncle and Aunt's behavior changed towards me. They started accusing me of going out with guys from the factory even when I wasn't. Things became worst. Therefore, I had to move out with a lady I knew. I started staying with her for a while. I started working as a laborer in a construction site. However, the job was physically demanding so I had to quit.*

*My flat-mate (that lady I moved out with) was indulged in illegal prostitution. She asked me to join her. When I refused, she started ignoring me. I had to move out again ... I started working as a housemaid. But the landlord was cruel towards me*

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<sup>4</sup> A slightly modified version of her story was also published in [authorme.com](http://authorme.com).

*...treated me like an animal. I didn't like it there so left that place after a month.*

*With some other works in between, I finally landed in a restaurant job. They were willing to pay me NRs 2500 (about \$32)/month plus food. I was scared in the beginning, but that woman who was a manager said I don't have to serve clients. I just have to take care of the cash counter. That's why I took up that job. When I started, it was ok but after a few days, they asked me to go with clients and said that if guests were happy they would give me tips. I refused to do so and left the job.*

*Things became very difficult for me. Around the same time, someone suggested me to marry a guy and live happily, which I did. My husband was not a good man, and he had mental problems. I started losing weight and didn't feel like eating. I was ill. When I asked him to take me to Kathmandu for treatment, he refused. Even though the family loved me, my husband was useless that's why I didn't feel like staying there. I left home and came back to Kathmandu. I was pregnant when I left my husband's home. I came to Kathmandu to never go back again.*

*Since I couldn't get any work, I started working in a restaurant again. They pay me NRs 2500. I have to pay my rent and the bus fare with this money while I get to eat at the restaurant. I share a room with a friend. The room is dark with no natural lights. There is a water supply but the toilet [and bathroom] is very dirty thus I don't feel like taking a bath. I haven't had a bath for 15 days now.*

*I am five months pregnant now. It is very difficult to work here. I was quite happy back in my village where I lived with my mother. I had to work hard, and we were not rich but had enough to feed ourselves.*

Although I interviewed her in 2006, her story keeps coming to my mind as this has been the reality for thousands of young IDPs who ended up in cabin restaurants, dance bars and massage parlors due to the war. However, they are no longer seen as the victims of conflict or conflict-affected people. Therefore, they are not entitled to any support from the government.

I met several other IDP women in 2006. Some of them were working in brick kilns as laborers. They were living in small huts with no electricity, running water or toilet. Since brick kilns were often far from the city, children of these people who worked in such kilns did not have access to school. Therefore, either they played all day with other children or worked with their parents. An IDP woman, who was working in a brick kiln in Lalitpur, was living with her four children in a small hut. She had a three-year-old, a five-year, a nine-year and an 11-year-old children. The 9 and 11-year-old worked with her in the same brick kiln whereas five years old was taking care of his three-year-old sister. She had been living there for more than one year. She said,

*I was forced to join the Maoists even though I had three small children. I managed to escape after eight months but had to leave the village because I was scared of being caught again. I had fear from both sides. When I got back, I found out that my husband was married to another woman. I left the village with my children and came to Kathmandu. I have been working as a labourer since then. My husband came to see me twice, made me pregnant and left. I haven't seen him again for the last two years.*

When I asked her if she wanted to go back, she said, “where will I go? My husband is married to another woman, and he will not let me stay with them”. Moreover, two of my other respondents who were forced to leave because of the threat from the security forces said, they could not afford their living expenses in Kathmandu even though their husbands were working. Therefore, they ended up in prostitution.

Despite political instability and ongoing conflicts, the country is no longer in war. There were several peacebuilding interventions after the CPA by various national and international organizations, including some supports to conflict victims. However, these women were never seen as the victims of conflict. Those who ended up in cabin restaurants or forced into prostitution due to the situation created by the People's War are now seen as prostitutes. There are some NGOs working with the cabin restaurant workers. However, they see them from a completely different angle – they are seen as prostitutes and not as the victims of conflict, and the support they provide are often limited to training on STI and HIV/AIDs.

Likewise, the wives, the mothers, and the families of disappeared people are still waiting hear the whereabouts of their loved ones. Children of these disappeared people are still waiting for their fathers. The disappearance of the only breadwinner in the family certainly has impacts on their children. However, these are not seen as peacebuilding issues. Young women who lost their husbands have faced economic hardships and suffered from multiple discriminations. However, besides minimal support from the government to some of the families of disappeared people, nothing much has been done<sup>5</sup>. According to a report prepared by Sathi in 2010, 1530 families of the disappeared people received NPR 100,000 and only 649 wives of the disappeared people received additional NPR 25,000, although there were 1000 claimants.

Moreover, only a small number of Maoist women combatants (3,846) have been integrated into the Nepal Army (ICTJ and Advocacy Forum, 2010; Adhikari 2007). Most of the ex-combatants have been left without any support. Lila Sharma, who was the commander during the People's War and currently runs an organization called Ex-PLA Women Academy, said she was not qualified for the integration because she joined the YCL (Youth Communist League) after the peace agreement. She said, "people who were disqualified during the verification process received a small sum, but they already have spent the money on properties or small businesses. The support was very minimal. Therefore, most of them have come back to Kathmandu". These ex-combatants, who joined the movement when were very young, are highly aware of their rights, but there is no opportunity for them. Because of the lack of education, they do not have a decent job, which has made them vulnerable to various kinds of violence.

During the war, there were no caste or class based discriminations within the Maoist party. Everyone was seen equal. Therefore, the inter-caste marriage was very common among the Maoist cadres. However, when they came home after the peace agreement, their reality did not match with the reality of society. They were far ahead in their thinking. The transformation that had taken place at the individual level was

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<sup>5</sup> See this YouTube clip for the first hand account of the families of disappeared people: <https://www.youtube.com/watch?v=Yn6UqbPk-L0&feature=youtu.be>

far ahead than the transformation of society. Therefore, some of them had to go through separation and divorce after they came home. An ex-combatant said her husband left her because her mother-in-law did not accept their marriage. Initially, her husband was ok with her but later he got married to another woman. Now she has been living with her two children without any support.

Another ex-combatant said she was studying in grade 5 when she joined the Maoist movement. She was a very good student and did very well in her class. However, she left the school to join the good cause. She had hoped for a better future, but she said, “the reality is quite different now. The government is unstable; the Maoist party has been divided, and there is no support for the combatants”. Therefore, she is undecided about her future. The DDR process did not include combatants who were under 18 and likewise women with children did not qualify for the DDR as they could not produce arms (See Bhattarai, 2012).

Lila Sharma said, “women combatants were raped by the security force. There are several rape victims who have come out in public and talked about their experience. However, they haven’t received any support so far. No compensation, no justice for these victims of sexual violence”. The pain, social stigma, and suffering of these women are unbearable. Evidence suggests that both sides were involved in rapes but the majority of rape crimes were committed by the security forces (see Human Rights Watch, 2014). However, this is not a ‘peace agenda’ for anyone in Nepal.

The Security Council Resolutions on Women, Peace and Security clearly state the special needs of women in war. As a member state of the Security Council, Nepal developed a National Action Plan (NAP) on the implementation of the UNSCR 1325 and 1820 (NAP, 2011). It was a five-year plan to support the women impacted by the war, including victims of sexual violence. However, although some women have received small support, nothing has been done to support the victims of sexual violence (see NPTF, 2016). The case of Maina Sunuwar, a 13-year girl who was raped and brutally killed in the army barrack, is known to many but nothing has been done.



The Truth and Reconciliation Commission (TRC) and the Disappearance Commission have just started their work. Both commissions have just finished collecting complaints. As of August 2016, the TRC has received 53,016 complaints<sup>6</sup> whereas the Disappearance Commission has received 2,864 complaints. There is only six months left for the Disappearance Commission. Not much progress has been made except collecting the complaints. Both Commissions have started their work without having a proper mechanism in place. There is a lot of criticism even about the process of collecting complaints. The International Communities have not supported any of these Commissions saying they have not followed the international standard. Therefore, most people see these Commissions as a political card more than anything else.

### **Women in Post-conflict Space**

Although women were the hardest hit by the impacts of war, the post-conflict space has created possibilities for their empowerment. Due to the absence of man in the family and also due to the conditions created by the People's War, women were pushed into the public sphere. When they were exposed to the public sphere, they felt vulnerable but at the same time got the opportunity to learn new things. They learned from their experiences. Women are now be seen in every sector in Nepal.

Social inclusion was one of the strong discourses of post-conflict Nepal and inclusion of women was the priority. There were two main reasons why inclusion became so important in post-conflict space: a) the condition created by the People's War which advocated for non-discrimination and proportionate representation, and b) the global discourse of gender mainstreaming which was advocated by various national and international organizations in Nepal. In the following section, I will be discussing women's increasing participation in various sectors and how their participation has led to positive transformation.

### **Women's Increased Participation**

Women's participation in politics was very minimal (only about 3-6%) until 2007 (Falch, 2010; Kabir, 2003; IDEA, 2008; Nepali & Shrestha, 2007) and those who

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<sup>6</sup> See TRC webpage for more details about their activities: <http://www.trc.gov.np/>

were in politics were coming from elite background with a long history in politics, such as wives, daughters, daughter-in-laws of politicians. This scenario completely changed after the Comprehensive Peace Agreement. The first Constituent Assembly (CA) 2008 saw a historical representation of women (33%) (Falch, 2010; Nepal, 2007; UNDP, 2008). These women represented all sections of the Nepali society; even those who were not able to read and write became CA members. However, the number dropped to 30% in the second CA election in 2013. Likewise, despite women's significant representation in the CA, their representation in the cabinet remained low.

Although the Interim Constitution had guaranteed 33% women's representation, the new Constitution, which was promulgated in September 2015, reduced it to 30%. This game of acceptance and denial is an interesting dynamics of post-conflict Nepal. Women are accepted in some positions and denied in others. For instance, women are in the highest positions such as the President of Nepal, the speaker of the lower house, the Chief of Justice. Although the appointment of the Chief of Justice was because of her qualification and experiences, Nepal would have never seen a Woman President and a woman Spokesperson without the strong inclusion discourse.

Women are not only in politics, but their participation has significantly increased in other non-traditional roles as well, such as in the Army, the Police and the Armed Police Force. Although there was some women in the security sector before the People's War, they were not considered for combat roles. The Nepal Army opened its door for women in 2004. Hundreds of women have joined the Army since then. Now there is a guaranteed 9% seats for women. Women have recently been promoted to senior positions both in the Police and the Army. In August 2016, 40 women were promoted to Major in the infantry division for the first time in history<sup>7</sup>. Both the Nepal Army and the Nepal police have adopted several gender sensitive policies. Recently two childcare centers were established in two army barracks (See NPTF, 2016). The construction of separate accommodation, separate changing room and toilets for women can also be seen as increasing gender sensitivity and recognition of gender-specific needs within this male dominated space.

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<sup>7</sup> See <https://glocalkhabar.com/featured/women-promoted-to-major-for-first-time-in-nepal-armys-infantry/>

Nepal has been sending Peacekeepers. Women's participation in the Peacekeeping Mission has significantly increased in the last ten years<sup>8</sup>. Likewise, increasing number of women are joining the civil service (10.5%), and health services (40%)<sup>9</sup>. Moreover, women's increasing participation can also be seen in other non-traditional roles such as tempo drivers, bus drivers which were male dominated space in the past but women have transformed the space. Safa Tempo, the most commonly used public transportation in Kathmandu, was launched from an environmental perspective. The battery operated environment friendly three-wheel vehicles were traditionally driven by men. One woman started in 1996 who received a lot of criticism, and now hundreds of women have joined and the tempo driving has become their main profession (See Raut, 2011; Yadav 2016a). When I interviewed a young tempo driver in November 2014, he said, "Safa Tempo are for women as they were made for women". This suggests how this male dominated space has been transformed within a short period of time.

### **Changes in Laws and Policies**

There have been some changes in the legal provisions as well (see Subedi, 2009). The eleventh amendment bill was passed in 2002, which legalized abortion. Hundreds of women were dying due to the unsafe abortion as they were seeking illegal services from unqualified providers (see CREHPA, 1999, 2000, 2006; CRLP & FWLD, 2001). Moreover, people who were involved in abortion were jailed. Although according to the law, everyone who were involved in abortion were equally guilty including the service provider, however, a study carried out by CREHPA in 1997 suggests that majority of the inmates who were jailed because of abortion, were women (see CREHPA, 2000). Therefore, people have welcomed the new abortion law, which guarantees women's reproductive rights. Likewise, there have been other progressive changes in the law, such as women's right to inheritance, criminalization of marital rape, modification of provision for rape crimes, social security for war widows, and

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<sup>8</sup> See <http://admin.myrepublica.com/society/story/40049/nepal-army-gives-top-priority-to-female-representation-in-un-peacekeeping-missions.html> and also see [http://www.nepalarmy.mil.np/na\\_un.php](http://www.nepalarmy.mil.np/na_un.php); also see <http://kathmandupost.ekantipur.com/news/2016-08-31/un-seeks-more-nepali-female-peacekeepers.html>

<sup>9</sup> See UNDP (2013).

so on (see Yadav, 2016a and 2016b). However, as discussed earlier, there is still a redundancy in some areas, such as the citizenship rights. According to the new Constitution 2015, women can pass on their citizenship to their children. However, they have to prove who their fathers are and whether they are Nepali or foreigners. This is problematic, not only because this is highly discriminatory but also because it ignores the larger consequences it may have on children. For instances, how will a mother prove who the father is if the child is born out of rape? What will happen to the migrant women who return with children but cannot prove who their fathers are? What will happen to the children of trafficked women? The new Constituent certainly demonstrates the deep-rooted patriarchal structure, which can be flexible at times but remains discriminatory towards women.

### **Cultural transformation**

The post conflict space has created possibility to normalize the roles that women played during the conflict because of the absence of male members in the family, such as women are not only allowed to work in male dominated space but it is seen normal. Women ploughing the field or performing final rights of their parents were not something pre-conflict Nepal would have ever imagined. However, they have become a common phenomenon now. Likewise, the transformation has been felt in the lives of widows as well. The cultural restrictions are much flexible now (See Yadav 2016b). Significant culture shifts can be seen every section of the society<sup>10</sup>.

### **Conclusion**

The People's War had devastating impacts on women. Their sufferings are not easy to elaborate in this short essay. It will take a long time for Nepal to revert back to normal. People impacted by the war are in desperate need of support. Families of disappeared people are still waiting for their loved ones. The wives of disappeared people are living in limbo, neither they are widow nor married. Women who ended up in cabin restaurants are still working as prostitutes. The women ex-combatants have been left without a proper support. People are living with trauma. Amidst all these

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<sup>10</sup> See Yadav (2016a) for more details about radical social transformations that have taken place in post-conflict Nepal.

chaos, pain and suffering, the space created by the war has provided with an opportunity for women to learn new skills. Their increased participation in the public sphere has changed the whole social dynamics. There have been radical shifts in cultural traditions. There is a high level of awareness about gender inequality. Despite the suffering, women are not only the victims of war. They are also the agents of change. Therefore, any development intervention in post conflict Nepal should focus on this diversity of experiences.

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