Reparations Beyond Compensation

Survivor-Led, Needs-Based Pathways amid Stalled Transitional Justice in Nepal

By Shuyuan Zhang PhD, Maastricht Centre for Human Rights, Maastricht University

Submitted to: The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

January 2026

This policy paper is submitted as an expert input to inform the mandate of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. It examines reparations in the context of Nepal's prolonged and contested transitional justice process, with particular attention to survivor-led, needs-based practices that have emerged amid stalled national mechanisms. The paper aims to contribute empirically grounded insights to ongoing international engagement on reparative justice in situations of delay and institutional fragility.

Table of Contents

Reparations Beyond Compensation

Survivor-Led, Needs-Based Pathways amid Stalled Transitional Justice in Nepal

1. Introduction

Nearly two decades after the end of Nepal's 1996–2006 armed conflict, reparations remain fragmented, ad hoc, and deeply contested. Recent developments have further exposed the fragility of the country's transitional justice process. Contested political dynamics, the appointment of new transitional justice commissioners through procedures challenged by victims' groups before the Supreme Court, and ongoing institutional uncertainty have once again raised doubts about the state's capacity to deliver truth, justice, and reparations. Against this backdrop, many survivors face the prospect of continued delay and unfulfilled commitments.

Although the 2006 Comprehensive Peace Accord (CPA) committed Nepal to truth, justice, reparations, and guarantees of non-recurrence, implementation has remained limited. The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) have not delivered truth, accountability, or comprehensive reparations. Existing measures have largely taken the form of interim relief, including one-off cash payments, scholarships, and limited livelihood support, framed as administrative assistance rather than enforceable rights. Survivors consistently described these measures as inadequate for addressing long-term and evolving harm and insufficiently responsive to their lived realities.[1]

This policy paper draws on qualitative fieldwork conducted in Nepal in 2025 to examine how reparations are understood and pursued in practice, often in the absence of effective and credible state action. It is based on eighteen semi-structured interviews with conflict survivors and relatives of victims, leaders of victim movements, civil society practitioners, and one former Maoist commander. Interviews were conducted in both urban and rural settings, including Bardiya District, one of the areas most severely affected by the conflict, in order to avoid a capital-centric perspective. Respondents span diverse caste, socio-economic, and educational backgrounds, reflecting the intersectional nature of vulnerability and access to redress in Nepal.

The findings reveal a significant gap between legal frameworks and lived experience. While many interviewees were unfamiliar with the legal concept of reparations, they articulated clear and evolving needs relating to healthcare, psychosocial support, livelihoods, education, recognition, and dignity. A number of survivors emphasised that reparations should not be treated as discretionary charity or as contingent on criminal justice outcomes, reconciliation

[1] See also Government of Nepal, *Interim Relief Programme for Conflict Victims* (2008); International Center for Transitional Justice (ICTJ), *Reparations and Victims' Needs in Nepal*; Advocacy Forum Nepal (AFN), *Across the Lines: The Impact of Nepal's Conflict on Women* (2010).

processes, or donor availability, but as rights that respond to individual circumstances and harms that unfold over time.

In the absence of effective central-level action, survivors' organisations and some local governments have assumed an increasingly important role in advancing reparative practices. Victim groups have documented needs, facilitated access to services, trained survivors as counsellors and advocates, and initiated memorialisation efforts that preserve memory and sustain demands for accountability. At the local level, municipalities in conflict-affected areas, including in Bardiya District, have embedded reparative priorities into social policy through education, psychosocial care, livelihood support, and social protection. These experiences demonstrate that reparations can be delivered through existing public systems in ways that are meaningful and accessible to survivors, even while national transitional justice remains stalled.

Against this backdrop, this paper argues that reparations in Nepal should be re-centred on survivors' perspectives and conceptualised as survivor-oriented, needs-based, and responsive to harm that evolves over time. Rather than prioritising lump-sum compensation or donor-dependent schemes, survivors repeatedly pointed to the importance of embedding reparations within durable systems of healthcare, education, social protection, and legal support, so that assistance is delivered as an entitlement rather than as episodic relief. By foregrounding survivor experiences and local practices, this paper seeks to identify practical and rights-consistent pathways for reparations in Nepal, with broader relevance for international engagement in contexts where transitional justice processes remain contested or prolonged.

2. The 1996–2006 Armed Conflict and Its Human Rights Legacy

Nepal's internal armed conflict began on 13 February 1996, when the Communist Party of Nepal (Maoist) launched an armed insurgency against the state with the aim of overthrowing the constitutional monarchy and establishing a people's republic. Over the following decade, violence spread across all seventy-five districts of Nepal, with the most intense impacts felt in the mid-western and far-western regions, particularly in rural and indigenous communities. The conflict was fuelled by deep structural inequalities, including widespread poverty, unequal access to land and education, entrenched caste, ethnic, and gender exclusion, and weak governance marked by political instability, corruption, and centralisation in Kathmandu.[2]

The human rights consequences of the conflict were severe and widespread. More than 13,000 people were killed, with civilians constituting over sixty per cent of fatalities. Available documentation indicates that state security forces were responsible for a significant proportion of unlawful killings and the vast majority of enforced disappearances, which affected approximately 1,530 individuals.[3] Torture and arbitrary detention were widely practised, particularly in the context of counter-insurgency operations.[4] Conflict-related sexual violence

[2] See also Office of the United Nations High Commissioner for Human Rights (OHCHR), *Nepal Conflict Report: An Analysis of Conflict-Related Violations of International Human Rights Law and International Humanitarian Law, 1996–2006* (2012) ch 1.
[3] OHCHR, *Nepal Conflict Report: An Analysis of Conflict-Related Violations of International Human Rights Law and International Humanitarian Law between February 1996 and 21 November 2006* (2012).
[4] *Ibid.*

was widespread but systematically underreported due to stigma, fear, and the absence of effective reporting mechanisms.[5] At the same time, Maoist forces were responsible for widespread abductions, extrajudicial killings, and the recruitment of an estimated 8,000 to 9,000 children.[6] More than 200,000 people were displaced during the conflict, particularly from rural districts, as civilians were caught between insurgent activity and state counter-insurgency measures.[7] Taken together, violations by both state and non-state actors left deep and enduring social, psychological, and economic scars on individuals, families, and communities.[8]

Certain regions became emblematic of both the scale of violations and the persistence of unresolved harm. Bardiya District, for example, holds the highest recorded number of enforced disappearances in Nepal, with at least 239 cases documented by the CIEDP.[9] Over seventy per cent of the disappeared in Bardiya belonged to the Tharu indigenous community.[10] Entire families were left in prolonged uncertainty as relatives vanished without trace, making the district a lasting symbol of the human cost of state violence as well as of sustained grassroots resistance by victims' families.

The CPA, signed on 21 November 2006, formally ended the conflict and acknowledged the need to address these violations through truth, justice, reparations, and guarantees of non-recurrence. It explicitly recognised victims' rights to know the truth and to receive justice, and committed the state to establishing dedicated transitional justice mechanisms. However, as the following section demonstrates, the political and institutional trajectory of Nepal's transitional justice process has fallen far short of these commitments.[11]

3. Nepal's Transitional Justice Process: Law, Politics, and Prolonged Stalemate

Nepal's transitional justice process has unfolded within a context of prolonged political instability and elite bargaining. Since the signing of the 2006 CPA, the country has experienced frequent changes of government, with major political parties including the Nepali Congress, the Communist Party of Nepal (Unified Marxist Leninist), and the Communist Party of Nepal (Maoist Centre) alternating power through shifting coalitions. Across these changes, political elites have consistently prioritised stability, power sharing, and mutual protection over accountability for conflict era violations. Former conflict actors remain deeply embedded

[5] *Ibid.*
[6] See OHCHR, *supra* n 5.
[7] United Nations Children's Fund (UNICF), *Children and Armed Conflict in Nepal* (2007); Human Rights Watch (HRW), *Children in the Ranks: The Maoists' Use of Child Soldiers in Nepal* (2007).
[8] ICTJ, *Reparations and Victims' Needs in Nepal*; OHCHR, *Nepal Conflict Report* (2012).
[9] CIEDP, *Status of Registered Complaints* (Government of Nepal); OHCHR, *Nepal Conflict Report* (n 1) ch 7
[10] *Ibid.*
[11] CPA between the Government of Nepal and the Communist Party of Nepal (Maoist) (21 November 2006) arts 5.2–5.5.

within political leadership, shaping a transitional justice process marked by compromise, delay, and resistance to prosecution.[12]

The state's earliest response to conflict related harm took the form of an Interim Relief Package introduced in 2008. Although this programme represented an acknowledgment of victims' suffering, it was framed explicitly as relief rather than as part of a justice or accountability process. Its design and implementation were widely criticised for politicisation, lack of transparency, exclusion of many categories of victims, and failure to acknowledge state responsibility. Survivors of torture, sexual violence, arbitrary detention, and forced displacement were largely excluded, while promised non monetary components such as healthcare, employment, and education support were inconsistently delivered.[13] While reparations are examined in detail in the following chapter, the interim relief programme is relevant here insofar as it signalled an early preference for administrative containment over justice oriented responses.

Nepal's formal transitional justice architecture was established with the adoption of the Transitional Justice Act in 2014, which created the TRC and the CIEDP. From the outset, the Act attracted sustained criticism from victims' groups, civil society, and international observers. It permitted amnesties for serious human rights violations, concentrated control over commissioner appointments within the executive, and failed to provide meaningful mechanisms for victim participation or witness protection. Conflict related sexual violence was not recognised as a distinct category of violation, and gender sensitive investigation was absent.[14]

Although the commissions were formally constituted in 2015, their operation was characterised by repeated delays, political interference, and serial extensions of mandate without substantive progress. While more than 60,000 complaints were collected nationwide, the commissions produced no public truth finding reports, no prosecutions, and no credible accountability outcomes. For many victims, participation entailed significant emotional and material costs, followed by years of silence and uncertainty. Marginalised groups, including Dalits, Janajatis, Madhesis, women, and survivors of sexual violence, reported barriers to participation and a sense of exclusion from processes ostensibly designed to address their grievances.[15]

Judicial interventions by Nepal's Supreme Court repeatedly sought to correct these deficiencies. In a series of landmark judgments, the Court affirmed victims' rights to truth, justice, and reparation, declared amnesty provisions for serious crimes unconstitutional, and emphasised

---

[12] International Crisis Group, *Nepal's Peace Process The Endgame Nears* (Asia Report No 131, 2007); OHCHR, *Nepal Conflict Report* (2012).
[13] Government of Nepal, *Interim Relief Programme for Conflict Victims* (2008); AFN, *Waiting for Justice* (2014).
[14] Truth and Reconciliation Commission Act 2014 (Nepal); Commission of Investigation on Enforced Disappeared Persons Act 2014 (Nepal); International Commission of Jurists (ICJ), *Nepal's Transitional Justice System* (2017).
[15] OHCHR, *Nepal Conflict Report* (2012); UN Women Nepal, *Access to Justice for Survivors of Conflict Related Sexual Violence* (2019).

Nepal's obligations under international human rights law.[16] Despite this jurisprudence, tensions between the judiciary and political branches persisted. Legislative reform was slow, contested, and repeatedly deferred, contributing to a widening gap between legal principle and political practice.

In August 2024, Nepal enacted a third amendment to its transitional justice law in an effort to revive the stalled process. The amended law introduced some notable reforms, including the formal recognition of reparations as a victim's right, prioritisation of cases involving rape, torture, and sexual violence, and the establishment of a special court. At the same time, serious concerns remain. The law distinguishes between serious and lesser violations without a clear basis in international law, permits conditional amnesties for certain abuses, and allows sentence reductions of up to seventy five per cent for most serious crimes, excluding rape and sexual violence. These provisions risk producing de facto amnesties and further undermining accountability.[17]

These concerns crystallised in August 2025, when more than 334 victims and survivors from across Nepal jointly filed a mass petition before the Supreme Court challenging both the appointment of new commissioners and key provisions of the amended law. Despite initial resistance from court administration, the petition was ultimately registered following judicial intervention, marking a significant moment in the victims' movement. This episode underscores both the resilience of survivor advocacy and the continuing legitimacy crisis facing Nepal's transitional justice institutions.[18]

Taken together, Nepal's transitional justice process is characterised by a prolonged stalemate. Political resistance, institutional design flaws, contested legal reforms, and recurring legitimacy crises have combined to paralyse truth seeking and accountability mechanisms. It is against this backdrop of institutional inertia and political deadlock that survivors have increasingly pursued alternative pathways to redress. The following chapter therefore turns to reparations as a distinct analytical focus, examining how survivor led and locally grounded practices have emerged in response to the failures of commission centred transitional justice.

4. Reparations at an Impasse: Fragmentation, Exclusion, and Unmet Obligations in Nepal

Despite formal commitments made in Nepal's post-conflict settlement, reparations remain one of the least developed components of the country's transitional justice framework. While the 2006 CPA envisaged reparations as a central pillar alongside truth, justice, and guarantees of non-recurrence, reparative measures have largely been treated as ancillary and administrative

[16] Supreme Court of Nepal, *Advocate Padam Bahadur Shrestha v Government of Nepal* (2015); *Suman Adhikari v Government of Nepal* (2014).
[17] Transitional Justice Act Amendment 2024 (Nepal); Human Rights Watch (HRW), *Nepal Transitional Justice at a Crossroads* (2024).
[18] Supreme Court of Nepal, petition by 334 conflict victims challenging the appointments of officials of the TRC and the CIEDP and provisions of the amended transitional justice law (registered after initial refusal by the court administration, August 2025) *Kathmandu Post* (online), 13 August 2025.

responses rather than as enforceable rights owed to survivors of conflict-related violations.[19] This chapter uses the historical allocation of post-conflict resources as a baseline for understanding why reparations remain marginalised in Nepal today, and why future reparative efforts will necessarily operate under significantly tighter fiscal constraints.

Institutional arrangements established in the aftermath of the conflict have failed to generate a coherent reparations framework. Although the TRC and the CIEDP collected extensive victim complaints, they did not design or implement comprehensive reparations programmes.[20] Persistent concerns regarding procedural shortcomings, limited independence, and the absence of meaningful victim participation undermined confidence in these bodies as vehicles for reparative justice. Subsequent reconstitutions have not restored legitimacy. Following the enactment of the 2024 Transitional Justice law, new commissioners were appointed in 2025 through a process widely perceived by victims' groups as politically influenced and have since been challenged before the Supreme Court of Nepal, reinforcing perceptions of political capture and institutional fragility.[21]

In practice, reparations in Nepal have been pursued primarily through fragmented and interim measures operating outside a rights-based framework. These measures have consisted mainly of one-off cash payments, scholarships, and limited livelihood support. Survivors interviewed consistently characterised such schemes as resembling emergency relief or discretionary assistance rather than reparations capable of addressing the long-term and evolving consequences of conflict-related harm. Commitments made under earlier programmes, including the 2008 Interim Relief Programme, were often only partially fulfilled and frequently reduced to lump-sum payments, with limited attention to sustainability or changing needs over time.[22]

Patterns of exclusion have further weakened the legitimacy and impact of existing approaches. Access to reparation-related schemes has been shaped by administrative complexity, repeated registration requirements, and reliance on Kathmandu-centred institutions, creating significant barriers for rural, poor, and conflict-affected communities. Structural inequalities related to caste, ethnicity, language, and socio-economic status have compounded these obstacles. Survivors from marginalised caste and ethnic groups, those living in remote areas, and those who do not speak Nepali as a first language reported particular difficulty understanding reparation schemes and navigating bureaucratic processes. Entire categories of victims, most notably survivors of conflict-related sexual violence, were excluded for years and only recognised belatedly, reinforcing experiences of invisibility and neglect.[23]

Fiscal and political constraints have also shaped the narrow framing of reparations. Between 2007 and 2015, Nepal's post-conflict peace process was financed primarily through the Nepal Peace Trust Fund (NPTF), with total commitments amounting to NPR 23.1 billion

[19] CPA between the Government of Nepal and the Communist Party of Nepal (Maoist), 21 November 2006.
[20] See *supra* n 14.
[21] See *supra* n 18.
[22] Government of Nepal, *Interim Relief Programme for Conflict Victims* (2008).
[23] AFN, *Waiting for Justice* (2014); UN Women Nepal, *Access to Justice for Survivors of Conflict-Related Sexual Violence* (2019).

(approximately USD 157 million), funded roughly 60 per cent by the Government of Nepal and 40 per cent by international donors.[24] Despite the central place of victims' rights in the peace settlement, only a marginal share of these resources was allocated to measures directly benefiting conflict-affected individuals. Available figures suggest that approximately USD 8 million was spent on so-called "interim relief", while the overwhelming majority of funds were directed toward demobilisation, mine action, security-related programmes, and institutional or administrative reforms.[25]

Crucially, interim relief was framed as administrative or humanitarian assistance rather than as a legal entitlement grounded in the right to reparation. Payments were discretionary, episodic, and weakly institutionalised, reinforcing survivors' perceptions of these measures as charity rather than rights-based redress.[26] The financing of Nepal's peace process thus reveals a striking imbalance: substantial public and donor resources were mobilised in the name of peace, yet very little was directed toward survivor compensation, and even this was delivered outside a reparative framework. This historical allocation is particularly salient in the present context, where fiscal space for reparations is likely to be significantly more constrained, underscoring the need to rethink reparations beyond one-off payments and toward approaches embedded in durable public systems.

The enactment of the 2024 Transitional Justice law has renewed debate over the scope and meaning of reparations in Nepal. While the law introduced important changes, including the formal recognition of survivors of conflict-related sexual violence and the removal of explicit amnesty provisions, serious concerns remain regarding its reparative potential. In particular, reductions in penalties for serious crimes raise the risk of de facto amnesty, calling into question accountability and guarantees of non-recurrence. Moreover, although sexual violence is now acknowledged in law, implementation mechanisms remain unclear, leaving many survivors uncertain whether legal recognition will translate into meaningful access to reparations and support.[27]

Taken together, these dynamics have left reparations in Nepal conceptually marginalised, institutionally fragmented, and unevenly delivered. Survivors continue to articulate urgent and evolving needs, yet reparative responses remain narrowly framed, episodic, and insufficiently grounded in lived experience. Against this backdrop, the following chapters turn to survivors' perspectives and local practices to examine how reparations are being reimagined and pursued outside formal state-led mechanisms, and to identify practical and rights-consistent pathways for advancing reparative justice in contexts of prolonged institutional delay.

[24] Government of Nepal, *Nepal Peace Trust Fund Final Report 2007–2015* (Ministry of Peace and Reconstruction 2016).
[25] *Ibid*; International Crisis Group, *Nepal's Peace Process The Limits of Donor Support* (Asia Report No 260, 2016).
[26] OHCHR, *Nepal Conflict Report* (2012).
[27] Transitional Justice Act (Amendment) 2024 (Nepal).

5. What Survivors Say Reparations Mean[28]

5.1 From Legal Vocabulary to Lived Needs

When asked what they required as reparations, many survivors initially sought clarification, asking "what is reparation?" This reflects the limited penetration of reparations discourse within Nepali society, where state practice has long framed post-conflict measures as relief or compensation rather than as rights grounded in state responsibility. Yet this unfamiliarity with legal terminology did not translate into vagueness of demand. Many victims and survivors articulated concrete needs, including access to healthcare and psychosocial support, livelihood assistance, education for children, social protection for widows and the elderly, truth-telling, public recognition, and social acceptance.

Civil society actors similarly noted that reparations have been narrowly understood in public discourse as cash payments and administrative benefits. While the term and idea of reparation have become more widely used in recent years, they have rarely been understood as rights grounded in state responsibility. This perception has been shaped in large part by the Interim Relief Package introduced in 2008 and subsequent schemes. Because these programmes were framed as relief rather than reparations, they neither acknowledged responsibility for violations nor established durable entitlements. In response, some victims and survivors rejected this reductionist approach, emphasising that monetary payments alone cannot address the structural, psychological, and social harms caused by the conflict.

Among those with greater familiarity with the concept of reparation, a number of victims and survivors clearly distinguished reparations from both humanitarian aid and criminal justice. They stressed that reparations should not be treated as discretionary charity or as a bargaining tool contingent on prosecutions or reconciliation outcomes. Instead, they described reparations as independent rights that must respond directly to harm and restore dignity, and that should be realised even where accountability processes remain delayed or contested.

More broadly, when asked about their priorities, some victims and survivors who were less familiar with the legal language of reparations also emphasised immediate livelihood and social needs over accountability processes. This does not suggest that accountability is unimportant to them, but rather that the urgency of securing basic living conditions continues to shape how harm and redress are experienced in everyday life. By contrast, for certain groups of victims, particularly families of the enforced disappeared, the search for truth regarding the fate and whereabouts of their relatives was articulated as a central and non-negotiable component of reparation.

These perspectives are perhaps best illustrated by the words of an elderly woman whose son was forcibly disappeared, who explained that what she needed most was "three buffalos," which would allow her to rebuild a livelihood and sustain her daily life. Her account captures

[28] All findings in this section are based on semi-structured interviews conducted by the author in Nepal in 2025, unless otherwise indicated. Quotations have been anonymised where necessary to protect interviewees.

how, for many survivors, reparations are understood not in abstract legal terms, but through the practical means required to restore dignity, autonomy, and the possibility of a viable future.

5.2 Differentiation and the Temporal Dimension of Harm

A recurring theme across interviews was the rejection of uniform or category-based reparations. Survivors stressed that needs vary depending on the type of violation suffered, household composition, age, disability, caste status, and socio-economic position. This critique directly reflects the failures of earlier schemes, which recognised only limited victim categories and excluded survivors of torture, sexual violence, arbitrary detention, and forced displacement.

Equally central was the temporal dimension of harm. Survivors explained that needs that dominated immediately after the conflict, such as school fees and emergency subsistence, have evolved significantly over time. Two decades later, priorities increasingly include long-term healthcare, psychosocial support, pensions or social security for ageing caregivers, and livelihood opportunities for adult children. Survivors repeatedly criticised lump-sum payments for failing to reflect this evolution, describing them as inadequate responses to lifelong and intergenerational harm.

Where violations produce continuing and enduring harm, reparations designed as finite or one-off measures risk structural inadequacy and cannot meet requirements of adequacy and effectiveness, underscoring the need for mechanisms of periodic reassessment and adjustment.

5.3 Three Pillars of Survivor-Oriented Reparations

Across interviews, survivors articulated a survivor-oriented vision of reparations structured around three interrelated pillars.

Rehabilitation. Survivors prioritised sustained access to medical care, psychosocial counselling, legal assistance, and social support. Community-based delivery was viewed as particularly effective, especially in contexts where stigma, geographic isolation, and distrust of formal institutions limit access to services. Survivor-to-survivor models, in which victims are trained as counsellors or paralegals, were frequently highlighted as empowering, culturally legible, and sustainable. In several cases, survivors themselves have become providers of psychosocial and legal support, illustrating how rehabilitation can also function as a form of social reintegration and survivor empowerment rather than as passive service delivery.

Satisfaction and recognition. Survivors emphasised the importance of truth-telling, memorialisation, and public acknowledgement as central components of reparation. Collective measures such as memorial parks, museums, and community spaces were seen as essential to restoring dignity and visibility to those who were disappeared or silenced. Survivors stressed that symbolic measures must complement, not replace, material reparations, and that recognition without support risks reproducing harm. For families of the enforced disappeared in particular, acts of memory and public recognition were described not as closure, but as ongoing practices of resistance, visibility, and collective dignity in the continued absence of truth and accountability.

Livelihoods and social protection. Livelihood assistance, vocational training, and social security were framed as foundational to autonomy and dignity. Survivors rejected one-off compensation as a substitute for sustained access to healthcare, education, and income-generating opportunities. As one advocate recalled, a mother of a disappeared person explained that what she needed was not cash, but a livelihood that would allow her to rebuild her life with independence. Such accounts suggest that livelihood support was valued not only for its material effects, but also for reducing dependency, restoring autonomy, and enabling survivors to meet daily needs without repeated negotiation with state authorities.

5.4 From Compensation to Services: How Survivors Understand the "Calculation" of Reparations

Interviews suggest that many survivors do not approach reparations primarily as a question of monetary calculation. While state policy and some international practices have treated reparations as quantifiable financial awards, a number of survivors framed the issue differently, focusing less on amounts paid and more on whether reparative measures address the long-term consequences of harm.

In this regard, some survivors expressed scepticism toward one-off cash payments, particularly where violations have produced enduring physical, psychological, and socio-economic effects. Health conditions linked to torture, enforced disappearance, and conflict-related sexual violence were described as requiring sustained access to care rather than episodic relief. Similarly, education and livelihood needs were understood as evolving over time, making finite payments an uncertain basis for long-term recovery. From this perspective, compensation alone was seen as poorly aligned with the temporal and intergenerational nature of harm.

Concerns were also raised about how compensation-centred schemes operate in practice. Some interviewees associated such programmes with opaque eligibility criteria, inconsistent administration, and repeated bureaucratic interaction with state authorities. Rather than restoring dignity, these processes were described as placing additional burdens on survivors, particularly those facing poverty, limited mobility, or language barriers. A number of interviewees also questioned whether donor-funded compensation enables governments to signal compliance while deferring deeper institutional reform.

Against this backdrop, several survivors articulated an alternative understanding of reparations centred on services rather than transactions. Instead of asking how much compensation should be paid, they emphasised what should be guaranteed: accessible healthcare, including medicines and psychosocial support; free primary and secondary education; livelihood assistance embedded in public programmes; and social protection for ageing caregivers. In this view, reparations are realised through the removal of everyday barriers to dignity and survival, so that survivors are not required to repeatedly apply for benefits or absorb out-of-pocket costs linked to conflict-related harm. This services-first logic reframes the "calculation" of reparations away from individual payments and toward the design of durable public systems capable of responding to long-term needs.

6. When the State Fails: Survivor-Led and Local Implementation[29]

6.1 Victim Movements as De Facto Implementers

In the prolonged absence of effective state action, survivor groups and victim associations in Nepal have assumed roles that would ordinarily fall to public institutions. Across different regions, victims' movements have not only mobilised for recognition and accountability, but have also undertaken practical tasks central to the implementation of reparations. These have included resisting politicised appointments to transitional justice bodies, organising collective advocacy, documenting violations, collecting information on survivors' needs, and developing informal systems of mutual support and service delivery.

The Conflict Victims' Committee (CVC) in Bardiya District illustrates this dynamic. Formed in 2006 by victims themselves, the CVC has evolved from an advocacy platform into a central coordinating body operating across all municipalities in the district. In response to the prolonged vacuum left by the TRC and the CIEDP, the CVC has conducted village-by-village needs assessments, documenting not only past violations such as enforced disappearance and conflict-related sexual violence, but also evolving forms of harm including psychosocial trauma, livelihood insecurity, and the long-term effects of stigma and exclusion. These bottom-up data collection efforts have informed local-level reparative initiatives and enabled more targeted responses than those available through national schemes.

Beyond data collection, survivor-led initiatives documented in Bardiya and elsewhere show how victim movements have taken on functions of implementation. Survivors have organised commemorative events to sustain public memory of the disappeared, facilitated access to psychosocial counselling and legal support through peer networks, and supported women survivors of sexual violence in navigating stigma and isolation through survivor-controlled spaces. In some cases, survivors themselves have become counsellors, organisers, and community leaders, transforming experiences of harm into forms of collective capacity and care.

Taken together, these practices demonstrate that survivors are not merely beneficiaries of reparations, but active agents shaping their content, priorities, and modes of delivery. Survivor-led implementation has emerged not as a substitute for state responsibility, but as a response to its absence. While these initiatives have filled critical gaps, they also underscore the limits of relying on voluntary, uneven, and often under-resourced victim movements to carry responsibilities that ultimately rest with the state.

6.2 Conflict-Related Sexual Violence and Survivor Mobilisation

Survivor-led initiatives are particularly significant in relation to conflict-related sexual violence, one of the most silenced and underreported harms of Nepal's armed conflict. Interviewees described pervasive stigma, fear of social exclusion, and deep distrust of state institutions as enduring barriers to disclosure, especially in rural and socially conservative communities.

[29] Same as Section 5, all findings in this section are based on semi-structured interviews conducted by the author in Nepal in 2025, unless otherwise indicated. Quotations have been anonymised where necessary to protect interviewees.

These barriers are compounded by caste hierarchies, poverty, and geographic isolation. As a result, official figures have historically captured only a small fraction of violations, and even long-standing victim support organisations report extremely limited direct disclosure. One senior representative of the Conflict Victims' Committee in Bardiya, reflecting on more than seventeen years of work with conflict-affected families, noted that only one woman survivor of sexual violence had ever approached him directly, and she did so accompanied by her husband. No other survivors had come forward to him during that period.

These accounts underscore the depth of social stigma surrounding conflict-related sexual violence. Women who experienced sexual violence are frequently regarded as "impure" and may face blame, ostracism, or rejection within their families and communities. For many survivors, particularly those living in remote rural areas, silence is not a choice but a condition imposed by social norms and power structures that continue long after the formal end of conflict.

In this context, survivor mobilisation has taken forms that differ markedly from conventional advocacy models. Women survivors and organisers have developed survivor-to-survivor approaches that prioritise safety, confidentiality, and trust. These include informal peer networks, gradual and voluntary disclosure, and survivor-controlled spaces where women can seek support without fear of exposure. Such practices have also shaped how survivors engage with formal transitional justice institutions. In 2024 and 2025, survivor organisations facilitated the registration of several thousand cases of conflict-related sexual violence with the TRC, far exceeding earlier official figures. Crucially, these submissions were made on a conditional basis: survivor groups provided only coded case information and withheld identifying details pending the establishment of gender-sensitive, trauma-informed procedures and meaningful guarantees of confidentiality. This conditional engagement reflects both survivors' willingness to seek recognition and their insistence on retaining control over disclosure.[30]

The enactment of the 2024 Transitional Justice law marked an important legal shift by formally recognising survivors of conflict-related sexual violence, a significant departure from earlier frameworks that excluded or marginalised this group. However, interviewees cautioned that legal recognition alone does not overcome entrenched stigma or institutional distrust. Without sustained attention to survivor consent, confidentiality, and community-level dynamics, many women are likely to remain excluded in practice. These realities underscore the importance of reparative and accountability processes that are not only legally inclusive but also socially and institutionally capable of engaging those who remain most hidden.

6.3 Local Governments as Reparative Actors

Nepal's federal constitution assigns municipalities substantial authority over education, health, social welfare, and cultural affairs, placing them in a position to shape the everyday conditions

[30] Information provided through interviews with survivor advocates and civil society organisations, September–October 2025. According to interviewees, approximately 4,000 cases of conflict-related sexual violence were registered with the TRC in 2024–2025, the majority documented by survivor groups prior to registration. Submissions were made using coded identifiers, with disclosure of full details expressly conditioned on the adoption of gender-sensitive and trauma-informed procedures by the Commission.

of life for conflict-affected communities.[31] In the absence of effective national-level implementation, some local governments have used these mandates to integrate reparative priorities into broader social policy. Thakurbaba Municipality in Bardiya District offers a particularly instructive example of how reparative objectives can be operationalised through local governance, even where national transitional justice institutions remain stalled.

Drawing on sustained engagement with victims' groups, Thakurbaba has introduced a range of measures that respond directly to harms linked to the conflict. These include free secondary education, scholarship schemes prioritising conflict-affected families, upgraded local health services incorporating psychosocial care, and livelihood support embedded within municipal development programmes. In July 2024, the municipality also initiated a monthly livelihood allowance for wives of the disappeared, following similar relief packages adopted by other local governments. While this allowance is not always described locally in reparations terms, it is widely understood by beneficiaries as recognition of enduring conflict-related harm and as a response to long-term economic insecurity resulting from enforced disappearance.

As documented through survivor testimonies and local initiatives, these measures reduce survivors' need to repeatedly apply for special benefits or bear out-of-pocket costs for conflict-related harm. Rather than treating reparations as exceptional or temporary assistance, Thakurbaba has increasingly institutionalised support within ordinary service delivery and social protection mechanisms. This blurring of categories between relief, social welfare, and reparations is not accidental; it reflects a pragmatic local response to the absence of national reparations schemes and to survivors' evolving needs over time.

A distinctive feature of Thakurbaba's approach is its inclusivity. Local policies recognise victims regardless of whether harm was inflicted by state security forces or Maoist actors, reducing politicisation and fostering social cohesion within communities still marked by division. Survivor-led psychosocial initiatives, memorial spaces such as the Pond of Hope, and municipal partnerships with civil society organisations further illustrate how reparative objectives can be pursued through locally grounded and participatory practices. As one survivor involved in community counselling reflected, the impact of these initiatives lies not only in access to services, but in restoring a sense of purpose and belonging. "Now they want to live," she explained, capturing the shift from survival to dignity associated with sustained local support.

At the same time, interviews and field observations highlight the limits of localised approaches. Thakurbaba's initiatives depend heavily on committed political leadership, informal cooperation with victim organisations, and external partnerships. Not all municipalities possess comparable capacity, resources, or willingness to prioritise conflict-related harm. Without national coordination, financing, and minimum standards, local innovation risks producing uneven access and territorial inequality. These experiences nonetheless demonstrate that reparations can be delivered through public systems in ways that are durable, inclusive, and

[31] Constitution of Nepal 2015, arts 56–59 (federal structure), sch 8 (exclusive powers of local level) and sch 9 (concurrent powers of federation, province, and local level), including authority over basic education, health services, social security, local development, and cultural affairs.

responsive, provided that local efforts are recognised, protected, and supported within a coherent national framework.

6.4 Needs-Based Reparations and the Question of Information

Interviews highlighted significant concerns among victims and survivors regarding the collection, use, and control of information. These concerns were particularly pronounced in relation to conflict-related sexual violence, but also extended to health conditions, family status, and experiences of disappearance. Survivors described fear of exposure, stigma, social sanction, and mistrust toward central authorities as major barriers to sharing personal information, especially in rural and marginalised communities.

In practice, these concerns have shaped how information about conflict-related harm is generated and held. In the absence of effective national mechanisms, victim organisations and local actors have taken on an informal role in documenting cases and identifying needs. As illustrated by the Conflict Victims' Committee in Bardiya and by survivor-led networks working with families of the disappeared and women affected by sexual violence, information gathering has occurred primarily through trust-based, community-level engagement. These processes are often incremental and relational, rather than formal or standardised, and are closely tied to the provision of psychosocial support, advocacy, and mutual assistance.

From an analytical and policy perspective, however, the findings of this paper also point to a structural tension. If reparations are to be delivered on a needs-based and temporally responsive basis, some mechanism for identifying and revisiting needs over time is necessary. The interviews do not suggest a shared survivor view on how such mechanisms should be designed. Rather, they underscore the difficulty of reconciling the practical requirements of needs-based reparations with the realities of fear, stigma, and institutional mistrust that shape survivors' willingness to engage.

This tension suggests that any future approach to information management in the context of reparations must proceed with caution. It would need to build on trusted local relationships, avoid compulsory or centralised disclosure, and ensure that access to reparations is not conditioned on public visibility or repeated registration. Without such safeguards, efforts to assess needs risk reinforcing the very harms and exclusions that reparations are intended to address.

7. Normative Reference Points: What International Standards Already Allow

International standards on reparations provide ample space for many of the approaches identified in survivors' accounts and observed in local practice in Nepal. Under international human rights law, reparations are recognised as entitlements grounded in state responsibility rather than discretionary benefits or charitable relief. They encompass a range of measures,

including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence, and must be adequate and effective in relation to the harm suffered.[32]

From this perspective, situating reparations within systems of health, education, social protection, and legal support should not be understood as substituting development policy for justice. Where violations have structurally impaired access to economic, social, and cultural rights, service-based measures can function as forms of restitution and rehabilitation, addressing both immediate harm and its longer-term consequences. International law does not prescribe a single delivery model for reparations, nor does it privilege lump-sum monetary compensation as the primary or preferred modality.

The emphasis placed by some victims and survivors on access to healthcare, psychosocial support, education, livelihood assistance, and social protection therefore sits comfortably within a rights-based framework. International standards explicitly recognise rehabilitation and guarantees of non-recurrence as integral components of reparation, supporting measures delivered through durable public systems rather than one-off transactions. Where harm is ongoing or intergenerational, reparations delivered exclusively through finite programmes or single payments risk falling short of the requirement of adequacy and effectiveness.

The temporal dimension highlighted in the interviews similarly aligns with international norms. Violations such as enforced disappearance, torture, and conflict-related sexual violence generate consequences that evolve over time. The obligation to provide effective reparation implies responsiveness to changing circumstances, even where accountability processes are delayed or contested. While international law does not dictate specific mechanisms for reassessment, it does not preclude reparative arrangements that adapt to victims' life courses.

The findings concerning information and documentation also fall within established normative principles. International standards emphasise victims' rights to dignity, participation, and protection from further harm. These principles support caution in the collection and use of personal data, particularly in contexts marked by stigma and insecurity. At the same time, they do not foreclose the need for information to support policy planning and implementation. Rather, they underscore the importance of consent-based, context-sensitive approaches that balance the practical requirements of reparations with safeguards against exposure and misuse.[33]

Taken together, Nepal's experience illustrates that survivor-oriented, needs-based, and services-centred approaches to reparations are not normatively exceptional. The principal obstacles lie not in international law, but in institutional capacity, political will, and

[32] See United Nations General Assembly (UNGA), *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (adopted 16 December 2005) UN Doc A/RES/60/147; Human Rights Committee (HRC), *General Comment No 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant* (2004) UN Doc CCPR/C/21/Rev.1/Add.13

[33] See HRC, *General Comment No 36: Article 6 (Right to Life)* (2018) UN Doc CCPR/C/GC/36; Inter-American Court of Human Rights, *Velásquez Rodríguez v Honduras* (Reparations) (1989) Series C No 7; Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No 33 on Women's Access to Justice* (2015) UN Doc CEDAW/C/GC/33; OHCHR, *Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence* (UN 2014).

coordination across levels of governance. International standards provide sufficient flexibility to accommodate decentralised delivery, survivor participation, and integration of reparations into public services, provided that states ensure equality, non-discrimination, and national coherence. In Nepal, the challenge is therefore less one of normative alignment than of translating existing standards into credible and sustained practice.

8. Entry Points for International Engagement

Nepal's experience highlights several concrete and realistic entry points for engagement by the United Nations and the wider international community. These entry points do not presuppose the rapid revival of national transitional justice institutions, but instead build on existing survivor-led practices, local governance initiatives, and the flexibility already present within international standards.

First, international engagement should move beyond Kathmandu-centric approaches and prioritise direct engagement with survivor-led initiatives and local governments in conflict-affected districts. Experiences from areas such as Bardiya demonstrate that reparative practices are already being pursued through local service delivery, memorialisation, and psychosocial support, even in the absence of effective national mechanisms. Engagement with survivors of conflict-related sexual violence should take place through confidential, survivor-controlled formats, recognising the continuing risks associated with disclosure. Observing how reparations are being delivered through everyday services can provide important insights into viable alternatives to stalled, commission-centred models.

Second, international actors can play a role in reaffirming core normative principles in dialogue with the Government of Nepal. In particular, reparations should be emphasised as independent rights that are not contingent on the completion of criminal prosecutions, reconciliation outcomes, or the availability of external donor funding. International engagement can support a shift away from compensation-dominated approaches toward reparations delivered through healthcare, education, psychosocial support, and social protection systems. Attention to the temporal nature of harm can also help reframe reparations as ongoing obligations rather than one-off responses.

Third, international engagement can support careful reflection on the design of needs-based reparations, particularly the challenge of information. Rather than promoting centralised or exposure-driven systems, international actors can encourage approaches that recognise the role of trusted local organisations and municipalities in identifying needs over time. Emphasis should be placed on consent, protection, and survivor control, while ensuring that aggregate information is available for accountability, planning, and resource allocation. Survivor-led and locally grounded documentation practices should be recognised as legitimate sources of knowledge rather than treated as informal or marginal.

Fourth, Nepal offers a valuable case for international reflection and learning. The coexistence of paralysed national institutions with active survivor networks and local reparative initiatives illustrates how reparations can be partially realised through public services even in politically constrained environments. This experience can inform broader international discussions on

reparations in contexts of prolonged delay, limited resources, and contested transitions, demonstrating that survivor-oriented and decentralised approaches can remain compatible with international legal standards.

Finally, coordination across international actors remains critical. Aligning engagement on reparations with existing work in health, education, mental health, social protection, and local governance can reinforce services-first approaches and reduce reliance on donor-driven compensation schemes. Such coordination can help ensure that reparations are understood not as exceptional or temporary programmes, but as part of the state's continuing responsibility to address conflict-related harm through its own institutions.

Taken together, these entry points suggest that international engagement need not wait for the resolution of Nepal's political deadlock in transitional justice. By recognising and supporting survivor-led practices and locally embedded solutions, while continuing to press for national responsibility and coherence, international actors can contribute to forms of reparative justice that are immediate, grounded, and responsive to survivors' lived realities.

9. Conclusion

Nearly two decades after the end of Nepal's armed conflict, the promise of reparative justice remains only partially realised at the national level. Despite the commitments made in the CPA and subsequent legislative reforms, Nepal's transitional justice process has been characterised by prolonged delay, politicisation, and institutional fragility. The TRC and the CIEDP have yet to deliver truth, accountability, or comprehensive reparations. Recent controversies surrounding commissioner appointments and ongoing litigation before the Supreme Court have further weakened public confidence in national mechanisms. For many victims and survivors, reparative justice continues to appear uncertain and slow to materialise.

At the same time, this paper demonstrates that the limitations of central institutions have not resulted in resignation or passivity among survivors. On the contrary, victims and survivors have articulated a grounded and experience-based understanding of what reparations should entail. While familiarity with legal terminology varies, many described concrete and evolving needs related to health, psychosocial support, livelihoods, education, social protection, truth, recognition, and dignity. These perspectives reflect not abstract claims, but the practical realities of rebuilding life under conditions of loss, poverty, stigma, and prolonged uncertainty. They also underscore that, for many, immediate life needs coexist with, rather than replace, demands for accountability and truth.

Importantly, elements of this survivor-oriented vision are already being translated into practice. Victim associations have taken on significant roles as advocates, facilitators of services, organisers of collective memory, and intermediaries between survivors and authorities. In some localities, municipalities have used their constitutional mandates to integrate reparative priorities into education, health, psychosocial care, and livelihood programmes. Experiences from districts such as Bardiya illustrate that, even in a constrained transitional justice environment, collaboration between survivor groups and local governments can generate tangible and meaningful forms of support. These initiatives have been developed under difficult

conditions and with limited resources, yet they have succeeded in delivering assistance that many survivors experience as accessible, dignified, and responsive to their needs.

These developments merit recognition as achievements in their own right. They demonstrate resilience, institutional creativity, and sustained commitment in the face of national-level paralysis. They also show that reparative justice need not be confined to formal commissions or exceptional programmes, but can be pursued through everyday public services when survivors' experiences are taken seriously. At the same time, the paper has been careful not to romanticise these practices. Access to reparative initiatives remains uneven across regions, ethnic and caste groups, and socio-economic contexts. Survivors of conflict-related sexual violence continue to face profound stigma and barriers to recognition and support. Without stronger national coordination, sustainable financing, and clearer institutional responsibility, successful local practices risk remaining isolated or dependent on exceptional leadership.

Nepal's experience thus highlights a central tension in contemporary transitional justice. International legal standards on reparations are relatively well developed and flexible, but their realisation depends on political will, institutional design, and sustained engagement with survivors' lived realities. The principal gap in Nepal is not normative but operational. Reparations have too often been framed as finite programmes or administrative benefits, rather than as enduring entitlements embedded in public systems and responsive to changing needs over time.

In this context, international engagement has an important role to play. The United Nations and the wider international community can contribute by recognising and supporting survivor-led and locally grounded practices, while continuing to encourage national coordination, equality, and accountability. Engagement that values services-first approaches, respects survivor safety and dignity, and builds on existing local capacities can help ensure that reparations are not postponed indefinitely while institutional reforms remain contested.

Nepal's case suggests that reparative justice is already taking shape in practice, even if unevenly and outside formal transitional justice institutions. Survivors and local actors have demonstrated that alternative pathways are possible. The challenge ahead is to ensure that these efforts are strengthened, connected, and scaled, so that reparations move from being contingent on place or circumstance to becoming a guaranteed right enjoyed by all victims with dignity and equality.

Acknowledgements

The author thanks Dr Ram Bhandari for facilitating interviews and sharing insights, and Niraj Acharya for assistance with coordination and translation. The author also thanks Emma Cohen and Laila Azmy for support with interview materials. This research draws in part on fieldwork conducted during the author's 2025 Peace Fellowship with The Advocacy Project, hosted by the Network of Families of the Disappeared Nepal (NEFAD). The author is grateful to Iain Guest for comments and critical feedback.