

**Gendered Justice and the Politics of Memory: Rethinking Transitional Justice  
in Nepal and lessons from Rwanda**

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*Funded by the Laidlaw Leadership and Research Programme*



## **Abstract**

This paper examines how gender and memory shape transitional justice in two post-conflict contexts: Nepal and Rwanda. While both countries emerged from violent conflict with promises of truth and reconciliation, their trajectories diverge sharply. Rwanda's post-genocide justice system combined state-led mechanisms such as the ICTR, Gacaca courts, and memorialization policies, reflecting strong political will but limited space for survivor agency. Nepal, by contrast, has witnessed institutional paralysis, where the absence of accountability has pushed victims, especially women to construct local, memory-based forms of justice. Drawing on comparative and qualitative analysis of existing scholarship, policy reports, and ethnographic studies, this research argues that transitional justice must extend beyond formal institutions to include remembrance, livelihood, and dignity as integral dimensions of repair. By centering women's lived experiences, from widowhood and social stigma to leadership in local memorialization efforts, this paper highlights how grassroots initiatives in both countries challenge top-down narratives and redefine what justice means in post-conflict societies.

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## **Introduction:**

In societies emerging from violent conflict, the struggle to reckon with the past is as political as it is personal. The International Center for Transitional Justice, defines Transitional Justice as, “how societies respond to the legacies of massive and serious human rights violations” (ICTJ). By emphasizing truth-seeking, criminal accountability, reparations, and guarantees of non-recurrence, it seeks to bridge the gap between victim and the state. Yet these promises often falter where political elites have little incentive to confront their own legacies of violence. For victims and survivors, this failure is not just an abstract legal gap but a lived reality, one with uncertainty over the fate of missing relatives, silence around sexual violence, the absence of acknowledgment, and the continuation of structural inequalities that fueled conflict in the first place.

Nepal is one such context. Between 1996 and 2006, the country was engulfed in a decade-long civil war between government forces and Maoist insurgents. The Maoists, convinced that the democratic transition of the 1990s had failed to address the struggles of socially and economically marginalized communities or dismantle the monarchy, launched the insurgency. The conflict claimed the lives of an estimated 17,000 people, led to the forced disappearance of around 1,300 others, and was marked by widespread human rights abuses (Tamang, 2011). Widespread human rights violations from enforced disappearances, sexual violence, torture, displacement, arbitrary arrests touched many communities, but disproportionately affected some who continue to look for justice. The 2006 Comprehensive Peace Agreement raised hopes that the wounds of war would be acknowledged and addressed through transitional justice

mechanisms. Yet, eighteen years later, truth has remained elusive, accountability largely absent, and victims still left in limbo. Despite the establishment of the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), both bodies have failed to deliver meaningful progress. As reports show, between 2015-2018 alone, the commissions have received around 64,000 complaints, yet victims' demands for truth, justice, and reparations remain largely unmet (ICTJ).

For many families, especially women, the costs of this failure extend beyond grief. Widows of men disappeared or killed during the conflict have faced deep social stigma, economic vulnerability, and the burden of raising children without recognition or state support. Survivors of sexual and gender-based violence, as well as women whose husbands were disappeared, continue to face stigma, ostracization, and economic insecurity. Families endure reduced opportunities, daily discrimination, and the enduring absence of answers. Survivors of sexual violence continue to navigate silence and exclusion in a society reluctant to acknowledge their suffering. At the same time, some women have emerged as leaders of victims' associations and community movements, transforming their loss into political activism (Naughton, 2018).

Survivors of conflict-related sexual violence continue to face silence, shame, and a lack of official acknowledgment. These gendered dimensions of harm illustrate how transitional justice in Nepal has failed to grapple with both the immediate and long-term impacts of violence, especially for women who remain doubly marginalized, first as victims of conflict and second as women within patriarchal structures.

While Nepal's transitional justice process has stagnated, comparative experiences offer alternative models for addressing mass violence. Rwanda, emerging from the 1994 genocide, faced the near-impossible task of rebuilding a society in which nearly one million people had been killed in the span of one hundred days. Its approach to transitional justice combined international tribunals with nationally-driven initiatives such as the Gacaca courts and large-scale memorialization efforts. Rwanda also took steps to integrate women into political and public life, including in the transitional justice processes. Rwanda's model demonstrates how local mechanisms and political will can produce forms of acknowledgment, truth-telling, reconciliation, and participation, that remain a big challenge in Nepal.

This paper therefore examines Nepal's stalled transitional justice process through the lens of victim participation, memorialization, and gendered impacts, with Rwanda serving as a comparative case. By situating victims' experiences- particularly women's experiences of disappearances, widowhood, and grave sexual violence at the center of the analysis, I aim to ask 'What lessons can Nepal learn from Rwanda's efforts to address past violence?', or 'How might a more inclusive and victim-centered approach reinvigorate Nepal's transitional justice process?'

## **Methodology:**

This research adopts a qualitative and comparative approach to examine how gendered experiences shape transitional justice processes in Nepal, with Rwanda serving as a comparative case. Analytically, this research proceeds in three stages. First, it establishes the conceptual foundations of transitional justice by outlining its theoretical frameworks and gendered dimensions. Second, it situates these frameworks within Nepal's post-conflict context, examining the structural, political, and social factors that have shaped the country's stalled transitional justice process. Finally, it conducts a comparative analysis with Rwanda to identify how differences in political will, memorialization, and gender inclusion have influenced outcomes in both societies. This layered approach allows the study to move from global theory to local experience and from formal institutions to lived realities. The analysis is based primarily on secondary sources including academic literature, policy reports, documentary films, public archival materials, and documentation from organizations such as the International Center for Transitional Justice (ICTJ), Office For the High Commissioner for Human Rights (OHCHR), and national commissions.

I employ a qualitative and comparative research design, relying primarily on secondary sources such as academic scholarship, NGO and policy reports, and official documents from the Truth and Reconciliation Commission of Nepal, the Commission of Investigation on Enforced Disappeared Persons, and the International Center for Transitional Justice. These materials are complemented by ethnographic and gender analyses, including the works of Simon Robins, Ram Kumar Bhandari, and Samantha Lakin, which foreground victims' perspectives and memorialization practices. In addition to textual analysis, this study draws on informal conversations and personal observations gathered during previous research and engagement with

women in Nepal, particularly from Central-Western part of the country. While these interactions were not conducted as formal interviews, particularly for this research project, they offered valuable contextual insights into how women recall and interpret the war period, patriarchy, their place in public life, loss, and its ongoing social aftermath. Their reflections help situate the academic discourse within lived realities of stigma, widowhood, and memory.

By integrating these sources, this study adopts an interpretive approach that emphasizes voices often excluded from formal mechanisms, particularly women and marginalized communities and seeks to understand transitional justice not simply as a legal process but as an evolving social and moral practice.

**Significance:**

This study contributes to debates on gender and post-conflict justice by centering women's lived experiences and challenging legalistic approaches that overlook marginalized voices. Through a comparison of Nepal and Rwanda, it underscores the role of political will, survivor participation, and collective memory in achieving meaningful reconciliation. Eventually it aims to inform more inclusive, survivor-centered policy reform in Nepal while bridging global feminist scholarship with local understandings of conflict and recovery in the Global South.

## **Limitations:**

The findings of this study are shaped by several methodological and practical limitations. Foremost, the analysis relies heavily on secondary literature and publicly available reports. While these sources provide valuable data and theoretical grounding, they inevitably reflect the biases, time-specific contexts, and positionalities of their authors. The absence of formal interviews limits the paper's ability to capture the full diversity of victims' experiences, particularly from remote and marginalized regions of Nepal. Similarly, while the comparative framework draws broad lessons from Rwanda, the historical and political differences between the two countries mean that any parallels must be interpreted with caution.

Because this research is interpretive rather than empirical, its conclusions reflect patterns and insights rather than generalizable claims. Informal conversations and field observations provided contextual texture but cannot substitute for systematic fieldwork or participatory methods. Moreover, gendered experiences of justice are complex and continually evolving; this study offers a snapshot within a dynamic process of change.

Finally, the paper's scope is geographically and temporally bounded, focusing primarily on the post-2006 transitional justice period in Nepal and the post-1994 reconstruction in Rwanda. These constraints mean that while the study identifies enduring patterns of victim agency, memorialization, and gendered justice, it should be read as an interpretive contribution rather than a comprehensive account. Nonetheless, these limitations highlight areas for future inquiry,

especially participatory field research with survivors, local governments, and women's associations engaged in community-based justice and memory work.

### **Transitional Justice: Concepts and Frameworks**

Transitional Justice (TJ) refers to the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past conflict, repression, violations and abuses, in order to ensure accountability, serve justice and achieve reconciliation (OHCHR). As the International Center for Transitional Justice (ICTJ) also defines it, TJ encompasses measures of *truth, justice, reparations, and guarantees of non-recurrence*. These pillars are intended to ensure accountability, recognize victims, and rebuild trust between citizens and the state. In practice, transitional justice mechanisms have included truth commissions, criminal prosecutions, reparations programs, institutional reforms, and symbolic gestures such as memorialization.

Although transitional justice mechanisms have expanded globally, they often provide symbolic acknowledgment without delivering deeper structural change. Scholars note that outcomes are frequently mixed and incomplete, shaped by shifting political landscapes and even the re-emergence of authoritarian tendencies (Destrooper and Evrard, 2025). Yet despite this skepticism, grassroots actors continue to invoke the language and practices of transitional justice, even where formal processes have stalled or failed. In Nepal, transitional justice remains paralyzed at the institutional level. However, the persistence of victims' groups and grassroots activists illustrates the 'afterlives of transitional justice,' where its language and tools endure

long after state-led mechanisms falter. This suggests that in Nepal, transitional justice functions less as a completed institutional process and more as an evolving discourse that communities adapt to sustain struggles for truth, dignity, and recognition.

### *Victim Centered Approaches:*

One of the most significant shifts in transitional justice scholarship and practice has been the emphasis on *victim-centered and participatory approaches*. These are models that prioritize restorative and reparative outcomes rather than retributive punishment (Shaw & Waldorf, 2010). Such approaches emphasize meaningful inclusion of victims in decision-making, acknowledging harm, and supporting survivors' agency. In Nepal, however, attempts to adopt this approach have been inconsistent and largely top-down. While the Truth and Reconciliation Commission (TRC), Commission of Investigation on Enforced Disappeared Persons (CIEDP), and the Interim Relief Program (IRP) were established to address victims' needs, these initiatives have suffered from limited consultation, lack of transparency, and the exclusion of key categories of victims such as survivors of sexual violence. As the European Institute for International Law and International Relations (EIIR) notes, the Nepali state's transitional justice mechanisms have failed to operate from a genuinely victim-centered perspective, with policies continuing to reflect political calculations rather than the lived realities of survivors.

These shortcomings reflect a broader critique that transitional justice processes often reproduce existing power relations, sidelining the very groups they claim to empower. As scholar Ram Kumar Bhandari argues, "victims' needs should be understood the way the victims understand the needs themselves", rather than state or donor-defined categories (Bhandari, Robins 2024).

Victim-centered approaches prioritize acknowledgment of harm, truth-telling, and meaningful inclusion in decision-making processes, recognizing that justice must address not only the crimes of the past but also the ongoing marginalization that victims face in the present. This approach challenges earlier, more state-centric models of transitional justice, which often prioritized elite negotiations or symbolic acts over substantive victim engagement. For example, truth commissions frequently produce reports that remain inaccessible to the very communities most affected, and reparations programs are often delayed, bureaucratic, or designed without sufficient consultation. In such cases, victims experience what has been described as “secondary victimization”, as the very process meant to deliver justice reproduces the patterns of exclusion (Shaw&Waldorf, 2010). Further scholarship also highlights that victim groups in Nepal are not homogeneous. Divides between rural and urban victims, direct and indirect victims, and gendered differences shape distinct needs and expectations (Sajjad, 2015). For instance, while urban-based groups have sometimes secured recognition, rural victims remain largely marginalised; and while most disappeared were men, women as wives, mothers, and daughters often carry the heaviest long-term burdens.

In addition, it is important to note that there are risks of poorly designed participation. The testimony processes can re-traumatise survivors if not accompanied by psychosocial support, while politically mediated truth-telling risks distorting or censoring the voices of the victims. A genuinely victim-centered approach, therefore, requires not just inclusion, but equally safeguards the well-being, their agency, as well as protects their dignity.

## **Comparative Insight from Rwanda**

Rwanda's post-genocide transitional justice system illustrates how hybrid models of justice can embed victim participation more directly. The Gacaca courts combined retributive accountability with restorative practices by engaging communities in truth-telling, confession, and reintegration of perpetrators. While imperfect and sometimes retraumatizing, these courts gave survivors a platform to testify and helped establish communal acknowledgment of harms. Beyond Gacaca, Rwanda's emphasis on memorialization, reparations, and education reflected reparative justice principles, seeking to restore dignity and provide spaces for collective grieving. Victim associations such as Ibuka were central to shaping these processes, ensuring that acknowledgment extended beyond punishment.

Beyond Gacaca, Rachel Andrew emphasizes that Rwanda's process also involved reparative justice measures including memory, reparations, and education. Memorials and commemorative practices gave victims a visible place in national identity, while survivor organizations like *Ibuka* influenced both symbolic and material forms of reparation (Andrew, 2015). Yet, their analysis also cautions that Rwanda's reparative justice is uneven: there is a persistent gap between government rhetoric of reconciliation and survivors' lived experiences, which often include distrust, silencing, and feelings of imposed forgiveness.

Rwanda's hybrid system suggests lessons for Nepal. By institutionalizing consultation with victims' organizations, addressing gender specific harms more directly, and combining material

with symbolic reparations, Nepal could attempt to build greater legitimacy for its transitional justice process. While context differs, Rwanda's example demonstrates that placing victims at the center of multiple justice mechanisms including legal, communal, and memorial can create a more hopeful, reparative and participatory system.

## **Gender and Transitional Justice: Sexual Violence, Widows, and Female Political Actors**

Gender has long been a blind spot in transitional justice (TJ) debates. While frameworks such as the *Rome Statute of the International Criminal Court* recognize sexual and gender-based violence as crimes against humanity, many transitional contexts continue to marginalize women's experiences (International Criminal Court [ICC], 2023). Without a gender-sensitive analysis, transitional justice risks reproducing the very hierarchies of power and exclusion that contributed to conflict in the first place (O'Rourke, 2013). Ignoring systemic gendered harms such as displacement, poverty, and lack of access to land or political and formal education, undermines TJ's transformative potential and limits its ability to deliver meaningful redress.

### **Sexual Violence and Silence**

Conflict-related sexual violence remains one of the most underreported and least redressed crimes of war. In Nepal, survivors of rape and sexual assault during the civil war have largely been **invisible** in official transitional justice processes. The Truth and Reconciliation

Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) have been criticized for failing to create safe reporting mechanisms, excluding sexual violence from core categories of reparable harm, and neglecting psychosocial support for survivors (International Commission of Jurists [ICJ], 2021). Deep social stigma compounds this institutional neglect: women who come forward risk ostracism, rejection by families, and reputational harm. This double marginalization, first as victims of violence and then as women within patriarchal structures exemplifies how Nepal's state-led mechanisms have failed to address gendered harms substantively.

Rwanda's post-genocide experience, though different in context, demonstrates both the possibilities and limits of addressing sexual violence in transitional settings. The International Criminal Tribunal for Rwanda (ICTR) made history by recognizing rape as a weapon of genocide in the *Prosecutor v. Akayesu* case, establishing a landmark precedent in international law (UN ICTR, 1998). However, despite this legal breakthrough, many survivors criticized the tribunal's slow procedures, retraumatizing testimonies, and limited material reparations (Tobin, 2020). At the community level, the *Gacaca* courts provided spaces for testimony and acknowledgment, but they were not equipped to ensure confidentiality or protection for survivors of sexual violence. The result was partial recognition without adequate redress, illustrating the ongoing challenge of balancing acknowledgment, protection, and agency for survivors.

## Widowhood and the Burden of Survival

In Nepal, the vast majority of those disappeared or killed during the conflict were men, leaving behind wives who became de facto heads of households. These women often faced dispossession from land, inheritance disputes, and the emotional burden of uncertainty, especially in cases of forced disappearances. Without official death certificates, widows were unable to access property or state benefits, a situation further complicated by Nepal's "12-year rule," which requires that a missing person be presumed dead only after twelve years (ICJ, 2021). The Interim Relief Program offered minimal compensation, excluding many categories of victims such as survivors of sexual violence, and provided little long-term economic support. For many widows, justice is therefore entwined not only with acknowledgment of loss but also with socioeconomic survival and legal recognition.

Rwanda, by contrast, made widowhood a central concern of post-genocide reconstruction. With women comprising nearly 70 percent of the surviving population, the state supported associations such as *AVEGA Agahozo*, which provided psychosocial support, advocated for reparations, and facilitated economic reintegration for widows (Tobin, 2020). The visibility of widows as a political category in Rwanda shows how post-conflict justice can either erase or empower women's roles in rebuilding society. However, even in Rwanda, widowhood policies did not fully address long-term inequality between rural and urban women or between survivors of different ethnic or political affiliations. These cases together underscore how transitional justice often overlooks the structural dimensions of harm that widows endure long after conflict ends.

## Female Political Actors and Participation

Periods of conflict frequently create openings for women to assume new political and social roles. During Nepal's People's War, thousands of women participated as combatants, organizers, and local leaders within the Maoist movement. Yet, after the conflict, their contributions were largely erased from official narratives. Women were sidelined during the Comprehensive Peace Accord negotiations, and transitional justice institutions included only token female representation (the TRC Act), for instance, required just one woman among five commissioners (Bhandari, 2021). Moreover, the absence of female staff in local peace committees forced survivors of sexual violence to recount experiences to male officials, deterring disclosure and reinforcing feelings of exclusion. Despite this, Nepali women have resisted erasure through activism and cultural expression. For instance, Subina Shrestha's documentary *Devi* (2024) chronicles three generations of women whose lives were shaped by the civil war, transforming personal memory into political testimony.

In the aftermath of the 1994 genocide, Rwanda became a global example of how conflict can radically reshape women's political agency and participation. The genocide left women making up approximately 70% of the survivors, forcing them into unprecedented roles as heads of households, economic providers, and community leaders in a devastated society.

Rwanda's transitional government enacted sweeping constitutional and legislative reforms to formally elevate women's status. These included the 1999 Inheritance Law, which secured women's right to own and inherit property, and the 2003 Constitution, which set a quota reserving 30% of all government posts, including parliamentary seats for women. By 2013, women occupied almost 64% of parliamentary seats, setting a global record for female political

representation. Women's enhanced visibility in Rwanda's transitional justice also had material and symbolic impacts. The Genocide Law of 1996 explicitly recognized sexual violence as a Category One offense, giving formal weight to women's wartime suffering. Public memorials and state narratives have included imagery and acknowledgment of female victims, signaling a shift in how gendered harms are remembered and redressed.

However, Rwanda presents important cautionary lessons. Despite their numbers, female politicians often lacked genuine decision-making power, with legislative agendas controlled by a centralized, authoritarian regime. Most initiatives championed by women only succeeded if they aligned with the interests of the ruling party, the RPF. The government sometimes instrumentalized gender reforms as a form of international public relations, masking deeper issues of democracy and human rights.

Women's participation in Rwanda was also uneven at the grassroots. While urban and elite women advanced, rural and marginalized women experienced increased burden and persistent inequality. Civil society space remained tightly constrained, limiting avenues for women outside formal institutions. Official recognition of victims overwhelmingly focused on Tutsi women survivors, excluding other categories, which left many silenced or unacknowledged.

Rwanda's experience demonstrates both the transformative potential and stark limitations of women's inclusion in transitional settings. While women have become remarkable symbols of Rwanda's recovery, their empowerment is often contingent, contested, and vulnerable to reversal. The Rwandan case underscores the importance of coupling formal representation with

genuine political influence, inclusion across social divides, and vigilance against the instrumentalization of gender policies for regime legitimation.

### **Nepal's Transitional Justice Landscape**

Eighteen years after the signing of the Comprehensive Peace Accord, Nepal's transitional justice process remains largely stalled, leaving survivors and families to confront the war's legacies with little institutional support. While national commissions have failed to deliver truth or reparations, the aftermath of conflict continues to shape daily life socially, economically, and psychologically. This section examines how these unaddressed wounds manifest in the lives of victims and their families, particularly among women who have navigated loss, stigma, and exclusion yet transformed grief into activism and leadership. It also highlights how local initiatives, ranging from memorialization efforts to the formation of victims' associations have emerged as parallel spaces of acknowledgment and resilience. Together, these dimensions reveal that Nepal's struggle for justice is not only about legal mechanisms but also about the persistence of communities seeking dignity, recognition, and healing from below.

#### ***Impact on Victims and Families: Social, Economic, and Psychological Dimensions***

While institutional analyses often focus on Nepal's stalled transitional justice mechanisms, the most profound consequences of the conflict are felt at the level of the family. The everyday realities of those left behind, especially families of the disappeared illustrate how the absence of justice is lived as ongoing social and economic insecurity rather than simply as legal failure.

Drawing primarily on Simon Robins' (2011) empirical study of 160 families of the disappeared, this section examines the social, economic, and psychological consequences of Nepal's conflict. The study reveals that most victims prioritize the truth about their missing relatives and economic stability over abstract notions of retributive justice.

For 64 percent of families, discovering the fate of the disappeared "Is he dead or alive?", was the foremost concern, followed closely by economic support for food, healthcare, and education (62%), while only 29 percent cited punishment as a priority (Robins, 2011). This hierarchy reflects not apathy toward justice but a survival-based redefinition of what justice means in everyday life. As Robins notes, when the state fails to provide acknowledgment, families transform private grief into public action, using remembrance and survival itself as forms of resistance.

The social and psychological toll of disappearance is compounded by what Robins calls *ambiguous loss*, a form of chronic uncertainty that prevents closure and disrupts mourning rituals (Robins, 2011). Because most families lack confirmation of death, the boundary between hope and despair remains blurred: "If the door makes a noise at night, the children think their mother might have come back". Without a body, religious rites cannot be performed, leaving families unable to fulfill spiritual obligations. Eighty-five percent of families expressed a desire for human remains, even "a bone," as tangible proof to complete necessary rituals. The absence of such closure manifests in chronic anxiety, insomnia, and somatic illness, which one woman described as '*chinte rog*', or "disease of worry" (Robins, 2011).

These emotional wounds are deeply gendered and social. Ninety-three percent of those disappeared were men, leaving women to bear the economic and emotional burdens of survival (Robins, 2011). Many wives of the disappeared face stigmatization within their families and communities, caught between being seen as unfaithful if they remarry and disloyal if they leave their in-laws. One respondent recalled being called “witch” and “prostitute” by her in-laws in front of her children (Robins, 2011). As Robins observes, this liminal status neither wife nor widow creates a “web of obligation and resentment” that leaves many women socially trapped and economically dependent.

Economically, the loss of male breadwinners has devastated families. Nearly 80 percent of households surveyed were unable to afford basic necessities such as food, healthcare, or education (Robins, 2011). Some women resorted to begging, and many families relied on informal labor or relief programs to survive. These findings underscore how the absence of justice is intertwined with structural poverty, as the disappeared were often drawn from Nepal’s most marginalized groups- rural, low-caste, and indigenous communities already burdened by historical inequity.

Robins’ analysis thus reframes transitional justice beyond courtroom prosecutions to encompass the social, economic, and psychological reconstruction of family life. Truth-telling and acknowledgment, for these families, are inseparable from livelihood, dignity, and recognition. In the words of one brother of the disappeared: “The government has to recognize the contribution of these families in bringing change in the country... Money is not everything; respect is

something important”. For many survivors, justice begins not with punishment but with recognition, truth, and the restoration of everyday life.

In the absence of meaningful national progress, much of Nepal’s transitional justice has been sustained through local and victim-led memorialization efforts. These initiatives demonstrate how, even without central state action, memory and recognition can become vehicles for social and political transformation. As Bhandari and Robins (2024) argue, the families of the disappeared have evolved from passive victims into active agents of social change, transforming memory practices into a localized form of transitional justice that both commemorates loss and challenges state impunity.

Over the past decade, victims’ associations, many led by women whose husbands or sons were disappeared, have emerged as key drivers of this movement. Formed initially as informal support networks, these groups have grown into structured organizations capable of influencing public policy at the local level. Their work includes commemorative rituals, public documentation of disappearances, and advocacy for truth, dignity, and reparations. Through such activism, they have shifted the spatial and political locus of transitional justice from elite, capital-based institutions to community spaces and municipal councils, redefining what participation and justice mean in practice.

One striking example is the Conflict Victims Committee (CVC) in Bardiya District, which has successfully pressured its local government in Barbardiya Municipality to adopt a formal memorialization policy. The municipality has since built the *Kumbher Adda Memorial Park*, a

site inscribed with the names of the disappeared and introduced a civic-education curriculum titled *Pride of Barbardiya*, which teaches students about the contributions and suffering of local victims during the conflict. Roads and public spaces have been renamed after those lost, ensuring that remembrance is integrated into daily civic life. Such local recognition provides not only symbolic acknowledgment but also an entry point for victims' families into municipal policymaking and livelihood programs.

A parallel initiative in Marsyangdi Rural Municipality (Lamjung) has established a *Memory Study Centre* dedicated to documenting the lives of the disappeared and martyrs. Created through collaboration between local authorities and victims' families, the Centre receives an annual municipal budget and serves as both a physical and political space for remembrance. By embedding memorialization within local governance structures, these communities have created what Bhandari and Robins (2024) term “formal but local transitional justice” state-sanctioned yet community-driven processes that blur the boundary between official and grassroots action.

Importantly, these local memory practices extend beyond commemoration to address structural inequality and social exclusion, particularly among marginalized Tharu and indigenous groups who bore the brunt of state violence. In Bardiya, for instance, memorial projects are explicitly tied to broader agendas of land rights, economic empowerment, and minority representation. This linkage between memory and material justice reflects what the authors describe as transformative justice, where addressing past violence becomes inseparable from tackling the historical marginalization that enabled it (Bhandari, Simons 2024).

Local governments have thus emerged as unexpected but vital actors in Nepal's fragmented transitional justice landscape. Though lacking authority to investigate or prosecute, they provide official acknowledgment and social legitimacy to victim narratives, countering the federal government's silence. By institutionalizing memorialization, they create enduring public spaces for truth-telling and civic inclusion.

### **Rwanda's Transitional Justice Experience**

Following the 1994 genocide, Rwanda adopted one of the most complex and multilayered transitional justice frameworks in modern history. In an attempt to address crimes of an almost unimaginable scale, the post-genocide government implemented a tripartite system combining international, national, and community-based mechanisms. These included the International Criminal Tribunal for Rwanda (ICTR), national genocide trials, and the *Gacaca* courts—each reflecting different philosophies of justice, from retributive to restorative. As Simone Jacqueline Purdon (2008) explains, these mechanisms were meant not only to deliver accountability but also to reassert state legitimacy and rebuild the moral order of a society torn apart by ethnic violence (Purdon, 2008). Yet, despite their ambitious aims, each mechanism carried profound gendered implications that shaped survivors' experiences of justice and reconciliation.

The ICTR, based in Arusha, Tanzania, became the first international tribunal to recognize sexual violence as a constitutive act of genocide. The landmark *Prosecutor v. Akayesu* judgment in 1998 established rape as an instrument of genocide and a crime against humanity, setting a crucial precedent in international law (Purdon, 2008, pp. 61–64). However, Purdon argues that while this

ruling was symbolically transformative, the tribunal remained geographically and socially distant from most survivors. Its highly legalistic process was slow, costly, and largely inaccessible to rural Rwandan women who lacked the means or protection to testify. Many survivors felt alienated from a system that appeared foreign and detached from their daily realities. In addition, the ICTR's focus on high-level perpetrators—primarily male political and military elites—meant that the everyday suffering of women at the local level received little attention within its proceedings.

The national genocide trials, conducted within Rwanda's domestic courts, were intended to complement the ICTR by prosecuting a broader range of offenders. While these trials demonstrated national ownership of the justice process, they struggled with severe institutional limitations. Years of conflict had devastated Rwanda's judiciary; many judges, prosecutors, and clerks had been killed or fled the country and the legal infrastructure was ill-equipped to handle tens of thousands of cases (Purdon, 2008, pp. 68–71). For women survivors, these courts often replicated the same patriarchal and class hierarchies that characterized pre-genocide society. Victims of sexual violence faced inadequate witness protection, lack of psychosocial support, and frequent social stigmatization for testifying. Few female judges or legal personnel were available, and courtroom environments often failed to recognize the sensitivity required for gender-based crimes. As a result, many women remained silent, perceiving the formal process as retraumatizing rather than empowering (Purdon, 2008, pp. 71–73).

To manage the overwhelming number of cases and foster community participation, the government revived **Gacaca**, a traditional form of local dispute resolution translated as “justice on the grass.” Re-engineered into law in 2001, *Gacaca* was envisioned as a hybrid system

blending retributive accountability with restorative aims. It mobilized nearly 12,000 community courts before closing in 2012. *Gacaca* embodied both innovation and contradiction: it localized justice and truth-telling yet also reproduced gendered and political hierarchies. Women survivors were often pressured to forgive publicly, faced public exposure during testimony, and remained underrepresented among judges (Purdon, 2008, pp. 79–83). Moreover, the process’s heavy state oversight constrained its capacity to serve as a genuinely grassroots mechanism for reconciliation (Purdon, 2008, pp. 83–87).

In the years since *Gacaca* ended, memory and memorialization have become central to Rwanda’s evolving justice landscape. Remembrance itself has become a mode of justice in post-genocide Rwanda. Annual commemoration ceremonies (*Kwibuka*) and memorial sites that house victims’ remains provide survivors with psychological closure and recognition (Lakin, 2020). Through interviews with nearly a hundred Rwandans, Lakin found that locating and burying relatives, learning the truth about their deaths, and participating in remembrance rituals were often described as *forms of justice* equivalent in meaning to legal verdicts. In this sense, remembrance bridges emotional and civic restoration: it acknowledges suffering, validates loss, and integrates survivors into a national narrative of shared mourning.

However, Lakin also warns that the relationship between memory, justice, and state power is complex. When commemoration becomes heavily politicized or dominated by official narratives, it risks alienating survivors whose personal modes of mourning differ from state-sanctioned rituals. Survivors interviewed expressed frustration when national events emphasized economic progress or political unity over personal grief, perceiving such discourse as minimizing their suffering (Lakin, 2020). Government regulation of mourning practices, such as limiting overnight vigils or altering memorial sites without community consultation has further

constrained survivor agency. These dynamics reveal that justice, in the Rwandan context, extends beyond trials to include struggles over how memory itself is shaped, preserved, and governed.

From a gendered and socio-political perspective, Rwanda's transitional justice project thus represents both achievement and tension. Legally, it set new international standards for prosecuting gender-based crimes; socially, it mobilized communities through *Gacaca* and remembrance. Yet, as Purdon (2008) and Lakin (2020) both illustrate, the emphasis on state-led reconciliation and control over public memory has limited more inclusive, survivor-driven understandings of justice. For many women and families, justice is not solely about punishment but about truth, recognition, and the dignity of being remembered.

Ultimately, Rwanda's experience demonstrates that transitional justice cannot be confined to legal mechanisms. It must also contend with the *moral and mnemonic dimensions* of recovery, the ways people remember, mourn, and reconstruct belonging after atrocity. In the following section, comparing Rwanda's experience with Nepal's unfinished transitional justice process will highlight how local participation, gender inclusion, and the politics of memory determine whether justice serves merely as state legitimacy or as genuine social healing.

### **Comparative Analysis of Nepal and Rwanda: Lessons and Policy Implications for Nepal**

The transitional justice experiences of Nepal and Rwanda demonstrate how two post-conflict societies, both marked by mass violence, loss, and structural inequality, have pursued divergent paths toward justice and reconciliation. Rwanda's approach, characterized by strong state

leadership and structured institutional mechanisms, contrasts sharply with Nepal's fragmented and stagnant process, yet both reveal the complexities of addressing violence through legal, social, and gendered frameworks. Examining these cases side by side highlights critical lessons for Nepal, particularly around political will, victim participation, memorialization, and gender inclusion.

Nepal's transitional justice process remains mired in political paralysis. The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), established in 2015, have failed to deliver truth or accountability, leaving victims in prolonged uncertainty. As Robins (2011) and Bhandari and Robins (2024) observe, families of the disappeared continue to live with "ambiguous loss," a condition of ongoing grief without closure. Yet, these very conditions have catalyzed new forms of resistance: victims' associations, especially those led by women, have developed localized memorialization projects and collaborated with municipal governments to institutionalize remembrance. These grassroots efforts such as memorial parks, civic curricula, and community archives represent decentralized justice "from below," revealing how victims' persistence can partially substitute for state inaction. However, their reach remains uneven, underfunded, and vulnerable to political shifts.

Rwanda, by contrast, pursued an integrated, top-down model combining international, national, and community-based justice mechanisms. As Purdon (2008) notes, this hybrid framework shown in the ICTR, national courts, and *Gacaca* tribunals demonstrated a level of state coordination and commitment largely absent in Nepal. Rwanda's government treated transitional justice not merely as a legal obligation but as a central project of nation-building. This political

will enabled large-scale truth-telling, confession, and memorialization processes that, despite their limitations, created tangible forms of acknowledgment and collective identity. Lakin (2020) further shows that the state's embrace of *remembrance justice* through annual *Kwibuka* commemorations and memorial sites transformed memory into a moral and civic practice. For many Rwandans, locating and burying loved ones, learning the truth, and engaging in commemorative rituals became forms of justice as significant as trials themselves.

For Nepal, several lessons emerge from Rwanda's experience. First, political will is indispensable. Rwanda's progress (however imperfect) illustrates that transitional justice requires clear state ownership and moral commitment. Nepal's stalled commissions underscore the futility of institutions without political backing. Embedding transitional justice within local governance structures, as Nepal's municipalities in Bardiya and Lamjung have begun to do, could replicate Rwanda's decentralized implementation, provided it receives formal recognition and sustained funding from the federal government.

Second, Rwanda demonstrates the importance of linking justice with remembrance. Lakin's (2020) findings show that commemoration can function as emotional restoration and collective acknowledgment when survivors' voices guide the process. Nepal's local memorialization initiatives already echo this principle: sites such as *Kumbher Adda Memorial Park* and *Memory Study Centres* enable communities to reclaim space for truth-telling and solidarity (Bhandari & Robins, 2024). Institutionalizing such projects at the national level through museums, archives, or public education could help Nepal transform remembrance into policy, bridging the gap between private grief and public accountability.

Third, both cases reveal that gender inclusion determines the depth of justice achieved. Rwanda's post-genocide reforms elevated women's participation in governance and recognized sexual violence as a prosecutable atrocity (Purdon, 2008). Yet even there, women's empowerment was often instrumentalized by the state for legitimacy. Nepal's challenge is the inverse: women lead much of its local memorialization and advocacy work but lack structural representation in national justice mechanisms. Nepal can thus learn from Rwanda that representation must be paired with 'substantive influence' ensuring that women not only appear in transitional justice institutions but also shape their agendas, from reparations design to truth-telling frameworks.

Finally, Rwanda's emphasis on symbolic and moral repair offers Nepal an alternative vision of justice beyond legal verdicts. As Lakin (2020) and Purdon (2008) argue, healing in Rwanda occurs as much through memory, recognition, and ritual as through courts or commissions. For Nepal, where the state's failure to provide truth and accountability has left victims to construct their own forms of memorialization, adopting this broader, restorative understanding of justice could reinvigorate public trust and national unity.

In essence, Rwanda teaches that transitional justice succeeds not through perfect institutions but through the fusion of truth, participation, and remembrance. Nepal's community-driven efforts already reflect these values; what remains is the political and institutional recognition to sustain them. A genuinely victim-centered process would combine Rwanda's state-backed momentum with Nepal's grassroots moral courage, transforming memory into policy and grief into governance. Only by aligning justice with both human dignity and local participation can Nepal move from stagnation toward meaningful reconciliation.

## **Conclusion**

Transitional justice is often imagined as a legal project, but in practice, it is a moral, social, and involves human sentiments and lives. Both Nepal and Rwanda illustrate that reckoning with mass violence requires more than commissions or tribunals; it requires the courage to remember, to listen, and to rebuild relationships fractured by silence, injustice, loss. This research has shown that while Rwanda's process was shaped by strong political will and a state-managed vision of justice, Nepal's experience remains largely suspended between bureaucratic delay and grassroots persistence. Amid this long paralysis, victims, particularly women, have started to redefine what justice looks like in their lives.

In Nepal, where institutions continue to struggle, families of the disappeared and survivors of violence have continued the work of truth-telling on their own terms. Memorial parks, archives, and victims' associations across districts like Bardiya and Lamjung reveal that the struggle for justice has merely relocated, from the capital's commissions to the country's local communities. These initiatives remind us that justice does not always arrive through formal verdicts but through acts of recognition, remembrance, and solidarity. In this sense, Nepal's ongoing process, though fragmented, has already generated a form of participatory justice that the state has yet to acknowledge.

Rwanda's experience, meanwhile, underscores both the possibilities and dangers of a state-led approach. Its achievements the recognition of sexual violence as genocide, the political inclusion of women, and the creation of nationwide commemorative practices, illustrate how political commitment can transform trauma into collective resilience. Yet, as Lakin and Purdon remind us, when the state monopolizes memory, it also risks silencing the plurality of voices that justice

must serve. The Rwandan case therefore offers Nepal both inspiration and caution: that political will can build justice, but it must be accompanied by empathy, inclusivity, and humility.

For Nepal, the path forward lies in bridging the moral depth of Rwanda's remembrance culture with its own bottom-up, community-driven initiatives. This means recognizing local memorials as part of the national justice framework, institutionalizing women's leadership in policy design, and understanding truth-seeking not as a bureaucratic process but as a social commitment.

Transitional justice, when rooted in lived experience, can transcend the failures of law and politics. It becomes a way of rebuilding the moral foundation of citizenship itself where the act of collective remembering is, in itself, an act of justice.

## Acknowledgements

I am profoundly thankful to the Laidlaw Foundation for its funding, generous support and mentorship, and for giving me the opportunity to pursue this research across borders and perspectives.

I would like to express my deepest gratitude to my research supervisor, Professor Sarah Pinto, for her invaluable guidance, thoughtful feedback, and patience throughout this project. Her insight has shaped not only the direction of this paper but also my broader understanding of transitional justice and gender. I am also deeply indebted to the scholars and existing scholarship that have guided and grounded this research. Their dedication to the study of justice, memory, and gendered experiences has not only informed my thinking but also nurtured my growing expertise in this field.

Finally, I am grateful to Andrew Singleton for his kindness, and immense understanding throughout this research project. Thank you to friends and family for all the support and love.

## References

- International Center for Transitional Justice. “What Is Transitional Justice?” *ICTJ*, [www.ictj.org/what-transitional-justice](http://www.ictj.org/what-transitional-justice).
- Trauma and Global Health Program. “Civil War (1996-2006).” *McGill University*, McGill University. <https://www.mcgill.ca/trauma-globalhealth/countries/nepal/profile/civilwar>
- Tamang, Seira. “Exclusionary Processes and Constitution Building in Nepal.” *International Journal on Minority and Group Rights*, vol. 18, no. 2, 2011. <https://www.jstor.org/stable/24675800?sid=primo&seq=1>
- Naughton, Elena. *Pursuing Truth, Justice, and Redress in Nepal: An Update on the Transitional Justice Process*. International Center for Transitional Justice, Feb. 2018. <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Nepal-Justice-Truth-Reparations-Workshop-Feb-2018.pdf>
- Office of the High Commissioner for Human Rights. “Transitional Justice.” *OHCHR*. <https://www.ohchr.org/en/transitional-justice>
- Destrooper, Tine, and Elke Evrard. “The (Many) Afterlives of Transitional Justice: Practice-Based Insights on Continuity, Impact and Evolving Justice Struggles.” *International Journal of Transitional Justice*, vol. 19, no. 1, Mar. 2025, pp. 151–171. <https://academic.oup.com/ijtj/article/19/1/151/7997912>
- Shaw, Rosalind, and Lars Waldorf, editors. *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*. Stanford University Press, 2010.
- “The Need for a Victim-Centred Approach to Transitional Justice in Nepal.” *European Institute for International Law and International Relations (EIIR)*, 7 July 2021. <https://www.eiir.eu/international-law/international-law-human-rights/the-need-for-a-victim-centred-approach-to-transitional-justice-in-nepal/>
- Bhandari, Ram Kumar, and Robins, Simon. “Formal but Local Transitional Justice: Memorialization of the Missing by Local Government in Nepal.” *Journal of Human Rights Practice*, Oxford University Press, 5 Dec. 2024. <https://academic.oup.com/jhrp/advance-article/doi/10.1093/jhuman/huae038/7917526>
- Sajjad, Tazreena. “Heavy Hands, Helping Hands, Holding Hands: The Politics of Exclusion in Victims’ Networks in Nepal.” *International Journal of Transitional Justice*, vol. 10, no. 1, Mar.

2016, pp. 25–45. Oxford University Press.

<https://academic.oup.com/ijtj/article/10/1/25/2356886?login=true>

Andrew, Rachael. *Hybrid Models of Justice and Rwanda's Post-Genocide Response*. MA Research Paper, The University of Western Ontario, 2014.

<https://tjcentre.uwo.ca/documents/Rachael%20Andrew.pdf>

O'Rourke, Catherine. *Gender Politics in Transitional Justice*. 1st ed., Routledge, 2013.

Tobin, Angela. "Widows and Community-Based Transitional Justice in Post-Genocide Rwanda." *British Journal of Community Justice*, vol. 10, no. 1, 2012, pp. 27–39. Sheffield Hallam University.

<https://mmuperu.co.uk/bjcf/wp-content/uploads/sites/441/2020/08/BJCJ-10-1-Tobin-FULL.pdf>

International Commission of Jurists. *Nepal: Transitional Justice Mechanisms with a Gender Perspective*. International Commission of Jurists, May 2021.

<https://www.icj.org/wp-content/uploads/2021/05/Nepal-Transitional-Justice-Gender-Advocacy-Analysis-Brief-2021-ENG.pdf>

Robins, Simon. "Towards Victim-Centred Transitional Justice: Understanding the Needs of Families of the Disappeared in Postconflict Nepal." *International Journal of Transitional Justice*, vol. 5, no. 1, Mar. 2011, pp. 75–98. Oxford University Press.

<https://academic.oup.com/ijtj/article/5/1/75/2356984>

Purdon, Simone Jacqueline. *Transitional Justice Failing? A Gendered Evaluation of the Transitional Justice Program in Post-Genocide Rwanda*. MA thesis, Simon Fraser University, 2008.

Lakin, Samantha. "Redefining Justice: How Local Perspectives of Genocide Memory Inform Policy and Practice in Rwanda." *Georgetown Journal of International Affairs*, 12 June 2020.

<https://gija.georgetown.edu/2020/06/12/redefining-justice-how-local-perspectives-of-genocide-memory-inform-policy-and-practice-in-rwanda/>