

In-country Training on Gender-Mainstreaming Small Arms Control and Contribution to the Women, Peace and Security Agenda

6-7-8 April 2022 Nagarkot, Nepal

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Report

Background

From 6 to 8 April 2022 the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD) in partnership with the Ministry of Foreign Affairs (MoFA) of Nepal, conducted a three-day training on Gender Mainstreaming Small Arms Control and Contribution to the Women, Peace and Security (WPS) agenda. The training took place at the Hotel Club Himalaya in Nagarkot, Nepal, and aimed to promote a shared national understanding of the important role that gender consideration play in relation to the effective implementation of small arms control policies and its alignment with the national WPS process.

The training was organized in the framework of the In-Country Training Programme (ICTP) on Gender Mainstreaming Small Arms Control in eighteen countries including in Nepal. The ICTP is part of a global project in support of gender mainstreamed policies, programmes and actions in the fight against small arms trafficking and misuse, in line with the Women, Peace and Security agenda, funded by the European Union. The training in Nepal followed on the completion and recommendations of the first event under the ICTP in Nepal, that was the National Workshop to promote Nepal's accession to the Arms Trade Treaty (ATT) held in Nagarkot from 24 to 25 November 2021.

Training participants and speakers

The training targeted government officials, parliamentarians, civil society and UN agencies. In total, thirty-three participants (22 women, 11 men) attended the training representing the following ministries, organizations and agencies: Federal Parliament of Nepal, Ministry of Home Affairs, Ministry of Foreign Affairs, Ministry of Defense, Ministry of Education, Science and Technology, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Women, Children & Senior Citizens, Office of Prime Minister and Council of Ministers, Department of Customs, Nepali Army, Armed Police Forces, Media Advocacy Group (MAG), Ban Landmines Campaign Nepal (NCBL), the Action Group on the UNSCR 1325, UN Women, UN Office on Drugs and Crime

(UNODC), UN Resident Coordinator Office, and the European Union Delegation to Nepal. Several participants had participated in the preceding workshop on the Arms Trade Treaty.

The UN trainers and presenters included: Ms. Ida Scarpino, Regional Project Coordinator on Gender and Small Arms and Light Weapons (SALW) Control at UNRCPD, Ms. Frida Johanne Thomassen, Associate Gender Expert at the UN Office for Disarmament Affairs (UNODA), Ms. Ji Yeon Rho, Associate Expert at UNODA, and Mr. Paul Ianovici, Crime Prevention and Criminal Justice Officer, UN Office for Drugs and Crime (UNODC).

Presentations on key national issues in focus were delivered by: Ms. Mahima Timilsina, Section Officer at the Ministry of Law, Justice and Parliamentary Affairs, Ms. Dipa Pariyar, Section Officer at the Office of Prime Minister and Council of Ministers, Deputy Superintendent Ms. Rajani Thapa of the Armed Police Forces, Ms. Sharada Chalise, Section Officer at the Ministry of Home Affairs, Ms. Pinky Singh Rana, Founder of the Saathi organization and member of the 1325 Action Group, and Ms. Babita Basnet, founder of MAG.

Opening and closing remarks were provided by Ms. Sewa Lamsal, Joint-Secretary of the Ministry of Foreign Affairs of Nepal, Ms. Soo Hyun Kim, Director of UNRCPD (acting), Ms. Sama Shrestha, Women, Peace and Security Programme Specialist at UN Women Nepal, Mr. Stéphane Maicon, Deputy Head of the European Union Delegation to Nepal, and Mr. Adrian Morrice, Peace and Development Advisor for the UN Resident Coordinator Office in Nepal.

Training Methodology

The training's content was based on the <u>Modular Small-arms-control Implementation</u> Compendium (MOSAIC), a set of voluntary, practical guidelines developed by the United Nations. It also took account of relevant actions set out in the <u>UN Secretary-General's Agenda for Disarmament, 'Securing our Future'</u>, the goals and targets established under the 2030 Agenda for Sustainable Development; the Women, Peace and Security Agenda; the Youth, Peace and Security agenda, and arms control instruments such as the <u>UN Programme of Action on Small Arms and Light Weapons</u>, and the <u>Arms Trade Treaty</u> as part of laying the groundwork for a normative framework.

The training consisted of thematic presentations by the experts, question and answer segments, and practical exercises.

Summary of the training sessions

- During the training, presenters and experts covered topics on gender and small arms concepts; gender-based violence and links with small arms proliferation and misuse; gender analysis in small arms context and sex- and age disaggregated data collection as its precondition; gender-responsive small arms control at the policy, legislation /regulatory and operational levels.
- Presentations and discussions centered around the following key themes:
 - Conventional Arms and Small Arms and Light Weapons (SALW) control, the Women, Peace and Security Agenda, Sustainable Development, the Agenda for Disarmament and areas of convergence.
 - o Gender norms and their linkages to armed violence in Nepal.

- o Gender-based violence and related laws.
- The National Action Plan on Women, Peace and Security Phase II and the effective implementation of Security Council resolution 1325 on WPS and resolution 1820 on conflict-related sexual violence (CRSV), among others.
- The UN Programme of Action (UN PoA) on Small Arms and Light Weapons and national reporting.
- o The national legal frameworks on SALW control.
- o Gender equality in the security and defense sector in Nepal, with a focus on the gender strategy of the Armed Police Forces.
- o Gender mainstreaming in border control and illicit trafficking prevention.
- o Global standards and tools, such as MOSAIC.
- o The engagement of civil society and women's organization for gender-transformative approaches in SALW control.
- Gender-responsive National Coordination Mechanism and National Action Plan on SALW control.

Practical exercises

In total, participants engaged in four exercises, as follows:

1. Gender analysis and data in Nepal

Participants worked in small groups to discuss available data on SALW and gender issues in Nepal and brainstorm on the promotion of a systematic gender analysis in small arms control context.

2. Assessment on the normative framework

Through a questionnaire, participants were asked to identify relevant normative framework and synergies among existing national policies and laws with regards to SALW control, as well as gaps that occur during the enforcement process.

3. Preparation of Nepal's national report on the UN Programme of Action on SALW

Participants worked in small groups to fill in the reporting template on the UN PoA, which was translated in Nepali and shared with the audience ahead of the training for the purpose of data collection. Each group was assigned to specific sections of the report, depending on the areas of expertise and responsibility of the group members.

4. <u>Integrating small arms control into the implementation of the Women, Peace and Security</u> National Action Plan (NAP) Phase- II.

Participants, divided into working groups, worked on a matrix and a set of guiding questions and resources to analyses the different pillars and initiatives of the WPS NAP in order to (i) identify areas of convergence with the small arms control agenda and implementation of global instrument on SALW control; and (ii) draft specific action points for the progressive harmonization of the NAP's implementation strategy with the small arms control related policies and laws. The exercise also served to summarize the discussion and the recommendations of the three-day training.

Summary of discussions and exercises

The main results of the sessions, discussions and practical exercises were:

Gender roles and inequalities

- While talking about the linkages between gender norms and armed violence in Nepal, participants introduced the concept of gender as a social construct and its implication on discriminatory behaviors, that manifest already at the very early stage of the life of individuals, including in pre-birth circumstances, as testified by the differences in attitudes of parents based on the gender of the unborn child.
- Expectations based on gender and discriminations therein cause inequalities that underline armed violence and result in under-representation of the marginalized. Women were absent in the negotiation process of the Nepalese Civil War, although 30% to 40% of the combatants were women during the war. They also prevent women from fully participating in maledominate fields, including small arms control.
- The Nepalese Royal Massacre was brought up as a case study of toxic masculinity and the role of SALW in perpetuating gender-based violence (GBV). Inequalities and violent behaviors are rooted in power dynamics and hierarchical structures, as often emerged in the politicization of GBV cases based on the profile and background of the victim and perpetrator.

Education

 Participants agreed on the need to promote gender transformative education programmes, focusing on the broad spectrum of security issues that are relevant to Nepal, aimed at educating the society to challenge the embedded prejudices and biased practices. These programmes shall also address the use of social media, which may represent an uncontrolled vehicle of discrimination, abuse and targeted violence.

Data

- While there are established mechanisms within law enforcement and the Ministry of Home Affairs (MoHA) to collect data disaggregated by sex and age in the context of small arms control, coordination and information exchange should be improved to integrate a systematic gender analysis.
- MoHA is responsible for data collection and management on small arms related issues such as civilian possession and licenses, state holdings, firearms incidents, weapons collection and seizure, as well as GBV committed with small arms. Due to their sensitive nature, those data are not publicly available. As stated by the training participants, a systematic and comprehensive collection of data disaggregated by sex, age and disability in small arms control will benefit from a close coordination and multilateral information exchange between MoHA, national security and defense forces, Central Bureau of Statistics, hospitals, and civil society.
- Participants also highlighted the need to clearly define the type of weapon used to commit GBV, based on the definition provided by international and national instruments.

Women in security sector

• In Nepal, the status of women has been elevated through government mechanisms and legislation which compel their inclusion in decision-making bodies. In addition, the government has taken important steps to enhance women's meaningful participation and

representation in the security and defense sector, as testified by the Gender Strategy and work of the Gender Section of the Armed Police Forces (APF). Notwithstanding, women often face multiple forms of discrimination in addition to gender, which could be based on class, caste, geography, language, religion, and sexual orientation, and remain under-represented in highly technical fields, such as SALW control. In this regard a number of recommendations to cover the gender gaps were discussed by the participants, aimed at promoting enabling factors concerning human resources policies, deployments' facilities, recruitment campaign and processes, and capacity building opportunities. These are further presented in the matrix resulted from the concluding exercise.

Legal frameworks

• The exercise on the normative framework culminated with two presentations from the Office of Prime Minister and Council of Ministers and the Ministry of Law, Justice and Parliamentary Affairs, on laws and framework pertaining to GBV prevention, gender equality and to SALW control, respectively. The below table summarizes the main frameworks presented and discussed as relevant to the training's topics.

Thematic area		Framework / Law	Comments
Gender-based prevention	violence	Constitutional provision - Article 38	Specifically guarantees the fundamental right for women to not experience gender-based discriminations, for safe motherhood, reproductive health, fight against violence/exploitations, right to update compensation, right to social security, equal property rights. Sub Article 3 states that no women are subjective to physical, mental, sexual, psychological, or other forms of violence on any grounds. Such acts are punishable by laws.
		Constitutional Provision – Article 18, Sub article 1	 Guarantees the right to equality and equal protections in the eye of the law, no discriminations on the ground of race, color and sex. Harmful social practices like rape, forced child marriages, forced

		marriages, superstitions, forced trafficking, harassment, and slavery are nationally prohibited.
	National Civil Court 2017	Addresses the issues of discrimination in social security, inheritance rights and property.
	• Witchcraft Allegation, Crime, and Punishment Act 2015	Prohibits accusing or assaulting a woman for their assumed practice of witchcraft.
	• Prime Victim Protection 2018	Guarantees the right to justice for victim of crime throughout all stages, providing special arrangements for victims of rape and sexual violence.
	• Domestic Violence, Crime, and Police Act 2009	Guarantees protection for victims of sexual and domestic violence.
	• Lethal Chemicals Regulation Ordnance 2021	• Regulates various harmful chemical substances and increased punitive measures for perpetrators.
	 Gender Violence Form 2019 and Single Women Protection Form Regulations 	Amended to establish provincial/local protections of GBV victims.
Gender Equality	National Gender Equality Policy	• Adopted in 2020, strives to institutionalize a gender responsive governance system in all the three tiers of government through gender-responsive budget and establishment of equitable, prosperous, and just society, and to lead to the elimination of gender-based discrimination, violence, and establishment of an equal society and equal empowerment of women.

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Arms and Ammunitions	• Arms and Ammunition Act, 2019 (1962).	 Defines the types and characteristics of arms allowed, with prescribed limitations, for civilian purposes. The definition of "Arms" cover cannon, mortar, tank, machine gun, rifle, gun, pistol, revolver or other device of similar nature to be operated by using ammunition, and this term also includes spare parts of and machinery and equipment for manufacturing arms. Pursuant to the Act, anyone who intends to obtain gun license must submit application to the Chief District Officer (CDO). The Act provides provision for the suspension and cancellation of license for the sake of public order, peace and security. When receiving application, the CDO inquiries into: (i) Age and mental health; (ii) Past of conviction; (iii) Involvement in violent political activities; (iv) Conduct of person; (v)Track record of violation of terms and conditions in the license.
	National Penal Code, 2074 (2017) Part-2, Chapter-6 related to Arms and	 Clearly defines the acts which are prohibited by law, such as (i)
	Ammunition.	manufacturing arms without obtaining license; (ii)
		transaction of arms without obtaining license; (ii)
		acquisition of specific type of arms (cannon or mortar,
		machine gun, etc); (iii)

	retaining or carrying arms without license; (iv) production of toxic weapons.
• Arms and Ammunition Regulations, 2028 (1971)	

- The Government of Nepal has adopted important normative frameworks for women's human rights, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Beijing Declaration and Platform for Action, 2030 Agenda and its Sustainable Development Goals, and UN Security Council Resolutions 1325 and 1820. These commitments are enshrined in the Constitution of Nepal and efforts are being taken to ensure that all laws and policies conform with the constitutional provisions on gender equality.
- With regard to global instruments related to SALW control, the government of Nepal has ratified the <u>UN Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Nepal did not ratify the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (<u>The Firearms Protocol</u>), nor signed the Arms Trade Treaty. The government of Nepal is committed to the UN Programme of Action on Small Arms and Light Weapons.</u>
- It was concluded that Nepal has strong regulations and laws designed to prevent GBV and control SALW, as well as a robust framework for gender equality as a principle governing all sectors. However, necessary practices should be included in the implementation and application level, as detailed in the matrix of the concluding exercise.

Women, peace and security (WPS)

- The Government of Nepal adopted the NAP on UNSCRs 1325 and 1820 in 2011 to improve the participation of women in decision making and in the peace process, protect and promote the rights of women and girls, and mobilize resources to ensure that these UNSCRs translates into concrete changes in Nepal. The Ministry of Home Affairs is now leading the validation process of the NAP Phase-II, currently at the Cabinet for the final review. With adoption of the first NAP, the government recognized that sexual violence has taken place in the conflict and that the government is responsible for the protection, relief and reparatory justice of the survivors. The NAP Phase-II intends to address the remaining challenges in ensuring criminal accountability for conflict-related sexual violence.
- The NAP Phase-II aims to ensure proportional and meaningful participation of women at all levels of conflict transformation and peacebuilding processes; protect women and girls' rights and guarantee the direct and meaningful participation of conflict-affected women in the formulation and implementation of relief, recovery and rehabilitation programmes; and address the specific needs of women and girls therein. The NAP is in line with some of the SDGs that the Government of Nepal aspires to achieve by the end of the 2030, particularly SDG 3 (good health and well-being), SDG 4 (quality education), SDG 5 (gender equality), SDG 10 (reduced inequalities), SDG 16 (peace, justice and strong institutions), SDG 17 (partnerships for the goals).
- With the introduction of federalism in the country, the NAP Phase-II aims to ensure that the issue of WPS is considered in all fields in the new administrative structure.

 Participants recognized the pivotal role of the civil society in the implementation of the first NAP on WPS and in the drafting and validation of the NAP Phase-II. They also stressed the need to adopt a bottom-up strategy in the development and implementation of the NAP activities across the four pillars and to maintain local ownership, with a human centred / victim centred approach.

Main outcomes of the training

- The training expanded the participants' understanding of SALW control and its gender dimensions.
- The training facilitated the participants' better understanding of SALW control instruments and their linkages with converging agendas, such as the effective implementation of UNSCR 1325 and 1820 and Sustainable Development.
- By bringing together government officials working on different agendas, parliamentarians
 and civil society, the training promoted coordination among different actors, who identified
 areas of mutual engagement and entry points for synergies with regard to the implementation
 of the WPS NAP Phase-II and its synchronization with small arms control related policies and
 programmes, in line with the UN Programme of Action on SALW.
- The training served as the opportunity for the Ministry of Foreign Affairs to work on the draft of the first national report to the UN Programme of Action, in coordination with relevant agencies and stakeholders.
- The training methodology encouraged the continuous engagement of participants as support materials such as key resources on gender and SALW, including relevant MOSAIC modules, were translated from English to Nepali and distributed to the training participants.
- The training concluded with the identification of gaps and opportunities to strengthen the national infrastructure on SALW control and action points for the development and enforcement of a gender responsive framework.

Recommendations for the way forward

- The following points were identified by the participants as key priorities in the area of gender mainstreaming SALW control:
 - The conduction of a survey to collect and analyse comprehensive quantitative and qualitative information on SALW issues, disaggregated by sex, age and disabilities, with a view to determining the need for and nature of safe, effective and efficient interventions by appropriate stakeholders to address possible problems associated with the illicit trade and uncontrolled proliferation.
 - o Enhanced regulation and control for illicit manufacture and trafficking.
 - Training on gender mainstreaming small arms control for national security and defence forces, media and civil society.
 - The development of awareness raising campaigns and activities aimed at sensitizing the communities on the impact of SALW to women, men, girls and boys.
- Other recommendations are reported in the below Matrix, summarizing the action points for the increased synchronization of the WPS NAP implementation with small arms control.



MATRIX – Analysis of the National Action Plan Phase-II on the United Nations Security Council resolution 1325, 1820 and Subsequent Resolutions (WPS NAP), for the identification of entry points for small arms control at the implementation level.

Pillar / Areas for intervention	Entry points for small arms control or broader small arms control / disarmament issues	Targeted action	Lead Agency / Actor
Participation	Increased women's participation in SALW control	 Training on Conventional Weapons, SALW control, Weapons and Ammunition Management (WAM), Physical Security Stockpile Management (PSSM), MOSAIC for national armed forces, with a component on gender mainstreaming as a cross cutting issue. Push for 50/50 participation. Fight against favoritism, nepotism, tokenism with practical measures such as the establishment of quota, trainings, and performance evaluation. Advocacy to ensure a minimum of 33% participation in armed forces. Enhance recruitment opportunities for women officers and establishment of special provisions for physical tests. Enable the working environment, e.g., provision for childcare, gender-friendly toilets, separate residential homes, maternity leave/allowance. 	 MoHA National Security Agencies National Investigation Department

	• Increased women's participation in Physical Security Stockpile Management (PSSM) – e.g., enhancing the capacity for the safe, secure, effective and efficient management of stockpiles of small arms and light weapons.	 Training on Weapons and Ammunition Management (WAM) and PSSM for women officers. High priority to foreign trainings and mandatory participation in UN missions 	 MoHA National Security Agencies National Investigation Department
Protection & Prevention • Gender analysis and sensitization of the linkages between small arms and GBV integrated in SALW control policies, programmes and practices such as Physical Security Stockpile Management (PSSM).	sensitization of the linkages between small arms and GBV integrated in SALW control policies, programmes and practices such as Physical Security Stockpile Management	 Training and sensitization activities for PSSM officers to understand the impact that the poor management of weapons have in the communities, and on women, men and children. For instance, if state infrastructures are in close proximity to hospitals, schools, markets, etc. Training for explaining how SALW trigger violence and insecurity in our society. 	• MoHA
	Cross reference the gun license system with the laws and framework on GBV.	Promote rigorous background checks, family interviews and security vetting for gun licensing with the intent to disqualify those with history of domestic (or sexual and gender based) abuse, with the integration of a clear definition of the different forms of GBV, victims and perpetrator. In this regard, the Chief District Officers (CDO) may undertake awareness programme on the linkages between domestic violence and use/misuse of small arms, among other capacity building activities.	• MoHA

Effectively enforce existing laws and integrate definition of SALW as defined in global instruments into existing laws, develop frameworks for other means of violence.	 Revisions of existing laws and update SALW-related terminology. Training on existing laws, definitions and global instruments for law enforcement agencies. Incorporate domestic weapons e.g., Khukuri (knifes) into those mechanisms as well. 	MoHA, MoD, law enforcement, National Commission of Women
Cross reference PSSM practices / management of state-held weapons with the laws and framework on GBV.	Background check for criminal records or apprehended history of GBV should be formalized for uninformed personnel carrying weapons / working in state-held stockpile infrastructures (armories / depots).	• MoHA
	 Include reference to SALW control, its scope and objectives to GBV prevention mechanisms and policies. Prioritize M&E in licensing process, renew license only after police report is received on the use of the weapons Orientations incorporating discussion of licensing and delivery of such licenses for CDOs. 	
	Revisions of existing laws and update SALW- related terminology. Training on existing laws, definitions and global instruments for law enforcement agencies.	

	Integrated SALW control activities into the work of the National Women Commission.	
Improve collection of disaggregated data in SALW context to unpack the gender dimensions of SALW related issues.	 Promote coordination and information exchange between MoHA, armed forces, CDOs, Central Bureau of Statistics, hospitals, and civil society. Establishment of an Interim Security Committee, composed of MoHA elements and armed personnel to coordinate on SALW control issues and monitor and manage data collection. Gather data on weapon possession and storage within private homes. Promote data collection on illicit weapons and their owners in disaggregated form. 	• MoHA
Enhance SALW illicit trafficking prevention	 Public movement to voluntarily handover illicit weapons during both normal times and election period (Gun Free Zones programmes). Strengthening controls over the movement of small arms, light weapons and their ammunition across international borders (land, air and water) and regulate entry/transfer points. Improve inter-agency/ministry coordination on security/counter terrorism matters. 	MoHA, CDO, security agencies, MoD

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Relief and Recovery	Protection and relief for armed violence survivors	 Secure relief funds for victims; provision for psychosocial counseling, capacity building for psychosocial agencies, establishment of rehabilitation centers and secure homes for victims. Allow local bodies to address the recovery needs of conflict-affected individuals and armed violence survivors. Training on fair evaluation and identification of victims for concerned authorities and civil society. Integrate SALW control into the work of the Truth and Reconciliation Commission. 	Ministry of Finance, MoHA, MoD, INGO/ NGO, local bodies and CSO
	Awareness raising and disarmament education	 Raising awareness of the dangers associated with the illicit trade, destabilizing accumulation and misuse of small arms and light weapons, as well as actions that can be taken to mitigate them. Public education to inform and promote understanding of issues related to small arms and light weapons control and, in particular, to embed longer term changes in attitude and practice relating to small arms and light weapons and armed violence. Integrate Disarmament Education in school curricula. 	Ministry of Education

		Awareness raising through social media.	
	Special programmes for ex- combatants	Identify former combatants who joined the police or military and establish institutions / programmes to address their specific needs.	• MoHA, MoD
Capacity development, resource management, monitoring and evaluation	Capacity building activities for the WPS NAP implementation Committees for the integration of armed violence prevention and SALW control into the implementation process of the NAP.	 Training on Conventional Weapons, SALW control, and MOSAIC with a component on gender mainstreaming as a cross cutting issue, for the Implementation Committee and civil society Training on M&E. Promote women's participation and awareness of armed violence and gendered issue throughout all activities, planning, publications, etc. Promote the participation of marginalized groups, such as LGBTQI+ community, to make the NAP implementation more inclusive and effective, and adhering to international practices. 	• MoHA, CSO, media, INGO/NGO
	Enhance coordination and reporting mechanism	Designate separate agencies responsible for M&E, monthly and bi-monthly review progress of the NAP phase II implementation and make the results public (e.g. newsletters). The Coordination Mechanism should include officials and stakeholders responsible for SALW control and related activities as relevant to the NAP.	• MoHA, CSO, media, INGO/NGO



ANNEX 1 – List of Participants

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6-7-8 April 2022 - Club Himalaya - Nagarkot, Nepal

FINAL LIST OF PARTICIPANTS

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