



**FY2009 Women Leader Empowerment
Seminar in Asia Pacific Region**

Country Report


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Country Overview


- Nepal is a country with immense cultural and geographical richness and diversity. It is also home of 23 million people ,among it, the women covers 11,587,502.The female literacy rate is 43.6% in comparison to 70.3% of male literacy rate, according to UNESCO data, 2007.
- Nepal ranks 86th out of 93 countries in the GEM(Gender Empowerment measure) according to human development report 2007-2008.
- It is the country where there is the living goddess and where most of people worship goddesses, where the country was ruled by powerful women in past. In other way, there are rampant incidents of different kinds of violence on women.VAW has continued throughout the history unreported and unchallenged.



The women are considered as second-class citizen. They are deprived of education, nutritional food and health services. They don't have direct access to resources and haven't included on decision making in family sphere.

- Nepal has ratified all major human rights treaties including the UN Convention on the Elimination of All Forms of Discrimination Against Women. The democratic Constitution (1990) of Nepal guarantees equal protection and non-discrimination based on gender to all Nepalese citizens.

There are no specific laws that define or treat VAW in Nepal as a special form of violence. Current Nepalese law does not provide for a specific act to book perpetrators of VAW or create support systems for women victims of violence.



However, there are special acts regarding rape, incest, intent to rape, bestiality, general assault, trafficking of women for prostitution provided within the new National Civil Code of the country. Recently, Act on Domestic Violence Against Women was passed out by government but it is still doubt about it's enforcement.

The law of the country does not obligate the government to establish any support system or rehabilitation measures for the victims of VAW.



Situation of VAW (statistics & salient features)

VAW can be defined as violation of a woman's personhood, mental or physical integrity, or freedom of movement. It is the result of unequal power relation between women and men. Underlying this power relation is patriarchy, the social structure that is constructed, reinforced and perpetuated by socio-political institutions put in place by men and which thereby ensure that men, by virtue of their gender have power and control over women and children. Violence against women thus refers to all forms of violence, including traditional forms of violence in the Nepali context, inflicted on women on account of their gender.(Women's Beijing Declaration and Platform for Action)

The distinguishing forms of VAW have been identified :

- Domestic violence • Sexual slavery, prostitution and international trafficking of women • Incest • Reproductive rights violation • Rape • Sexual harassment • Sex discrimination • Medical abuse • Abuse of women with physical and mental disabilities women • Culture bound practices harmful to women • Ritual abuse with religious cults • Marital rape • Pornography and abuse of women in media • Abuse of women in refugee or relocation camps • Custodial abuse • Female foeticide • Dowry related violence and murder.
- The magnitude of VAW is very high in Nepal. According to the study over 7236 cases conducted by WOREC(Women Rehabilitation Center) ,2008,Domestic violence constitutes 73 %,sexual harassment 11%,rape 9%,social violence 7 %,murder 4%,trafficking 3% and others 2%.
- The reasons behind violence: Social cause 65%,cultural cause 14%,economic cause 18%,political cause 2 % and others 1 %.
- VAW directly effects their personal development, their working capacity,education,work,leadership capacity etc.VAW causes 43 % mental effect,41 % physical effect,3% health related effect,9% social effect over survivors.



Statistics and Salient features

- Trafficking is the huge crime to the humanity. According to ILO rapid assessment, in Nepal, each year, it is estimated that 12000 young girls and women are trafficked within and outside country for different purposes. The problems they face are unbearable. The girls and women are trafficked due to different kinds of violence in home and workplace. Being trafficking survivors, they are stigmatized, oppressed and discarded out from family and society.
- In recent few decades, the numbers of women infected by HIV/AIDS are increasing in Nepal. According to the data of NCASC (national center for AIDS and STI control), there are 70,256 people estimated to be living with virus. HIV/AIDS prevalence is high in several groups including Female sex workers, their clients and ID users. Currently, there is increasing trend of spreading of HIV/AIDS in migrant laborers and their house wives. Looking at this scenario, there is huge correlation between VAW and HIV.



Legal Framework

- Court regulations regarding in camera proceedings
- Guideline for health professionals on how to deal with the cases of violence against women 2008
- Guideline for the protection of women and Children victims and witnesses of crime 2008
- Domestic Violence(Crime and Punishment) Act,2008
- Human Trafficking(Control) Regulation 2008
- Human Trafficking (Control) Act 2007
- Interim Constitution of Nepal,2063(2007)
- Act for Gender Equality 2006




Government Policy on VAW

- 13 point national policy to combat trafficking and all discriminatory and exploitative practices ,2008 directed towards women, uplift their socio-economic status, and protect victims of sexual exploitation.
- Access to Justice program, 2008
- National plan of action against trafficking in children and women for sexual and labor exploitation, 2008
- Beijing Platform for Action, 2000
- The National plan adopted mainstreaming, eliminating gender inequality and empowerment as its major policies on women and thus moved towards a gender approach to women's promotion.
- Nepal has ratified all major human rights treaties including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),CRC, Universal Declaration of human right.



Civil Society Intervention

- Many NGOs are advocating the government on the issues of VAW and to formulate specific laws on VAW for example: FWLD, WOREC, Shakti Samuha etc. The civil society and women's organization are collaborating with government to develop laws on VAW.
- Nepal has introduced many legislative provisions that specifically address different forms of violence. Marital rape is considered as crime. The government has recently passed out Domestic Violence Act, 2008. Nepali government has considered VAW as the violation of civil or human right.
- Different NGOs are providing trainings and workshop how to deal with VAW, whether it is sexual abuse or trafficking to the police, prosecutors and judges.

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- Nepal has National Rapportuers who oversee and monitor anti trafficking activities.
 - Formulation of National Women Commission, Human Rights Commission and Dalit Commission, signature of optional protocol to the CEDAW, and formulation of Taskforce against VAW are the positive provisions made by government
 - Different organization use Hotlines and help lines providing important access to information and support systems to victim of violence against women.
 - Many NGOs are running shelter homes for the victim of VAW where they get legal counseling, legal support, counseling, skill oriented training.
 - Many NGOs are providing effective services for the victims of trafficking, immediate protection, medical, legal and counseling needs, while remaining sensitive to the complexities of their situation.
 - Mobilization strategies at the community level is done by many organizations. Mothers' group are very active in different parts of Nepal to stop liquor sale and use which helps to decrease VAW
 - Different campaigns to eradicate all forms of violence are launched. For example: We Can, White Ribbon campaign etc.



Overseas Development Aid

- United Nation Development fund for women.
- UN division for the advancement of women
- USAID
- AUSAID
- Amnesty International
- Free the slaves
- Action Aid
- Oxfam
- Unifem
- Care Nepal
- Action Aid
- Terre de homes
- Asha Nepal



Best Practices to Eradicate VAW

- Women's programs implemented by NGOs are diverse in nature but focused on group organization, awareness raising and savings-credit activities. Their other activities include advocacy against trafficking, legal literacy, community development, gender training, income generating activity/credit, community development, environment, etc.
- One kind of activity, which has been undertaken by large and small NGOs, some of which have converted themselves into banks, is savings-credit and small income generation. In spite of small investment, income generation seems to be the most popular strategy. A visible by-product of such social mobilization is the struggle against alcohol use and domestic violence at the grass roots for a large number of CBOs and NGOs.
- Rehabilitation centers are being run by NGOs.
- There are different campaigns to eradicate VAW. For example- “We can”, White Ribbon Campaign.



Best Practices to Eradicate VAW

- National Rapporteur in Trafficking in women and children, Anti-trafficking National task force, National coalition on VAW are mechanism to monitor the activities of trafficking and VAW.
- Safeguarding the rights of victims and creating a system that respects the privacy, dignity and autonomy of victims and is conducive to reporting, is an important principle of good practice. Courtroom procedures that protect the privacy of victims during trial, such as allowing evidence to be given by video link or restricting access to courtrooms during rape trials, are being used.
- Some organizations provide training to the Medical practitioners on sexual abuse and rape; In service and training for prosecutors and police.
- Hotlines and Help lines are provided by some organizations to access information.
- Nepal has adopted Gender Responsive budget from 2007.



Major Obstacles to Eradicate VAW

- It will take time to eradicate deeply rooted traditional norms and values and gender biased social structure.
- There are not specific legislation to address VAW. Even though there are many legal provisions on different kinds of VAW, they are not enacted and enforced.
- Nepal has more than 100 legal provisions that directly discriminate women.
- The police, prosecutors and judges are not sensitive towards VAW, laws and their legal responsibilities. Police and judiciary are so corrupted that the court hearing is delayed and long which will victimize them many times.



Major Obstacles to Eradicate VAW

- It is not easy access to justice. VAW survivors are not aware of their legal rights. There are not sufficient legal counseling and legal support to the victims of violence. Since the case takes long time, the organizations couldn't bear the legal support cost.
- There are no enough provision of in crisis intervention and rehabilitation centers for VAW victims.
- It is considered that the children are the responsibilities of women. Mothers stay with their abusive husband and family for their children.
- In the shelter homes and rehabilitation centers, there is very poor level of counseling and psychological support. There is tendency of victims to be broken down easily on small matters. They lost their direction, self-esteem, and self-integrity so they need proper and professional counseling.



Major Obstacles to Eradicate VAW

- Many organizations have limited knowledge on human rights, women rights and violence against women and counseling support so they don't treat the victims properly. It will hinder the rehabilitation process of victims.
- Lack of skill oriented and practical education system in Nepal.
- Majority of women have still no access to resources and have no right on decision making process whether in family or workplace or in governmental programs.
- Although Media are comparatively sensitive towards VAW and gender than before, there is still not enough research and work done by media. There is lack of dissemination of information in the local language.
- Lack of Political commitment of national parties and inefficiency of government to eradicate VAW.
- Poor functioning of National coordination mechanism. Poor coordination between stakeholders.
- Donor based programs. They can't correlate their programs with the local and national issues, situation, culture, religion, history and political situation so these programs can't achieve as they targeted.



Conclusion/Policy recommendations

- It is necessary to establish High commission committee on VAW which will monitor and refer the activities on doing enough research and investigation on VAW in governmental level; collecting statistics; giving support and penalty to the victims and taking effective steps to punish the perpetrators .
- Government should be responsible to establish mechanism which ensures to create the environment where Victims will get access to health service and counseling.
- The government should formulate the strategies, programs to enhance the knowledge that women have right over their own body, productivity, reproductivity and sexuality and it should be responsible on it's enforcement.
- Nation-wide implementation of a legal program package including creating legal awareness among women and girls; more dedicated and effective law enforcement; formulation of adequate laws to protect women, girls and children against all forms of violence.



Conclusion/Policy recommendations

- Awareness creation on a national level about non-acceptability of violence against women, girls and children. An awareness campaign should be initiated using both modern and traditional channels of communication and major regional dialects.
- Orientation and training programs for police, lawyers, NGOs and medical practitioners on the issue as well as on how to deal sensitively with victims of violence. Invest in strategies to educate them about laws and their legal responsibilities. Enact and enforce laws that prevent all forms of VAW. Take all necessary legislative, administrative, social and economic measures to protect women from all forms of violence in private and public spheres.
- The women's cells in police stations should be more active. VAW should be taken as public offense.
- Develop and fund programmes to improve legal aid services and other forms of support so that women can claim their rights.



Conclusions and Recommendations

- It is necessary to change the prevailing traditional patriarchal thoughts, the words defining the masculine gender; and attitude to eradicate VAW. For this, it is necessary to reform the curriculum of school to the policies of government. Launch gender and sexual education from the primary level.
- Victims support programmes including provision of safe housing and access to medical services followed by emotional counseling and crisis intervention services. Expand women's access to support services and economic resources so that they can escape and recover from abusive and health threatening relationships.
- Invest and bring more programs to provide training/education/socio psychological support to ensure sustainable reintegration and self sufficiency.
- Ensure security, support and livelihood for VAW victims and their children.



Conclusions and Recommendations

- It is necessary to give training on woman's right and legal rights to women along with men. The government and NGOs should develop a mechanism to give counseling and awareness to perpetrators on VAW. In case of domestic violence, if family will support the victim and poverty is the case, then there should be family support program like IGP support to victim's family.
- As alcohol abuse is seen to be one of the main causes of VAW, measures to curb the sale of alcohol to violence-prone personalities should be initiated along with treatment programs for alcoholics.
- Establishing a network among NGO workers, legal and medical practitioners and the police.
- Encouragement and support to NGOs, CBOs and other civil society working with this issue.