

# Women's Human Rights in Nepal Focused on Conflict Situation

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# Background

- Women's rights violation started in Nepal centuries ago. One of these was **Sati Practice**, and that was end in 1920 by Rana Prime Minister Chandra Shamsheer. However, it did not end patriarchy in Nepal.
- Patriarchy restricted women's liberation i.e., freedom of expression, mobility, decision making, choices and rights etc.
- There has been separate limitations and perceptions in Women and Men's rights and the exercise of the rights.
- Role and participation of women- less in public sphere and more in private sphere.
- Gender role Stereotype- tradition defined women role and responsibility.
- Limited access of resources and opportunity for women.

## Major Issues of Women's Rights as Human Rights

- Gender Based Violence ( Polygamy, Sexual abuse, Physical Abuse, Mental abuse etc.)
- Child Marriage.
- Trafficking of women and forced migration.
- Transitional Justice.
- Unequal representation and participation of women in decision making.
- Issues of Women in conflict and post conflict period .
- Issues of women in post earthquake situation.

# Women's Right in Conflict Situation

## *Statistics on the type of atrocities during internal armed conflict 1996-2006*

- *Killings - 17,828*
- *Disappeared people- 1,452*
- *Single women (widows)- 9,000*
- *Internally displaced families-9,000*
- *Internally displaced people - 89,171*
- *Property damaged- 14,438*
- *Injured and disabled people-5,912*
- *Kidnapped people- 2,985*
- *Source: Ministry of Peace and Reconstruction (MoPR) Government of Nepal*
- *P.S. The disaggregated number of women suffering from atrocities of conflict is yet to be identified. It is tentatively assumed that among all the conflict victims and affected, 40 to 60 percent of them are women. Different CSOs, human rights organizations, INGOs, media have revealed different data related to conflict affected women and conflict affected people. Due to disparity in data, authentication of conflict affected women for justice is one of the major problems in peace process.*

## Cont...

- During the conflict, women and girls were vulnerable from all forms of violence, particularly sexual violence and exploitation, including torture, rape, gang rape, and trafficking.
- This has consequently resulted in an increase in the number of single women and women-headed households, not only over-burdening them with the livelihood insecurities but making them the victims of psychosocial trauma.

# Cont...

- Many are still living in the hope that their husbands or sons will come back while many have lost their lives waiting for their loved ones to return.
- Due to the increased responsibility and work burden, women are found to be suffering from frustration, depression, anxiety, conversion disorder, psychosomatic pain, shock and fear.
- They were harassed by the demand of both warring sides for shelter and food and had to face sexual slavery, sexual harassment, rape, and other forms of violence which affected their physical as well as their mental wellbeing.

## Con...

- Moreover, culture of impunity & silence is almost established, not only in domestic violence, even in rape; and there are very few cases which have concluded the culprits to be punished.
- Though the world has recognised Nepal's peace process and defined it as unique however, its failed to address women's human rights issues.

## Contd...

- Though Constitution is promulgated, but there are many issues which are still in shadow.
- The question is –Is peace process over? what will be with those people who are still waiting for justice?
- Issues related to disappearance (women still waiting for their husband and children)
- Impunity
- Sexual Violence
- Issues of former combatants



# Sexual Violence :Some case studies

- "On 16<sup>th</sup> May 2002, I was raped by security officials who claimed my husband had joined the Maoist. I bled a lot; it was the 15<sup>th</sup> day of my childbirth. My husband wasn't home and my son cried for help as he saw me in anguish but all he could do was cry. I told my husband when he back home, he was okay initially. But, he gradually started verbally abusing me, he questioned on my character, then remarried another woman. My then 15 days old daughter is now 11 and my son 14. Neither did I receive any relief nor justice“

## Case study- 2

- I and my sister in law was raped in front of our father-in-law and elder brother on 21st May 2001. After few month our father in law and brother (his wife was raped with me) died due to depression and trauma. When peace process started, I went to nook to the police stations, CDO office, Local Peace Committee and even reached out to Maoist leader Dr. Baburam Bhattarai but, I didn't get any proper response. Now I am thinking, I will not seek justice anymore. I don't trust anybody and I've lost all hope. I've given up.

# Case Study -3

- Many rape victims in our village did not speak about incident they faced. Now, I am thinking they were right. At least their husbands did not leave them nor did anybody point fingers at them. I spoke and I am no where.

*(survivor from Dang District)*

*(Survivors of the conflict from the different districts spoke on women tribunal organized by WOREC, Nagarik Aawaz and Advocacy Forum, 8<sup>th</sup> December 2014 at Human Right Commission's office)*

# Sexual Violence

- No data on sexual violence.
- After peace process, relief package announced.
- Government set the criteria for receiving relief package for the survivors that they have to prove it. What will be the prove of sexual violence?
- the survivors of sexual violence have not been able to be register as armed conflict survivors, or receive any relief packages and or medical support.

## Cont...

- No measures have been established to address their issues and needs.
- The result is -no justice and no compensation
- The Government has implemented National Action Plan (NAP) on the UN Resolution 1325 and 1820, which concerns Women, Peace and Security.
- TRC and Commission on investigation of disappeared person has been formed but their role is not seen yet.

# Cont...

- The main issues NAP has identified are Participation, Protection and Prevention, Promotion, Relief and Recovery, Resource Management, Monitoring and Evaluation; which accounts for the entire issues of Women, Peace and Security.
- Issues of sexual violence was not included in National Plan of Action on 1325 and 1820 (hopefully it will be included on second phase of NAP)
- Cultural Silence in Sexual Violence

# Issues of women combatants

- During the first verification 32,250 Maoist Army personnel registered their names.
- In the final round of verification, 19,602 (61%) ex-combatants were verified. Out of them 3,846 were women, that is, approximately 20% of the combatants.
- 1422 integrated in Nepal Army, out of them 104 are women.







# Combatants



# Women Combatants



# Madhesh Movement 2007

- Ranu Devi Mahato, mother of Ramesh Mahato, died during the first demonstration of the Madhesis in Lahan in January 2007.



- Ramesh died during a demonstration on the 19th of January, 2007 (Magh 5, 2063 B.S.) which was organized to protest against the arrest of Upendra Yadav as he had attempted to burn out the Interim Constitution on the 16th of January (Magh 2) in Kathmandu.



# On Going Madhesh Movement Impact on Women



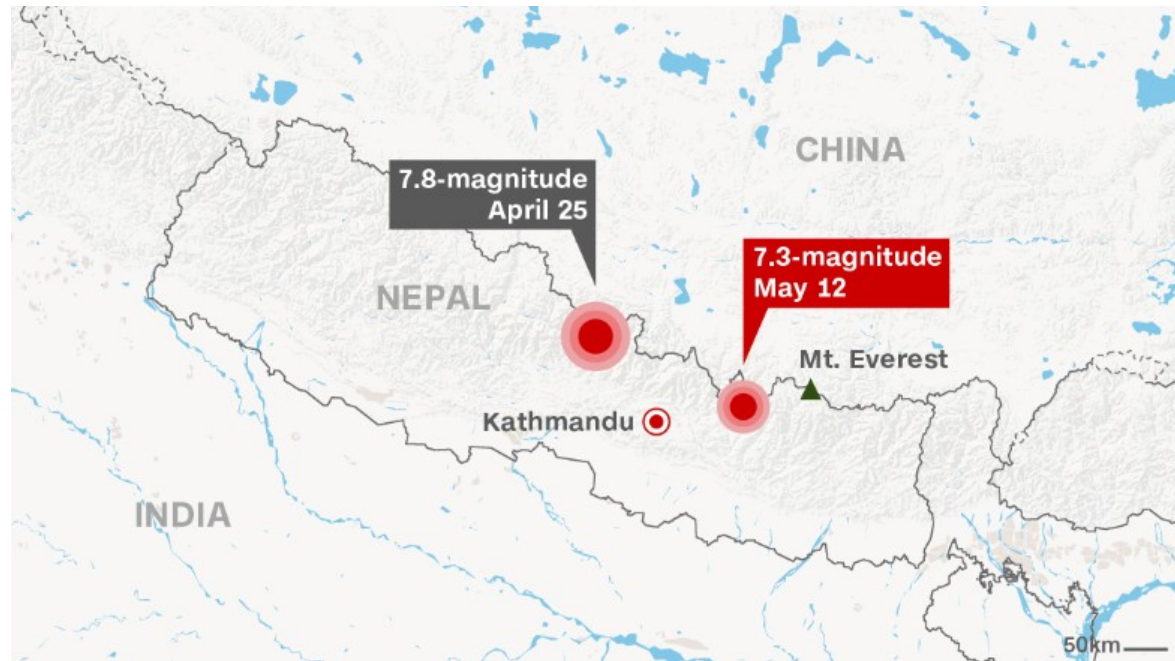
## Cont...

- Killing of their Husbands and Sons.
- Trouble to feed their family members struggling with the long blockade.
- Children usually asked for food to their mother not to their father
- Lack of access of information

# Impact of on going conflict on Post Disaster

## Nepal Earthquake

- 25 April, 2015 : 7.8 magnitude
- 12 May, 2015 : 7.3 magnitude
- **Total death** : 8898  
(Male : 3974; **Female : 4918**; Unknown : 6 )
- **Injured** : 22309
- More than 450,000 people displaced





# Sindhupalchok



- 15 out of 75 districts of Nepal are affected by the earthquake
  - Gorkha, Dhading, Nuwakot, Rasuwa, Kathmandu, Lalitpur, Bhaktapur, Makwanpur, Kavre, Sindupalchok, Dolakha, Ramechhap, Solukhumbu, Okhaldunga & Sinduli
- Women constitute around 55 % of the total death in the quake.
- The more number of women dead was reported during earthquake, owing to the fact that
  - High Migration
    - More women were engaged in household work
    - Women died while rescuing children





# Cont...









# Recommendations

- Research on Sexual Violence.
- Need to apply specific legislative measures, support for livelihood, medical, psychosocial counseling, safe spaces, access to justice, community reintegration to address their issues
- Pro Active Role of Truth and Reconciliation Commission and Commission on investigation of disappeared person.
- Reconstruction and rebuilding process should be started from the right based approach.
- Role of women in reconstruction process