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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER  
PERSPECTIVE: VIOLENCE AGAINST WOMEN**

**Written statement\* submitted by the Asian Forum for Human Rights and Development  
(FORUM-ASIA),  
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## VIOLENCE AGAINST WOMEN IN NEPAL

Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organization in special consultative status, wishes to draw the attention of the 62<sup>nd</sup> session of the Commission on Human Rights to the situation of violence against women (VAW) and the deteriorating human rights situation of women in Nepal in the context of escalating internal armed conflict<sup>1</sup>.

Women's Rehabilitation Centre (WOREC) has been documenting cases of women's human rights violations specifically due to the armed conflict since August 2005. WOREC has initiated a nationwide campaign, where 125 trained community women leaders from 62 districts are actively documenting cases of violations. This documentation catalyzes the process of reconciliation and allows women-specific issues to come forward during the reconstruction process which are essential aspects of lasting peace.

Although violence against women is established as a political problem worldwide, it still fails to be recognized as a political issue in Nepal because violence against women primarily centers around patriarchal socio-cultural norms and practices, and hence is suppressed in the private sphere. The personal is yet to become political in Nepal. This suppression brings the 'culture of silence' into effect, which has been further reinforced by the present militarization of Nepal due to the ongoing armed conflict. The silence that women are forced to exercise makes VAW invisible in the public sphere. This in turn makes it difficult to gather evidence of such violations, which during armed conflict increases considerably.

### **Emerging New Forms and Trends of Violence Against Women in Nepal**

New trends on VAW have emerged due to the ongoing armed conflict. The government of Nepal will have to grapple with this reality in the near future in addition to the established trends of violence against women due to the traditional patriarchal social norms.

Involvement of Royal Nepalese Army in mediating cases of domestic violence through their barracks that exist in districts is on the rise. This involvement indicates a rapid militarization of Nepali communities. With all the state machineries being dysfunctional, the Royal Nepalese Army has been the sole protector who is engaged in establishing a monopoly through abuse of power in the community. This raises a serious concern about addressing violations committed by the army when they themselves have become the mediators. This clearly makes their violations invisible since there is no authority to question. Women face a double bind because with no State mechanisms working, they are compelled to approach the army, which can increase their exploitation.

The armed conflict phenomenon such as 'conflict wives' – State security forces keeping "wives" around barracks and leaving them to fend for themselves once the contingent gets a new assignment – is increasing. This has brought forward the issue of citizenship of children born out of 'conflict wives', as the patriarchal Nepali law only permits citizenship through the father.

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<sup>1</sup> Women's Rehabilitation Centre (WOREC) also shares the views expressed in this statement.

Similarly, coerced sex work around army barracks has also increased. This has been further complicated by the continuous rise in internally displaced women, who, without any economic security, become vulnerable to coerced sex work and trafficking.

A complete contradiction is at play, when on one hand the army has emerged as a saviour while on the other hand, they are engaged in coercing women for sex work. In other words, the complicity of the Royal Nepalese Army in aggravating VAW has to be stopped.

### **The need to break the culture of silence**

Despite the worsening situation of violence committed against women in Nepal, various ordinances passed by King Gyanendra has exacerbated the culture of silence, thereby providing little remedy for the victims. For example, the media ordinance prohibits making public any of the State's atrocities, hence disallowing VAW from being made visible<sup>2</sup>.

Domestic violence is a quotidian reality of the patriarchal Nepali culture. Lack of infrastructural and legal protection mechanisms have led to further increase in domestic violence. Home is no more a safe place for women, yet women have no other choice than to stay at home with the perpetrator. Out of the 150 cases that we have documented so far, 60 percent are cases on domestic violence and 72 percent of the women facing domestic violence live with their husbands or in-laws where they face violence. WOREC has visited a total of 20 districts in Western and Far western Nepal. Women development officers under the Ministry of Social Welfare, Women and Children from 16 out of 20 districts verified that domestic violence is increasing because of the lack of protection mechanisms.

Without protection, women remain silent, thus completing the cycle of violence and impunity. In order to break the barriers of silence, it is urgent to build **safe shelters** countrywide, which would provide temporary shelters for women that have been victims of violence. This temporary measure would provide women with a safe space, a sense of solidarity and the will to fight.

Without being able to break the silence to address the issue of violence against women, democratization process that envisions inclusion, empowerment and equal participation will be unachievable.

### **Recommendations**

**In the light of the above circumstances, FORUM-ASIA and Women's Rehabilitation Centre urges the Commission on Human Rights to:**

- Draw its attention to the linkages between the Royal Nepalese Army and VAW and its implications in the future.

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<sup>2</sup> On 9 October 2005, Ordinance Amending Some of the Nepal Acts Related to Media was introduced, which restricts freedom of expression and the independent functioning of the media. Government authorities have issued separate orders on different occasions after 1 February 2005 to limit the independence of Nepalese media, and to pre-empt any criticisms against the State.

- Despite the visit of the former special Rapporteur on violence against women in 1999, the new context in Nepal requires the visit of the current Special Rapporteur to reassess the situation.
- Ensure effective monitoring of State compliance to the Memorandum of Understanding (MOU) signed between the UN OHCHR and the government of Nepal with particular attention towards protecting women from gender-based violence.
- Adopt a resolution prohibiting recruitment of Nepali soldiers in the UN peacekeeping mission given their misconduct at home.

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