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# Title

## Violence against Women in Nepal: a Social Challenge

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## **Dedication**

To my loving parents Khadga K.C. and Sabitri K. C. for supporting me throughout my life

## **Acknowledgement**

Without support, help and encouragement of numerous people, it would not be possible to write this thesis writing and bring into present form. I am heartily thankful to all the people who helped me in this long journey of thesis writing. I acknowledge everyone from the inner core of my heart who contributed in this research writing directly and indirectly.

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I appreciate the support of my father Khadga K. C., mother Sabitri K. C. who support me wholeheartedly in every step of my life. I am really thankful to my whole family who always encourage me and keep believe in me to do the best in my life. Last but not the least, I am thankful to my loving son Adarsha Bikram G. C. who always gave moral support and unconditional love though he is living far away from me.

## **Abstract**

Violence against women has become the burning issue around the globe that is affecting the women and girls in all context and all age groups. In this contemporary time, the violence against women especially domestic violence and sexual violence as well as socio cultural violence are prevailing in Nepalese societies. The rape cases are increasing in Nepal and the child girls are mostly affected psychologically and physically. The other violence are affecting the women's dignity, identity physically and emotionally, through this study, I, as a researcher tried to explore the social, cultural factors of violence and the perpetrators of the violence against women and girls, which is challenging the social norms and ideologies and making vulnerable and weak in every aspects of life in Nepalese societies with the help of data collected by the Government of Nepal and other non governmental organizations.

Based on the research, I have given some recommendations to the members of politics, society and the policy/law makers to prevent and reduce the risk of violence against women and girls of Nepal addressing the equal access to education, equal right, proper implementation of law and empower women through skillful trainings and awareness for the justice of the victims and survivors.

Pratiksha KCGC

## **ACRONYMS**

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

CREHPA Center for Research on Environment Health and Population Activities

FGD Focus Group Discussion

FEDO Feminist Dalit Organisation

IDSN International Dalit Solidarity Network

GBV Gender Based Violence

INGO International non-government organization

INSEC Informal Sector Service Center

NGO Non-government organization

OHCHR Office of the High Commissioner for Human Rights

SAATHI Friend

UN United Nation

UNICEF United Nations International Children's Emergency Fund

VAW Violence Against Women

WHO World Health Organization

WOREC Women's Rehabilitation Centre

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*“I think women are foolish to pretend they are equal to men. They are far superior and always have been. Whatever you give a woman, she will make greater. If you give her sperm, she will give you a baby. If you give her a house, she will give you a home. If you give her groceries, she will give you a meal. If you give her a smile, she will give you her heart. She multiplies and enlarges what is given to her. So, if you give her any crap, be ready to receive a ton of shit.”*

*- William Golding*

## **Chapter 1: Introduction**

Before the start of introduction, I just want to give some brief glimpse of motivation towards this subject matter.

### **1.1 Motivation:**

There is not only one reason that has motivated me to write something about the violence against women rather there are a lot of factors. I am grown up in a patriarchal Hindu society of Nepal where I have witnessed numerous domestic, gender based as well as cultural violence against women. Women are beaten, choked, burnt, raped, tortured physically as well as mentally and they became the victim of violence in day-to-day lives. In this 21<sup>st</sup> century also, most of the women and girls need permission and approval to work out of home, travel, to take decision of her life from their families. The family restricts her to get fundamental rights in the name of what society will think. The time is changing rapidly and the people are talking about the rights and freedom of women and girls and they have equal rights to take the decision of life. Such rights are only in saying and in the paper but the bitter reality of so-called civilized society is that the women are always taken for granted and private property in the hand of men and the society they belong to.

In my childhood days, I have witnessed one couple where her husband used to drink alcohol and beat his wife everyday. She did not do anything against him rather she used to tolerate that torture because the society had given the right to men for such things. For the sake of prestige of her husband, family in the patriarchal society, she was bound to tolerate such violence against herself. Nowadays, mostly everyday, I read several news of domestic, gender based violence, rape cases even by their relatives, family members, dowry related violence, acid attacks on girls as well as social and economical violence against women through the media. Before one year, there was serious news about father and grandfather who had raped the daughter since her childhood. She had tried to get help from her mother but her mother also forced her to keep quiet for the sake of family. After the rejection of support from her own mother, she felt helpless and couldn't tolerate such violence, she gave up to live and she tried to committed suicide. Someone found her and taken to hospital and the truth has revealed. This was the only one example there are more such evidence they should come out. I have read a lot of such violence where husband beats, rapes, lovers also do the same thing, girls are becoming the victim of gang rape, human trafficking across the country, they are pressurized for prostitution inside and outside home, country, blackmailed etc. In this post- modern phase, the new technology has both advantages and disadvantages. People began to copy not only good things and but bad things as well. Before two years, there was an incident in Nepal about violence against girls. The 10<sup>th</sup> class girls were attacked by acid and their face got burned. While the truth revealed about that attack that was totally shocked because the boy was rejected by girl and her family because he was from lower caste that is '*dalit*'. The societal, cultural and religious ethos has created such boundaries of caste and class system and gives encouragement to the violence against women and girls. Such things has inspired and motivated me to write this thesis where I could mention some rights of women in the 21<sup>st</sup> century where women are also in power in some countries like in Europe and so on.

## **1.2 Background of the study:**

The violence against women in any kind, any place or reason is the severe human right violence. It is a serious social crime around the globe for long period that affects the

person and society psychologically as well as socially. According to research done by WOREC Nepal, the violence against women has different types that result differently in different situation and in Nepal also, violence against women and girls is widely spread. Women are becoming the victims of violence from intimate relations to family members and the public places in different ways. However the causes for violence differ personally and publicly, the main cause of violence against women is the viewpoint and value to see women in our society. Being women and the social discrimination towards women are the main cause of violence that is prevailing violence in Nepalese communities.

“Nepal is a very attractive country with a rich culture, warm people, and strong, coherent communities with a wealth of social resources” (Moghadam, 2007: 244). This statement shows that Nepal is a beautiful country where we can find diversity in cultures and religious activities. Nepal is a patriarchal country and its main religion is Hinduism. It has become secular country from 2006 but the main religion is Hinduism. McConnachie (2002) states that the state religion of Nepal is Hinduism and the government also claims that ninety percent of population follows Hindu as their religion. Because of patriarchy society, the women are dominated and regarded as the property of others and sons are the protectors and rulers of the families where they provide the basic needs for the families (Pun, 2013). The patriarchal society has made women physically, mentally and economically vulnerable and totally dependent on men and their identity is based on the men they belong to. Because of this they are victimized and ill treated physically and mentally. They are taken for granted not the priority in every aspects of life.

According to the changes in times, Nepal has undergone several changes in laws and rights for women, education, power, the violence against women and girls is still uncontrollable rather the advancement in technology has created new forms and shapes of violence and given more threat for women and girls in the society. Even though the society has empowered the women through education and laws to prohibit the violence, and give equal access to do outdoor job, right to choose their life partner, the so-called social norms, values, cultural and religious ideologies and ritual practices and misinterpretation of conception of patriarchy help to continue risk of the violence. “The growing trend of violence against women in Nepal manifests as a continuum and

encompasses an array of abuses targeted at women and girls throughout their life cycles” (Subedi, 2015).

Several researches are taken place in Nepalese context about violence against women. It seems that most of the violence are taken place in rural area due to lack of education, poverty and low mentality towards women but the real truth is different. The studies and researches revealed that the higher level of domestic violence exists in urban areas and in highly educated families (Subedi, 2015). The violence in educated families is not physical rather psychological. Women and girls are tortured mentally not only from intimate partners, family members but also by the society.

According to WOREC Nepal, although the violence against women is known broadly all over the country, there is a lack of primary work to solve the problems. Most of the violence like domestic, psychological, sexual, are unreported and unrecognized publically in Nepalese societies. In some cases, victims themselves do not want to open up publicly in the name of honor killing and considered as a part of normal behavior and private matter that creates the problem to get the actual data about violence where, how and in which level are perpetrated. Due to lack of basic information about the violence, there emerges the problem to make proper plan to reduce the violence and create a soulful environment where women feel free to live and get justice.

Even though the constitution of Nepal has given the equal right for women and does not allow class, caste, gender and color discrimination but the women and girls are still lacking their freedom of decision making power, choosing their life partner, doing outdoor job to be economically independent and they are getting less opportunities to get education of their own choice, and they are becoming the victim of social violence such as trafficking, witchcraft allegations, gender based violence and domestic violence mentally and physically (Joshi, 2008).

In Nepal, violence against women and girls is rising with the advancement of technology. People are taking the technology as a weapon to blackmail, verbal harassment, and emotional abuse in addition with physical abuse like beating, chocking, even killing.

Women are accused more by the society than the family itself (Subedi, 2015). The emotional abuse is more intolerable than the physical one because it directly affects the mind and the victim goes through depression and negative thoughts.

Domestic violence is related not only with caste, and religious terms but also with early marriage, dowry system, economic system, educational levels of victim and the culprit itself and so many factors that are related to society, culture and rituals. There are many cases of violence against women that are unreported and unrecognized because of honor of family, prestige, losing face with social humiliation, and fear in the society (Pun, 2013). Women and girls are marginalized and taken for granted in the name of honor, 'izzat' (prestige). They are taught that they are the savior of prestige of family, society and religion they belong to. They are taught to be loyal, shy, not to speak more, not to talk with the male and laugh loudly in front of elders mainly the male. Such things make them physically and mentally weak to the women.

Violence against women and girls is not only the problem of Nepalese society; it is global issue in the name of gender, ethnicity, class, education, and culture. Women are becoming the victim of acid attack; gang rape and public harassment, humiliation and molestation. In modern times, the countries are becoming secular and the violence against women and girls is a great challenge not only for the society but for religious communities also. Religion is also one factor that is labeling women lower than male and they should obey male in every aspects of life.

### **1.3 Research questions:**

Several researches have been done on violence against women by different NGO and INGO as well as by the government of Nepal itself and try to find the actual causes for different violence. Those researches have helped the government to make the laws for those women who are the victims. The government is working for women empowerment through education, training of skill works and making them independent. But the violence is taking place in one or the other way. Girls are not safe in their own family as well. The family creates boundaries to women and girls in decision making and raising their voice

against such violence in the name of religious and social prestige as well as by threat for murder. Women are discouraged and prevented from the public activities. Because of violence, they are losing their identity and recognition in the society and get threat to life. Women in our societies are taught to be what they 'ought to be' rather than to develop their own unique selves. Consequently, they lose their spontaneity and even their identity (Bhandari, 2013). This research writing has aimed to address and find the solution of following questions:

1. What are the different kinds of violence?
2. What are the main reasons for violence against women Nepal?
3. Why the violence against women is so common in Nepalese society?
4. How to overcome from such violence?

This research writing will address these questions and try to find the solution to overcome gender based violence, domestic violence and social and economic violence with the help of different literature reviews and theoretical perspectives.

The main purpose of this research writing is finding the various types of violence for example: gender based, social, economical, physical, psychological, emotional, sexual and domestic violence and try to find the role of social, cultural, religious and historical backgrounds which are the main causes to suppress and rule over the women. And last not the least, I will try to address how women are trying to overcome from such violence and how the religious communities are helping the victims to overcome and create a peaceful environment where every woman or girl live a healthy life. This research will critically examine the existing culture and Hindu religious ethos where male are regarded superior and women as inferior. This research is fully dedicated towards the violence against women and girls either they are from rural areas or they are from urban areas with highly educated families.

#### **1.4 Literature Reviews of related Research and Methodology**

For this research writing, I am going to use the literature review from the journals. To support my research writing, I am taking the help of researched books, “Anbeshi” Status and Dimensions of Violence Against women, Reality Revealed, 2013 published by WOREC Nepal and ‘A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal’ prepared by government of Nepal. WOREC is the organization that is trying to get the real data of violence against women including the whole Nepal and try to help the victims. Other Articles, journals and books are taken as secondary material to get the proper result.

“Most cultures of the world are patriarchal in nature. In the socialization process while women are taught to be non-aggressive, submissive, soft-spoken, tolerant and timid, men are taught aggression, violence, boldness and to be in control” (SAATHI, 1997: 3). Patriarchy means the power in the hand of men and they have got license to dominate women and made the women powerless, helpless and vulnerable as well as puppet in the hand of men. They (women) don’t have their own identity rather identified in terms of other male figure of the family such as whose daughter (father), whose wife (husband) and whose mother (son’s). In the name of protection, women and girls are loosing their own value, identity and power in the society. This is the thinking of patriarchal society (SAATHI).

The other supportive secondary material is INSEC (Informal Sector Service Centre) Nepal that surveys about violence against women and girls and situation of Nepalese women in 2014. According to the survey, the main violence against women is domestic violence and it has different forms such as physical, psychological, emotional, economical, as well as sexual. The women are less aware about the economical and emotional violence as well as psychological violence but physical and sexual violence are reported in large numbers.

This research writing is totally based on literature reviews. The data that are collected by different organizations, government agency and non-governmental agencies are used to

support this research writing. With the help of those data, it will provide the clear explanation towards the reliability and validity of research. To get the proper result, I will take the help of different case studies. In this section of research writing, research ethics will be described.

### **1.5 Organization of the Thesis**

The first chapter of this research writing presents the motivation for the research writing and gives some glimpse of major issues that is violence against women. Second chapter will provide the geographical and contextual background of research that includes the geographical background of Nepal, Nepalese society and patriarchy, cultural and religious beliefs, domestic violence and gender based violence. Chapter three will provide the methodology, which describes the method and techniques of data taken from different researched books, articles and journals. Chapter four will describe the theoretical concept where I will give the glimpse of feminism and violence, human right and violence and women's empowerment. Chapter five will provide empirical data about the violence against women in Nepal and analysis the topic with different perception. In chapter six, the analysis of empirical data will be discussed in relation to the theories. The last chapter will conclude the whole research and give some suggestions for further research.

## **Chapter Two: Geographical and Contextual background**

### **2.1 Geographical Background of Nepal**

Nepal is a small landlocked country that is situated between China to its north and India to the south. Nepal covers the 0.1% of the earth i.e. 147,181 sq. km. It is located between 26 and 30 degrees latitudes and 80 and 88 degrees of longitudes (Regmi, 1999). Geographically, it is divided into three regions: Himalayan, Hilly and the Terai. Most of the land is covered by Hilly and Himalayan region and only 17% land belongs to Terai (ibid). Nepal has enormous cultural and ethnic diversities. The cultural, religious and ethnic diversities differ according to the geographical regions.

### **2.2 Nepalese Society for women and Patriarchy**

Nepalese society is very complex to explain towards the social status of women through one perspective. The women have different relations among themselves that have created subordinate position of women and victimized their creativity and interest. The society has differentiated them in the name of different power. For example, mother and mother-in-law are regarded as the superior person with authorities in the family and the daughter and daughter-in-law should follow the rules and regulations made by them. The social situation of Nepal differs according to the geographical region, economic situation, caste variation and culture. And the role of every woman is also associated family and the society they are related to (Dr. Samira Luitel: 101).

Because of Nepalese socio-cultural environment, women and girls are regarded inferior in every stage of the life. Dr. Samira Luitel says, "The practice of rejoicing at the birth of a son and lamenting at the birth of a daughter is quite common in most of the communities. In such a situation even the mother regrets the birth of a daughter as the mother having many daughters is placed in a lower status, if she does not give birth to a son she is likely to get a co-wife (107)." This statement directly shows the bitter reality of Nepalese society where women have their social status according to the birth of son and daughter.

Not only the society but also Hindu philosophy itself says that having son means opening door to the heaven after death. Without the birth of son, they can't get salvation. To have son means an honor to the family and society. The society treats like having daughter means they have done some sin. The girls are always treated not like human being rather as curse for their life. The inferiority behavior of society towards then force to think that being born as a girl is a great curse and women themselves lament on their own life that leads towards suicide, depression, mental illness and so on.

The patriarchal Hindu society of Nepal make women a weak, vulnerable and totally dependent on men and limit themselves in household works in the name of giving authority to dominate daughters and daughter-in-laws. Women are always busy in household works and men are regarded the earner of the home. This kind of thinking makes them (women) dependent on male members of the family such as father, husband, brother as well as son. Even the access to property, inheritance and rights for decision-making and other are only for men (Dr. Samira Luitel). The Nepalese society and culture is intertwined in such a way where women are always restricted to have freedom for their every activity. They are taught to do this and that and they should not do this and that. Mother, mother-in-law are said to teach their daughter and daughter-in-law the rules and regulations of the family, culture etc. Mr. T.M.Sakya takes the lines of great Bhanu Bhakta who writes poem to instruct the daughter-in-law in this way; "Women should not laugh, only whores do so, and the housework will never get done" (2001: 6). The patriarchal system in Nepal controls over women's every activity, such as, their body, labor, mobility, identity, income, ideology as well as sexuality (Sujata Paudel, 2011). She further says that the so called patriarchal society of Nepal excludes women from any social, political realms such as participating in legislative and other matters of the society, country. Home itself is the first place where patriarchal structure of Nepalese society begins. The upbringing for both girls and boys differ in the family itself where girls are taught to do household works such as cooking and taking care of the family and boys are sent to school for proper education (Sujata Paudel, 2011). Paudel further states that boy in the family and society is regarded as decision maker and their father, husband, brother or son raises girls as "implementer" of those decisions.

Paudel says that the power given to the boys in the family reinforced gender hierarchy and use of violence against women. The literacy gap between two genders is huge. “According to the global Gender report 2011, the literacy rate of women is 47 percent, whereas it is 72 percent for men”. This percentage between two genders directly shows the hierarchy and the gender discrimination.

### 2.3 Cultural and Religious Beliefs

“Culture is defined as the system of values and norms shared by a group or society or that shaped by social knowledge. It is the collective consciousness – a way of acting, feeling and thinking by groups of people and shaped by a sense of shared customs, knowledge, beliefs and perceptions that define individual behaviors. So it is described as social glue and commonly held in individual and group perceptions. Thus, culture involves a larger group of individuals which is a socially constructed phenomenon, a human product and is shaped by people belonging to various groups” (Sharada Prasad Wasti, 2011:38).

Nepal is a small and beautiful country. It is a multi-cultural, multi- religious, multi-ethnic, multi-racial, and multi- lingual country. We can find the diversity in culture and religious belief according to the society of different parts of the country. Though Nepal is a secular country after 2006, Hinduism is the dominant religion of Nepal. “In the census of 2001, Hindu percentage was 80.62%” (Kanak Bikram Thapa, 1).

Year	Percent	Increase
1952/54	88.9%	-
1961	87.7%	-1.2%
1971	89.4%	+1.7%
1981	89.5%	+0.1%
1991	86.5%	-3.0%
2001	80.62%	-5.9%
2011	81.3%	+0.7%

([https://en.wikipedia.org/wiki/Hinduism\\_in\\_Nepal](https://en.wikipedia.org/wiki/Hinduism_in_Nepal))

This table shows that according to the census of 1991 and 2001, Hinduism was in decreasing order but after secularism, the census 2011 shows, the followers of Hinduism increase with 0.7% and become 81.3%.

## Religions in Nepal

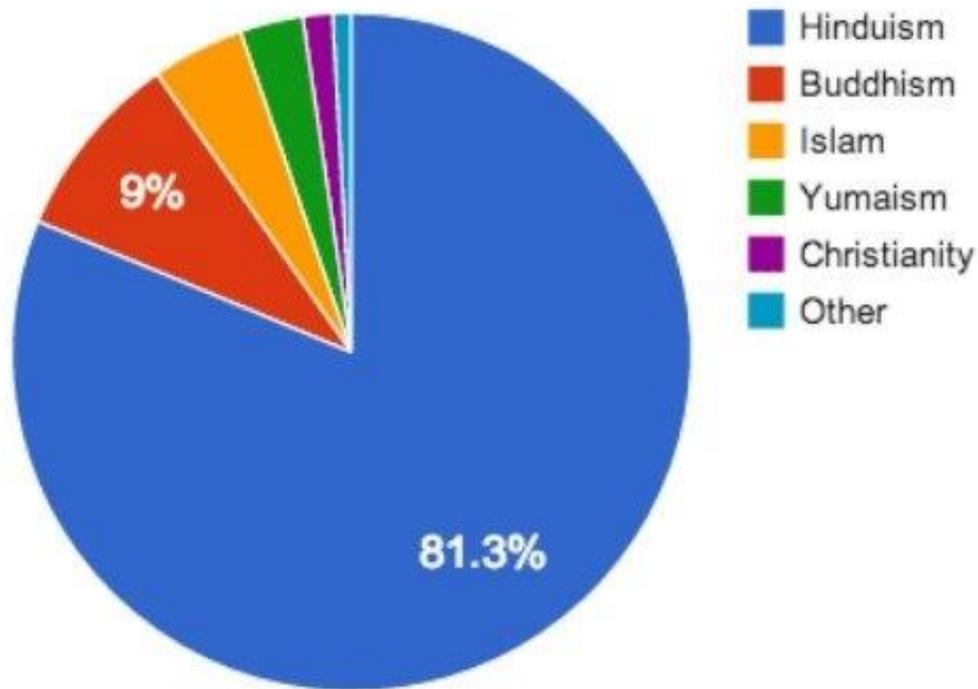


CHART 1 Hindu Percentage

[https://www.google.no/search?dcr=0&tbm=isch&q=nepal+map+with+religions&chips=q:nepal+map+with+religions,online\\_chips:hinduism&sa=X&ved=0ahUKEwiN5d\\_tyarYAhUiG5oKHfSIDU0Q4IYIKigD&biw=1408&bih=710&dpr=1#imgrc=DEc7NEeAjgr\\_-M:](https://www.google.no/search?dcr=0&tbm=isch&q=nepal+map+with+religions&chips=q:nepal+map+with+religions,online_chips:hinduism&sa=X&ved=0ahUKEwiN5d_tyarYAhUiG5oKHfSIDU0Q4IYIKigD&biw=1408&bih=710&dpr=1#imgrc=DEc7NEeAjgr_-M:)

Religious tradition can be defined in various ways such as form, content. According to the viewpoint of form, “religious tradition is a continuum of belief, knowledge, practices and skills of a group which is called *parampara* by the Hindus, Buddhists and Jainas” (Dipak Raj Pant, 48). ‘Parampara’ means the ‘tradition’ and it is totally influenced by historical and environmental factors of the societies of Nepal. Those religious traditions are determined by the philosophy of social and ethnic group that belongs to. On the other

hand the religious tradition through the point of view of content is, “the treasure containing the original intuitions (religious experience) and their theoretical (weltanschauung, doctrines, ethics..) as well as practical (cultus) expressions” (Dipak Raj Pant, 48).

According to Nepalese culture, the word parampara (tradition), sanskar (rituals) has a vital role towards the attitude of religious beliefs and culture. Each family, each territory of Nepalese communities has their own cultural and religious values. Pant states, “each ethnic group has its own tradition and major cults of tutelary deities, ancestors, primordial preceptors etc” (49). The identity of each and every society, community or ethnic group is determined by the cultural and religious belief of such group where they belong. According to Pant, Nepalese religious culture is very unique and one of the rarest examples of ethno-religious pluralism because of its varied traditions (49).

## **2.4 Violence Against Women and Girls**

The United Nations (UN) Declaration on the Elimination of Violence against Women says that “violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men” (1993: 104).

The World Health Organization (WHO) defines violence as; “the intentional use of physical force or power threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation” (World Report on Violence and Health: Summary, 2002: 4).

### **2.4.1 Domestic Violence**

In this contemporary time, violence against women has become the major social issue and problem that is affecting the lives of women in every stage. They are facing different abuses around the world at the hand of their own families, community and state. Among

them, the common form of violence is taking place within their own family that is in domestic level. The women are not safe in their own home, society, and community. They are becoming victim in the name of culture, prestige in society, religious beliefs and such violence's are unreported because of private nature (Anbeshi 2013).

“Domestic violence is any form of physical, mental, sexual and economic abuse which occurs when a family member uses violent and/ or abusive behavior to control another family member with in the family” (Anbeshi 2013: 52).

In Nepalese culture also such kind of domestic violence are taking place and still women are tolerating those violence to save the prestige of family in the society and nation. In Hindu literature also we can find some illustrations that are promoting violence against women. The editor mr. T. M. Shakya takes the famous line from hindu literature Ram Charit Manas”:

“Drums and idiots,

Outcasts, beasts

And Women are fit

Only for beating” (2001:6).

Such religious texts and the social belief help to promote the physical violence against women. According to Anbeshi 2013, “home becomes the most unsafe space for women especially when it comes to domestic violence” (52). This statement shows that women are not safe even in the family itself because they are physically, sexually and psychologically abused by their family members either by husband, or by father or other male members of the family. The further sub topics will help to describe the different kind of violence.

### **I) Physical Violence**

Among different types of domestic violence, physical violence is in great number i.e. 55%. Physical violence includes beating, grabbing, shoving, pushing, punching, pulling, battering, kicking etc. Such violence is used to harm the victims by the perpetrators. The

research by different researchers shows that the perpetrators of physical violence are from their own families i.e. either husband or the family members. “Women are unsafe in their own homes and with the people they share their intimacy and spend most of their time with” (Anbeshi 2013: 56).

Intimate partner violence is unacceptably high in Nepal. According to Jennifer L. Solotaroff and Rohini Prabha Pande, one quarter or more Nepalese women and girls are frequently suffered from physical spousal violence severely and in multiple forms. Intimate partner violence during pregnancy not only affects the mother but also the child. The maternal stress affects the fetus through physical trauma, maternal anemia that lead towards the mortality risks for new born, low birth weight and child malnutrition, physical and mental disability (Ahmed, Koenig, and Stephenson 2006). According to Mohr et al (2000), there is a maximum chance of physical abuse on children by mothers themselves who experience violence in their life.

Physical violence sometimes leads towards death. In some part of Nepal, dowry system is still prevailing. Dowry system means giving basic needs and security to newly married couple. But in present time, it has become the social evil that is leading in negative way. It has become the forced financial and material arrangement not only to the bride but also to the parents of bride (Subekshya Karki, 2014).

This dowry system is spreading in such a way in Nepal, India, Pakistan, Bangladesh and creating the risk of extortion and dowry death (UNICEF, 1999).

## **II) Psychological Violence**

Among the different types of domestic violence, psychological violence is the most common violence against women and girls of Nepal after physical violence. Physical violence damages the self-esteem, self- confident, self-identity, depression, attempt of suicide, killing own self as well as the health and development of any person. According to the Nepalese religious society and culture, women are always taken for granted and they have no right to talk and speak against men. Women are abused psychologically in daily basis by their intimate partners, family members such as mother in laws, sister-in laws, and so on. They are scolded, said abusive things, accused of not bringing dowry,

accused of witchcraft, tortured for not giving birth to son, accused of characterless women if she tried to talk with other male of the society, threatened of expulsion from home and divorce if she goes against her husband and family members and so on (Pragatima Pun, 2013).

We cannot see the psychological violence happening in our society because it is directly attack the brain and psychology of women. They are blackmailed, verbally accused from their partner as well as family members. If they tried to complain about it with other also they could no because they are unable to show the actual violence they are becoming victim in their day-to-day life. Because of the unexpressed tolerance, women are becoming the victim of depression, memory loss, mad and suicide attempt, weak physically and mentally. Anbeshi says, “the psychological consequences of abuse are even more serious than its physical effects thus eroding women’s self - esteem and further putting them at greater risk of a variety of mental health problems. Including depression, anxiety, phobias and post-traumatic disorders” (97).

### **III) Sexual Violence**

According to the World Health Organization (WHO, 2002), sexual violence is defined as, “any sexual act, attempt to obtain a sexual act, unwanted sexual comments, or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work” (pp 149).

Sexual violence is another form of domestic violence like physical and psychological violence that includes different forms of unwanted sexual activities. Women are becoming the victim of different sexual activities in different ways. The WHO’s World Report on Violence and Health lists the different ways of sexual violence that are committed in our society. They are: rape within marriage or dating relationship, rape during armed conflict, rape by strangers, sexually abuse of disabled people (mentally and physically), sexual harassment and demand of sex in return of any favors, sexual abuse of children, forced marriage, forced abortion, child marriage, forced prostitution such as human trafficking for sexual purpose (p 147-181).

Sexual violence is quite high in Nepal but such violence are not reported due to different difficulties to the victim. According to the research done by WOREC Nepal, “the key reasons why many women do not report sexual violence include stigma, shame and fear of discrimination, fear of reprisals from the perpetrator, feelings of guilt and difficulty and complexity of reporting the crime, lack of support from family and friends unawareness of their rights and the expectation that the law enforcement would be ineffective or even abusive” (Anbeshi 2013: 97-98).

Some Nepalese communities have still conservative religious and cultural values where women are not allowed to speak against sexual violence. Most of the sexual violence such as child sexual abuse is committed either by family members or by those individuals who are related to that family such as fathers, grandfathers, relatives, friends or neighbors (Anbeshi 2013). If young girls are victimized of sexual violence and reported to family or other places, instead of getting justice they are blamed by saying sexual abuse is their own mistake. Such social stigma and family pressure on victim leads toward the psychological issues such as suicide. Anbeshi 2013 sums up Gasman, Villa Torres, DI and Garcia-Moreno’s book and says, “sexual violence against girls and women is one of the clearest manifestations of patriarchal values, norms and traditions that encourage men to believe that they have right to control women’s bodies and sexualities (98).

Sexual violence affects the victim physically, mentally as well as psychologically. According to the research of Nepalese communities, child sexual abuse is in increasing order. According to the research done by WOREC Nepal, the main perpetrators of child sexual activities are done by trusted caretakers and the children got affected in such a way that they can’t discuss about it with anyone because of fear, shameful and humiliating incident (Anbeshi 2013).

The other type of sexual violence is committed against the women who work in entertainment sectors for example dance bar, cabin restaurant, message parlors and dohori (dual singing) restaurants (Anbeshi, 99). They encounter sexual harassment and humiliation in work place in daily basis. If they report against them law enforcement officers also don’t take it seriously as well as they try to take advantage through harassment too (Ibid).

Rape is another form of sexual violence that also affects the whole life of victim physically, psychologically as well as emotionally. Rape gives the mental trauma to the person who becomes the victim. It terrorized the mind of victim physically, socially and emotionally. According to Anbeshi 2013, “Rape is a non-consensual sexual intercourse through the use of physical force, threats or intimidation, including the rape by a man of his wife” (80). This definition of rape says that if a husband also makes intimate relation with wife without her consent that is also called rape.

In Nepal, rape is in increasing order because the survivors are always blamed and targeted for humiliation and insult. If a girl is raped, the others blamed her by saying “Only bad girls get raped” (81). Girls are taught to be in discipline from her childhood. They should tolerate everything and should not raise voice against family members, society. The patriarchal society is dominating their each and every feeling, emotions, rights in such a way that they are becoming mentally, physically and psychologically traumatic. If any women get raped and they go for legal justice, the police and the lawmakers also become skeptical towards her character and morals of life. The family also feared to discuss and report the rape case because of prestige and losing face in the society. Rape is regarded as shame for the survivor. Because of so called prestige, girls and women are tolerating such trauma and the perpetrators get encouraged to continue further.

Nowadays the rape care are coming in front due to media and little bit knowledge about the rights of women as well as some NGOs and INGOs are helping the victims and survivors to come in front and raised their voice against such crimes. Still gang rape, marital rape, raped by the own family members such as brother, father, uncle, grandfather and so on.

According to Nepalese religious and cultural aspect, marriage is taken as the most sacred aspect of women’s life and the men have given the authority in every aspects of her life such as over her body, eternity and in her decision. Male uses their power over women and shows their superiority. They think that they have control over her body and they can do whatever with her body and the women forced to keep silent against husband and do

not report though they are not ready for sex. Though marital rape is regarded as a crime and violation of human right, it is taken as private matter.

In Nepal, law has been made against rape but the law is not so powerful to punish the culprit. Because of weak law, the rapist has no fear of any punishment. Anbeshi explains about the laws regarding rape in Nepal, “if a person rapes a girl child of less than 10 years the sentence is 10 to 15 years in custody, 14 to 16 years is 8 to 12 years in custody, 16 to 20 years is 5 to 8 years in custody and the provision of punishment for raping a woman above 20 years age is 5 to 7 years in custody” (83). This kind of weak punishment to the culprit does not fear the perpetrators rather this threatens the women themselves. They have to save themselves from the wild wolfs who can be in every place. The marital rape does not come in front because of its least penalty i.e. maximum 6 months imprisonment (84). Such discrimination provokes the male to rape their wives in daily basis.

Human trafficking is another form of sexual violence. Women and girls are sold for the purpose of prostitution within country or in different parts of the world. According to Nepalese context, human trafficking is the burning issue in this contemporary time. Nepalese women are transported to different parts of the world such as India, Middle East, China and as sex workers, beggars, and domestic servants. The low caste, uneducated, poor women are targeted by the human traffickers (Anbeshi 2013: 120-121).

According to Khowaja et al (2012), the women and girls who experience trafficking, sexual abuse, sexual harassment suffer psychological damage like guilt, hopelessness, embarrassment, terror, denial and self blame. They have more risk of being re-trafficked because the survivors are regarded as outcasts and may face moral isolation and legal consequences (Ghosh, 2009).

Because of economical problem in the family, women are forced to work as sex workers, sexual slavery which brings health problem. The modern form of slavery of women is contributed because of social, cultural, economical and political environment of Nepal. The government of Nepal is trying to control human trafficking through different perspectives such as ban on migration of females to gulf countries that are under age 30,

and the other organizations are also trying to help the survivors creating the better environment, educating girls. Still human trafficking is spreading wide and it is creating violence in the family, society as well as in the nation.

#### **2.4.2 Social and Economic Violence**

Social violence is another form of violence against women. Banskota says, “Social violence can be understood as violence that takes place due to social factors and has various underlying causes and factors associated with it. It includes discriminatory practices based on caste, acid spraying, labor exploitation, allegations of witchcraft, threats, verbal abuse, and character assassination and feeding of urine and feces” (Anbeshi 2013:68).

Nepalese society is already patriarchal and the women are always discriminated in every way of life, being daughter, sister, wife, mother etc. According to Nepalese society some specific groups of women are affected by the violence. Women are alleged of witch-craft in Nepalese society mainly the widows. They are assaulted verbally, physically not only by the society but also from their own relatives. In some cases, they are severely beaten, fed human urine, stool and killed as well. The widows are targeted by the society because she is regarded as weak and vulnerable person in the society. Their own relatives sexually exploit the widows and the society blames them saying the characterless and shameless women. According to Nepalese social structure, mainly the low caste, poor, uneducated women become the victim of social violence. The forms of social violence’s are in different forms such as physical, psychological, mental.

Social violence gives the mental and psychological impact to the victim as well as the whole family members. The survivors of social violence have to tolerate the psychological trauma through harassment, humiliation, threats, exploitation, terror, physical injuries, disability, having health consequences and even death. The survivors sometimes rejected by the family members and they have to struggle alone in the society.

According to SAATHI, 1997, the patriarchal culture, women are always taught to be moderate, disciplined, soft spoken, tolerant, submissive and non aggressive. On the other hand men are taught to be aggressive, violent in nature, bold and to control over women.

Nepalese socio- cultural values hold the myths of women's identity that is dependent on men. For example, daughter of her father, wife of her husband, mother of her son. Such identity of women is reinforcing the myths of women's 'helplessness' nature and easy to targeted them for social violence.

According to the different researches done for the causes of social violence are witch allegation to the widows, old women with low economic status and women from marginalized communities, caste based discrimination and dowry system (Anbeshi, 2013). The education level of women is also affecting in social violence. The higher level of education suffered less and uneducated and basic educated women suffered much in social violence. Because of lack of education, women don't report or seek justice against violence and the perpetrators take advantage of it. Uneducated and basic level educated women are totally dependent on agriculture and household works. They are totally dependent on their husband or men but the women who are educated are becoming independent with the job they are doing as well as their own business. Though they are engaged on their own business and jobs, they are also affected by the social violence because the patriarchal society can't tolerate it. The patriarchs got threatened if women get independent they will show their autonomy and claim economic rights and they will come in front and the position of patriarchy would be unstable. Because of insecurity for their position, men try to control women through the social violence.

The women of Nepalese society are becoming the victim of social violence due to lack of economic rights. I have already discussed about the economic condition of Nepalese women according to the education level. Because women are dependent on men, they are always in fear of losing economic right and they are bound to tolerate the social and other violence against them.

### **2.4.3 Gender Based Violence (GVB)**

According to Ruth Finney Hayward, Gender Based Violence is "any act of commission or omission by individuals or the state, in private or public life, which brings harm, suffering or threat to girls and women, and reflects systematic discrimination- including harmful traditional practices and denial of human rights because of gender" (Breaking the

Earthenware Jar required from Reference Kit on Violence Against Women and Girls in South Asia, UNICEF, Kathmandu, Nepal, 2001: 10). Nepalese society believes in joint family structure and because of patriarchal culture, the whole family depends on the male who earns for the family. Mostly, female either from rural area or from urban area got busy in household works such as cooking, cleaning, taking care of children and the male are regarded as the earner and superior in the family. Educated women are also bound to do household works instead of working out of home. The social, cultural and religious thinking always discriminate women and make them inferior to men. Because of superior nature of male, gender based violence is conducted.

Because of joint family system in Nepal, if a girl gets married, she is regarded to take care of whole family. The expectation of the whole family from her dominates her emotions, rights, and feelings. She should cook for whole family and do proper care of each and every member of the family and if she goes against her family, she should get ready for violence against her. Not only the family but the society also wants respect from her. It is said that the prestige of parents, husband, and society is in the hand of woman. If she tries to do something new such as do jobs, own business for earning and raises voice for her rights, she has to face physical, psychological, sexual and social violence. In Nepal, gender based violence is the most generalized violence.

According to SAATHI foundation of Nepal, “GBV is inextricably linked to the gender norms and unequal power relations present in any society, and violence against women (VAW) is one of the most common manifestations of these inequalities” (3).

The literacy level, age and the ethnic communities the women belong to discriminate the GBV they are facing in Nepalese society. The different surveys taken by different NGOs, INGOs and governmental organization of Nepal, most of the women of all age groups (adolescent, youth and adult) had experienced gender-based violence in their own home. Both married and unmarried women are the victims of GBV and the only difference is the perpetrators. According to the research, the perpetrators of unmarried girls or women are their parents, brothers, grandparents and sisters. On the other hand, husbands, family members, mother-in laws torture married girls or women.

Unmarried girls and women have experienced economical and psychological violence by their family members such as they can't travel without parental consent, have to assist in household works and not allowed love affair before marriage. Married women are experiencing physical and psychological violence such as marital rape, scolding, beating, kicking, stabbing, threatening (Giridhari Sharma Poudel, 2007: 210).

## Chapter Three: Methodology

### 3.1 Introduction

This chapter will present the method used for this research writing. This research writing is totally based on qualitative approach because it provides deep investigation of the topic and provides the room for new innovative ideas to the researcher (Creswell 2009). This study is totally based on literature reviews that means secondary sources and it tries to look for the underlying factors of violence against women and girls in Nepal in deeper way. Secondary data are taken as fundamental source of information in this research study because I am unable to travel to Nepal and collect the primary data source.

Secondary data are those data that have been collected by some other people for other purpose such as governmental demographical data, different surveys taken by different institutions, articles, journals, books. Those data might not fit for my research writing but I can use those data to know the basic factors that are prevailing and promoting violence against women and girls in our societies.

Research methodology helps to solve the social, scientific problems/conflicts of human beings that are prevailing in the environment that he or she belongs to. Through the research, the researcher observes the social and scientific phenomena again and again, gathers data, analysis those data and draws some conclusion with new ideas. According to Yogesh Kumar Singh, “research simply seeks the answer of certain questions which have not been answered so far and the answers depend upon human efforts” (pg. 1).

Different researchers have different definition of research. According to Rusk,

Research is a point of view, an attitude of inquiry or a frame of mind. It asks questions which have hitherto not been asked, and it seeks to answer them by following a fairly definite procedure. It is not a mere theorizing but rather an attempt to elicit facts and to face them once they have been assembled. Research is likewise not an attempt to bolster up pre-conceived opinions, and it implies a readiness to accept the conclusions to which an inquiry leads, no matter how

unwelcome they may prove. When successful, research adds to the scientific knowledge of the subject.

Yogesh Kumar Singh, 2006, pg. 2

This definition of research method describes the point of view of the researcher who tries to ask the hidden questions and tries to find the different opinions of people and gives the result that may not be accepted by the society and can lead towards the further enquiry.

Another researcher W. S. Monroe defines research in this way:

Research may be defined as a method of studying problems whose solutions are to be derived partly or wholly from facts. The facts dealt with in research may be statements of opinion, historical facts, those contained in records and reports, the result of tests, answer to questionnaires, experimental data of any sort, and so forth. The final purpose of research is to ascertain principles and develop procedures for use in the field of social studies. Therefore, it should conclude by formulating principles or procedures. The mere collection and tabulation of facts is not research, though it may be preliminary to it or even a part thereof.

Yogesh Kumar Singh 2006, pg. 4

This definition of research simply says that to collect too many data is not the real research rather to collect the proper and valid data for your research and create a proper conclusion is the real research of any topic.

This research is not based on the data collection in the field rather literature reviews of different articles, journals, books, researches that has done already of different researchers. Those empirical data from secondary materials will help to develop the research writing and give a result. The secondary data source can be more powerful because the researcher uses the different strategies to develop a good result such as double check the gathered information with other data sources (Sandra Neuman, 2013). This research will focus on the understanding of the outlined factors for the different kinds of violence against women in Nepal and tries to find out the challenges to the social and religious communities.

### **3.2 Sources of data**

The objective of this study is to examine, analysis and discuss the different kinds of violence against women and girls that are prevailing in Nepalese societies; physical violence, psychological violence, sexual violence, domestic violence, gender based violence that are challenging not only the civilized societies but also the religious communities who are saying men and women are equal and they have right to live freely without any domination in every cultural, religious societies. The use of secondary data help to answer the research questions and give a conclusion how and to what extent we can bring the violence under control for the betterment of society and nation.

The main source of data for this study is secondary data i.e. surveys taken by different institutions (governmental and non-governmental), scholarly articles, journals, books published by various researchers and writers: Anbeshi, SAATHI, Pun, Joshi, Subedi and so on that will help to present a reliable and meaningful result for this study. The other report of Informal Sector Service Centre (INSEC) Nepal about the large-scale survey of the violence against women and girls help to gather more information for my study. INSEC Nepal is trying to protect and promote the victim of violence since 1990/91 after the restoration of democracy in Nepal. The report of different periods will help to gather the information about domestic violence, sexual violence, killing, rape, witchcraft allegations, trafficking of women for different purposes that will give some ideas about the situation of Nepalese women and girls and to the governmental and nongovernmental authorities.

Anbeshi's book will also contribute the examples of different kinds of victim who are tolerating the violence in different way in contemporary time. The report of SAATHI foundation also give more examples of violence against women and girls of Nepal that help to collect more information for this study. The online academic texts helped to compare the issues with relevant areas. The comparative study of the issue gives the representative picture of the problem as well as helps to proceed the concept of gender roles, culture, religious tradition, patriarchy, power. The sources used in this research are of scholars, governmental agencies, and non-governmental agencies and of the researchers connected to the universities.

### **3.3 Reliability and Validity of the Research**

While doing the researches that are based on secondary data sources, it is important to find out the data sources are reliable or valid or not for the critical analysis and interpretation of these sources. Ellen A. Drost (2015) defines reliability and stability with reference to Bollen and Nunnally: “Reliability is consistency of measurement or stability of measurement over a variety of conditions in which basically the same result should be obtained’ (105).

Reliability is based upon the various sources of measurement errors that are involved in test administration (Crocker & Algina 1986).“Reliability involves the consistency, or reproducibility, of test scores i.e., the degree to which one can expect relatively constant deviation scores of individuals across testing situations on the same or parallel, testing instruments” (G. Thanasegaran, 2003).

The validity of research writing is based on ‘the meaningfulness of research components’ (Ellen Drost, 2015). A measure in a research is ‘valid if it measures what it is supposed to measure, and does so cleanly- without accidentally including other factors’ (G. Thanasegaran, 2003). For the quality and meaningful results of any research writing, reliability and validity are essential measurement.

All the data are collected for this research study are from reliable source such as non-profitable organizations such as WOREC Nepal, SAATHI foundation Nepal, INSEC Nepal which are working for the victimized women and girls to protect and promote towards better level. Those reliable data lead the study towards valid result.

### **3.4 Research Ethics**

Research ethics helps to ‘protect the privacy of research subjects and the confidentiality of their personal information’ (The Helsinki Declaration 1964/.../2013). In other word, “in order to maintain a climate of trust in the practice and outcomes of social research, it is inevitable that systems of ethical assurance will be established and will need to be maintained by all those engaged in work of this nature. The trust of the public,

professional colleagues, those who commission and fund research and those being studied requires an effective system of ethical review, clear lines of responsibility and a manageable degrees of independent overview” (Iphofen, 2011:5).

Though the topic of this research writing is on sensitive issue of contemporary time, it is based on secondary data sources and it is not directly related to any individual. This study tries to collect the data from other research writings and observe those data analytically and present the meaningful result. However, the research is emotionally connected to the victims of violence, I am well aware about choosing the words while presenting my ideas.

## **CHAPTER FOUR: THEORETICAL FRAMEWORK**

Violence against women and girls persist in our societies since long that directly violates the fundamental human right of women and girls in relation to class, caste and gender discrimination. In this section, I outline the theoretical framework based on feminism, gender theories, and rape theories and women empowerment. In this research writing, I mostly embrace the theories that are relevant and important to the study.

### **4.1 Gender Theories and Feminism**

Though in some cases gender theories only focus only on gender structure and gender relations, gender theories and feminist theories have similarities (Hirdman, 2003). Because of these similarities these two theories are discussed together.

Gender study mainly examines the roles of male and female that is chosen by the society. The term gender denotes the identities that are socially and culturally constructed to differentiate male and female rather than biological feature. Woman has no identity without man. That means women is always compared in relation to a man and man is regarded as a superior being, ideal and prototype in our society (Hirdman: 2003). The patriarchal society always depict male as a strong person, leader of the family, society, working outside of home, protector of the family, and female as weak, only for household works such as cooking, cleaning, give birth to children, taking care of children and totally depend on male economically and culturally. Her identity depends on the male with whom she is related to. For instance: daughter of father, sister of brother, and wife of husband, mother of son and so on. The picture of man and woman in the society is totally opposite to each other. During the history, man is always regarded as leader with power to control the woman but woman's role is changeable in relation to man (Hirdman, 2003:72).

According to another gender theorist Judith Butler (1990), gender is a 'performance' that alters by different factors of the society like perceptions, context or particular time. He further describes that being a woman is to have more challenges because he owes not only society's viewing woman who undervalue and marginalize oneself but also feel the sense of self as constructed subjective cultural identity.

The stereotype about gender discrimination has been built on woman's biological and social existence in patriarchal society. Woman has always-dominant character and man as a superior with power. Without man no woman can survive and woman always need the support system of man. This kind of stereotype about woman has made the woman more weak and dependent on man. According to the time, such stereotype has been blurred slowly and gradually with education, doing job outside home and making them independent. But the patriarchal society tries to dominate the freedom of woman through different violence activities such as physical, psychological, sexual.

Gender theory describes the social reality that is created by individual and groups, how men and women interact and perceive the things within the society. The main focus of this study is the perception of Nepalese society towards women and violence. The Nepalese society is totally patriarchal and the children are discriminated and brought up according to their gender. Father teaches son to build the things for the family, society, and superior to girls with power to dominate. On the contrary, girls are regarded as other's property and marriage material and mother teaches her how to handle household works such as cooking, serving and so on. This is because of the culture that is followed by ancestors to modern people. Gender theory is socially constructed norms that are inherited with in the society as a natural culture on the basis of gender or sex (Subedi, 2010). Every patriarchal society has strong bond between gender and culture and so as Nepal. Cultures are gradually changing overtime but in patriarchal society or male dominated society, still some cultural practices and beliefs are unchangeable to maintain the superiority and identity that is creating violence and chaos in the mind as well as physically.

Another gender theorist Connell argues that gender relations are formed by social and cultural structures in day-to-day relations among people and they are changeable according to social changes (2003:73). The society implies some rules to both gender and both should follow the common expectations to maintain the peace in the society. That's why gender roles are the cultural product of biological gender differences (Connell, 2003). The hegemonic masculinity marginalizes the other gender system and allows male to dominate female through their physical power (Ibid).

Feminist theories include the female experiences and perspectives in the societies that examine the “criminal offending, victimization, and criminal justice processing in the context of multiple intersecting social factors, including- in addition to gender, race, ethnicity- social class, age, and sexual orientation” (Renzetti, 2009). Feminist theories explain criminal activities, victimization, violence, and criminal justice but also help to give the solutions of those criminal problems.

Bell Hooks defines feminism as, “the struggle to end sexist oppression. Its aim is not to benefit solely any specific group of women, any particular race or class of women. It does not privilege women over men. It has power to transform in a meaningful way all over lives” (2015:28). Feminism is a struggle, raising voice to have equal rights, dignity, and freedom over their lives and bodies of women. Feminism describes the equality between men and women politically, socially as well as economically. Feminism examines the position of women in society, control of men over women and establishes the ground where women stated their concern about being marginalized in patriarchal society (Lerner, 1993).

The other feminist theorists Bhasin and Khan define feminism, “an awareness of patriarchal control, exploitation, and oppression at the material and ideological levels of women’s labor, fertility and sexuality, in the family, at the work place and in society in general and conscious action by women and men to transform the present situation” (1999: 3). Feminism is an eye opener to those women who are marginalized and victimized as well as regarded inferior to men in every field of the society they belong to.

Feminism helps to fight against the patriarchal system that is promoting suppression, and violence against women in our so-called civilized society. Feminist theories help to bring the changes in our thinking and perception towards women, their position in the society and bring them equal to men in every field of their life span. “Domestic violence is deeply rooted in gender and power and represents men’s active attempts to maintain dominance and control over women” (Anderson, 1997).

## 4.2 Rape Theories

This research study is based on violence against women and rape is one of the major factors for the physical and psychological/mental violence that affect not only the victim rather to the family, society as well as whole country. Rape is not only limited to physical sexual assault rather it is related to verbal and psychological assault that is happening against the will of women. The word rape itself creates a chaos and fear in the mind of women and keep them in the state of fear (Brownmiller, 1977).

According to Susan Brownmiller, the sexual intercourse by male to any female without her consent and will is 'a criminal act of rape' (18). "Rape has something to do with our sex. Rape is something awful that happens to females: it is the dark at the top of the stairs, the undefinable abyss that is just around the corner, and unless we watch our step it might become our destiny" (1977: 309). According to patriarchy, women are viewed as the property and male has the power to control and rule over her body using penis as a weapon either she has consent or not:

Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries...from prehistoric times to present...rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear (Brownmiller, 1977: 14-15).

Rape is defined in different ways. According to the Internet dictionary, rape is "unlawful sexual intercourse or any other sexual penetration of the vagina, anus, or mouth of other person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim". This definition of rape is limited on physical harm to the victim. The main reason for rape is the male domination over the body of female because they think superior and powerful with physical strength. Robin Morgan (1977) defines rape as "the perfected act of male sexuality in a particular culture – it is the ultimate metaphor for domination, violence, subjugation, and possession" (163-164).

Stephen J. Schulhofer has different view on rape:

In common thought and common parlance, rape is the imposition of intercourse by force.... At common law rape was “unfaithful sexual intercourse with a female person without her consent.” The common law of definition was both broader and narrower than that of everyday usage: some instances of forcibly compelled intercourse were not legally rape, and some instances of rape in the legal sense involved no force. With the proliferation of modern statutes, some disparities between ordinary and legal meaning have been eliminated others have expanded. The basic gap remains wide. (1992, 59-60)

He sees rape in both sense means narrower and broader. Rape has been defined in different ways like forceful rape and without force rape. The word rape has been modified and replaced by the word sexual assault in general legal term. Rape is regarded as one of the continuum of sexual violence. Rosemarie Tong (1984) defines, “rape can be oral or anal as well as vaginal, and that penetration need not be by a penis, but can be accomplished by tongue, fingers, toes, or artificial instruments.” Rape creates mental trauma to the victim and the people who are around her.

From all of the above-mentioned definition of rape I came to the conclusion that rape is not only physical violence rather it suffers women psychologically and emotionally. The physical abuse leaves deep marks in the body of the victim in such a way that she suffers the whole life with fear in the mind.

Every kinds of rape such as forcible rape, drug and alcohol facilitated rape, marital rape, incapacitated rape, date rape, statutory rape, acquaintance rape creates a terror and fear in the mind of women and keeps them dominating in the patriarchal society. All kinds of rape are the forceful act where victim get hurt physically, mentally as well as emotionally with the superiority of masculinity. Women are treated as weak, powerless, dependent on men, dominated in the society and push towards the violence against them.

In today’s time, sexual violence against women has become the burning issue globally. The different researches about violence against women have drawn the conclusion that one in three women have experienced sexual violence in their life. Sexual violence has brought the life long health problem to the victim. The psychological and physical trauma

leads towards death, physical disability, mental disease/illness (Bohner et al, 2009). Sexual violence supports the gender inequality and male domination in the global societies.

The assumptions towards the rape myths help the perpetrators to abuse victims sexually. Though the victim reports the violence against her perpetrator, she cannot get justice properly rather she gets more abuse. Because of injustice, she has fear to report. The patriarchal society blames the victim (women) and treats her in such a way that she is responsible for her own rape. Even in marital rape, women are blamed. The society itself provokes the perpetrators by saying that women should cooperate, relax and enjoy the rape because men can not control their sex drives. Such kinds of rape myths help the perpetrators to be more violent against women.

Bohner et al (2009: 19-20) have identified some rape myths that are provoking the men towards sexual violence.

- *Blame the victim for their rape* (e.g. 'women have an unconscious desire to be raped', 'women often provoke rape through their appearance or behavior'),
- Express a *disbelief in claims of rape* (e.g. 'most charges of rape are unfounded', 'women tend to exaggerate how much rape affects them'),
- *Exonerate the perpetrator* (e.g. 'most rapists are over sexed', rape happens when a man's sex drive is out of control'), and
- Allude that *only certain types of women are raped* (e.g. 'a woman who dresses in skimpy clothes should not be surprised if a man tries to force her to have sex', 'usually it is women who do things like hangout in bars and sleep around that are raped').

Such rape myths are provoking and supporting the male dominated societies where the victims are responsible for violence against them. Rape myths are directly connected to gender roles. The irresistible impulse of men is taken as natural and admirable in the societies. Sexual aggressiveness often taken as "boys will be boys" or they are helpless to control over their sex drives.

According to Brownmiller, the rape myth like “All women want to be raped” (312) gives the good reason to men to show masculinity over femininity to prove ‘the supreme rightness of male power’ and ‘arrogant insensitivity’. The rape myths nurture the false beliefs about a just world, provide women with illusory feelings of softy, and offer men ways of rationalizing tendencies toward committing sexual violence.

According to feminists and social activists, there is direct connection between patriarchy and sexual assault. Susan Brownmiller opines that in patriarchal society, rape is a means of intimidation used by men to control and ensure the subordinate status of women (1977). The perpetrators of sexual violence are provoked by the desire of superiority, power, and domination over the women. “like other forms of torture, it is often meant to hurt, control and humiliate, violating a person’s innermost physical and mental integrity” (Radhika Coomaraswamy, 1995:1).

The above mentioned different views on rape or sexual assault shows that rape is an aggressive act that motivates and provokes men to show their masculinity and power over women to humiliate and dominate women and make her mentally and physically vulnerable in the society. Rape uses sex as a weapon to create terror and violence over women.

### **4.3 Women’s Empowerment against Violence**

In reference to women, the term empowerment has become popular since mid 1980s (Emily Esplen at al, 2006). Third world’s feminists have generated the concept of women’s empowerment. Women’s empowerment is a direct challenge to the patriarchal power relations and get out of male domination.

The empowerment method is the means of overcoming the obstacles of humans so that one can enable them to exercise power that assures the human beings with skills, sources, knowledge, and possibilities. Empowerment approach facilitates the humans achieve the social justice with the aid of hard oppression and making it possible for them to take charge of subjects affecting them the most (Tesorio 2010). Empowerment of women and girls is a process of transition from vulnerable, dominant and dependent to powerful, strong, powerful and active for the fundamental rights. Empowerment is a realization of

one's self worth, innate human potential on individual and community level. Empowerment increases the confidence, control for the individual from the state of powerless and leads towards the decision making, achieve more control over the environment in groups, communities and organizations the person related to (Tesorio 2010). Empowerment helps women to have the capacity to choose life partner, a livelihood, or have or not to have children and total freedom to live her life without fear, domination as well as to have the ability to make self-determined choices. Women in developing countries lack the control over opportunities to participate in decision-making processes either in the family, or in the society, lack self-confidence because of patriarchy. They are used mainly in household works and in service of men.

The word empowerment is related to a power of an individual to have the ability to act upon the possibilities and options in the social and cultural norms. "The expansion in people's ability to make strategic life choices in a context where this ability was previously denied to them" (Kabeer, 2001:19). In every society, economical, political, cultural, economical and social ideologies are controlled by the power. The powerful person always dominates the other factors. That is why the word 'empower' gives the opportunities and power to those who are powerless (Subedi, 2010).

Empowerment means "a person's capacity to make effective choices and to transform choices into desired actions and outcomes" (Emily Esplen et al, 2006:10). Empowering marginalized, victimized and poor women is increasing self-confidence, ability to act effectively in public sphere, raise voice against violence, domination and cope with the problems that are making them vulnerable, weak, powerless in every step of their life. The empowerment of women through education, different awareness activities, helps to minimize the violence against women in the society. Empowerment helps to bring "changes in women's lives, along with long-term transformations in patriarchal power structures" (14).

If a woman gets excess to education, she gets the power to change her life as well as the whole society. She has chance to get a good job that makes her independent, a good marriage where she need not to be dominated and become victim of violence, and provides courage to question the unjust practices as well as raise voice against violence

either domestic, or social, or sexual, or psychological that are happening to most of the women in the patriarchal societies. She gets power and courage to fight against that violence.

The lack of access to education and economic independence, women are trapped and locked into such situations from where they are unable to escape and become the victim of violence. Women have lower status is the reason of domestic violence and gender based violence. To reduce the domestic violence, the empowerment to women is must. According to G. S. Paudel (2007), there are four criteria to empower women:

- Equal access of education to both men and women,
- Decision making power and property rights,
- Massive educational programs mothers and mother-in-laws on violence against daughters and daughter-in-laws, and
- Enactment of a strong law against gender based violence and its effective enforcement.

The patriarchal society of Nepal restricts and limits the power of women over resources. There is a vast difference between male and female literacy rate. Women are not getting equal access to education, rights, knowledge, and participation in political, legal, and social activities. Kabeer (2005) gives emphasis on equal access to education: “there is considerable evidence that access to education can bring abrupt changes in cognitive ability, which is essential to women’s capacity to question, to reflect on, and to act on the conditions of their lives and to gain access to knowledge, information and new ideas that will help them to do so” (16).

Nepalese constitution tries to empower women by ensuring 33% representation in state structure. Women’s fundamental rights have been secured. According to the constitution of Nepal 2015, women’s rights are as follows:

- 1) Every woman shall have equal lineage right without gender-based discrimination.
- (2) Every woman shall have the right to safe motherhood and reproductive health.

(3) No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, and practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law.

(4) Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion.

(5) Women shall have the right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination.

(6) The spouse shall have the equal right to property and family affairs (24).

The constitution of Nepal 2015 has made the various laws in relation to violence against women. It has brought the zero tolerance policy to sexual and domestic violence, workplace-related harassment, child marriage, allegation of practicing witchcraft and gender inequality but in practical life all those rules and laws are violated by men. Although the constitution of Nepal has given equal right to men and women, the patriarchal society always exploit and oppress women. Women's identity is totally depended on men they are related to. Bhandari 2013 takes the reference of Prativa Subedi, "Woman's emotional growth is suppressed by values imposed by family and society until she is emptied of her most natural human qualities, a girl without a personality or the capacity to think independently."

#### **4.4 Human Right and Violence Against Women**

It took decades to find out violence against women is not only the private matter but it is also concerned with human rights. Violence Against women is defined as "any act of gender-based violence that results in, or is likely to result in, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (The Declaration on the Elimination of Violence Against Women, 1993).

Violence Against Women is the outcome of discrimination in society/state and violation of human rights such as freedom and fundamental rights of women. It is the result of

deep-rooted discrimination of the state not accidental or in-born vulnerability of women. The World Health Organization declares that ‘one third of women globally experience violence at least once in their lifetime’. To reduce the violence against women and protect them from violence, different international human right treaties are established. The committee on the Elimination of Discrimination Against Women, General Recommendation No 19 (1992) defines violence against women as, “[u]nder general international law and specific human rights covenants, States may ... be responsible for private acts if they fail to act with due to diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation” (Para 9).

The Committee on the Elimination of Discrimination against Women has ensured and addressed the obligation of States parties to enact, implement and monitor legislation towards the violence against women:

- Violence against women is prosecuted and punished;
- Women victims of violence have immediate means of redress and protection; and
- Public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions and sensitized to the social context of violence against women (United Nations, 2010:6).

The international laws of Human Right try to eliminate and decrease the violence against women such as family violence, physical or verbal abuse, sexual assaults, and gender-based violence and give protection to all women around the world with equal respect to their integrity and dignity (United Nations, 2010).

The Convention on Elimination of all forms of Discrimination (CEDAW) 1979 is concerned to the women’s issues that tries to eliminate the obstacles of women’s right in political, cultural, economic and social participation and give equal opportunities with men in every aspects of life. The main purpose of CEDAW is to guarantee the human right of women and provide them fundamental freedom in social, political, cultural and economic field and empower them through education, employment opportunities, and decision-making and right for marriage (United Nation 2002).

## **CHAPTER FIVE: EMPIRICAL DATA AND ANALYSIS**

### **5.1 Introduction**

The main purpose of this study is to analyze the situation of Nepalese women who are facing different types of violence in their life either domestic, or gender based violence. This chapter covers the related research questions that are mentioned in introduction chapter for example: what are different types of violence, the main reasons for violence against women in Nepal, why such violence are common in Nepalese societies and the impact of violence on women and so on. This chapter will present the different empirical data of violence against women that are happening in Nepalese society and analyze critically.

The empirical that are presented in this study are taken by previous researches that are done by different researchers and organizations in different time periods such as WOREC Nepal, SATHI, INSEC Nepal and so on.

### **5.2 Types of violence**

Violence against women includes all types of violence that affects the physical and psychological life span of women and girls such as ‘domestic violence; sexual violence, including sexual assault and sexual harassment; harmful practices, including early marriage, forced marriage, female genital mutilation, female infanticide, prenatal sex-selection, virginity testing, HIV/AIDS cleansing, so called honor crimes, acid attacks, crime committed in relation to bride price and dowry, maltreatment of widows, forced pregnancy, and trying women for sorcery/witchcraft; femicide/feminicide; trafficking; and sexual slavery’ (United Nations 2010: 23-24).

Violence is defined as “any act carried out with the intention or perceived intension of causing physical pain or injury to another person” (Gelles 1997: 14). Violence affects physically as well as mentally the victim as well as the people around the victim. Violence against women creates a terror in the mind of victim in such a way that the victim sometimes ends life through suicide or becomes mentally ill through out her life and the victim bears incurable pain physically and psychologically. Violence against

women in Nepalese societies includes beating, chocking, mental and physical torture, threat, rape, killings, permanent disfigurement, and severe injuries by weapons even death, burning and many others.

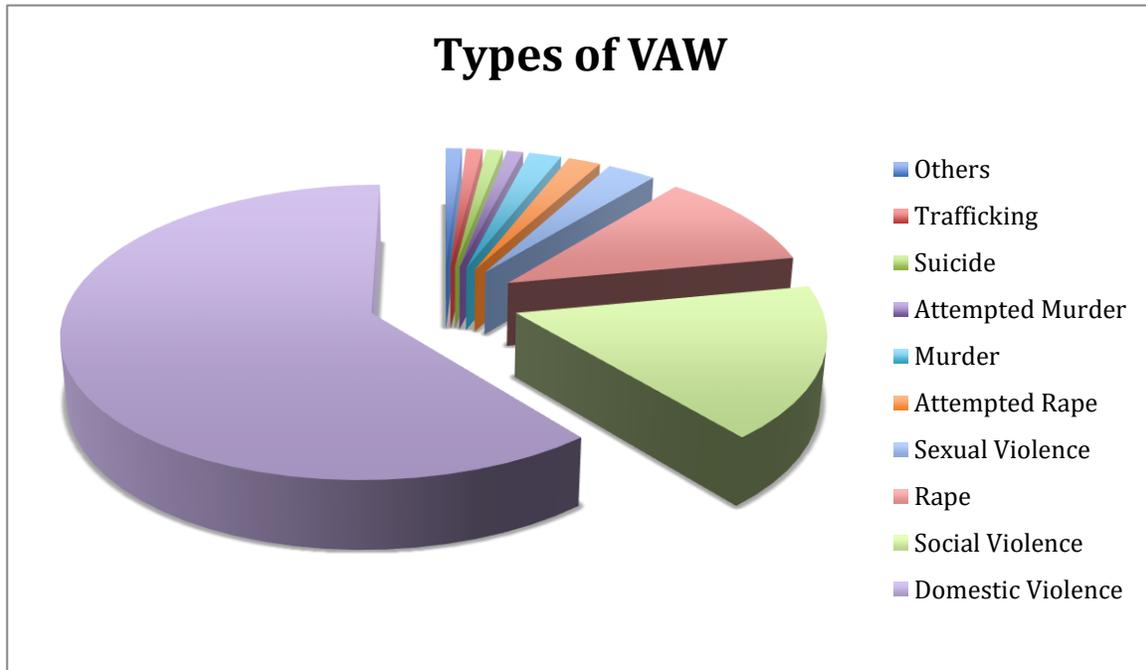


Chart 2 Types of VAW Source Anbeshi 2013: 31

This chart about violence against women (VAW) shows the bitter truth of women in Nepalese society who became the victim of different kinds of violence. This chart clearly shows that domestic violence (61%) is the major violence taking place among Nepalese women and other violence's such as social violence (17%), rape cases (11%), sexual violence (3%), attempted rape (2%), Murder (2%), attempted murder (1%), suicide, trafficking and others (1%) each (Ibid).

### 5.2.1 Domestic violence

Domestic violence does not mean only physical harm to adult women in marital relation it includes different experiences of women such as physical, sexual, psychological harm. Women are abused verbally, physically such as beating, kicking, burning, psychologically such as threat, mental torture of killing by their partner or other relatives. Domestic violence severely affects the women's physical, sexual and mental health.

According to Nepalese communities, domestic violence is connected to child marriage, polygamy, dowry related violence, physical abuse (Anbeshi 2013). In terms of domestic violence, home has become the most unsafe place. The women experience intimate partner violence that includes surface cuts, bruises to deep wounds including internal bleeding, broken bones, organ damages, gynecological and reproductive damages and even leads to death. Even though social practices and patriarchy has given superiority to male, the other factor to women subordination in the society and experiencing domestic violence is women's gender that signifies their identity.

Women are discriminated in the society based on ethnicity, class, and caste and forced to face violence mostly everyday. Women are not safe at their home too. They encounter either physical violence or psychological violence by their family members. It is like being a daughter is a curse for herself as well as for the society. There are various examples of girls raped by their family members, beaten to death, threatened in their daily life. The children are forced to watch verbal or physical abuse to their mother. It happens mostly in lower class level. There are so many examples of such violence in Nepalese society. Sometimes the daughters are raped or attempted rape by their own fathers.

#### ***Attempted rape on a 14 year girl by her father***

*I am from a poor family. Over the years, I have repeatedly seen my father physically and verbally abuse my mother. My mother convinced my father to go abroad for work as she thought this would ensure our (me and the other three siblings) well being and safety. My mother managed to send us to school with the money my father used to send. Three years later, my father came back and asked my mother about how the money had been used. He again started physically and verbal abuse to my mother. One day out of desperation, she ingested poison. She was taken to the hospital but died soon.*

*My father married again one year to a 16-year-old girl. Before marriage, he used to forcefully tell me to touch his private parts. He used to threaten me by saying he would kill me if I told anyone about these incidents. I resisted when he tried to have sexual and physical assault. (Anbeshi 2013:53-54)*

She further describes that she said these entire incidence to her stepmother but the father beat her and evicted from her home. Such evident has become common in the lower class and poor families but due to threat they don't complain. Such evident creates terror in the mind of every woman who is connected to such family. Though they are psychologically and physically disturbed, they feel helpless to step out of family and complain about it.

### **5.2.1.1 Types of domestic violence**

Generally domestic violence is regarded as the physical assault that brings physical injuries to the victim. But in broader way domestic violence have diverse categories of violence towards women that results not only physical injuries but also psychological damages to the victim. Such violence helps to establish control and superiority of male with power over women.

Because of Nepalese social structure, conservative thinking towards women, discrimination in power relation, women are becoming victim daily from their own relatives. Most of the women are the victim of their own husband and family members. According to the research of WOREC Nepal 2016, 73% of Nepalese women (1300 out of 1775) are affected by domestic violence. There are various types of domestic violence such as physical, psychological, sexual, social and economic violence that create physical harm, isolation, emotional breakdown, and terror to the victim.

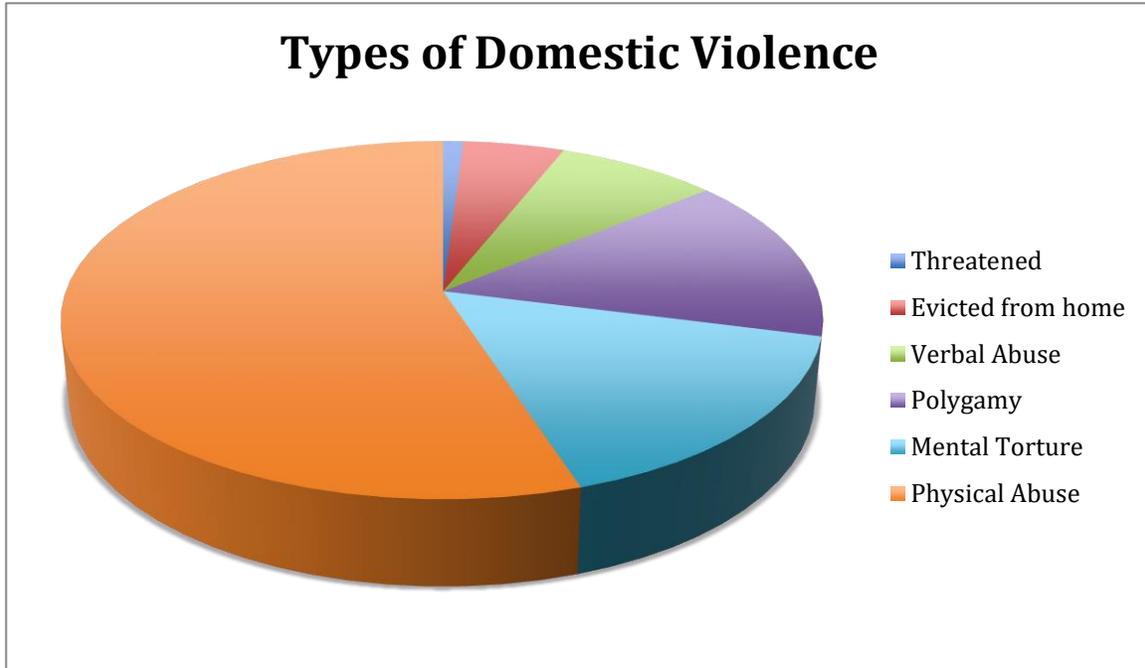


Chart 3: Types of Domestic Violence source Anbeshi 2013: 56.

Domestic violence is the main challenge to the Nepalese cultural and religious society. Among different kinds of domestic violence, physical abuse 55% is in great number and the other violence such as mental torture 16%, polygamy 15%, verbal abuse 8%, evicted from home 5% and threatened 1% are accounted. In some cases domestic violence leads towards murder, suicide, mental illness, permanent physical injury (handicapped) and many more problems. The different kind of domestic violence will be discussed further.

#### **I) Physical Violence**

Physical violence directly denotes the physical force against other. Physical violence includes beating, biting, choking, shaking, kicking, grabbing, forcing to use drug or alcohol, burning assault with knife or weapons that can injure the victim badly. In some cases physical violence leads towards the death of victim or severe external or internal injuries in body that requires medical treatment and no physical injuries. The example of physical violence according to the research of WOREC NEPAL:

*Physically assaulting a woman with a knife*

*Lalita (name changed) is the third wife of her husband. She is physically assaulted on a daily basis by her husband. She has four children. However, she still doesn't have a marriage certificate. Lalita gets beaten if she asks her husband about the certificates. One night while sleeping with her children, her husband came in suddenly and demanded that the cows be moved out of the house. When she questioned him, he forcefully took her to the neighbor's house and physically assaulted her with a knife above the eyes. She hasn't received treatment yet due to her poor financial condition (Anbeshi 2013: 56)*

This is the example of Nepalese women who are tolerating the physical violence in daily basis. Lalita is the mere example of poor, uneducated and dependent women in our society who are becoming the victim of violence. She is not only one women who is victimized by her husband rather we can find many more Lalitas and they are tolerating physical violence by their husbands and other family members.

Sometimes physical violence takes such brutality that some women lost their lives. Mostly husbands 79% are the perpetrators of domestic violence and 21% are family members.

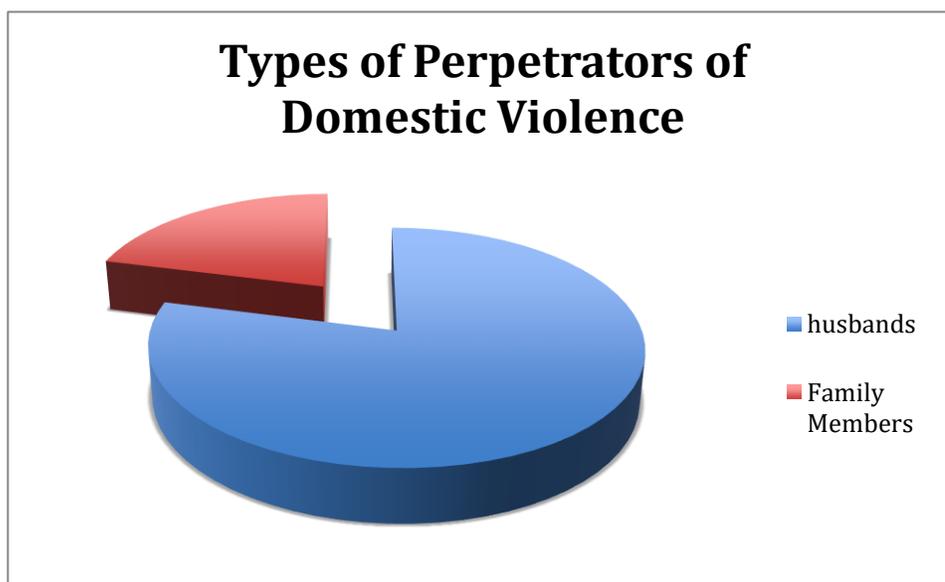


Chart 4: Types of perpetrators of domestic violence source Anbeshi 2013:57.

Physical violence sometimes leads towards death. In some part of Nepal, dowry system is still prevailing. Dowry system means giving basic needs and security to newly married couple. But in present time, it has become the social evil that is leading in negative way. It has become the forced financial and material arrangement not only to the bride but also to the parents of bride (Subekshya Karki, 2014).

UNICEF has also declared that the dowry system in Nepal, India, Pakistan, Bangladesh is spreading in such a way that is creating the risk of extortion and dowry death of women (INSEC 2014). According to the INSEC 2014, dowry violence is one of the brutal violence that leads to maximum numbers of death to women that is challenging the government too. According to the research most of the dowry related violence are happening in Terai region of Nepal. The parents get worried at the birth of girl child because a large amount of dowry is need for her marriage. The poor family cannot afford such dowry and they choose the way of violence by killing their own daughters (INSEC 2014).

According to INSEC survey 2014, due to dowry violence, 9 women are killed and 53 women are physically assaulted in different parts of Nepal. There are some examples of dowry violence that is inhuman in nature.

*Rihana Sekh Dhapali, 25, of Laxmanpur VDC-8, Banke was severely injured after her husband Farid Dhapali, 26, and in-laws set her on fire by tying her hand on March 17. The incident was revealed after the victim's father lodged a complaint at INSEC Regional Office on May 4. the victim is living with her parents in Hiriminia VDC after getting treatment at Bir Hospital. The accused were absconding until the end of the year. The case is pending until the end of the year.*

This incident shows that the complain has been lodged almost after 2 months. Because of late complaint, the perpetrators get time to escape from the criminal activities.

#### ***Pregnant women killed over dowry disputes***

*Radha Mehata, 20 who was seven month's pregnant of Chitiha VDC, Sunsari was killed by her husband Santosh Kumar Mehata, 25 and father-in-law Shiva Ram*

*Mehata, 55, alleging her of not bringing dowry on February 2, 2013. Accused hanged the dead body on the tree after killing. A case was filed against the accused at the district Police Office. The accused was released on general date by district court on March 8, 2013. (Subekshya Karki 2014: 7)*

### ***Husband beats wife to death***

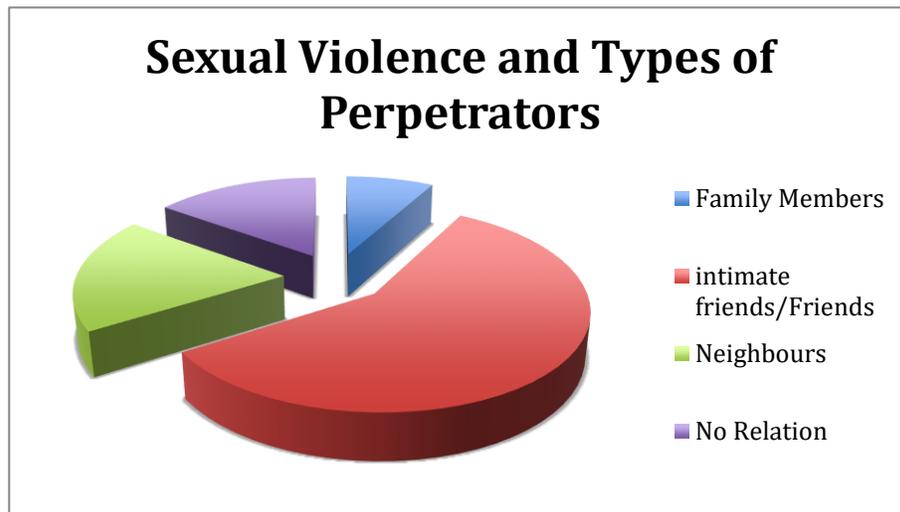
*Domestic violence was common with Jyoti (name changed). Soon after marriage the couple argued frequently and the husband used to physically assault the wife almost everyday. One day, after a heated argument, the wife was beaten brutally and became unconscious. Later she was taken to a nearby hospital by the husband saying that she had ingested some kind of pesticide. However, the case is further complicated as people suspect it is the husband who fed her the pesticide after beating her severely. The doctors at the hospital said she needed to be taken to a higher center for further care immediately. However, the husband remained indifferent to the doctor's advice. His wife died within a few hours (Anbeshi 2013: 57).*

These cases about physical violence against women are just the exemplary cases of Nepalese society. All these cases show that women are not safe in their own home even with their spouse. Dowry system is deep rooted in our society in such a way that even the pregnant women who need extra care and love from her spouse and family members are killed and the perpetrators do not get punished. These examples show the patriarchal culture and the status of women. The women are becoming victim of violence in physical way and are killed in great numbers. The law is also so weak to punish the culprit.

## **II) Sexual violence**

Sexual violence is the violation of a person's bodily integrity such as sexual harassment, assault either physically or verbally or non-verbally that includes rape, attempted rape, force abortion, molestation. Sexual assault, rape is the significant social problem in today's world. It is very difficult to measure the true prevalence and incidence of sexual violence and rape because such violent acts often happen in private spaces (Stanko and Williams 2009; McMillan 2011). Sexual violence comes to the most under reported crimes because mostly committed by the known people such as husband, intimate friends,

family members, and neighbors. Women are always at a risk of sexual victimization and regarded as vulnerable physically and mentally (McMillan 2011).



**Chart 5: Sexual Violence and types of perpetrators Source: Anbeshi 2013: 101.**

This above chart shows that mostly women become the victim of sexual assault by their intimate partners. 58% perpetrators are intimate partners/friends, 19% are neighbors, 15% are unknown person or with no relation to the victim and 8% from the family members. This chart directly shows that the women or girls are victimized from their ‘circle of trust’ (105) they are in the high risk of sexual victimization everywhere (at home or outside home). “The unsafe environment restricts women’s mobility, independence and jeopardizes their health and well being” (Ibid).

The patriarchal Nepalese society has made women so dominated that women do not report the sexual violence because they have to face many difficulties later on. They got afraid of discrimination, shame, and fear of reprisals from the culprit, feeling of guilt, lack of support from family and relatives, fear of ineffective law, unaware about the rights and others (Anbeshi 2013). “Sexual violence against girls and women is one of the clearest manifestations of patriarchal values, norms and traditions that encourage men to believe that they have the right to control women’s bodies and sexualities” (Anbeshi 2013: 98).

Anbeshi 2016, reports that 76 women (4%) are raped, 27 women (2%) are attempted to rape. Among them 3% women are raped by their husband, 5% by friends, 4% by close friends, 15% by unknown people and 61% women are raped by neighbors. Most of the victim (43%) is of under 16 years old children. This data shows that the trusted caregivers such as family members and neighbors victimize the women and girls. The victim and survivors are of under 16 years, they are affected psychologically, physically and mentally because in some cases they don't understand what has happened to them and whom to tell about it. They feel mental trauma due to fear and subordinate position in the society.

Unlike physical violence (killing, burning, kidnapping, beating etc.), the issues of sexual violence has not been discussed and ignored and underreported due to cultural stigmatization, fear, and threat, losing face in the society. In the context of Nepal, sexual violence has remained 'an overlooked and under- researched phenomenon' and 'left most victims and survivors without much-needed psychological support, medical assistance and legal recourse' (Advocacy Forum 2010: 45). The sexual assault has different names such as rape (rape with in marriage or dating relationship, rape by strangers), molestation, human trafficking, demand of sex in return of any favors, forced marriage, forced prostitution, sexual assault of children etc.

## **Rape**

Rape is sexual intercourse to any woman and girl without her consent either through the use of physical force or with threat. It includes not only forced or non-consensual sex to unmarried women or child but also married women by the husband. According to Nepalese context, the real picture of rape either marital or non-marital do not reported due to shame, prestige in the society, threat by the rapists because most of the cases are related to their own family members, and known people of the victim or survivors.

### ***Raped by her own brother***

*One day no one was at home, Sita (name changed) was raped by her intoxicated big brother and threatened to keep quite about the incident. This incident happened repeatedly and Sita got pregnant. When her family started scolded her and beating her*

*demanding how she got pregnant, she told what really happened to her. By then she was already six month pregnant and abortion was not an option. Being ostracized by her family she is being referred to WOREC Nepal's safe house for protection and support.*

When sexual violence occurred once, the rapist threatens the victim and the victim tolerate and do not report due to fear not only by the rapist but also by the family members and the society. This kind of incidents repeated because the rapist feels superior to victim and the silence and tolerating behave. The society also makes girls and women inferior to men and blames the women for that incident. “Only bad girls get raped”, “women ask for it” (Anbeshi 2013: 81). The family also does not support the victim. The girls or women are even unable to discuss about sexual harassment, sexual assault, sexual behavior with their own family too then it is mostly unexpected to file the case or take the help of legal advisor against the perpetrators. Because of all these activities of society, family, most of the cases are underreported.

Schoolgirls are also become the victim of sexual violence from their teacher too and tolerate the pain due to fear and threat. Teacher takes advantage of their position and rapes the girls.

*The family of 14-year old girl lodged a complaint against her teacher Raju Sedain of Kharelthok VDV-2 of Kavre at District Police accusing him raping her on January 5. The accused repeatedly raped the girl in the same day in the Mahadev Temple near the school. The girl said that the accused raped her many times in the past. (INSEC 2012:25)*

Women and girls are not safe from the security forces of the nation. They are gang raped in front of family members, society in the name of civil conflict in the nation. Sometimes the children who has witnessed such gang rape of their own relatives leaves psychological trauma for the rest of their life.

*They kicked the door and broke in. As soon as they entered they snatched my son away from my lap, scolded him and threw him away. My daughter started crying. I covered her with a cloth. I was afraid whether they would take my daughter too. I cannot say everything what the three persons did to me. I had lost my consciousness. But when they went, I tried to get up slowly but my vagina was bleeding. I couldn't even get up and walk*

*for few days. My daughter was big enough to understand what happened and she knows it all. She asks me about it time and again. She argues with me. I'm anxious about my daughter. (Advocacy Forum 2010: 51)*

Girls and women do not feel safe in the hand of national security because the perpetrators are not punished after reporting their crime too. Mostly women and girls become the target of sexual violence while they are alone for example going to school, market, fetching water, collecting firewood's and doing household works. No witness of such violence makes the victim or survivors weak physically and mentally and on the other hand if the girls and women report such violence, they have to bear verbal abuse (Advocacy Forum 2010).

### **Marital rape**

Marital rape is one of the domestic violence where one spouse keeps sexual intercourse with own spouse without consent of another (Wikipedia). Marital rape is one of the forms of domestic violence that is widely experienced by women worldwide. In marriage sexual intercourse is regarded as right of the partner either with or without consent. But in real it is a crime or violence.

According to Nepalese context, women are unaware what is marital rape in actual. They think that it is their duty to make happy to their partner in any way. Marital rape is difficult because the socialization they are brought up lead them to accept that their husband can have sex whenever he wants where the consent of his partner is irrelevant. Marital rape is increasing due to illiteracy and unawareness of women's right over their own body and do not file the report (Anbeshi 2013).

If some women are aware about the marital rape and in case they filed it, the punishment to the partner is not that strong. The maximum punishment for marital rape is 6 months that is totally biased. The women do not report marital rape due to the least penalty and after 6 months they have to suffer more than before mentally, physically and psychologically (Anbeshi 2013).

The male dominated culture of Nepal has forced many of the Nepalese women suffer from marital rape regularly. Though the Nepalese government has made laws against marital rape, women do not report it due to illiteracy, poverty, backwardness, their loyalty to their husband, threat and so on. On the other hand, talking about sex, marital rape is regarded as social taboo and disrespect to their husband. Because of this so-called taboo, the real data of marital rape are unavailable in Nepalese context.

Though the marital rape breaks the trust and intimacy in marriage relationship, women do not report because of shame, prestige of family and husband. The male dominated society of Nepal has created such a situation that husbands are worshipped as 'god' and wives are the followers. In every situation they have to obey and do what their husbands want. Such sexual behavior of men leads traumatic mind where a woman cannot live a peaceful life.

The women are afraid of talking about their sexual relation to their husband to others. According to the reporter Tara Bhattarai (2012), there are many brutal cases of marital rape the women are tolerating. She gives some examples, a woman Paudel introduced by her last name due to her safety, is tortured by her husband sexually in brutally. She is uneducated because the society she was grown up has the thinking that if a girl goes to school, she will go to prostitution. Her husband regularly raped her with severe pain in genitals and other parts of body. She shares these things with her mother but her mother said, "this would be wrong because women had to stay with their husbands, no matter how hard it was". The discrimination between male and female has made the women more vulnerable because even the family does not support women to report against her husband's criminal behavior.

Another example is of Limbu (only surname) got arranged marriage at the age of 18 and gave birth to seven children every year. According to her to fulfill her husband's sexual desire along with household works and parental duties was difficult. "Even while I was pregnant, he didn't give a moment of relief." She was raped time and again by her husband in brutal way. Her health was worsening day by day but there was no other option because the women are dependent on men in Nepalese societies. These two are the

examples of Nepalese societies where women are dominated and tortured in every aspects of life.

If any woman reports case against her husband, the cases either settled through reconciliation or negotiation or through the forceful threat from husband himself or from the powerful people of the society (SAATHI). The survivor or victim always need to compromise to live a life in society. Women fear to go to courts due to social and cultural pressure.

### **Human Trafficking**

“Human trafficking encompasses the organized movement of people, specifically women, between countries and within countries for sex work” (Anbeshi 2013: 120). Nepalese women are subjected to sex trafficking inside Nepal and outside Nepal for example China, India, Middle East, Malaysia, Hong Kong and South Korea. According to the different researchers, the human traffickers target the low-caste groups, poor, and uneducated women. Women are lured by the good amount of money and a good domestic work as well as work in industries and taken to brothels for sex work. If they deny for sex, they got physically tortured and locked up in rooms from where they are unable to escape (Anbeshi 2013).

According to the year 2013, the women of age group 17-25 was at the highest risk (43%), the age group of 26-35 was 29%, women under age 16 was 21% and the age group of 36-45 was 7% (Anbeshi 2013: 123,124).

According to the research done by WOREC Nepal, young girls or women become the victim of human trafficking for sexual purposes such as sex slavery or prostitution. Such work creates a high risk of HIV positive and other sexually transmitted diseases. Literate women are trafficked more than illiterate one because they seek opportunities to go abroad, to get freedom and earn money to become independent to live a comfortable life in future. Human trafficking also affects the mental and physical state of women. The survivors also experience different problems where they belong to and in most of the cases they are outcaste from family and society with a lot of blame and misbehave.

According to INSEC 2012, most of the human trafficking mainly women trafficking happens due to economic problem. Women are lured for good jobs and income and sold outside Nepal by their own relatives such as brother, uncle.

*The complaint was lodged by the victim's brother against Manoj Pariyar of Urleni VDC-9, Rabi Nepali of Shikhar VDC-3 of Nuwakot district and Basanta Pariyar of the same VDC at the district Police Office on March 25 on the charge of trafficking 27- year old women and her two minor children in Kolkata India. Two of the accused were arrested on the same day by the police and were remanded in custody by a court order of 27. (INSEC 2012: 24).*

Women trafficking have become the easiest way for income source and poor, uneducated women and girls are becoming the victim and sold in brothels and forced prostitution, which bring death related diseases.

### **III) Psychological violence**

It is very difficult to pinpoint psychological violence because physical violence often visible in body parts but we cannot detect psychological violence. Because of its invisible nature, it is hard to measure psychological or verbal abuse. It directly attacks the mental condition of victim, which damages the self-esteem, self-confidence, and health condition, self-identity that may lead towards killing own self, suicide and incurable mental trauma such as depression for lifetime.

Because of patriarchy, Nepalese women are not highly educated to become independent. They are mostly dependent on men that has made them inferior to men and discriminated in every field. Women are forced to face violence's in every area such as school, home, work place, and society. They are not safe from childhood to old age in every steps of life. Being a girl is sometimes like a curse. They are abused physically, sexually that lead to psychological abuse by their family members, intimate partners, neighbors and even by the unknown people (Anbeshi 2013).

According to Nepali context, most of the psychological violence conducted through verbal abuse through telephone, direct and through abusive letters by the known people.

The physical and sexual violence leaves the unforgettable marks in the mind of the victim or survivor for lifetime.

*Gita (name changed), a 7-year-old girl was raped by a 16-year-old boy from her neighborhood. One day, when Gita was playing outside, the boy had coaxed the girl to come to her house by telling her he would give her shampoo and some money. When the boy started to sexually assault her, she started shouting. Threatening to kill her and squeezing her throat, he raped her. She then ran outside crying with vaginal bleeding. The family took her to nearby hospital.*

This incident not only hurts the victim physically but mentally too. The child who doesn't have any knowledge about sex and rape has to bear the mental trauma for lifetime. There are many examples of gang rape, rape by own family members for example uncle, father, grandfather, brothers, neighbors that totally breaks the victim and survivors in psychologically. The physical violence also creates terror in the mind of victim. The women who are physically assaulted in their life, they got afraid to talk freely with others. The psychologically traumatic victims or survivors need proper counseling and treatment to get rid of mental torture.

### **5.2.2 Social and economic violence**

Social violence directly related to social factors such as historical, political, economic, and cultural (Anbeshi 2013). Gender based violence is the most visible factor of social violence. It is naturalized in the patriarchal society like Nepal to maintain the superiority over female. It is regarded as traditional practices that are violent in nature to women 'usually carried out as a part of social, religious, cultural economic and political practice' (Anbeshi 2013: 68).

Social violence has targeted specific groups of women in Nepalese context. The women who are poor, illiterate, who has no support from family, widows are particularly affected by social violence. The superstitious beliefs such as witchcraft allegations and widows are taken as black omen are subjected to the widows by their own relatives for property and other purposes like sex, gender domination, and control over her.

According to the research of WOREC Nepal 2013, 47% of women are suffered physical violence, 34% are suffered psychologically and the remaining 3% are because of child marriage as social violence. Not only witchcraft allegations but also other superstitious practices such as Witch doctors (Jhnakris) are common social violence. People's belief in witchcraft practices is in extreme level in some parts of Nepalese society among literate people too. For example, if a woman is unable to conceive a baby, she is called 'banjh' and tortured mentally not only by family by the society with saying she is under some kind of negative spell. Social violence gives the victim or survivor psychological, emotional trauma through different harassment like terror, humiliation, exploitation, physical injuries, threats, intimidation, degradation, disability, chronic health consequences and sometimes even death (71). The mental impact of violence does not affect only the victim but also to her children. There are many examples of witchcraft allegations to women.

*A 58- year elderly woman residing in Dang district who had been accused of practicing witchcraft was constantly being tortured physically and mentally and treated inhumanely by the locals. "When two of my neighbors feel ill, my neighborhood accused me of practicing witchcraft on them. The same night that I was accused, around 10 local young males came to my house. They started calling me a witch and beat me and dragged me to the two sick neighbor's house. The young males beat me with Sisno and water and forced me to lick the feet of two sick individuals. They forced me to accept that I was a witch, but I did not, they threatened me that they would cut me with a khukuri (weapon) if I didn't meet their demand. I had bruises all over my body for a long time. The next day I was forcefully made to sign a paper stating that I was practicing witchcraft and then I was evicted from my village (Anbeshi 2013: 69-70).*

Mainly the widows, uneducated, poor, low caste and old women are targeted for the social violence in the name of witchcraft or as a bad omen for the society they belong to. According to the Women's Rehabilitation Centre (WOREC), 82 cases are documented in the period of two years where women are charges for witchcraft practices by their neighbors and relatives. Mostly poor and low caste women are targeted and tortured by the people of communities in extreme level for example forced to eat stool of human,

drink urine, putting the garland of shoes and forced to confess witchcraft practicing. They are restricted from the societies. This is one of the extreme levels of social violence that is rooted in Nepalese communities. The educated people have also strong belief on superstitious beliefs that is naturalized in the society in the name of tradition and culture.

Dowry system is also another kind of social violence that is situated in the Nepalese societies. Dowry system in Nepalese society is connected with the prestige of the family in the society. The dowry system is prevailing not only uneducated family but also well-educated families and high-class society. The dowry is named gift in high-class societies.

The birth of daughter brings more responsibility to the parents because they have to think about dowry along with her up bringing. The parents to girl have to fulfill the demand of bridegroom as well as his parents' during marriage. In some cases, the demand goes on and on after marriage and if the demand is not fulfilled the bride is tortured psychologically, physically, emotionally and even burnt and killed by her husband or by in-laws.

Child marriage is another social evil that is prevailing in great numbers. "Marriage is taken as the girl's entry to womanhood. By the time a girl reaches puberty, she is socially considered ready for marriage though the legal age of marriage is 19 with prior consent of the guardians" (INSEC 2014: 26). According to the research of INSEC Nepal 2014, Nepal ranks 12<sup>th</sup> position among 18 countries in child marriage. Child marriage mainly the brides are under age in Nepal. There are so many examples of child marriages in rural part of Nepal where girls are forced by their parents and relatives. The main reasons of child marriage are tradition, poverty (economic condition of the family), to support the family in household works, social prestige, and lack of awareness or knowledge.

According to the research done by World Vision International, the child marriage is mostly prevalent in poor families and in those families who have many daughters. The other reason is cultural because if a girl gets married early age, "the parents can earn credit for piety (*punya*) after the *kanyadaan*" (38).

Polygamy is another social violence that is prevalent in different parts of Nepal though it is punishable and restricted by law. According to the Nepal Interim Constitution 2007,

“Article 13 (1), (2) and (3) has guaranteed the right to equality, similarly rights of women under article 20 as a fundamental rights also explicitly ensure the rights of women where discriminatory provision due to gender differences is restricted” (INSEC 2012: 45).

According to Muluki Ain 2020, marriage should be arranged with the consent of male and female. The marriage without consent shall be void and the person who arranged such marriages is punished for imprisonment up to two years. No husband can arrange second marriage without these circumstances, “if his wife has any contagious venereal disease which has become incurable.. if his wife has become incurably insane.. if it is certified by the medical board recognized by the Government of Nepal that no offspring has been born because of his wife.. if his wife becomes crippled, with being unable to make movement.. if his wife becomes blind of both eyes.. if his wife takes partition share from him pursuant to No.10 of the chapter on Partition and lives apart..” (Muluki Ain 2020:)

Nepal’s Interim constitution has given the equal right to men and women and gives some special rights to women as their fundamental rights that should be followed by the policies, plans of the country but in practices, the society does not follow those rules. “The Muluki Ain provisions also on some instances contract with constitutional provisions and accept the polygamy practices in Nepal. The customary practices of polygamy existing some parts of Nepal don’t come under the legal provisions of the country” (INSEC 2012: 47).

According to the Nepalese context, the main structural factor that defines women’s inferiority is economic dependency on men. Women are dependent on fathers, husbands and sons as well as brothers who are regarded superior in the family. The gender discrimination increases the vulnerability of women in Nepal’s social structure and they have to face violence in private and public sphere. Women are always dominated and isolated telling them they have to follow the rules made by men and they have limited access to ‘education and employment opportunities’ (CREHPA, 2012:xviii).

*Economic exploitation is there in our community and even in our village. Men are paid more than women. While working in the village, men get meals two times and they are*

*paid Rs. 400, while women are paid only Rs. 300 for the same task. - 15-24 years old, unmarried FGD participant, Nawalparasi (CREHPA 2012: 76).*

Women are always isolated in household works and dependent economically on men. They are not getting opportunities to work outside home and become economically independent. The discrimination helps the men to dominate women and make vulnerable physically, psychologically, socially and economically.

### **5.3 Factors that are leading to increase violence against women in the context of study**

Nepalese society is totally patriarchal and women are regarded as vulnerable in front of men in every way. They are totally dependent on men since childhood. The main factor of violence against women in Nepal is gender discrimination followed by patriarchal norms, class and caste system, technology, cultural stereotypes, and education.

#### **5.3.1 Gender discrimination**

Gender discrimination is the main reason for violence activities against women in Nepal. It includes domestic violence, sexual violence, sex trafficking, forced marriage, forced prostitution, sexual exploitation and sexual assaults to women. Gender based violence is the product of unequal power relations present in Nepalese society that manifests the violence against women. Nepalese society depicts the women as vulnerable physically, socially, economically and psychologically. Male totally dominate women with superiority and muscularity in the society. The domination leads towards violence against women.

*Saira Teli, 35, and her daughter Rubina Teli, 16 of Mohampur VDC-6, Bardiya were severely assaulted by her Saira's and girl's father Murau Teli, 40, on July 28 over a domestic dispute. Her daughter committed suicide by hanging when her severely injured mother had gone for treatment for the district headquarters (INSEC 2014: 17).*

*Dowry practices also exist in the community. For example, if there are two daughters-in-law in a house, and if one is rich and brings home dowry, then the in-laws will respect her. However, the other daughter-in-law who does not bring anything is oftenscolded and*

*looked down upon. — 20-49 years old, married FGD participant, Sankhuwashava (CREHPA 2012: 75).*

*I have heard of a girl who was returning home alone after taking her examinations, and she was raped by three men. This kind of violence usually takes place if a woman or girl is seen alone. — 15-24 years old, unmarried FGD participant, Sankhuwashava (CREHPA 2012: 75).*

*Discrimination against women still exists in this community. During menstruation, no one is allowed to touch the woman, and this tradition persists even now. They are kept in the cowshed and are deprived of foods such as meat, fish and milk. — 20-49 years old, married FGD participant, Dadeldhura (CREHPA 2012: 75).*

### **5.3.2 Patriarchal Norms**

Patriarchy is the main reason that is dominating women in social and cultural way. Men are given special preference in every steps of life and women are always behind. If they want to come in front, they are always considered less knowledgeable though they are educated. Kamala Bhasin, an Indian feminist activist, stated in 2013 Katmandu, Nepal in the launch of One Billion Rising about violence against women and girls, 'Violence is everywhere because patriarchy is everywhere' (Seira Tamang 2016).

*Even if women are more educated than men, [men] are considered superior, and their opinions are supported, but woman are always considered backward and less knowledgeable. — 20-49 years old married FGD participant, Dadeldhura (CREHPA 2012: 76).*

As I mentioned earlier that in Nepal is most of the population (81.3%) follow Hinduism as their religion and religious tradition has also played a vital role to depict the place and role of woman. Hindu religion is in support of patriarchal norms where men are in higher position over women. According to Gauri Pradhan:

*Spiritually, the husband is the wife's God and master and the wife is seen as the husband's "unpaid servant," "unbought slave" and "married cohabit". The husband is supposed to be dynamic and dominant while the wife is supposed to be dormant and docile. He is trained to rule and reign, while she is taught to submit. (Minnesota Advocates for human rights, 1998: 21)*

A Writer Rupa Dhital 1993 describes the low status of Nepalese women with her birth time.

*In the Nepali context, the birth of a girl is usually marked with sorrow as if some great misfortune had befallen her parents and family. She is regarded right from her infancy as an additional burden to the family that somehow has to be brought up and married off. She will soon belong to her husband's family and is thus not of any use to the family in which she is born. However, since she is already born and has to live anyway, she should at least pay a good price for her breeding. And she pays this price in terms of work - any work that may assist the family right through her early childhood to the time she is married off. (Minnesota Advocates for human rights, 1998: 20)*

The patriarchal society does not empower women and make sensible towards their right that is leading towards violence against women. Men are always supported by social and cultural values and regarded superior in making decisions and other activities in the society and women are always dominated through different violence.

### **5.3.3 Class and Caste System**

Nepal has four major caste groups based on Hindu caste system: Brahmin, Kshetriya, Vaisya, and Sudra that has created the hierarchies in social system. However women from every group is victimized by violence activities against them, the Sudra (lower caste called *dalit*) women are facing violence not only by the upper caste people but also by their own communities where male are regarded as superior to women. They are living 'miserable life be it social, economic, educational, legal and others' (Luitel 2000: 79). Caste based discrimination in Nepalese society is one of the key element that is adding double discrimination in dalit women. In the one hand, dalits are put in the bottom and lack the enjoyment of fundamental rights for hundreds of years and on the other hand

women are the patriarchal social system, women are regarded as the second-class citizen totally dependent on men. Such double discrimination gives dalit women less access to education, employment opportunities and health care.

*Dalit women also bear the brunt of exploitation and violence in the country and are largely perceived as being 'sexually available' to 'upper-caste' men (...) Dalit women's disproportionate and extreme poverty stems from illiteracy, untouchability, physical violence and lack of empowerment. The social scenario has confined them to the lowest paid jobs. (Advocacy Forum, 2010:39).*

The lower caste women face humiliation public spaces like water resources and entering to temples because they are regarded as untouchable. The relationship or marriage with upper caste men is unacceptable in the family and society. If such relationship is found, the women is victimized physically, verbally, and psychologically with threats, sexually abused and in some cases killed and evicted from the societies. They don't get justice too because of weak governance, political instability and weak legal framework. "Perpetrators enjoy virtual immunity from prosecution for violence against *Dalit* women, because the police, who themselves often harbor caste prejudices, willfully neglect to enforce the law. Not only the police, but perpetrators and their communities use their political, social and economic power to silence *Dalit* women, thereby denying them access to justice" (FEDO &IDSN 2012: 2).

The lower caste women especially *dalit* women are forced to prostitution and targeted for human trafficking in their early age because they have lack of education and they are poor and have to help the family economically. "The *Badi* women are indulged in sex trade from very young age which is a big source of earning to the family" (Luitel 2000: 80).

"They are discriminated not only by the higher caste people, but also by their own communities where men are dominant" (FEDO &IDSN 2012: 1). The *dalit* women have to face the verbal, physical and sexual violence in public and private sphere. Community members, higher caste people, their in-laws and families for no reason assault them publically. The husbands torture them physically, sexually and verbally for not bringing enough dowry, not bearing boy child, not being dutiful wives and others (OHCHR 2013).

They are discriminated in every field. They lack education, employment opportunities, health and access to economic resources (Ibid).

### **5.3.4 Technology**

The modern technology has helped to increase in the violence against women. With the increased access in different Internet access like pornography and other reregulated programs in TV helps to bring changes in men's sexual behavior. They watched pornographic movies and demand their partners in the same way that is not possible in daily routine. If their partner is unable to fulfill the men's sex hunger, she got assaulted physically, verbally as well as sexually.

*Nowadays violence also occurs because of the growing use of mobile phones. Boys and girls watch blue films [pornography] and vulgar pictures on their mobiles. Boys then try to imitate such acts, and that's when sexual violence occurs. — 20-49 years, married FGD participant, Sankhuwashava (CREHPA 2012: 77).*

The use of mobile is also another factor of violence. People are using mobile in negative purpose for example to make MMS, Sex videos of girlfriend while they are in love and if they breakup, those videos are used to blackmail the girls. Due to the modernization, the dresses are also become modern. Girls began to wear short dresses because modern girls think that 'my dress my choice' and it is regarded that the short dress provokes young men sexually. They unable to control over sex drive and the violence such as rape, attempted rape happen in the society.

*Women face violence due to their behavior. They like to wear short clothes and skirts and show their body to others. Boys cannot control themselves when they dress up in this way, and unpleasant things can happen. — 15-24 years old, unmarried FGD participant, Nawalparasi (CREHPA 2012: 77-78).*

### **5.3.5 Alcoholism and Drugs**

Unlike social and cultural norms, alcohol and drug consumption is also one of the major factors that help to increase violence against women in Nepalese society. After

consuming alcohol and drug, the male friends, or husbands go out of control and began to assault physically and sexually as well as verbally.

*The wife usually waits for her husband for dinner after finishing her household chores. But the husband comes home drunk and shouts at his wife; he suspects her of not being loyal to him and accuses her of having extra-marital affairs, while he is the one having such affairs. We have seen such cases. — 20-49 years old, married FGD participant, Nawalparasi (CREHPA 2012:77).*

Minnesota Advocates for human rights 1998 has reported one evident where an alcoholic husband attacks his wife in brutal way while she was breast-feeding her daughter.

*I saw my husband lifting [a] Khukeri (typical Nepali knife-like weapon with sharp edges) prepared to chop my neck. He was drunk. I quickly covered my neck with both of my hands. One of my palms got separated instantly whereas the other was connected by a thin skin. The doctors in the hospital had to amputate the other palm as well. – 20 year old mother*

### **5.3.6 Legal discrimination**

The constitution of Nepal has announced the equal right to all citizens with equal protection, no discrimination on the basis of sex, tribe, religion, race and ideology. The Interim Constitution of Nepal 2007 declares the rights of women:

1. No discrimination of any kind shall be made against women by virtue of sex.
2. Every woman shall have the right to reproductive health and reproduction.
3. No woman shall be subjected to physical, mental, or any other kind of violence; and such act shall be punishable by law.
4. Sons and daughters shall have the equal right to ancestral property.

However there is equal law and right for men and women, it is not practiced in real. The women are always discriminated socially, economically, and politically and face violence physically, mentally, emotionally, sexually and psychologically. Even the protectors of law do not give justice to the victim and survivors due to political, and social pressure.

*Radha (name changed) 16 year old girl from Siraha District was kidnapped from outside her house when she was about to go to the toilet at mid-night by seven*

*men who took her to a different village where she was raped by six of the men who kidnapped her.*

*When she tried calling for help they threatened her saying they would kill her if she did not keep quiet. The kidnappers took her one village to another and gang raped repeatedly. Due to repeated physical assault she got unconscious and had to admit in hospital by the rapists. After she recovered, she managed to escape from them and reached home. The family members also thought that she had eloped with someone else because the family had fixed the date of engagement. But after knowing the whole incident, her father took her to the police station. According to the family, the police are not filing their report although they say the investigation is ongoing. (Anbeshi 2013: 84-85).*

This is the one example of carelessness towards justice for women in Nepal. Though the government has announced equality in every field, the practice of equality is biased in nature due to patriarchy, tradition, culture, and superiority of male in our societies. The justice system of Nepal is slow and expensive and the lower class people could not afford it.

Though the law exists for violence against women, it is not implemented and practiced fully to punish the perpetrators and give justice to the victim and survivors. Laws are weak to give proper justice to the victim and it helps perpetrators to be more violent.

*The existing laws are very loose, and they do not give justice to the victims. Moreover, once they complain, the victims get more violence at home. I do not think the laws are very helpful. — District stakeholder (CREHPA 2012: 84)*

Women are unaware about the justice system; they lack the support from authorities and unknown where to seek help, fear about the family prestige in society and do not report the violence they are tolerating in daily routine.

*Women think that a dispute between husband and wife should stay in the house, and they hesitate to report it. The husband, on the other hand, thinks that his wife will not report it, even if she faces violence from him every day, and that helps him to commit more violence. — 20-34 years old, married FGD participant, Sindupalchowk (CREHPA 2012: 36).*

The existing problems of patriarchy, caste system, alcohol consumption, illiteracy, technology, gender discrimination, superstitious religious and cultural beliefs, so called conservative traditions, social injustice and legal discrimination are the root cause to increase the violence against women physically, mentally, psychologically, sexually in our society where we live. All these violent activities by men or other perpetrators affect the victim and survivors psychologically and physically for lifetime. Sometimes such violence against women leaves a negative impact in the mind of victim and the people around her that keeps them in the state of terror.

#### **5.4 Impacts of violence on abused women**

It is obvious that the impact of violence against women directly affects the health of women in negative way. They got physical injuries, mental disturbance that affect their sense of self and even excluded from social networking. The women are submissive to their life partners and elders in such a way that the abusers feel more free to abuse and control over their partners. The patriarchal norms make the women vulnerable in every way that forbids them come to front and talk about their problems to the world and get rid of violence against them. Violence against women in Nepal has direct impact on women's health. They got physical and psychologically injury for lifetime for example because of sexual violence, women have to go through un wanted pregnancies, abortions, miscarriages and genealogical problems and it affects the mental situation of the victims or survivors.

##### **5.4.1 Mental Disturbance**

All forms of violence against women either that is domestic violence, or gender-based violence, or social violence or economic violence, the mental disturbance prevails to the victims or survivors. According to the survey done by WOREC Nepal 2013, 30% women are experiencing mental torture in domestic violence, 36% in social violence, 30% in rape, 36% sexual violence, 42% in human trafficking. These data directly shows the highest impact of psychological violence on women in Nepalese societies either that is in rural area or urban area.

Extra marital affairs of husbands creates verbal dispute between partners that bring mental disturbance to the women. Husband mistreats his wife and threatens her for no reason. This all happens due to masculinity and superior nature of patriarchal Nepalese society.

*I am unmarried girl but I have seen such kind of violence at my neighbors. After 20 years of marriage, the husband started to mistreat his wife. The interaction between them is less and misunderstanding started due to his extramarital relation. Mostly their conflict arises regarding that lady with whom her husband has relation. (Bhandari 2013: 45-46).*

#### **5.4.2 Physical injuries**

After mental impact, the violence against women has great impact physically too. According to the survey that has taken by WOREC Nepal 2013, 22% reported physical impact in domestic violence, 30% in social violence, 29% in rape cases, 29% in sexual violence, 29% in human trafficking. Domestic violence is the main reason for physical injuries to women and in some cases the elders are the perpetrators for violence inside the family. Women are beaten, slapped, choked and kicked even when they are pregnant where they need more care and love from the family members.

*When I was pregnant, my mother- in-law used to beat me. I had to do all the household chores, but she still beat me and pulled my hair. When she got angry, she used to hit me with whatever was in front of her. She has also hit me with a sickle.”*

— 22 years old, married, Chhetri, grade 7, Dadeldhura (CREHPA 2012: 52).

### **5.4.3 Adverse effects on women's sense of self**

The girls and even married women are not safe in the society. The perpetrators sometimes target the woman who is physically weak and alone. The rape is the main cause of sexual violence that hurts and creates terror in women physically and mentally and has direct effect on women's sense of self.

*This incident took place 13 days ago. It was around 9:00 am, and no one was at home at that time. I went to the nearby pond, as I wanted to go to the toilet. While returning I had to pass by the former VDC Chairperson's house. His son was eating bread near the tap. Suddenly someone attacked me from the back and closed my mouth and nose. I fell unconscious for some time and fell to the ground. When I regained consciousness he was still there and he had raped me. I was still lying on the ground. Some children were fishing nearby and started crying when they saw us, and he ran away....I was eight months pregnant at that time. - 20 years old, married, Terai Janajati, illiterate, Siraha (CREHPA 2012: 52-53).*

Such incidents create regrets in women's sense of self and they regret in being women biologically. Mainly the widows are targeted for social violence. They are tortured in many ways such as witchcraft allegations, sexual abuse, physical abuse as well as psychological abuse and they faced barriers seeking help from the society, family as well as from the police and other administrations that leads towards suicidal thoughts.

### **5.4.4 The exclusion from the social networking**

Women are still excluded from the society in the name of culture, conservative tradition as well as discriminative practices that are dwelling in the communities. Gender based discrimination is the main social exclusion for the women. The women need permission to travel, work and wearing clothes they wanted to and for education and play as well as food. Boys get preferential treatment and girls are always ignored and dominated.

*It's because of social and cultural practices that are prevalent in society that women's mobility is restricted. If a woman works or is active in the community,*

*they say “pothibaseko [a term used by the community when women participate in community activities, are outspoken, and have freedom of mobility] suhaudaina [does not look good].” It’s the culture here that only men may be forward and do everything.*

*— 20-34 years old, married FGD participant, Nawalparasi (CREHPA 2012: 63).*

In the name of tradition also women are excluded. They are excluded from the social networking while they enter into puberty. In the first menstruation, girls have to sleep in dark (not allowed to see sun), out of home even in shed, which is called *chhaupadi* according to Hindu tradition.

*‘Chhaupadi’ is very common in our community. During menstruation, women have to sleep and live in a separate shed. Snakes bite many women, and in some cases men also take advantage of the situation and come to rape women.*

*— 15-19 years old, unmarried FGD participant, Dadeldhura (CREHPA 2012: 63).*

The social, economical and cultural ideologies and stereotypes about women are making women vulnerable physically and mentally to be independent in the society. Lack of proper access on education, right on paternal property, no right in decision making, freedom, economic dependency on men is the main risk factors that is helping to increase domestic, cultural, social and economic violence against women in Nepal. The traditional practices and beliefs of patriarchal system are the main reasons that encourage men to dominate women.

## **CHAPTER SIX: DISCUSSION ON RESEARCH FINDINGS**

In this chapter, I will discuss about the collected empirical data of different researchers and theories that are presented in previous chapters. Basically, domestic violence (i.e. physical, sexual, psychological and economic violence) and the social violence (i.e. human trafficking and witchcraft practicing) will be discussed. According to the researchers, gender discrimination is the main reason that is inviting violence against women in domestic, social, and economical level in Nepalese society for long time. Nepalese women are not treated equal and always subordinated by the patriarchal norms and traditions in private and public sphere. They are always avoided by the equal access in education, decision-making, property, power, freedom and right to chose their life partner and always treated inferior to men. They are bound to remain inside house and involve only in house hold works and rearing children and family members. This chapter will discuss about the background of the perpetrators, effects of violence on victims and support to the survivors from governmental as well as non- governmental organizations.

### **6.1 Background of the perpetrators**

In this contemporary time, violence against women is the global problem that is deeply rooted in our societies. Women are experiencing violence from ancient time to modern times. The violence against women is not limited rather it exists in developed and under developed countries, in urban and rural areas as well as by educated and uneducated people. Perpetrators' age, sex, educational level, employment status, caste and class system, the culture and tradition they are grown up, the society they belong to are regarded as the most common factors for violence against women in Nepal. The cultural and social dimensions provoke the people to perpetrate violence against women.

#### **6.1.1 Culture and Society**

Basically, women are brutally abused by men in Nepalese society. Long-held societal and cultural beliefs and practices have given the power to men to rule over women. As I already present data in analysis chapter, husbands or intimate partners are the main perpetrators of violence against women in Nepal. The thinking of superiority and power

of men bring hierarchy between men and women that ‘perpetuates the subordination and devaluation of women’ (Anbeshi 2013: 131).

The patriarchal cultural norms and practices always limit the empowerment of women to live a free and peaceful life. The culture has forced to discriminate in upbringing of boy child and the girl child. Family and society, always support boys to get proper education, for breadwinners, to do job out of home and decision-making. On the contrary, girls are always asked to help in household works because they are regarded as ‘*parai dhan*’ (other’s property) and avoided to get independent through education and working outside home. To do house hold works, speak politely, being decent and loyal to husband, tolerable, taking care of husband and satisfy him are the ornaments of women in Nepalese society. Such stereotypical representation of women in society has made women subordinate, dominated and weak physically as well as mentally. They are forced to be dependent on men in every way socially as well as economically. The culture and tradition has given men the license to do violence against women and show the superiority and masculinity over woman if she does not obey her husband.

According to WHO 2002, cultural factors are the main reasons of domestic and sexual violence around the globe. The violence against women is deeply rooted in Nepalese culture since infinite time and people are still following this culture to show their superiority and power. From the analysis of different empirical data collected by various writers, researchers and articles, it is known that violence against women is not limited only beating physically rather it includes many more such as child marriage, forced marriage, sexual abuse and harassment at work place or inside home, marital rape, forced pregnancy, forced abortion, human trafficking, forced prostitution, dowry related violence (burning, psychological torture).

*It begins at home when she is a girl. She is deprived of education, good food and good health care. It begins from there and leads to a point where they are killed. So there is a range of violence, including child marriage, early pregnancy and pregnancy- related violence. Preference for sons and dowry-related violence are also very common. Trafficking and [persecution for] witchcraft also take place. I think these are the major forms of gender-based violence, but I think the cycle*

*runs from birth until death....Why suicide is happening, why women are moving to suicide, is all because of GBV.”*

— *National stakeholder (CREHPA 2012: 82).*

Dowry related violence is common in Nepalese patriarchal society. ‘Dowry has been a popular way of showing social mobility and status among the people’ (Anbeshi 2013: 137). The educated and uneducated people are influenced by dowry system. If the bride’s side does not fulfill the demand, violence is committed either physically or psychologically. The dowry system is infused in the society in such a way that even the people from high communities and classes ask for dowry not in direct way rather as a gift to their daughter and son in law. Patriarchal norms and values give the power to men and men are always in top position and women are always treated second class citizen and underestimated that leads domination and oppression of women in family and society that cause the violence against women.

In the context of Nepal, the perpetrators of violence against women are both men and women. According to the report of WOREC Nepal 2013, 91% perpetrators are male and 9% are female for violence against women. Among the 91% of male perpetrators, intimate/life partners are the most common perpetrators because the deeply rooted culture has taught them that ‘being violent is not only the acceptable form of conflict resolution but it is also admired’ (131). The women abuse the women when ‘she is unable to act in accordance with socially accepted rules and behavior’ (133).

In this contemporary time, in most of the societies the violations of women’s human right are certified under cultural practices and misinterpreted in the name of religious beliefs. The culture has made women the goddess of tolerance in such a way that when the violence happens inside home, women remain silence in the name of prestige in the society. Women are always denied and reinforced by the lawmakers with the excuses that ‘the social structure will breakdown’, ‘infidelity will increase’, women can not handle economic matters’, ‘giving women rights will create disharmony in society and families’ (Joshi 2008). Such stereotypes against women are creating unequal power structure between men and women that is helping to promote men to do whatever they want against women.

According to feminist theorists, traditional and cultural practices in patriarchal societies are the main factors for intimate partner violence. Patriarchal system carries male dominance and control over female that results intimate partner violence (Dobash and Dobash 1979). Rodriguez-Menes and Safranoff (2012) assert that intimate partner violence occurs either “directly, through cultural norms of deference and obedience backed if necessary by the use of force; or indirectly, by shaping women’s opportunities and constraints in basic institutions such as the family and work that reinforce women’s subordination” (585). In intimate partner violence, victims are mostly blamed implicitly or explicitly for their experience of violence (Mitchell and Vanya 2009).

The society has discriminated in gender roles between male and female and always supports male over female. Nepalese society has given the title of superior to men and inferior to women. Gender discrimination in society is also one of the factors that is provoking partner violence (Dutton 2006). According to Gelles (1985), violence is a reaction to “socially Structured stress” (e.g, low income, unemployment, poor health) (361). Family conflict occurs due to the family’s status in the society that belongs to. Men ‘employ abusive measures to maintain authority within groups over whom they exercise power’ (Anbeshi 2013: 133).

### **6.1.2 Education**

Education is another factor that is involved in occurrence of violence against women. According to the data presented by WOREC Nepal, 88% of perpetrators of violence are literate and only 12% are illiterate (Anbeshi, 2013: 135). This data directly shows that education does not help to change the deeply rooted cultural and ideological belief that emerges violence against women. It is totally depends on what type of upbringing the children get from their family and society. Only education does not reduce violence against women rather transformational changes and empowerment of women in the society helps to decrease violence against women. Educated people perpetrate violence in psychological harm. Women have to tolerate violence that directly hampers mental health. The violence either domestic or cultural or social is directly or indirectly connected to culture. The patriarchal culture point out the insignificance of women in the private and public spheres and restricts the freedom, choice of opportunities in social,

cultural, economical and political rights which increases 'women's risk of abuse, violent relationships and exploitation' (Anbeshi 2013: 137).

Alcoholism, unemployment, illiteracy are regarded as the common problems of violence against women in Nepal but the deep rooted traditional norms in the name of cultural and religious factors such as witchcraft practice, patriarchal norms, legal discrimination, gender discrimination are the triggered mechanisms of violence against women.

Either that is domestic violence or social or economic violence, the women are suffering physically as well as mentally that effects the health system. Mostly the perpetrators of domestic violence are intimate partners/husbands and family members. The women who became the victim of violence, they are expelled from the home and to get justice also they have to fight for long. The social and cultural norm has made women weak and dependent on men. Women are afraid of complaining violence against them due to fear of rejection from family members and society. The fear of rejection is affecting the mental health system of the women.

In Nepal, women of every age group and caste are affected by the violence. Since childhood, girls are discriminated in the name of gender. Daughters are always treated as second-class citizen and taught what is their actual duty. They are always compelled to suffer in every stage of life. At the time of first menstruation, girls have to go through difficulties in the name of tradition, which is called '*chhaupadi*'. The girls are taken away from home and have to live in dark shed for some days because they are regarded impure and untouchable. Due to such conservation tradition in the name of culture, snakebites and unhygienic activities such as lack of sunlight, proper food and care often kill girls. These also create fear and threaten in the mind of girls and they feel excluded from society and self. After marriage also they are always dominated by husband and obey them and do what their husbands want. Such domination in marital relationship brings marital rape, physical torture and psychological trauma, dowry related violence for the rest of her life.

Economic violence is the outcome of dependency on their relationships (father, brother, husband and son). Nepalese women are always discriminated in education because basically they are involved in house hold works (e.g. cooking, cleaning, washing clothes, giving birth to children mainly boy child, child rearing, satisfy husband). They are not

allowed to go out and work for the income and become economic independent. Fewer women are educated and skilled to empower themselves. Male dominated society always creates fear in the mind of women through different kinds of violence (physical, sexual, psychological violence) in the name of tradition and culture. The threat and fear compels the women remain dominated and dependent on men and keeps away from employment opportunities, and paid low compare to men. The culture and tradition compelled women to live abusive relationship and keep away from proper education. Education is the most important thing that empowers women and make independent economically and get rid of abusive relationships.

## **6.2 The effect of Violence in victims**

After any kind of abuse either physical or psychological or emotional abuse, the survivors undergo various problems. Because of the violent behavior of the perpetrators, survivors have to go through fear, pain, trauma and other health problems and takes time to adjust a safe environment. After the UN world conference on human rights 1993, Violence against women was declared as violence of human right. Violence against women is recognized 'as a legitimate human right issue and as a significant threat to women's health and well being' (Joshi, 2008:2). Violence against women is the main factor that is directly affecting the right of self worth, equality, security dignity, and the right to enjoy their fundamental freedoms (Joshi 2008).

According to the Nepalese context, the physical violence is conducted in addition to verbal and emotional abuse that directs to psychological torture more than physical. The mental torture or psychological abuse on victims leads towards the thought of self-harm such as suicide. According to Joshi, women's death due to suicide each year is in highest numbers. According to SAATHI 2001, millions of women in Nepal are forced to live polygamous marriages that bring depression in women.

Domestic violence has affecting the physical health problems in women such as maternal death, abortion, miscarriages, preterm birth and prenatal mortality and other long-term health issues (Joshi, 2008). The criminal law system of Nepal is less effective and the perpetrators can easily escape and get more power to dominate women. The punishment of physical assault depends on the nature of weapon used and the wounds and there is no

punishment for verbal and mental assault. On the other hand, the law in property is also biased. Women cannot sell; buy her property without her husband or son's consent (Joshi, 2008). The provision of law has also made them weak and vulnerable psychologically in such a way that lacks faith in justice and support for her.

Nepalese women are facing mental trauma and depression due to socio-cultural values such as early marriage, forced marriage, dowry system. According to Joshi 2008, "men use threats of abandonment, seeking sexual gratification elsewhere, remarriage and quarrel to force sex upon wives early in marriage" (p.4). Women are facing physical abuses like chocking, beating, shaking, burning for dowry demand and mental abuses like depression, fear, and self-immolation according to the socio-cultural practices and educational background (Joshi 2008).

Health problem caused by violence forced women to compromise in their life daily activities and destroy their self-esteem and energy to take decision for living. Violence increases women's long-term risk in health problems such as 'chronic pain, physical disability, drug and alcohol abuse, and depression, including prolonged sadness' (Joshi 2008:6).

Gender based violence directly effects the women's ability to exercise her right in reproductive health services, and protect themselves from becoming victim of violence and participate in decision making, democratic processes (Joshi 2008). According to the Nepalese context, lower caste women '*dalit*' are mostly exploited sexually and trafficked for prostitutions in Nepalese and Indian brothels due to their lower economic condition. The violence has affected not only physically such as bruises in the body, changes in eating and sleeping patterns, fertility problems and sexual dysfunction with irregular menstrual cycle but also psychologically such as severe anxiety, nightmares, uncontrollable negative thoughts, low self-esteem and confidence, suicidal thoughts and attempts, post-traumatic stress disorder, hopelessness, discouraged and feeling unworthy, lack of trust to the victim, but also for family as well as the communities or societies they belong to.

### **6.3 Support to the survivors**

As I have discussed earlier, the violence against women create a direct impact in the victim physically, psychologically as well as emotionally severely and they got afraid of participation in different activities and lack confidence. This happens due to ‘the lack of support mechanisms and access to justice’ (Anbeshi 2013).

Agriculture is the main occupation of Nepal and walking is the most common form of transportation and near about 40% of population is running through poverty (Minnesota Advocates for human rights, 1998). In addition to socio-cultural norms and practices, poverty is also one of the factors that triggered the domestic violence in Nepal. To reduce the violence and to empower and promote the psychological well being of women, multi-disciplinary support like ‘protection, shelter, health, sanitation and hygiene, and information/ awareness on rights and legal recourse’ (Anbeshi 2013: 142) is needed.

According to the ministry of health and population of Nepal, one third of married women have experienced physical, sexual or emotional violence from their intimate partners. The deeply rooted traditional and cultural practices forced women to live low social status and have to encounter sexual, physical and mental exploitation throughout their lives. The victims or survivors of violence need especial support from the family, society, and nation and from the government to get out of vulnerabilities and to sustain in the society and live a healthy life style with fundamental freedoms.

Sexual violence is the violence that gives physical and mental pain to the victim. Sexual abuse is one of the most brutal violence that shows masculinity of men over women that sexual violence has become the central concern of feminist movements around the globe and various campaign are organized to highlight and respond to the sexual assaults against women and girls (Renzetti, Edleson and Bergen, 2001). The survivor of the various violence need medical examination, legal support, safe house facilities, psycho-social counseling, family counseling, reintegration support, follow ups to live a better and prestigious life.

### **6.3.1 Medical support**

The victim of the violence against women need medical examination because they got either physical or psychological pain from their spouse/intimate partners, family members, and social communities. As I mentioned earlier, the survivors do not go for medical examination and disclose the reality of their health problems due to fear of retaliation, family prestige and lack of support mechanisms (Anbeshi 2013). The maximum numbers of victim of violence do not discuss about their problems with others and try to get help because the large majority of violence are perpetrated by the family members and known people rather than unknown people. This all kind of consequences are happening in Nepalese societies due to ‘women’s lack of awareness about where to go, their fear of retribution, and the stigma, perceived or actual, of turning to service providers for care’ (Government of Nepal 2012: 97).

According to the report of Minnesota Advocates for human rights, 1998, in public and private hospitals, women who are injured by domestic violence either by spouse or family members come for treatment but give the false information about the causes of injuries to doctors and nurses. Sometimes the doctors are forced to make false medical report mainly in the dowry related violence from the family members, social leaders and political leaders too.

### **6.4 Legal system for women’s right**

As I analyzed the legal rights of women in Nepal in previous chapter, it shows that women have high priority in policy but the implementation is weak due to various factors. The government of Nepal has prioritized the policy for violence against women to protect the women from violence and punish the perpetrators. There are different law tries to create a legal environment for women to protect from exploitation, discrimination trauma, and other (e.g. the domestic violence law, anti-trafficking acts, the law recognizing rape within marriage, and laws to protect women from sexual harassment in the workplace) (The Government of Nepal, 2012: 98). The government has made the policy to protect the women’s fundamental right nationally but the implementation of policy is very poor. The people from rural areas are totally unaware of such policies.

Women have no idea about marital rape is illegal and there are laws made against domestic violence. Even the stakeholders are unaware of domestic violence act.

*I don't know about the Domestic Violence Act in detail. I have to look that up in the book....Though I am the chairperson of the District Resource Group, I do not work on the GBV issue, so how can you expect me to know. — District stakeholder (Government of Nepal 2012: 84).*

Though the policy makers has made laws against work place harassment as a crime but the legal response to such harassment is not that strict due to insufficient police power against the perpetrators of violence.

The implementation of law is so weak that even after the sexual assault (rape), the victim needs medical proof to take the legal action against the rapist that is often unavailable in rural areas. Such clauses in policy have made the legal process delay and sometimes impossible to take the legal action against the culprit. On the other hand, the laws are only established in books not publicized and make aware to the public about such laws in the rural areas.

The implementation is weak due to the centralization. The shelter, psychological counseling, skill training, legal services, food and clothing for survivors are only available in central of Nepal. Different NGOs like WOREC Nepal, Maiti Nepal are working for the shelter and advocate the right of those women who are affected by the violence against them and promoting socio-cultural, economic, political and civil rights of women and empower them through skilled work and education (CREHPA 2012).

Though the law has given the fundamental rights to women, in practice it is not implemented. If a woman reports against domestic violence against her husband or family members, the protectors of law (police) goes through reconciliation for the sake of women herself and for her child. The police try to convince the victim and the culprit with written promise that such crime would not be repeated (Minnesota Advocates for human rights, 1998).

According to Minnesota Advocates for human rights, 1998, the patriarchal Nepalese society is the main factor that is defining the women's role and status where women are always responsible for conjugal relations, remain faithful, bear children, physically and

mentally fit and men have to provide food and clothing, shelter and control over the property. Such law has provoking and triggering perpetrators towards the domestic violence. Men are controlling the financial resources and women are dependent on them and they have to live a forced marriage life.

According to Nepalese society, men are the owner and controller of ancestral property and other property either that is gifted by bride's family and other independently acquired property. Though the law has given the control of property to women if the property is given gift to her either by her family or from her husband's family, male dominant society has made it illusionary. They lack the control over their own property and dependency on men is leading towards more domestic violence because they are compelled to live an abusive life.

### **6.5 Culture and sexual violence**

As I mention earlier that although it has become secular, the dominant religion of Nepal is Hinduism and women's ownership on her body is determined through culture. In Hindu cultural system, sexual activities are acceptable only within marriage. Women are always valued according to the sexual purity that means virginity. Male ownership (father, brother and husband) has control over female sexuality in the name of honor, prestige (izzat) in the cultural and societal values. "Male ownership of women's bodies through the institution of family and marriage, the conceptions of sexual purity, chastity and honor associated with women's bodies is key" (Tamang 2016).

Nepalese women and girls are facing and tolerating sexual violence in different time periods. According to the different report documented by Amnesty International, Human Rights Watch and the international Crisis Group, rape, torture and even killing were some of the major human rights violence during the decade long armed conflict years in Nepal (HimRights 2012). Although different cases of sexual violence like rape, killing after rape by individual perpetrators or from other perpetrator like criminal groups, or members of political groups are reported by media, but most of the cases are unreported due to the culture of silence because of fear of stigmatization, ignored by the perpetrators

and lack of support to the survivors of sexual assaults and the family members from the state (Ibid).

## Chapter Seven: Conclusion and Recommendation

*“Women were created from the rib of man to be beside him, not from his head to top him, nor from his feet to be trampled by him, but from under his arm to be protected by him, near to his heart to be loved by him.”*

*- Mathew Henry, An exposition of the Old and New Testament*

### 7.1 Conclusion

This research study has attempted to examine, describe and analyze the prevalence and the factors associated with various types of violence against women and girls that Nepalese women and girls experience from birth to old age and to draw the attention to the nature of violence (physical, psychological and sexual) against women in their everyday life. In today's context, violence against women either that is domestic violence or gender based violence has become the universal problem that women are affected in daily basis. Although VAW has regarded as a universal problem all over the world, the provided data in this research shows this issue is a serious and contextual problem that should not be taken for granted.

It is said that women and men are the two wheels of same cart but it is only in saying but in reality women and girls are often rejected and taken for granted in family, as well as in the societies and communities they belong to. Home is also not regarded as safe place for girls and women because they are abused physically, psychologically, economically as well as sexually by their intimate partners, relatives and other family members.

Women and girls are always dominated, subordinated, discriminated, objectified and sexualized because of patriarchy, socio-cultural ideologies and religious ideologies. Starting from the birth they are discriminated and their action, dignity, freedom and decision about her life are controlled by men the women related to.

Any kind of violence against women and girls violates the enjoyment of fundamental rights and freedom and keeps them dominated, fearful in every stages of life. Domestic

violence and gender based violence always discriminates and prohibits the dignity, security and freedom to enjoy their life either by their intimate partners, or by the male members of the family or from the society and culture they belong to. The patriarchal society always puts the cultural and social norms above women and restricts women for the good education, rights to become mentally and economically strong and tries to dominate women and make feel weak and vulnerable physically and psychologically, and totally dependent to men.

Domestic violence is the most common violence that is perpetrated at homes by the intimate partners and family members. Because of domestic violence is regarded as a private matter and it is not implemented in practice in patriarchal societies, women have to face and tolerate domestic violence severely. Home has become the most unsafe place for women. The impact of domestic violence directly affects the mind of children who grow on such environment. The children grow up believing that it's 'ok' to violate women. That is why; we must understand that women's safety begins at home and keep a healthy environment for the future generation whose first school is home. Mostly the women who are from rural areas, poor, uneducated, dependent, physically and psychologically weak, and not supported by the other family members and societies become the victim of domestic violence physically as well as psychologically. On the other hand, women from urban areas, educated, independent also become the victim of domestic violence psychologically rather than physically because psychological violence has become the safest method for the perpetrators.

Gender based violence affects the women's ability to achieve the freedom of choice, safety, security, socio-economic development and empowerment of women negatively. They always got threatened and live in constant fear of physical harm. They don't get the safe environment inside and outside home to empower and participate in development programmes confidently and contribute for the development of nation.

According to Nepalese society, with the help of the data presented in the research, women and girls are becoming the victim of domestic violence due to less education and socio -cultural, socio- economic status. The socio-cultural issues like early marriage, polygamy, superstitions like witchcraft practice, gender discrimination, and women's

total dependency on men has become the main obstacle for the Nepalese women to empower themselves and put forward their voice for the fundamental human rights and live a free life. They are restricted to excess the education, health and employment and independent socially and economically. The women from rural areas are dominated by the social and traditional dogmas like women have to be inside home and do the household works and their duty is to make the husband and other family members happy with their cooking skill, lack of awareness and education are the main reasons that women are becoming the victim of violence inside and outside home.

Patriarchal society is the main cause of women's less education and become dependent physically and economically as well as emotionally. In this 21<sup>st</sup> century too, it is regarded that education is important to men to create a good and healthy environment and right to take decisions for the family, society and for the nation and the investment in girl's education is waste investment because girls are regarded as property of others. Instead of education and empower herself, she has been taught to do household works like cooking, cleaning, child rearing, and obey the men.

Similarly, in the case of sexual violence, the patriarchal culture gives the right to control the women and obey their commands and make happy in bed. Women are regarded not as human beings who have feelings rather as commodity. Nepalese women are mostly unaware about marital rape and afraid to talk about it in public. Although the legal system of Nepal has passed various acts regarding violence against women and girls, the law for sexual assault, rape, physical violence, economical violence and psychological violence is still discriminatory and not implemented properly. The government of Nepal has failed to meet United Nations' the human right law for violence against women through discriminating the victims in the name of private matter and cultural and social values.

The law system either for domestic violence or marital rape is so weak that the perpetrators get free in minimal punishment. On the other hand, the victims have to live and continue life under the same roof because of lack of shelters and rehabilitation centers where the victims can live without any obstacles including economic independence. In cases of rape within marriage, the government should strongly implement the law 'as a shield to cover acts of force perpetrated by husbands on the

bodies of their wives' (Brownmiller, 1977:381) and challenge the ancient concept of male superiority and dominance over women.

Alcohol abuse and low-economic status are also important risk factors for triggering violence against women. Poverty is the main cause of violence against women because due to poverty women are not getting proper access to education and the resources and opportunities to be independent and control over their bodies and become strong physically, mentally as well as economically. Victims are totally dependent on the perpetrators and if the perpetrators got punishment and imprisoned, the life becomes more complex to rebuild. Poverty creates stress in day-to-day living those forces towards child marriage; dowry based violence, and also forces the women towards prostitution, and human trafficking and invites incurable diseases like HIV aids and other sexual transmitted diseases. The socio-cultural ideologies about women has subjected to emotional and psychological problems and forced to feel them always weak, inferior and vulnerable in front of men, society and nation.

Similarly, religious beliefs also bring superstitious beliefs like witchcraft practice on the weak one for examples lonely women and widows who have poor economic and less educative background. Widows have to suffer physical, verbal violence from the society, community they belong to. In some cases, they are killed and murdered and they don't get justice and the whole family has to suffer in the society. The natural process like menstruation is regarded as impure and women are restricted to go to the kitchen and enter into the temples. The society, culture believes that during menstruation, if any woman worships god, that is sinful and she gets punished verbally as well as physically. Such religious superstitions have made women more vulnerable and weak physically, mentally as well as emotionally.

Gender discrimination is another cause of violence against women in Nepalese society. Women are always blamed and targeted for the reasons of violence that is happening to men. If a girl gets raped, the society does not blame the boy rather blames her for provoking boys by her wearing and behavior and she is regarded as a characterless girl in front of society. If she asks for justice also, she has to answer the awkward questions interrogated by the male officers. Afraid of such awkward interrogation and for the

prestige of family in the society, girls become silent and accept such violence as her fate and sometimes she chooses the way towards death, suicide.

Lack of education and knowledge about fundamental rights of women, weak implementation of justice, weak legislation, gender discrimination, patriarchal thinking (man is superior and woman is inferior in every aspects of life), women are isolated and treated as hand toy in the hand of male and male dominated society, they are always dominated, taken for granted and become the victim of different violence in their life. Nepalese women are unaware about the laws and afraid of raising voice against violence because of fear of losing prestige of their families. They are always taught that prestige of their family is in their hand and they have to protect it in any condition. In modern context, the educated women and girls are becoming independent and raise their voice against such violence, but the family, society restricts them.

Based on the study, it is concluded that violence against women is deep rooted in Nepalese societies since long. Women from every age group are becoming victim of violence either physically or psychologically and lack fundamental rights from family, society or from nation. Uneducated, poor and women from low caste (dalit) and from rural areas are marginalized, more victimized and tolerating violence than educated, and women from urban areas because the women from rural areas have no knowledge about their rights or afraid of their intimate partners they dependent on. The legal system of Nepal is weak while a woman asks for justice and it takes long time to get proper decision from law. Although government of Nepal and other non-governmental agencies like SAATHI, WOREC NEPAL and INSEC organizations announce different awareness programme and activities, free education for women in rural and urban areas, the patriarchal dogmas, socio cultural principles put women inferior to male and hinders women's empowerment and contribute for the development of society and nation. There is a need of equality in every field for example access to education, employment opportunities, decision making either at home or for the nation, creativity that leads the family and nation towards development. Without equality and respect to women, no family, society and nation go towards development.

Violence against women and girls in Nepal is a social challenge for those who marginalize women and take for granted in the name of patriarchy, old traditional and cultural ideologies, societal ideologies like witch craft allegations, taking widows as a bad omen, discrimination in class and caste system. In the name of different ideologies and religious traditions, the women are always discriminated in access to education, do outdoor works and become independent and live a free life with her choice.

The study also concludes about the sexual violence like rape, molestation, verbal abuse, blackmailing, forced prostitution, marital rape do not only affect the victim or survivors but also affects the family throughout their life and it can spiral across the generations. Sexual violence and rape are defined in different category. The perpetrators of human trafficking and forced them to prostitution, think women as objectives to be traded. The law system is also weak in case of rape. The victim should complain within 35 days of rape. In some cases, the victim or the survivors go through physical and mental trauma and it takes time to get out of it and think about what actually happened to her. In some cases, if a girl child is abused and get raped, the family tries to hide it to save their reputation in the society as well as due to threaten given by the perpetrators and the survivors could not get proper justice. Because of sexual violence, women have to suffer from unwanted pregnancies, forced sterilization, mutilation of genitals, blackmailed and forced for nudity and sex and traumatized mentally and emotionally and physically that can damage their body permanently. The lack of free medical counseling and treatment, survivors have to tolerate the physical and psychological pain and live with the perpetrators. Because of total dependent on male, the perpetrators get encourage to torture the women more.

To bring the transformational change in women's empowerment, education, and justice system for violence against women and girls, deep-rooted patriarchy and socio-cultural ideologies which discriminated the women and violated the fundamental rights of any woman and girl in the name of culture and religion need to be challenged. The women should regarded equal to men in every field like men. Education, empowerment, equal right, proper justice for the victims, rehabilitation shelters for the women, providing training for skill work to live a better life to woman is the only way to bring awareness

among women who are victim of different violence and proper punishment to the perpetrators of the violence without discrimination can minimize the violence against women. On the other hand, in this 21<sup>st</sup> century, media has become the right place that can spread awareness in the societies that helps the women to come to front and raise their voice against violence and give pressure to the lawmakers and government to ensure the safety to women. Because of media, the victims and survivors of violence against women and girls are come to the front and report against the violence. In some cases, media creates pressure for the lawmakers, political members, social activists and the government for the proper justice without discrimination and make a safe environment for the women and girls.

To bring the women and girls in the main stream of the development of every nation, there is a need of evolution that challenges the social, cultural, economical and religious prejudices for the women, which gives equal rights and position as male in the societies they belong to. The changes in the mind of family, society about being women is not a curse rather a pride of family, society and even for the nation through awareness activities, education, strong implementation of law against such violence and access proper justice for the victims and survivors. The society need a change in the thinking that women never wanted to be the part of violence either that is physical, sexual or psychological and they have also right to live a healthy and peaceful life without fear and restriction of family and society. The social environment where women and men are regarded equal, the violence automatically diminishes and the nation develops in higher level.

## **7.2 Recommendation**

Women are facing discrimination in the name of gender, caste, class, culture and laws that are made by the government itself and have to face challenges in daily basis. The government has made laws to help the women who are facing violence but implementation of law is weak in every level and is unable to ensure the fair justice for the survivors. The systems questions the character of women if she raises voice against

such violence and try to get justice and discourage her physically and emotionally. Because of poor mechanism and less support to the victims and survivors, women have to be silent and tolerate the violence. That is why, the government of Nepal as well as social activists and men have to support the survivors and the victims and encourage them to speak up against violence and the injustice. The awareness programmes on violence against women and girls should be spread through media and other activities in broader way.

Violence against women and girls directly results the mental and physical impact on the victims and survivors. They need proper counseling and physical check up to get out of pain and live a life. In Nepalese context, the victims and survivors of VAW could not speak up their problems because the support system for survivors of VAW is weak and they lack the free medical examination, legal counseling, rehabilitation shelter, counseling and capable, trained and skilled persons who can help necessary support for the survivors of VAW. This study indicates that, in present, there is a need of skilled people who can support and protect the survivors of the violence against women.

Throughout the study, it is regarded that women are not safe in their home too. The perpetrators of domestic violence are intimate partners and family members. That is why, it is important that the environment of home must be kept safe and protected for the survivors.

Another cause of the violence against women is less education and poverty. Because of less education, people are following traditional beliefs about women. There is a need of awareness through education and empowering women creating opportunities for skilled works and make them economically strong. The awareness activities should be organized not only for women but also for men like community leaders, cultural and religious leaders of the societies. If men know their responsibilities towards women, the violence against women could be minimal. If the governmental and other nongovernmental organizations spread and prioritize awareness about women's right in all level through education and other public information, the violence against women and girls could decrease.

The study has concluded that the women feel uneasy to express their problems in front of male officers and get humiliated and blamed. For example, if a girl or a woman get raped and she wants to explain what happen with her, it is easy to say with another woman but if a male asks about the situation, she can not explain what actually happened with her and the culprit gets chance to escape. There is a lack of female officers and secret rooms for interrogation and the real data of the victims and survivors of VAW could not come out. The government should take such issues seriously and provide female officers and secret rooms for good and encourage survivors to speak up for the fundamental rights and justice by creating cozy environment to such victims.

The study also concludes that although the government of Nepal has made different crime and punishment acts which is positive step in relation to women's human rights, the patriarchal tradition, male dominated societies and ignorance of women, the implement of law is not that strict and effective. The perpetrators get either less punishment or they get out of punishment easily because of discriminatory provision. The legal process is expensive and long. On the other hand, the punishment for marital rape is maximum six months that is inappropriate and the perpetrators do not afraid of such punishment. Therefore, the law for marital rape should be reinforced and offensive criminal act that also need severe punishment under criminal penalties.

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