

## A Report on the Violence against Women and Girls (From November 25 to December 10, 2020)

This year the 16-days campaign against gender-based violence was accompanied by the slogan: **Orange the World: Fund, Respond, Prevent, Collect!** In Nepal, the campaign was initiated from the year 1997 and it aims to increase awareness against gender-based violence.

Incidences	No. of Victims		Total
	Women	Girls	
Rape	10	14	24
Rape Attempt	2		2
Sexual Abuse		9	9
Allegation of Witchcraft	1		1
Murder	1	1	2
Child Marriage		1	1
<b>Total</b>	<b>14</b>	<b>25</b>	<b>39</b>

The government and non-government sectors have been organizing different kinds of program within November 25 to December 10. According to article 38, sub-article 30 of the Constitution of Nepal, women cannot be subjected to physical, mental, sexual, psychological or any other form of violence or abuse on the basis of religious, social, cultural, traditional, customary or any other grounds. The Domestic Violence (Offence and Punishment) Act 2009<sup>1</sup> has been promulgated and implemented. Various statistics have shown an increase in gender-based violence and killings of women and girls.

Although this year the condition of women in Nepal has been more affirmative than in previous years, it has not yet reached a satisfactory level. There has been some improvement in the legal provisions related to women and the situation of political participation. Despite this, the way in which women in Nepal are being violated through various forms of structural and gender-based violence is atrocious. The Informal Sector Service Centre (INSEC), which has been monitoring incidents of human rights violations and abuses, has prepared this report based on the incidents of violence against women and girls published in INSEC Online<sup>2</sup> from November 25 to December 10, 2020.

### Honor Killing; Daughter Shot Dead

**Rautahat:** The District Police Office has arrested six people including the parents of Amrita Kumari Sah, 17, of Loukaha in Madhavnarayan Municipality-7 of Rautahat on November 29, 2020. She was shot in the right forehead while sleeping at her parent's house. Police said that she was shot dead on the spot. While Sita Devi Sah (her mother) had gone to the toilet at night, an unidentified person entered the house and shot Amrita in the head. The mother of the deceased said that she saw her daughter shaking when she came out of the toilet and went to the room. Sosindra Prasad Bhagat, 30, of the same place was involved in a romantic relationship with Amrita for the past three years. Later Amrita was married to Rupesh Sah of Bishnu Rural Municipality-3, Sarlahi in last February under the pressure of her family. Amrita had tried stabbing Rupesh after which she was sent back to her parent's house and they divorced.

After the divorce, a case was registered against Amrita Kumari Sah and Sosindra Prasad Bhagat at the District Police Office, Sarlahi on the charge of attempted murder. The relationship between Amrita Kumari and Sosindra was not accepted by the parents with the fear of losing their dignity. Ram Ayodhya Sah, 55, father of the victim and brother-in-law Laxman Sah of Dewahi Gonahi Municipality-2 paid Rs 150,000 to Chhotelal Sah, 45, of Paroha Municipality-4 to kill Amrita. They had planned to kill the victim, taking her to India.

According to the police, after the plan to take Amrita to India for treatment on the morning of Mahanavami failed on October 25, Ram Ayodhya Sah and Laxman Sah shot her dead on November 11.

Amrita's father Ram Ayodhya, 55, mother Sita Devi Sah, 50, Sheikh Aliyas, 60, of Dewahi Gonahi Municipality-2, Islam Ansari, 40, of the same place, Sheikh Imtaz of the same place and Chhotelal, 46, of Paroha Municipality-4 were also involved in the incident. According to SP Shah, the district court in Rautahat has extended the time limit by seven days on November 29. The postmortem of the body was conducted at the District Hospital, Gaur on November 12.

Social, economic and political changes in Nepali society, increased awareness of people, increase in literacy, efforts to improve legal and administrative mechanisms, changes in attitudes towards women, behavior in society and at home, and legal mechanisms have helped bring to light incidents of violence against women. However, the need for legal and structural reform cannot be ruled out if we are to study the increasing

<sup>1</sup> <http://www.lawcommission.gov.np/en/archives/category/documents/prevaling-law/statutes-acts/domestic-violence-offence-and-punishment-act-2066-2009>

<sup>2</sup> Insecoline: <http://inseconline.org/en/>

incidence of violence and atrocities against women. Various incidents and facts have shown that the impact of social structure and structure on women cannot be solved only through legal means. Along with the reforms in the law, it can be said that there is a need for improvement in the behavior of the officials of the law enforcement agencies.

### **Rape Victim's Justice Traded with Gold**

Deepak Dhama, 22, of Sigas Rural Municipality-2 is accused of raping an 18-year-old girl on June 5, 2020. The victim and the accused had decided to reconcile the incidence with 11.67g (1 Tola) of gold.

The incident and the reconciliation have become public after the victim's brother was beaten without giving the gold mentioned in the agreement.

According to the victim, the incident was mediated by the relatives of the victim and the villagers on July 28.

The reconciled document states that there was a quarrel between the victim and the accused.

The victim has now reached the district headquarters in search of justice, saying that a compromise was reached under the pressure of her family and villagers.

The victim has also alleged that the accused went to India after reconciling the incident out of fear.

The victim's sister did not know that her brother had arranged the incident, but now that the victim's sister has found out about it, she has come to the district headquarters with her sister for justice.

"She was raped on June 5 after threatening to kill her while walking for two hours to fetch water. The villagers tried to save the rapist by fixing the incident within the village," said the victim's sister.

The victim and her relatives have requested to meet the INSEC representative on the evening of November 25 as soon as they reach the district headquarters to seek justice.

The INSEC representative has also discussed with DSP Narayan Adhikari of the District Police Office for justice. During the discussion, DSP Narayan Adhikari requested to send the victim to the District Police Office immediately. The victim is preparing to lodge a complaint at the District Police Office.

### **Conclusion**

Although incidents of gender-based violence against women and sexual minorities have been recognized as a serious crime, such crimes will not reduce as long as the existence of inequality of power between men and women, women's economic dependency, and weak rule of law. With the joint efforts of the stakeholders and the effective implementation of the law, such incidents of violence against women can be minimized. Reducing poverty, illiteracy and economic dependence can also help reduce the incidence of violence against women.

While women are victims of domestic violence, the provision of reconciliation does not address serious cases. Most rapes are committed while doing house-hold work. There is an urgent need to provide special training to the health workers working in the local health institutions to enable them to test the incidents of rape in a scientific way. Access to and expansion of the state towards women's health and its sensitivities are another important issue. It is difficult for the state alone to address the issue of violence against women and the problems that arise from it. Despite so many commitments from NGOs and state bodies, the growing number of victims is a matter of serious concern. Of course, in the meantime, there has been an increase in awareness of crime. However, our monitoring has found that there is a tendency in the local police to pressure the victims to reconcile and in the society to force the victims to cover up the incident. Discouraging such incidents has become another major issue.

### **Complaint Filed Against Accused of Rape and Murder**

A complaint has been filed against Arun Sah, 26, of Gaushala Municipality-5 on November 27 on the charge of raping and killing six-year-old Gulabsa Khatun of Bardibas Municipality-14. The Area Police Office has filed the complaint against Sah on four different charges. According to DSP Rajan Chapagain of the Area Police Office, Bardibas, a complaint has been registered against the accused for abduction, hostage-keeping, rape, and murder. The body of Gulbasa Khatun, who went missing from the village on November 22, was found on November 23.

### **Suggestions**

- A victim-centered and women-friendly legal and policy environment should be created and ensure its proper implementation.
- Arrangements should be made to accelerate court proceedings for speedy justice.

- Legal provision for punishment should be formulated according to the nature of domestic violence.
- Extension of time limit for complaints of rape, attempted rape, sexual abuse. Legislation should be enacted with the provision of legal action against the government civil servants and others to settle such crimes at the village level.
- There can be no compensation for the mental, social, and family pain caused by the alleged harassment and abuse of witchcraft. The fine received from the perpetrator should be made available to the victim as compensation.
- Women victims of polygamy should be assisted for easy legal services and financial self-reliance.
- Protection Homes brought to protect women victims of violence should be organized in all 77 districts. In addition, the state should formulate a policy for self-employment, income generation and employment of such women.
- National laws need to be amended accordingly for commitments to international treaties and strict implementation of laws.
- Stakeholders, including civil society and the media, need to be proactive in exposing incidents of gender-based violence and assisting in the judicial process.
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