

Chapter 3

3.2 Witchcraft, an Evil Practice: Continuation of Violence against Women

1. Background

The Nepali dictionary explains the term “witch” as being “a woman who is evil and knows the art of witchcraft”, which suggested the cultural roots of the inhuman practice of accusing women of being witches, mainly those who are poor, single, old, socially despised, and those who are marginalized. Religious texts such as the Tantra Shashtra and Shiva Puran say that women who can call upon different Gods and Goddesses to execute their special tasks are said to be witches. Such women are believed to be able to differentiate between Gods and demons and perform different activities through supernatural powers. The superstition of presence of witches exist in different societies around the world and the belief is more deeply entrenched in less developed and marginalized remote societies. Belief in witchcraft is more common in communities with poor education. As consequence, even women who are poor and are marginalized are usually targeted for the torture that accompanies the accusation.

Nepal has various laws that aim to reduce and end such violence on women but the violence remains unabated mainly because of the weak enforcement. Nepal’s still largely patriarchal society is another reason why the level of attention and interest required for ending such harmful social practices has been lacking. This article aims to draw attention of con-

cerned stakeholders to the violence done to women by accusing them of practicing witchcraft.

Nepali women continue face various forms of violence that stem from the widespread poverty, illiteracy, lack of awareness, and traditional and social values and beliefs that remain largely unchanged. One form of such violence is accusing women of witchcraft and torturing and humiliating them. All the women who have faced the abuse have little or no access to the law and are forced to bear the torture due to lack of economic resources and social support to challenge the accusers, and illiteracy. As result there has been no reduction in cases of beatings, forceful removal of their hair and forcing them to eat of feces with impunity. In 2020 INSEC documented 24 such victims and 14 in 2019.

Objectives

The objectives of this article are

- To study the problems of human rights violation of women alleged of witchcraft.
- To study laws, policies and rules made to reduce such accusations and identify challenges and problems in enforcement.

Law enforcement for preventing women being accused of witchcraft continues to remain a major challenge. There are sanctions against such acts but most

of the women are forced to endure and suffer owing to a number of factors including traditional values and beliefs, poverty, illiteracy, etc. As result weak women continue to be tortured and mistreated when there is a death or illness in the community and even when cattle fall sick or die.

Research Methods

The study was largely based on secondary sources of information (books, booklets, newspapers, reports etc.) and primary data collected through interviews, site visits, and discussions and consultations with people in the community.

The study was limited in understanding the problem in Province 2. Data was gathered from all eight districts in the province, and the interviews also included experts involved in the study of the practice.

A Socially-sanctioned Form of Violence

The attacks on women believed to be practicing witchcraft social protection rooted in deeply entrenched social values and beliefs, traditions and superstitions. The women accused of witchcraft are forced to endure physical and psychological torture, which in extreme cases, have even led them to commit suicide. The accusation have been used for economic gain, land encroachment and to display power and control over the weak.

The word witch itself embodies intimidation and is a slur. If someone falls sick or dies in the village, the so-called local witch doctors accuse someone they know is weak and helpless, who then become victims of the accusation and the accompanying torture. The prevalence of the problem is difficult to estimate because many cases are suppressed and are rarely reported.

Accusing someone of witchcraft is a crime still every year there are reports

of such accusations and torture of women for the alleged practice, which also has social sanction in many communities. Such social violence is rooted in social beliefs, traditions and cultures¹. The torture to those accused of witchcraft are beating, shaving of their scalps, and abuse.

Cases of Witchcraft in Province 2

INSEC has records of the highest number of such accusations in Province – 2, where the victims have been women who are poor and from socioeconomically marginalized communities. INSEC has documented 91 victims of alleged witchcraft in the eight districts of the province in the past six years. In one case, the accused woman was killed by her own family members.

Table 1: Data on victims of so called witchcraft

Victims of accusation of witchcraft in Province 2 (2015-2020)	
2015	11
2016	14
2017	9
2018	20
2019	14
2020	24
Total	92

Source: INSEC

Number of Victims in 2020 Documented by INSEC

INSEC documented 24 victims of witchcraft in 2020 and 19 victims in 2019. The accused women in most of cases were treated inhumanly by both their neighbors and relatives.

Of 24 cases documented in 2020, 11 were from Siraha District. The victimized women were between 25 to 85 years of age and had been beaten not just by their neighbors but also by their own children following the accusations.

1. Anweshi-2077, paragraph 6, page 47- WOREC

Victims of accusation of witchcraft, 2020		
S.No	District	Number of Victims
1	Saptari	3
2	Siraha	11
3	Dhanusha	4
4	Mahottari	3
5	Bara	2
6	Parsa	1
Total		24

Complaints had been filed in all of these cases but only five were in the process of investigation, where the formal complaint remained to be registered. The police had initiated legal proceedings in seven cases and those accused in 16 cases had been arrested. One case had been reconciled.

Forcing Accused Women to Consume Feces

A village panchayat – a committee of village elders – beat and forced a 41-year-woman, to consume feces on September 12, 2020. She was accused of being a witch and making Dharma Nath Yadav's daughter ill. The Panchayat had met at the Shiva Temple in the village. A “witch-

doctor” from India had accused her of being the cause of illness. She was beaten and abused. Her son Ganesh Yadav and husband were also beaten. Ironically an elected member of Nawarajpur Rural Municipality-5 was also present at the place of incident.

The victim was treated at the BP Koirala Institute of Health Sciences in Dharan. The victim family filed a complaint against Santosh Yadav, Krishna Dev Yadav, Brahma Dev Yadav, Baija Nath Yadav, Dev Nath Yadav, Dharma Nath Yadav, Mahesh Yadav, and Pashupati Yadav on September 20. However, the police reached the scene of the crime only after one week and arrested Santosh Yadav on October 8. All of the others accused were on run.

Stakeholder Views

Bhola Paswan, Journalist and Human Rights Activist:

Even in this age of information technology we still have superstitions of witchcraft rooted in the society. The lack of literacy and awareness are the main reasons for the prevalence of the tradition. There are legal provisions for addressing the problem but enforcement remains weak. There is need for widespread

Death of a Woman Accused of Witchcraft

In a case of Siraha District, Sudama Devi Sah, 85, had been accused of witchcraft and was killed by her son. Police arrested the son, Ram Avatar Sah, 45, and daughter-in-law Manju Devi Sah, 40, on October 31, 2020 and December 27, 2020, respectively. Sudama Devi was accused of witchcraft after the Manju Devi became ill. Sudama Devi was killed on October 29. The victim's maternal family members had filed the complaint at the Area Police Office in Mirchaiya.

Suicide Following Mental Torture

Women accused of witchcraft are tortured so extremely that they cannot bear the pain and commit suicide. Fuli Devi Mukhiya of Mahottari was beaten by her brother and sister-in-law accusing her of witchcraft. The two were suspected of killing her but the case was as suicide due to torture.

Buchiya Devi of Mahottari, Loharpatti drank poison after being tortured. She had also been threatened of shaving her head and parading her without clothes on the streets. Those threats were suspected to be the reason of her suicide.

awareness in communities where the practice is entrenched.

Anita Devkota, Province Coordinator, Single Women Group:

There have been many incidents of alleged witchcraft in Province-2. This is mainly due to lack of education and awareness. So, awareness must be enhanced. The cases have increased because laws are not enforced. Victims are deprived of justice and in some cases, reconciled when perpetrators are influential. All the perpetrators must face legal actions.

Muni Das, woman activist:

Dalit women are more vulnerable to such accusations. Province-2 has a large number of such cases of inhumane behavior. We must make people aware about the problem.

Krishna Prasad Pangani, SP, District Police Office, Bara:

Such cases are filed and legal procedures are undertaken. The perpetrators are eventually arrested and legal actions are taken.

National and International Legal Provisions for Protecting Women's Rights

The Constitution of Nepal has guaranteed women's rights in Article 38. In sub-section 3, it prohibits all forms of physical, mental, sexual, psychological, and other kinds of abuses on women. Such acts are punishable and the victims are required to be compensated by law. However, women are still unable to lead secure lives and the cycle of violence rooted in society.

Similarly, the International Declaration on Human Rights, 1948 has mentioned that all people are equal in freedom

and respect (Article 2). Articles 1 to 30 of the Declaration assures people's rights based on ethnicity, gender, language, religion, and political beliefs. The Declaration and all other treaties to which Nepal is a state party have provisions making states responsible for ending all types of discrimination against women.

National Legal Provisions

The General Code (Muluki Ain) first enacted in 1910 BS had made the accusation of witchcraft punishable. If anyone is accused of witchcraft, the person would be punished along with those who involved. But there were no clear provision of punishment to the person who abused women. Likewise, the parliament enacted the Public Crime Act and Abuse Act but there are no clear provisions for discouraging the accusation of witchcraft. The National Human Rights Commission had recommended the Government to enact a unified law for controlling and eradicating violent acts in cases such as allegations of witchcraft² and a Supreme Court decision had also ordered the government along the same lines. On July 24, 2015, almost a decade after the order the parliament enacted a law against Accusation of Witchcraft Act, 2015³.

Act Regarding Crime and Punishment, 2015

A bill to punish evil practices such as accusations of witchcraft was registered in House of Representatives by the then Minister of Women, Children and Social Welfare, Nilam K.C. on June 27, 2014. The parliament enacted the law on August 3, 2015 which has sanctions for accusations of witchcraft and other forms of abuse of women. Accordingly, a person found guilty of accusation of witchcraft could be sentenced to six to eight

2. Recommendations of National Human Rights Commission, 2057-2071 BS, Page 6

3. <http://today.annapurnapost.com/report/495>

months in jail and fined from NRs. 5,000 to 100,000. There is an increment of the sanction by 25 percent if the person found guilty is a holder of public office.

Conclusion and Recommendations

Even in the age of science and technology, women in certain parts of Nepal continued to be abused on the accusation of practicing witchcraft. Every year, women are victimized by their families and neighbors of such accusations but not all of the cases are reported. The accusation of witchcraft is an act that is punishable by the law and therefore, there is need for strict enforcement to ensure that the practice is rooted from society. This would require an extensive public campaign to inform communities of the provisions in law, and also to educate them about traditions and social practices that cause harm on women.

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