

## Study Report of the Incidents of Violence Against Women and Children

113<sup>th</sup> International women's day is being celebrated under the slogan 'A strong foundation for gender equality: expansion of women's access to creative technologies.' Nepal is party to several International Conventions including the United Nations International Convention on the Elimination of All Forms of Discrimination against Women – 1979. Despite the promulgation of various policies and laws regarding women's rights in Nepal, there is a space for improvement in the implementation of existing laws. There has been an improvement regarding the political participation of women in Nepal, however women are still suffering from violence. According to the documented data of the Informal Sector Service Center (INSEC), there was no reduction in the number of incidents of violence against women in 2022. This report is prepared based on the information collected by INSEC from all 77 districts of the country.

Facts and statistics, social, economic, and political changes, increased awareness among people, increase in literacy, and legal efforts to improve the administrative system have brought changes in the attitude of society towards women. Changes in social and domestic behavior and reforms in legal mechanisms regarding violence against women have helped to bring these incidents to light.

While monitoring the situation of human rights in the context of women's rights, INSEC didn't record the victims of unequal wages, traditional discrimination, safe sex, and

CASES		Victim number, 2021		Victim number, 2022	
		Women	Girl	Women	Girl
1	Trafficking	42	27	24	39
2	Attempted Trafficking	16		24	
3	Rape	649	1043	605	1009
4	Attempted Rape	177		145	
5	Sexual Abuse	61	359	42	326
6	Domestic Violence	2059		3031	
7	Polygamy	345		333	
8	Child Marriage		39		30
9	Killing by Family Members	112		111	
10	Dowry related Killing	6		1	
11	Allegation of witch craft	31		23	
12	Total	3498	1468	4339	1404

reproductive rights. In some cases, the victims are not included in the statistics because they didn't want to disclose the incident.

INSEC documented 24 victims in cases of trafficking, 24 of attempted trafficking, 3 thousand 31 of domestic violence, 23 of 'witch 'craft allegation, 605 of rape, 145 of attempted rape, and 42 of sexual abuse.

The right to life is one of the most important human rights. However, women are being killed on various pretexts. This year, 111 women were killed due to domestic violence, last year 112 were killed as a result of domestic violence. A total of 25 women were subjected to violence as a result of dowry, one woman was killed because of that. In some cases of the killing of women by family members, the aggrieved accused of killing, while the accused claimed it to be suicide.

INSEC has documented incidents where the police did not file a complaint stating that the postmortem report indicated suicide. Furthermore, 15 women were victims of marital rape. A large part of Nepal's population is comprised of children. However, there are various types of exploitation of children. Children require special care and protection. On the contrary, INSEC has recorded of 1,404 girls was victims of child rights violation. Among the recorded number, 1 thousand 9 girls were victims of rape, 326 girls were victims of sexual abuse, 39 girls were victims of trafficking, and 30 girls were victims of child marriage.

## **Representative Cases**

### **Case one**

In Ramechhap, Biba Majhi, 52, of Khandadevi Rural Municipality-3 Bhirpani was killed by the locals on September 25, 2022, alleging witchcraft as per the instruction of the locals' deceased ancestors. Inspector, Dilip Kumar Thapa of District Police Office Ramechhap informed that Majhi was killed by beating and her Sunmaya Majhi, 70, was injured in the incident. The postmortem of the deceased was done at Medical Teaching Hospital on September 27. The aggrieved filed a complaint at District Police Office, against Shiv Bahadur Majhi,37, Radhika Majhi,40 17-year-old girls, Bharat Majhi,19, Suraj Majhi,20, 16-year-old girl, Manisha Majhi,19, 16-year-old boy, Dhan Bahadur, 26, on the same day. The police filed a case at District Court on the charge of intentional homicide on the same day. The bench of Judge Indira Sharma ordered the minor accused to be sent to Child Reform Home and the other accused to judicial custody on October 19. The case was not settled till the end of 2022. 52-year-old Biba Majhi of Khandadevi Rural Municipality-3 Bhirpani was killed by the locals on 9th October 2017, saying that her father had gone to her house. Police Inspector Dilip Kumar Thapa of District Police Office Ramechhap informed that Majhi died when she was beaten with a rice paddy for obeying her father's order. His 70-year-old mother Sunmaya Majhi was injured in the incident.

### **Case two**

In Mahottari, Neha Chaudhary, 21, filed a complaint at the police office on 13 December against her husband Dr. Pankaj Chaudhary, 35, of Ramgopalpur Municipality-5 in the charge of domestic violence over dowry on 6 October. Dr. Chaudhary was arrested on 13 December. The victim had previously filed a domestic violence complaint against the accused at the Mahottari District Court on 7 October and a case against dowry-related violence at the same court on 5 December. The couple was married in February 2021, and the bride's family claims to have made dowry payments valued at Rs. 1,250,000. The wife said that Dr. Chaudhary had tortured her physically and mentally to get her parents to buy them a house in Kathmandu. The accused was remanded to judicial custody on 6 January 2022.

### **Case three**

According to DSP Barun Bahadur Singh, a complaint was filed by father Ramchandra Das Tatma at Area Police Office, Garuda, Rahutahat alleging that his daughter Sanju Kumari Das alias Sabita, 20, of Siswa Dhamura, Brindravan Municipality-6 was killed on 18 July 2022 by her in-laws for dowry. Sanju Kumari Das and Ramakant Das had gotten married only a month ago. The victim's family alleged that the victim and her family were tortured mentally rights after their marriage. On the night of July 18, the victim's husband informed them on phone about Sanju's death to her brother. Sanju Kumari Das's family reached the crime scene immediately and allegedly filed the complaint against father-in-law Chandeshwar Das, 50; mother-in-law Shivadevi, 45;

brother-in-law Umakant Das, 17; sister-in-law Ranjana Das, 19 and elder father-in-law Bindeshwar Das, 55. The postmortem was conducted on July 19 at the Teaching Hospital, Kathmandu. The deceased's mother-in-law Shivadevi Das and father-in-law Ramakant Das were arrested by the police on July 26. The district court on August 23 ordered the accused mother-in-law Shivadevi to be sent to jail for preliminary investigation, while the father-in-law was released on bail of NRS 100,000. The case had not been decided till the end of 2022. The other accused was absconding till the end of 2022.

#### **Case four**

In Morang, a complaint was filed at the Area Police Office against Ajay Chaudhary, 25, of Sundarharaicha Municipality-7, and his brother Mithun Chaudhary, 28, on the charge of kidnapping, gang rape, and killing of an 18-months child of Sundarharaicha Municipality-7 on 12 March 2022. Police arrested the accused from Sundarharaicha Municipality-7 on the same day. The accused allegedly kidnapped the child on 11 March while she was playing in the courtyard, took her to the bush about 150 meters away from her house, raped the child, hit her with the beer bottle, and left her in an unconscious state. Raj Kumar Katwal, 34, said the victim lost her life during treatment at Nobel Hospital, Biratnagar on 11 March. INSEC carried out field monitoring of the incident on 15 March. Both of the accused were remanded to judicial custody on 12 March. The postmortem of the victim was done at the BP Koirala Institute of Health Sciences, Dharan. The case had not been decided till the end of 2022.

#### **Recommendation**

1. There should fast a track court for cases related to violence against women.
2. Women victims rarely approach judicial adjudication in cases of violence. Therefore, attention should be diverted to the delivery of justice.
3. The orders and instructions of the Supreme Court regarding making women-friendly laws should be followed.
4. Fast-track court and the family court should be established for speedy justice.
5. The legal provision of punishment should be formulated according to the nature of domestic violence.
6. There can be no compensation for the mental, social, and family suffering caused by the persecution and abuse due to witchcraft allegations. Therefore, the fine received from the perpetrator should be provided to the victim in the form of compensation.
7. Shelters should be set up to protect women victims of violence in all 77 districts in Nepal.
8. In addition, the state should formulate policies to promote self-earning, income generation, and employment for women.
9. Reconciliation should not be allowed in cases of sexual violence.

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