

Opportunities to improve the response to violence against women in Nepal

Introduction

Despite political commitment and a supportive legal and policy framework, violence against women remains a significant problem in Nepal. In the 2011 Nepal Demographic and Health Survey (NDHS), more than one in five women reported a lifetime experience of physical violence and more than one in ten a lifetime experience of sexual violence. Trafficking of girls to India for sex work is a particular problem; other specific forms of violence in Nepal include dowry-related violence, widow abuse, polygamy and accusations of witchcraft. Most women who experience violence do not seek help. The NDHS also found that 75% of women who had experienced physical or sexual violence had not sought any help; only 7% of women who had experienced sexual violence had reported the assault.

This brief summarises challenges and areas for action identified by a recent study, which assessed how well laws, policies and institutions respond to violence against women, women's experiences, and opportunities to improve responses. The study was conducted by University College London and the Centre for Research on Environment Health and Population Activities (CREHPA), with funding and technical support from UN Women, UNFPA and DFID's Enabling State Programme and support from the National Women's Commission, Ministry of Women, Children and Social Welfare and other partners. The study interviewed 13 national and 45 district stakeholders and reviewed laws, policies, mechanisms for reporting GBV cases and media reporting.

It also interviewed six women whose cases had been reported in the media (cases included dowry-related torture, gang rape, burning, trafficking and physical violence) to explore where they sought help and barriers to receiving support.

Key findings

The study identified a number of challenges to improving the response to violence against women.

Implementation of existing laws and policies is weak:

- Mechanisms for implementation, monitoring and accountability are inadequately implemented.
- Implementation is a particular challenge at district level, where there is limited awareness of laws and policies and lack of clarity about where primary responsibility resides for ensuring that action is taken. Weak coordination is also a factor. In principle, the Chief District Officer is responsible for coordination, but in practice there is often little collaboration across sectors.

Gaps in laws and policies prevent the police from taking action and women from seeking support:

- The Domestic Violence Act does not recognise domestic violence as a crime against state.

- Rape cases have to be filed within 35 days; this may be too soon for many women and girls.
- Punishment for those found guilty of some forms of violence is minimal, so the police do not consider it worthwhile to find the perpetrator.

Lack of information and concerns about repercussions prevent women from seeking support:

- Women lack awareness of the law, of their rights, including to protection from violence and to legal redress, and of available services.
- Women who seek formal support may suffer negative outcomes including discrimination, stigma and social isolation. This is particularly true in cases of sexual violence. Many also fear that seeking help will bring shame on their family.
- Women may be discouraged from reporting violence or seeking outside help. ‘Compromise’, where victims are encouraged to negotiate a settlement with the perpetrators outside the formal legal system, is widespread. The case of one woman interviewed, who had been sexually assaulted, was ‘settled’ by an informal village committee with the knowledge of the local police.

The perception that services will not be responsive is a barrier:

- Women are most likely to seek help from health services, although often only following an acute episode of violence where they have sustained serious physical injuries.
- Women are less likely to seek other support, because they think no action will be taken or it will take too long to receive judicial redress – lack of trust in the system is a key factor.
- Women have concerns about negative reactions and poor treatment if they seek support. These concerns are not unfounded. One woman interviewed encountered hostility rather than support from the police. As a result, women tend to rely on informal support or seek help from NGOs and women’s organisations rather than from formal institutions.
- Male dominance of institutions, including the police and the judiciary, and lack of women in positions of authority reinforce the perception that institutions are unresponsive.

Inadequate institutional responses reflect a range of challenges at district level:

- There is limited awareness across all sectors of institutional responsibilities for service delivery and of policy directives and guidelines for dealing with victims of violence.
- Available resources are under-used. Although specific budgets are available to institutions to address gender-based violence, some district officials cited lack of resources as a problem. The ‘Domestic Violence Fund’, for example, which funds districts to provide support for women who have experienced violence, is not being fully utilised; this is due to bureaucratic procedures, women’s lack of empowerment and the fact that only serious cases are reported to the Fund.
- Institutional accountability mechanisms are poorly implemented. Few institutions ensure that services are delivered or monitor the quality or outcomes of services.

There are significant gaps in available information about violence against women:

- The lack of centralised collection of data makes it difficult to measure and monitor the overall burden of violence against women. The study identified four different data sources – cases reported to the police, cases reported to the National Women’s Commission, cases recorded by the Women’s Rehabilitation Centre and cases recorded by the Informal Sector Service Centre. It is not clear whether the same or different cases are being reported by different institutions.
- There are no standardised case definitions. Each of the four data sources uses different definitions of violence and different methods to register cases. Within the police system, data collection methods differ between districts.
- There is a lack of robust systems for monitoring and data review at district level, and of clarity about how data is reported up through the system.
- There is little information about the perpetrators of violence and the evidence base on effective approaches, including with men and boys, to preventing violence against women is weak.

Discussion and recommendations

There is a supportive environment to promote and protect the rights of women and girls in Nepal, including to freedom from violence. National and district stakeholders are aware of violence against women and are keen to address the problem. However, in many cases, women who experience violence do not seek support from formal services or seek support but receive poor and unhelpful treatment. This situation reflects a range of individual and institutional factors.

At the individual level, interviews with women who had experienced violence highlighted lack of knowledge about their rights and where to seek help as a major challenge. They also found that a range of barriers, e.g. lack of agency, concerns about repercussions, community pressure and lack of faith in the system, prevent women from accessing services even when they know about them. Consequently, women often seek support from family and friends rather than from formal support services. At the institutional level, inadequate responses reflect weak implementation of existing laws and policies and of mechanisms for holding institutions accountable for delivering services for victims of gender-based violence. Specific challenges at district level include weak coordination of action across sectors and partners, limited awareness of institutional responsibilities, policies and guidelines and little action to monitor the extent of violence against women or the provision, quality and outcomes of support services. The absence of comprehensive and accurate data both reflects and contributes to ineffective institutional responses. The lack of standardised definitions of violence against women and the use of different approaches to registering cases by different institutions have resulted in a fragmented understanding of the extent of the problem and of the effectiveness of interventions.

The following section summarises key recommendations and areas for action, with an indicative list of organisations that can take these forward. In practice, policy makers at national and district level, the health, education, justice and social welfare sectors, NGOs, women's organisations, donors, UN agencies, media and communities all have a role to play in tackling violence against women.

1. Address gaps in laws and policies

- Amend the Domestic Violence Act and make serious forms of violence as a case against the state
- Review the timeframe and processes for filing rape cases
- Review punishments for some forms of violence, like burning people using acid or other burning materials
- Introduce legal provisions to address violence associated with harmful traditional practice such as accusations of witchcraft

2. Improve women's access to and experience of the justice system

- Conduct research to improve understanding of 'compromise' deals and work with the justice system to reduce the incidence of out of court settlements
- Include GBV in pre-service training for police officers and ensure there is at least one officer in every police station who is trained to deal with cases of GBV
- Pilot and introduce fast track courts for cases of GBV

3. Improve awareness of laws, policies and guidelines among key district stakeholders

- Review all relevant sectoral guidelines for GBV-related services
- Ensure policies and guidelines are available in relevant institutions and train district staff on implementation of such policies and guidelines
- Support exchange of experience between districts performing well and those performing less well to prevent and respond GBV

4. Strengthen district coordination and implementation

- Establish clear guidelines and standards for coordination, orient district level concerned authorities, and monitor implementation of coordination mechanisms

- Establish guidelines for referral between e.g. health, police, justice systems, NGOs, women's shelters, women's human rights organisations
- Monitor expenditure against budget and introduce incentives to use allocations for GBV action
- Increase budget transparency so civil society actors can hold district authorities to account

5. Strengthen mechanisms for monitoring and accountability of service delivery

- Agree on a set of indicators for monitoring service delivery, quality and outcomes across all sectors
- Consider how systems used to learn from mistakes and improve service delivery in other sectors e.g. Maternal Death Review, could be adapted for cases of GBV, and pilot case reviews
- Strengthen district capacity for monitoring, reporting and data analysis
- Engage the media in monitoring service delivery and outcomes

6. Increase women's awareness of laws, rights, services, and how to file complaints regarding poor support services

- Implement a national multi-media campaign using radio, TV, theatre, SMS, including stories of women whose cases have been handled well to encourage others to seek services
- Evaluate 'open surgeries' where women's rights defenders and officers from women's police cells meet the community and, if effective, support scale up of this approach
- Expand school interventions to educate boys and girls about laws, rights and services
- Train female community health volunteers to conduct GBV awareness programmes
- Identify lessons learned from efforts to address shame and stigma associated with HIV and TB

7. Strengthen action to prevent violence against women and tackle harmful social norms

- Work with men and boys to raise awareness and promote 'zero tolerance', of violence

against women, through advertising, media, community and school-based interventions

- Promote awareness of women's legal rights to property and inheritance
- Conduct analysis of the economic cost of gender-based violence

8. Improve the evidence base

- Establish a working group to agree on standard definitions to be used by all relevant agencies
- Develop and implement a common framework for recording and reporting cases of GBV
- Identify an institutional lead to collate, analyse, report on and disseminate national data on GBV
- Review the evidence for 'what works' for gender transformative approaches to addressing and preventing violence against women in Nepal, with a focus on the role of men and boys

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The full report of this study is available in the UNFPA website:

<http://countryoffice.unfpa.org/nepal/?publications=8801>