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Subha Ghale

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Elite NGO leaders as Vernacularizers of the Human Rights Concept of Violence Against Women: Critical Analysis from the Perspective of Women from Socially Excluded Groups

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As women from marginalised communities are the focus of my dissertation, it was their voices and experiences that inspired this research. I have met many strong women from the margins whose voices are yet to be part of the mainstream discourse on women's rights. My work is a humble effort to express solidarity with scholars and activists who have relentlessly struggled for the recognition of marginalised voices.

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ABSTRACT

The study critically examines how elite women leaders of NGOs have vernacularized the concept of Violence Against Women (VAW), one of the most prominent international human rights concepts in Nepal. The term “elite women” in this dissertation refers specifically to women who have disproportionate access to and control over power and resources in Nepal’s social and political realms in relation to other women. The central question is whether and how the concerns of women from socially excluded groups are being addressed by this elite-led process of vernacularization. Human rights ideas have significance only when they are translated to address the concerns of the most marginalised people. In Nepal, over two thirds of the population—the Indigenous Peoples, Madhesis, Dalits, and Muslims—constitute socially excluded groups. The analysis seeks to foreground the perspective of women from these socially excluded groups. The study uses the theoretical concepts of “vernacularization” (Merry) and “intersectionality” (Crenshaw) alongside the general concept of international human rights law for analysing the role of elite-led women NGOs from the perspective of marginalised women. To present a case study of elite-led vernacularization of VAW in Nepal, the research focuses on SAATHI, a well-established, well-funded and influential NGO working for women. By situating the leaders of SAATHI in Nepal’s social and political context, the study tries to reveal how their gender, caste, ethnicity and class has a bearing on how they translate the concept of VAW. The discourse produced by SAATHI’s reports are analysed in light of the major concerns of socially excluded women, particularly the need for recognition of diversity among Nepali women and the multiple forms of oppression they face. The findings of the study suggest that SAATHI’s discourse on VAW does not entirely resonate with the concerns and demands of women from socially excluded groups. The underlying assumption in the discourse is that the experiences of high caste Hindu women, the group in which the leaders of SAATHI belong, represent the experiences of all “Nepali women”. SAATHI adopts a “sameness of treatment approach” and makes recommendations for blanket policies which affect all groups of women in Nepal. Through this discourse, SAATHI perpetuates the trend of glossing over the differences of caste, ethnicity, class and religion among women. It creates an impression that such factors have little or no bearing on the degree and form of violence experienced by women. In this manner, the translation of VAW by the elite NGO leaders perpetuates a discourse that fails to include the experiences of socially excluded women, except when such experiences neatly overlap with those of high caste women.

ACRONYMS

ANWO	All Nepal Women's Organisation
BDPA	Beijing Declaration and Platform for Action
CA	Constituent Assembly
CBO	Community Based Organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CFUG	Community Forest User Group
DEVAW	Declaration on the Elimination of Violence Against Women
DFID	Department for International Development
DV	Domestic Violence
FPP	Forest People's Program
FWLD	Forum for Women Law and Development
GAD	Gender and Development
GBV	Gender Based Violence
GECU	Gender Empowerment and Coordination Unit
IAFFE	International Association for Feminist Economics
ILO	International Labour Organization
I/NGO	International Non-governmental Organization
IPs	Indigenous Peoples
LAHURNIP	Lawyers' Association for Human Rights of Nepalese Indigenous Peoples
NEFIN	Nepal Federation of Indigenous Nationalities
NGO	Nongovernmental Organization
NIWF	National Indigenous Women's Federation
NORAD	Norwegian Agency for Development Cooperation
NSAP	National Strategy and Action Plan
OPMCM	Office of the Prime Minister and Council of Ministers
RUWDUC	Rural Women's Development and Unity Centre
SAWF	South Asian Women's Fund

SE	Socially Excluded
SSNCC	Social Services National Coordination Council
SWC	Social Welfare Council
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNIFEM	United Nations Development Fund for Women
UNSCR	United Nations Security Council Resolution
USAID	United States Agency for International Development
VAW	Violence Against Women
WAD	Woman and Development
WID	Women in Development
WSCC	Women Social Coordination Committee

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Chapter 1: INTRODUCTION

1.1 Background

International human rights concepts get formalised as human rights instruments – covenants, conventions, declarations, resolutions, plans of action – at different global sites through the pressure created by transnational movements. However these commitments gain legitimacy and meaning only when they are translated into action in specific national or local settings. Individuals and organizations that lead this process of translation have a decisive role in fulfilling the goals of these instruments. It is important to examine whether their interpretation of these global instruments is geared towards protecting and promoting the rights of vulnerable groups in society. This study seeks to understand how the concerns of people at the margins are addressed when transnational concepts are interpreted at the national level. To that end, it examines the discourse surrounding the international human rights concept of Violence against Women (VAW) in Nepal.

While VAW specifically focuses on violence faced by women, gender-based violence (GBV) is a broader category of violence that includes violence directed against a person on the basis of gender, whether male, female or transgender. Thus all forms of VAW fall under GBV but not all forms of GBV are necessarily VAW. In Nepal, however, this distinction is largely overlooked and the two terms are used interchangeably to refer to violence against women. In keeping with this trend, the study uses GBV and VAW interchangeably to indicate all forms of violence faced by women.

Violence Against Women is considered to be one of the most pervasive forms of human rights violations across the world (Bunch 1990; Thomas & Beasley 1993; Keck & Sikkink 1998; O'Hare 1999, Merry 2006a). It is described as the “most brutal manifestation of women’s oppression” (O’Hare 1999, p. 365). Article 1 of the Declaration on the Elimination of Violence Against Women (DEVAW) defines violence against women as “any act of gender-based violence that results, or is likely to result in physical, 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” (UNGA 1993). The transnational advocacy (cf. Appendix A) on VAW was able to consolidate their achievements during the UN Fourth World Conference on Women in 1995, when 189 UN state members adopted the Beijing Declaration and Platform for Action (BDPA) (UN 2006, p. 12). The Beijing Declaration and Platform for Action – a landmark document that addresses the core concerns of women’s human rights – emphasized VAW as one of the twelve critical areas of concern for ensuring women’s rights. It was an exhaustive plan of action for states, which outlined the objectives and activities regarding the twelve areas of concerns, along with the institutional and financial arrangements.

Once VAW was established as a global concern, an increasing number of transnational and national stakeholders, such as states, donors and non-governmental organisations (NGOs) began addressing this issue in their goals and mandates (UN 2006, p.15). This resulted in greater allocation and channelling of funds for VAW, as well as translation of VAW through formulation of programs and policies at the national level. Nepal was one of the 189 countries to demonstrate its commitment to address VAW by adopting the BDPA in 1995. A National Plan of Action based on BDPA was subsequently formulated and then implemented by the government of Nepal.

Merry, a legal anthropologist who has done extensive research on the implementation of the international human rights concept of Gender-based Violence, explains the complex role of “intermediaries” in translating human rights concepts from global sites like the UN to the local level (2006a, p. 38). She refers to these key players – such as state actors, middle level activists, NGOs, donors – as “vernacularizers” or “translators”. Likewise, she defines the process of adapting transnational concepts through contextualised laws, programs and policies as “vernacularization” (2006a, p. 219). Highlighting the critical role of vernacularizers, Merry points how “[t]hose who are most vulnerable, often the subjects of human rights, come to see the relevance of this framework for their lives only through the mediation of middle-level and elite activists who reframe their everyday problems in human rights terms” (Merry 2006a, p. 219).

According to Levitt and Merry, NGO leaders and social activists are the “quintessential” vernacularizers whose role is embedded in the social and political context of the country (2009, p. 449). In Nepal, women leaders of certain NGOs assume this role of the quintessential vernacularizers and translate the concept of VAW into the local context. Their role as vernacularizers can only be understood by situating them within the broader social and political context of Nepal. Some broad questions one may ask are: What is the social and economic position of women who lead the prominent NGOs and shape the discourse on women rights in Nepal? How have key actors such as the state and international donors enabled these leaders to act as the vernacularizers of international concepts? The literature review included in the following chapter will address these questions.

Since its emergence, the women’s movement in Nepal has been largely led by women who belong to the dominant ethnic group (Manandhar & Bhattachan 2001; Tamang 2002; Acharya 2010; Sijapati & Thapa 2013). The few women who have been able to actively participate in the social and political life of the country – as political party members, NGO leaders, professionals and media persons – have been predominantly so-called upper caste women. In this context, the study seeks to critically examine the role of these “elite women” NGO leaders in the vernacularization of the concept of VAW in Nepal. The analysis will be made in light of the concerns raised by women from socially excluded groups in Nepal.

The term “elite women” in this dissertation refers specifically to women who have disproportionate access to and control over power and resources in Nepal’s social and political realms in relation to women who have been marginalized. Elite women are women who have a crucial role in determining priorities, advocating for issues and shaping policies that affect all Nepali women. The definition of “elite” will be elaborated in the literature review.

1.2 Statement of the Problem

In Nepal, the process of vernacularization cannot be isolated from the process of social, political

and economic exclusion that is deeply entrenched in society. Ever since its formation in the late 18th century, the Nepali state has maintained an exclusionary character, which has led to social, cultural, political and economic marginalization of various groups. Although the Nepali population is remarkably diverse in terms of ethnicity/caste, religion, language, culture and geography, studies have shown that those from the dominant group, namely, the “Caste Hill Hindu Elite” or CHHE¹ comprising the Chhetri, Bahun, Thakuri, and Sanyasi castes have historically exercised hegemony over the state.² Although they make up only about one-third of the population, members of the CHHE group overwhelmingly dominate the political, social and economic spheres (Lawoti 2008, p. 366). The pattern is also prevalent in the “relatively progressive realms” such as academia, media, and civil society (Lawoti 2008 p. 370). As a result, policies, including those that directly affect the marginalised population, have largely been shaped and influenced by people from the dominant ethnic group. Historical exclusion of marginalised groups is also reflected in the inequitable distribution of the country’s resources³ (Lawoti 2008, p. 366; ADB 2010, p. 9).

Although the numbers, compositions and criteria for socially excluded groups, and in fact the very term “socially excluded group” are highly contested even among scholars and activists from socially excluded groups, groups that are generally classified as such include Dalits, 14.99%; Madhesis, 22.30%; Indigenous Peoples, also known as *Janjatis*, 36.31%⁴ and Muslims, 4.3 % (Bhattachan 2008 cited in Lawoti 2012, p. 131).⁵

¹ The term was introduced by the scholar Mahendra Lawoti (2008, 2012)

² Please see Appendix B to understand the caste hierarchy codified in the National Code of 1854.

³ According to the ADB report on social inclusion and gender equality in Nepal “[c]aste, ethnicity, and regional identity and geographical location are also strong determinants of poverty and unequal development outcomes (2010, p. 9).” For example, the decline in poverty rates from 42% in 1996 to 31% in 2004 has been consistent among various groups (ADB 2010, p. 9). As a result there was a greater decline in the rates of poverty among Newars (14%), Brahmin and Chhetri (18%), compared to socially excluded groups such as Tarai Indigenous Peoples (35%), Muslims (41%), Hill Indigenous Peoples (44%), followed by Dalits (46%) with the highest poverty rate (ADB 2010, p. 9).

⁴ While the Dalits are the “untouchable” people in the Hindu caste system, Madhesis are the people whose origins lie in the southern Tarai plains of Nepal. Historically, Madhesis were treated as second-class citizens with deliberate policies to deprive them of citizenship and other rights .

⁵ Please see Appendix C

A similar pattern of disparity is prevalent among the women population of Nepal. Although it is rare to find disaggregate data on women with sound analysis of caste, ethnicity and class factors, studies have indicated that inequalities among women correspond to the broader pattern of inequality in Nepali society. Disparity among women tends to get overlooked or downplayed because women as a whole are categorized as a “subordinate” group in the larger scheme of things. For instance, the Asian Development Bank 2010 report on gender equality and social inclusion in Nepal indicates that social indicators related to health and education are much lower among women from Dalits, Muslims, Indigenous Peoples and Madhesis compared to women from Brahmin and Chhetri caste/ethnic groups. Further, it reveals that the Social Exclusion Index developed by the National Planning Commission shows that the gender differentials were highest in socially excluded groups such as Dalits, followed by Muslims and Tarai Janajatis (ADB 2010, p. 10). In the same vein, the Measuring Empowerment and Social Inclusion (MESI) study conducted by the World Bank & Department for International Development (2006) suggests that ‘[w]hen only female scores are examined, the caste hierarchy re-appears with Brahman/Chhetri and Newar⁶ women scoring much higher than Dalit or Janajati women’’⁷. For this reason, scholars and activists working for gender and social inclusion in Nepal are sharply critical of the mainstream women’s movement, in particular its failure to take account of the differences based on caste, ethnicity and class among women. In view of this problem, this study seeks to examine how the elite women as NGO leaders have translated the concept of VAW in Nepal. Their role will be critically analysed from the perspective of the women from socially excluded groups, who are also considered one of the chief targets of human rights endeavours in Nepal.

1.3 Significance of the Research

⁶ Newars are categorised as the “advantaged” group among the indigenous groups by the Indigenous Peoples by Nepal Federation of Indigenous Nationalities (NEFIN).

⁷ Empowerment and Social Inclusion Indices were used to measure the level of empowerment and social inclusion. The empowerment index measured: 1. knowledge/awareness of rights and procedures, 2. participation in local development services, 3. confidence/comfort level in accessing services/exercising rights, 4. social networks (economic and political), and 5. efforts to influence. While the social inclusion index measured: 1. self-perceived status of own caste/ethnic group, 2. Restricted access & public intimidation, 3. effectiveness of local political influence, and 4. effectiveness in getting services and opportunities.

The review of existing literature suggests that there is a gap in knowledge about the role of elite women in vernacularizing international concepts related to women's issues. Perspectives of socially excluded women are conspicuously absent in the dominant narratives about women in Nepal. In view of this lacuna in Nepali scholarship, a number of scholars and activists working on gender and inclusion issues have indicated the need to study the role of elite vernacularizers (Tamang 2002; Manandhar & Bhattachan 2001; Sob 1997). Building on the rare scholarly sources that critically reflect on the role of elite leaders of the women's movement, this study seeks to contribute to the small body of knowledge that sheds light on this problem. The study underscores the need to recognize the diverse experiences of women and the multiple forms of oppression faced by women while translating the concept of Violence Against Women. Although limited in its scope, I am hopeful that my findings will open avenues for further research on this issue that concerns the socially excluded groups in society.

1.4 Research Goal and Research Questions

This goal of the research is to understand how the concerns of women from socially excluded groups are being addressed by the elite women who lead prominent NGOs and act as the vernacularizers of the concept of VAW. The research aims to address two questions:

1. How are elite women who lead the NGOs positioned as the key vernacularizers of VAW in the social and political context of Nepal?
2. How have elite NGO leaders vernacularized the concept of VAW in view of the concerns of women from socially excluded groups?

1.5 Overview of the Research Methodology

The research takes a qualitative approach and tries to address the above questions in three steps: a) a review of the literature; b) a case study of a women's NGO called SAATHI and its elite leaders; and c) a discourse analysis of three research reports on VAW produced by SAATHI. The details of the methodology are provided in Chapter 3 of this research paper.

1.6 Researcher's Profile

My interest in the research topic stems from my past experience in women's issues and human rights in Nepal. During my seven-year work experience in national/international organisations, I have gained valuable insights into the nature of human rights abuses faced by women in Nepal. I have also realised how transnational concepts relating to women's issues and the ways in which they are adapted in the local context have serious implications for the most vulnerable people in our society.

My concern for women from socially excluded groups is also shaped by my own identity as a woman from an indigenous group. I have strong ties with people from my community, the majority of whom live in rural parts of Nepal. Although I grew up in Kathmandu, the capital city, and have gained opportunities that are inaccessible to the large section of my community, my experience has decisively been shaped by my gender and ethnic identity. I have realized that

women from indigenous groups experience various forms of discrimination based on their caste/ethnic identity and gender even in urban professional settings. This has honed my interest in the complex nature of the problem and motivated me to look for potential solutions. The research will give me an opportunity to situate my concerns within the broader discourse of human rights and build a theoretically informed analysis⁸ of the situation.

1.7 Ethical Consideration

As the study is a critical analysis based on secondary sources, I will have to be cautious regarding the validity and reliability of the secondary sources. Since the findings about the vernacularization of VAW could have policy-level implications for women from socially excluded groups, I will have to ensure that the gaps I highlight resonate with the critiques and demands of women from socially excluded groups. As the study seeks to expand knowledge about vernacularization of the concept of VAW in the local context, the findings might be useful to key stakeholders such as government, non-governmental organisations, and donors working to address violence against women.

1.8 Limitations

There are four limitations in the study. Firstly, the scope of the research is limited to analysis from the perspective of women who belong to the socially excluded groups, i.e. Dalits, Madhesis, Indigenous Peoples, and Muslims. Even within these socially excluded groups, there is diversity, disparity and elitism. This needs to be questioned and explored further, but there is a need to first examine the systemic discrimination against large groups of population before tackling discrimination prevalent *within* those groups. Secondly, although VAW reflects an intersection of various factors such as gender, caste, ethnic, class, this study focuses primarily on the gender and caste/ethnic factor, with minimal treatment of the class dimension. Class is critical in shaping the experiences of women including those from socially excluded groups. Thirdly, many other categories of vulnerable groups are beyond the scope of this research. They include people with

⁸ I am concerned about the criticism of the “methodological deficit” in human rights scholarship and realise how it can undermine the credibility and validity of the findings (Coomans, Grunfeld & Kamminga 2010, p. 183). With that in mind, I seek to conduct a research that is both instructive and reliable.

disabilities, migrant workers, refugees, sexual minorities, single women and the elderly. Finally, the discourse analysis is limited to the narrative produced by one NGO called SAATHI, which is a leading NGO working to address VAW in Nepal. As a well-established, well-funded and influential NGO led by elite women, SAATHI provides an emblematic case study of the vernacularization of VAW in Nepal. However, including more NGOs run by elite women would provide a more nuanced understanding of the situation and enhance the validity of the conclusions drawn from the analysis.

CHAPTER 2: LITERATURE REVIEW

This literature review seeks to locate the international concept of “Violence Against Women” or VAW within the larger discourse of the women’s movement in Nepal. In that process, it examines how the elite leaders of the women’s movement, particularly NGO leaders, are situated within

the broader social and political context of the country, and what implications their leadership has for women from socially excluded women. The role of elite women in producing dominant narratives about women's issues has been juxtaposed with voices representing the views of women from socially excluded groups.

The study uses the term "elite" to mean social groups that have disproportionate access to and control over political, social and economic resources of a nation compared to the rest of the society. Mill's concept of "power elite" is useful for understanding the traditional elite of Nepal. Mill identifies the leaders of three spheres – business, military and political – as constituting the "power elite" of the United States. His emphasis is on the "cohesive" quality of the elite:

The idea of such a ruling stratum implies that most of its members have similar social origins, that throughout their lives they maintain a network of informal connections, and that to some degree there is an interchangeability of positions between the various hierarchies of money and power and celebrity (Mills 1956, pp. 11-12).

In Nepal's context, too, those at the top of the economic, military and political structure have historically exercised the power to shape the decisions affecting the rest of the population. However, in contradistinction to America's power elite, in Nepal the "similar social origins" that characterize the elite are primarily related to caste. This can be seen in the constitution of Nepal where the Nepali state was defined as "a Hindu kingdom" until 1990, and the state actively promoted a discourse of nationalism that privileged the religion, language, culture, and practice of high caste Hindus from the Hills at the expense of the culture, language, religion and experiences of other diverse caste/ethnic groups such as Dalits, Indigenous Peoples, Madhesis, and Muslims. In this manner, those at the top of the caste hierarchy gained disproportionate access to economic, political as well as military power. Therefore, the constituency that Mills labels "the power elite" in America is often categorized as "the high-caste elite" in Nepal's context. However, given that Nepal is a patriarchal society, it is high caste men, not women, who occupy the visible positions of power. By "elite women leaders", the study is largely referring to women who have benefited from "a network of informal connections" with the power elite, primarily by virtue of their caste.

The elite women that the study is referring to belong to dominant caste/ethnic and class groups, are educated and conversant in both Nepali and English, and hold highly influential and decision-making positions. The women could be elite due to their privileged status in either all or some of the spheres – social, economic, cultural and political. While not all women from dominant ethnic groups can be categorized as elite, the majority of elite women are from the dominant ethnic groups.

This literature review is divided into four sections. The first section seeks to identify the dominant actors in the women's movement, major policies adopted for women, and its implications for women from socially excluded groups. The women's movement in Nepal has evolved with the political changes that Nepal has undergone during the three distinct phases in its history: the partyless Panchayat period (1960-1990); the democratic period which also witnessed the Maoist armed conflict (1990-2006); and the post-conflict democracy (2006 onwards). The review examines how the women movement has evolved during these three historical periods and also highlights the role of the state and the foreign aid regime in establishing the hegemony of the dominant caste group in the women's movement of Nepal.

As NGOs working for women form a significant part of the broader women's movement in Nepal, the second section explains the central role of urban NGOs working for women in translating the concept of VAW in Nepal, particularly after 1995, when the Beijing Declaration and Platform for Action (BDPA) was adopted by the Government of Nepal.

The third section highlights the complexities involved in employing the international human rights concept of VAW in Nepal's specific social and political context, particularly with regards to marginalised women.

The final section discusses two concepts – Merry's (2006a, 2006b, 2009) "vernacularization" and Crenshaw's (1991) "intersectionality" alongside the general concept of international human rights. These concepts are effective theoretical tools for analysing the role of elite NGO leaders from the perspective of marginalised women.

2.1 Women's Movement in Nepal: Structure and Dynamics

Nepali scholars and activists working in gender and social inclusion represent varying perspectives and backgrounds. Yet they generally agree that since the emergence of the women's movement in the mid-1940s,⁹ the women's movement in Nepal has 1) evolved in tandem with the political trajectory of the country, 2) been highly fragmented along political (party), caste, ethnicity and class lines, and 3) been led largely by urban elite women from dominant ethnic groups (Des Chene 1997; Lama 1997; Sherchan 1997; Manandhar & Bhattachan 2001; Rai 2008; Tamang 2009; Acharya 2010; Bennett, Sijapati & Thapa 2013). Their writings also shed light on the trends of social exclusion within the women's movement and their ramifications for women from socially excluded groups. Their work thus points out the need to address the diverse experiences and challenges faced by women from such groups in order to ensure that women's movement is truly inclusive, united and fruitful.

To gain a deeper understanding of the women's movement, it is necessary to place it within the broader social and political context of the country. With that in mind I will be tracing the women's movement through the three distinct phases of democratic transition mentioned earlier. Although there is a broad range of prominent actors in the women's movement, such as political parties, professional groups, academia, and media, the literature review primarily focuses on NGOs as a part of the women's movement.

2.1.1 The Partyless Panchayat Period (1960-1990) – Absolute Monarchy

Accounts of the history of women's movement of Nepal reveal that since the mid-1940s the women's movement was led primarily by women from dominant ethnic groups. These include wives and relatives of political leaders, largely from dominant caste and ethnic groups, who had

⁹ The first formal women's organization, *Mahila Samiti* or the Women's Committee was established in 1917 by women who had family ties with prominent male activists of the Congress Party (Morgan 2010, p. 459). The organization closed down after the husband of Dibya Koirala, one of the founding members of Women's Committee, was exiled to India for his political activities in 1919 (Morgan 2010, p. 459).

formed sister organisations of political parties (Manandhar & Bhattachan 2001; Tamang 2009; Acharya 2010; Bennett, Sijapati & Thapa 2013). Although the women's movement advocated for some rights specific to women, the major goal of the movement was geared towards establishing democracy (Acharya 2010, p. 2; Bennett, Sijapati & Thapa 2013, p. 4). The leading actors of the women's movement remained active players until King Mahendra abruptly seized power from the democratically elected government in 1962 (Acharya 2010, p. 2). The King monopolized power by dissolving the parliament, arresting leaders of political parties including the Prime Minister, and established an absolute monarchy in the form of the partyless Panchayat government¹⁰ (Hachhethu 2008, p. 1). All political activities were outlawed and activities against the Panchayat government were severely penalized (Baral 1994, p. 128).

During the Panchayat period, the state, controlled by the royal family, propagated the dominant group's ideologies of Hindu patriarchal norms and values. The repressive government was largely successful in maintaining a "deceptive façade of peace and ethnic harmony", reinforced by school textbooks and the media (Lawoti 2012, p. 129). Although the preceding "dark era of Rana rule"¹¹ [was] contrasted with the enlightened, progressive and modern period of Panchayat rule" (Onta 1996 cited in Tamang 2000, p. 130), the Panchayat regime continued to be highly discriminatory against a large section of the population that had their own distinct language, culture and religion. Seeking to strengthen its legitimacy and support, the Panchayat State enforced the policy of "one nation, one language, one costume" based on the culture of the elite Hill Hindu (Sijapati 2009, pp.7-8). Likewise, the state propagated laws for marriage, divorce, family relations, and property rights by taking the Brahmin-Chhetri model as the standard family form (Tamang 2000, p. 136). 12. Land policies initiated by the Panchayat government such as the 1964 Land Reform Act and Land Survey Act 1977, replaced the communal or customary tenure of the Indigenous Peoples (IPs) and systematically deprived indigenous communities from their existing

¹⁰ Although the King justified his move on the pretext that parliamentary democracy was not suited to the country, the *Panchayat* government proved to be essentially an absolute monarchy.

¹¹ During the autocratic Rana regime (1846–1950), Jang Bahadur Rana, the first Rana Prime Minister, codified the Hindu caste system by introducing a highly discriminatory 1854 *Muluki Ain* (Civil Code) that integrated all caste groups, including non-Hindus, within the 'national' hierarchy of Hindu caste system (Tamang 2000, pp.128-129). The amended Civil Code still remains a major basis for governing Nepal.

rights over the land and resources (NIWF, LAHURNIP & FFP 2011, p. 10). As the culture, customary institutions, livelihood, and dignity of indigenous peoples are closely tied to their land, these “reform” policies had a severe impact on the social, economic and political life of the indigenous communities. These examples demonstrate how laws and policies shaped by the values of the elites of the dominant ethnic group were thus highly discriminatory towards the socially excluded groups.

In this context, the women’s movement followed a similar pattern of exclusion. The power to shape policies for women was concentrated largely in the hands of elite women from the dominant ethnic group. The two powerful state level organisations that focused their work on women were the Panchayat-sponsored All Nepal Women’s Organisation (ANWO)¹² and the Women Social Coordination Committee (WSCC) formed under the Social Services National Coordination Council (SSNCC) in 1977 that was headed by the former queen. These organisations worked actively to “legitimise the gendered Panchayat order” constructed by the State and monitored all activities to ensure that they were free of anti-Panchayat elements (Tamang 2002, p. 167). The main actors of the women’s movement were those involved in the ANWO, WSCC, professionals in and outside government, including women from political parties who continued their underground struggle for democracy (Acharya 2010, pp. 2- 3).

The WSCC, which was under the SSNCC, had the specific task to coordinate the NGOs for women’s development programs. The Queen, as head of the SSNCC, controlled and dictated the development policies and programs for women, the foreign aid that entered the country in the name of development, and the people who led and implemented the programs (Acharya 1994 cited in Lohani-Chase 2008, pp. 45-46). As the WSCC/ SSNCC oversaw the work of NGOs, only those with royal patronage were able to run them (Acharya 1994 cited in Lohani-Chase 2008, p. 45).

¹² The 1976 Class Organization Act implemented by the Panchayat state resulted in the constitutional recognition of six class organizations: Nepal Farmers, Nepal Youth, Nepal Women, Nepal Adults, Nepal Laborers and Nepal Ex-Army (Tamang 2000, p. 132). The Nepal Women’s Organization was one of the legally recognized “class organizations”.

The urban elite women, representing the women of Nepal, became a part of the global women's movement for the first time through their participation in the UN International Women's Year 1975. Participants from Nepal, which included the Queen, were actively involved in the landmark international events for women such as the UN International Women's Year, and the First World Conference in Mexico City in 1975¹³ (Bhadra 2001, p. 100) where they were introduced to the development approach for women. The participants to the international events also served as elite native informants voicing the concerns of Nepali women for an international audience.¹⁴ Through the involvement of these women in the UN Decade for Women (1975 – 1985)¹⁵, the globally dominant approach of WID (Women in Development) was introduced at the policy level from the late 70s (Bhadra 2001, pp. 103-105).

Tamang argues that Women in Development or WID became a “convenient device to essentialise women” for the Panchayat-led “national project” of development (2002, p. 170). Tamang elucidates how the Panchayat state was backed by international aid to pursue this goal.

The Panchayat state sought to impose and legitimate a hegemonic Hindu culture by homogenizing the ethnically and religiously heterogeneous population. Key to the legitimization of Panchayat rule was the doctrine of “development”- *bikas*- as “the national project”. The fortuitous conjuncture of the post-World War II global project of international development and the Panchayat elite's own need to legitimize itself led to massive injections of foreign assistance into Nepal (Tamang 2002, p. 163).

Consistent with the WID approach that remained to be rooted in the idea of “welfare”, women

¹³ UN Decade for Women, which spanned the year 1975-1985, is considered a landmark event in the history of transnational women's movement. The event consisted of three major international forums and conferences: in Mexico City in 1975, Copenhagen in 1980 and Nairobi in 1985. These events mobilized movement actors on women's issues from all across the world to identify the key concerns of women (Keck & Sikkink 1998)

¹⁴ The following quote from the speech of late Queen Aishwarya made during the Inaugural Function of International Women's Year, 1975 is one of the most cited quotes in the literature on women during the Panchayat period “[S]o far as the question of equality is concerned, Nepalese women, since the advent of democracy, specially under the Partyless Panchayat System, have been enjoying almost all the rights. Nor, like their counterparts in the western world, did they have to wage a protracted struggle for it” (Tamang 2000, p. 132). The quote reveals how removed the Queen was from the realities experienced by the majority of women in Nepal.

were viewed as an “agencyless” group in need of development. The Panchayat elite constructed a monolithic image of “Nepali women” in which all women were cast as helpless victims uniformly oppressed by Hindu patriarchy (Tamang 2002, pp. 163- 168). This image of “Nepali women” was intrinsically problematic – first because it projected women as weak subjects devoid of agency, and second, because it was based on the assumption that the experiences of women from the dominant group represented the experiences of all Nepali women.

Tamang writes how “...the particular project of *bikas* – development –has compounded the structured inequalities relating to class and ethnicity, and how it has erased the heterogeneity of women’s lived experiences in Nepal” (2002, p. 161). The homogenous category of “Nepali women” that overlooked the multiple forms of subordination based on caste, ethnicity, class and other existing social barriers gradually became a stock image of women.¹⁶ This constructed image of “Nepali women” continued to shape the discourse on women well into the post-1990 period.

¹⁶ This systemic failure to acknowledge the diversity of women has not only led to misrepresentation of women’s diverse experiences, but also denied agency to women who suffer from multiple forms of discrimination based on their social identity (Tamang 1999).

2.1.2 Post 1990 – Multi-Party Democracy with Constitutional Monarchy

The Panchayat regime finally ended with the mass movement of 1990, also known as the first People's Movement. The 1990 Constitution promulgated after the reinstatement of democracy recognized the multi-ethnic, multicultural, multi-lingual nature of Nepali society and changed the political structure to include a parliamentary government and multiple political parties.

Despite some progressive changes, Nepal continued to remain a Hindu Kingdom under a constitutional monarchy. Issues of identity and inclusion raised by socially excluded groups remained largely unaddressed. While democratic change opened up avenues for women from socially excluded groups to voice their concerns, power remained concentrated in the hands of urban elites from dominant ethnic groups.

Post-1990, the SSNCC was dissolved and replaced by the Social Welfare Council¹⁷ under the Social Welfare Act. The Social Welfare Act¹⁸, 1992, assigned the Minister for Women, Children and Social Welfare as the Chairperson of the SWC (Social Welfare Act, 1992). These changes in the legislative framework of SWC granted greater autonomy to NGOs, emphasized the role of NGOs as development partners for the government, and made it mandatory for donors/INGOs to work in partnership with NGOs (MoF & ADB 2010, p. 9). With these significant changes in the structure, the barriers to channel funds to NGOs were removed and the accountability of NGOs towards the state was significantly reduced.

The post-1990 democratic changes were in line with the broader trends of globalisation and neo-liberalism. As a result, foreign aid to Nepal increased considerably during the post-1990 period. A large portion of the funding was channelled to NGOs for development work, which led to a

¹⁸ Although the progressive changes in the SWC Act led to a phenomenal rise in the number of NGOs, the Act itself hinges strongly on the conservative welfare approach of development. For instance the Act defines "Social Welfare Activity" as "welfare activity oriented towards the economic and social upliftment and self-reliance to the weak, helpless and disables [sic] individuals" (Social Welfare Act, 1996). Similarly, the Act defines NGOs as "organizations and institutions established under the prevailing Laws in order to carryout various social welfare activities and social welfare oriented non-governmental organization and institution" (Social Welfare Act, 1992). The Act continues to give primacy to the "welfare" approach of development characterising marginalised people as "weak and helpless".

massive proliferation of NGOs. The number of NGOs rose steeply from 247 in 1990 to 30,284¹⁹, according to the latest figures provided by the Social Welfare Council (SAWF 2012, p. 12). Out of the total number of NGOs, 2305 are working in areas classified²⁰ as “women services” by SWC (SWCN 2009).

With greater autonomy and foreign funding, NGOs working for women became the key actors in the women’s movement post-1990s. Although the strengthened role of NGOs led to greater participation of women, the dominant groups – CHHE and Newar – held around 90% of the positions in major NGOs and human rights groups (Neupane 2000 cited in Lawoti 2007, p. 13). This data indicates a disproportionately high representation of the dominant ethnic groups in NGOs. Consistent with this, urban elite women – mainly from Brahmin, Chhetri and Newar groups— by virtue of their social and political ties and educational achievements were in an advantageous position (Brown 1996, Manandhar & Bhattachan 2001, Tamang 2002, Acharya 2010). They were able to benefit from the opportunities that flourished in the area of “women and development” since the 1990s (Tamang 2002, p. 165). They have been in the privileged position for receiving funding for programs on women and/or have access to other employment opportunities in the area of women and development (Tamang 2002; Bennett 2005; SAWF 2012).

Bennett argues that international donors in Nepal who fund programs and shape policies have always privileged “professional” NGOs that are well-versed in current development trends and in the English language (Bennett 2005, pp. 25-26). The implicit conditions of funding set by donors can only be met by women who have skills in English language, technical know-how, and organisational management. Consequently, elite women who lead NGOs have been able to assume the authority to represent and speak on behalf of “Nepali women” and wield the power to shape policies that affect the lives of these women (Tamang 2002, pp. 165-166). Although elite women leaders are bound by the limits of their own experiences, whether class, ethnicity, or

¹⁹ However, SWC does not kept a record of all the NGOs registered at the district-level, and the actual number of NGOs in operation is known to be much higher.

²⁰The SWC has classified NGOs into ten categories as:

caste-based, they do not question their authority to speak on behalf of the diverse women's population in the country (Tamang 2002, pp. 165).

International donor agencies contribute a significant proportion of funds in the area of development, and are hence one of the primary actors in the development of Nepal. As international agencies, their work is premised on maintaining diplomatic relations with the host country. The paradox of diplomacy – non-interference and respect towards the sovereign interest of State – is that it comes with a price of having to choose the “sovereign interests” over demands of people at the margins that might be considered a threat to “national unity” by the State. For instance, it was only in 1997, under the Ninth Plan, that the government formulated policies to support Indigenous Peoples and Dalit groups by specifically mentioning those groups (ADB 2010, p.6). Following this initiative donors started channelling funding to programs targeting socially excluded groups. Before this policy level change, donors feared that they would antagonise the government actors if they created programs to address social exclusion (Bennett 2005, pp.29-20). Most likely donors feared that state actors would see any discussion of ethnic and caste discrimination as an attempt to disrupt communal harmony. Nevertheless, even after the government was forced to place social exclusion on the national agenda, donors, national actors and civil society continued to treat the demands of socially excluded groups as contentious issues. These instances indicate how donors in Nepal have helped create and sustain a structure that reinforces the hegemony of certain groups.

2.1.3 Democracy after the Decade-long Armed-Conflict²¹(2006 onwards)

In April 2006, the Nepali masses, led by the alliance of seven political parties and the Maoists, launched a nationwide movement demanding an end to the autocratic royal regime and the establishment of democracy. The movement came to be known as the Second People's Movement. The movement overthrew the king and led to the establishment of Nepal as a secular, federal, democratic republic. Subsequently the Communist Party of Nepal (Maoist) and the state

²¹ The armed conflict, which the Maoists referred to as the People's War, aimed to establish a new “democratic socio-economic system and state” (Thapa 2012, p. 52).

signed the Comprehensive Peace Agreement, which formally ended the decade-long armed conflict (1996-2006). The armed conflict was one of the gravest internal challenges in the history of Nepal. It claimed the lives of over 13,000 people, left tens of thousands displaced, and thousands injured and maimed (Lawoti 2007, p. 3). One of the striking features of the armed-conflict was the high level of participation of women, approximately 30-40%, as combatants in the Maoist Army (Pettigrew & Schneiderman 2004, p. 1), and participation of women during the Second People's Movement.²²

The issue of social exclusion was at the heart of the agenda for political transformation that brought the armed conflict to an end in 2006. Questions of identity, representation and resource distribution came to dominate public debate in the post-2006 period. The call for such recognition is reflected in the broader policy framework²³ such as the Interim Constitution, 2007, that includes progressive provisions for ensuring gender equality and social inclusion.

There was an unprecedented level of representation of women and people from marginalised groups in the Constituent Assembly (CA) that was elected in 2008, making it by far the most inclusive legislature-parliament in the history of Nepal. It had representation of women and marginalised groups: 33% women, 34% Madhesis, 33% Janajatis and 8% Dalits in the CA (Kelles-Viitanen & Shrestha 2011, p. x). The elected CA of 2008 was a historic achievement for Nepal given that the Constitutions over the past 68 years had been written by a handful of people chosen either by the autocratic Rana rulers or Kings to serve their own interests (Bhattarai n.d.).

The new attention gained by social inclusion is also linked to the findings of numerous studies that revealed that the armed conflict was rooted in issues related to poverty, caste, ethnicity, class and gender (NORAD 2007, p. 4; Tamang 2009, p. 71). As a result of the growing acknowledgement of social exclusion, excluded women have also started to highlight their

²² The Maoists' agenda for social transformation,²² which stood in sharp contrast to the other parties' general lack of vision, appealed to the wider population that had remained disadvantaged and marginalised throughout history (Adhikari 2012, p. 265). Therefore the Maoists were able to garner huge support and participation from the marginalised communities.

²³ For example, Article 13 of the Interim Constitution specifically requires the State to implement measures for the "protection, empowerment and advancement of women, Dalits, indigenous nationalities and Madhesis" (Interim Constitution 2007).

particular experiences as women in Nepal and become more organised (Tamang 2009b, p. 71).²⁴ Women from socially excluded groups – Dalits, Indigenous Peoples, Madhesis and Muslims – are now advocating for their concerns through their own identity-based organisations. While the overarching demand of women from the excluded groups is recognition of their identity through representation in political, economic and social life, and access to and control over resources, each group also has demands specific to their caste and ethnicity. For instance, Dalit women highlight the urgency of eliminating the practice of “untouchability” and other forms of caste-based discrimination (FEDO 2007). Madhesi women draw attention to malpractices such as dowry, forced purdha system, accusation of witchcraft, polygamy and child marriage (Maharjan & Sah 2014). Muslim women highlight the specific challenges arising from their status as a religious minority (Ashoka 2006; Khan 2011). Indigenous women are demanding the right to self-determination and local autonomy in the new federal structure of Nepal (NIWF 2011).

Despite the political changes and increased advocacy, the continued portrayal of “Nepali women” as a homogenized category in the mainstream women’s movement has served to marginalize the issues that are specific to women from socially excluded groups (Tamang 2002; Rai 2008; Manandhar and Bhattachan 2001; Bennett, Sijapati & Thapa 2013). In relation to this, Pradhan cites a compelling example of a study on women-only community forest user groups (CFUGs) in Nepal conducted by Buchy and Rai in 2008 (Pradhan 2014, p. 47). The study shows that although women-only CFUGs were formed to secure the interest and rights of women as opposed to mixed-gender forest user groups (FUGs), neglecting the multiple factors of oppression based on caste, class and gender resulted in better-off women from “upper” castes exercising power in their own interest (Pradhan 2014, p. 47). It allowed for concerns of women who were poor and from lower castes to be sidelined.

Similarly, scholars argue how women continue to be cast in the image of “agencyless” victims (Pettigrew and Shneiderman 2004; Fujikura 2003; Tamang 2002). Tamang argues that “the continuation of such portrayals is unsurprising given that historical and intertwined privileges of

²⁴ See Appendix D

caste, education and opportunity have resulted in Bahun, Chhetri and to some extent Newar women dominating leadership position in NGOs” (Tamang 2002, p. 70). Rather than creating platforms for debating on contentious issues, concerns of women from socially excluded groups are often criticized as being “divisive” by women from the dominant ethnic group. For instance, Acharya claims that the “...ethnic women's movement [is] guided primarily by the ideology of revenge for their past oppression, rather than by a vision of a truly democratic, equitable and just state and society” (Acharya 2010, pp. 25-26). The simplistic and misleading characterization of indigenous women’s movement by a prominent feminist scholar in Nepal who belongs to an elite Hindu high caste family, is telling of the way how voices of women from socially excluded groups are represented in the mainstream women’s movement. Ironically, raising voice against injustice and demands for equality is interpreted as going against the “vision of a truly democratic, equitable and just state and society”. Nevertheless, demands of women from socially excluded groups clearly reflect the diversity among women and their distinct experiences.

The practice of elite “gate-keeping” on the representation of socially excluded groups in the development world has started to be critiqued only in the last few years (Tamang 2009, pp. 70-71). This also explains why although gender policies and programs in Nepal have evolved with the changing global discourse— such as WID, woman and development (WAD), gender and development (GAD), gender mainstreaming, and the emerging human rights-based approach to development—they are rooted in the conservative welfare approach that views women as needy, agencyless and oppressed by Hindu patriarchy (Manandhar & Bhattachan 2001; Tamang 2002; Bennett, Sijpati & Thapa 2013).

In terms of funding, elite leaders of women’s NGOs continue to remain the main beneficiaries of donor funding. The report by South Asian Women’s Fund which specifically maps the donor funding channelled to women’s issues in Nepal, shows how “large 'mainstream' women's organisations receive the lion's share of funding, due to their personal connections with donors (attributed to their upper caste, English speaking privileges) and their greater accessibility to donors” (2012 p. 33). This indicates how urban elite women from “upper caste” continue to be able to fit the donor criteria and control the “knowledge industry” on women’s issues due to their

command of English and other required organisational skills. In contrast, the same “donor criteria” have become a significant barrier for women from marginalised groups for receiving funds even though they are better suited to voice the concerns of their own communities (Bennett 2005; SAWF 2012). Shedding light on the discriminatory norms and practices of donors, the SAWF report points out how smaller organisations run by women from marginalised communities are the “worst off among women's organisations” in terms of receiving funding (SAWF 2012, p. 25).

With the recent political changes in the country, those who advocate for the concerns of socially excluded groups have become sceptical about the outcome of the new second Constituent Assembly elected in November 2013. Despite its four-year-long effort, the first Constituent Assembly could not produce a new constitution and was dissolved in May 2012. At the heart of the dispute was the agenda of state restructuring, in particular the type of federalism to be adopted for Nepal. Individuals and political parties that recognise the concerns of marginalised groups advocate for a type of federalism that ensures the rights of the marginalised for building an inclusive society. In contrast, those representing the traditional elites see federalism and inclusion as a threat to their longstanding hegemony. While stakes are getting higher and pressure is increasing on the CA-II to complete the drafting of a new Constitution in time, it remains to be seen whether and how the CA-II will address the issues of inclusion and federalism, two key demands of the marginalised groups.

2.2 VAW in Nepal and Advocacy by NGOs

In Nepal, NGOs have been the key intermediaries for translating the concept of VAW in Nepal's context, particularly after the Government of Nepal committed itself to the Beijing Declaration and Platform of Action (BDPA) at the UN Fourth World Conference on Women in 1995. The government has expressed its commitment to address Violence Against Women through a wide range of international human rights instruments, national laws, major agreements, policies/programs and institutional mechanisms (ADB 2010, pp. 4-7). These international instruments and standards provide a legitimate basis for NGOs for demanding accountability

from the government in dealing with VAW (ADB 2010, p. 5). In particular, the urban NGOs working for women play a key role in advocacy related to VAW. This trend is reinforced by donors who largely fund urban NGOs (SAWF 2012).

The international human rights system recognizes NGOs' critical role in advocacy. It has hence established mechanisms to allow NGOs to question and challenge the government's role with respect to women's human rights. For instance, during the periodic reporting on the implementation of CEDAW – a key international mechanism dealing with women's human rights – NGOs challenged the government's claims about the improvement in women's status, and raised numerous concerns of women through a complementary reporting process known as "shadow reporting" (See, FWLD 2011). The critical analysis of the women situation and recommendations made by the NGOs fed into the analysis and recommendations that the CEDAW Committee made to the government of Nepal. Women NGOs can thus significantly influence policy at the national and international level, bestowing upon NGO leaders the power to act as the foremost representatives of all women in Nepal.

The NGO-led advocacy, along with the broader women's movement, has been instrumental in addressing VAW in Nepal. Recent key initiatives on VAW include the Domestic Violence (Crime and Punishment) Act 2009; the establishment of the Gender Empowerment and Coordination Unit (GECU) in 2010 housed at the Office of the Prime Minister and Council of Ministers (OPMCM); and the National Action Plan on GBV initiated since 2010 (OPMCM 2012, pp. 6-7).²⁵ Similarly, various women NGOs are also working in partnership with the government to implement plans and policies on VAW (OPMCM 2010, pp. 15-16). The report "Preliminary Mapping of Gender based Violence" jointly prepared by SAATHI, the Asia Foundation and DFID in 2010, identified 32 NGOs in Nepal that work to address GBV; including those working in domestic violence, trafficking, and armed-conflict related violence. Their main activities were advocacy, GBV training²⁶ for government and non-government organizations, and providing support services to victims (SAATHI, TAF & DFID 2010, p. 8). According to a study conducted by

²⁵ Refer to Appendices E & F for GBV/VAW related laws in Nepal.

SAWF that maps the funding pattern of NGOs working on women's issues in Nepal, a significant portion of donor funding is allocated for advocacy and awareness raising on VAW (SAWF 2012, p. 23).

2.3 Vernacularizing VAW in Nepal

Global concepts can be useful only if they address local realities. The rights-based language of Violence against Women produced in global sites can become meaningful only if it gets translated into a language that takes the specific challenges of local people into account. Merry (2006a) describes this process of translating global concepts in the local context as “vernacularization”:

The process of vernacularization is one of appropriation and translation. Human rights ideas and feminist ideas are appropriated by national elites and middle-level social activists and translated into local terms. Those who are most vulnerable, often the subjects of human rights, come to see the relevance of this framework for their lives only through the mediation of middle-level and elite activists who reframe their everyday problems in human rights terms (Merry 2006a, p. 219).

Merry defines these “national elites and middle-level social activists” as “translators”, “vernacularizer”, “intermediaries”, or “people in the middle”. In the context of Nepal, the urban elite women from dominant ethnic groups – Brahmins, Chhetris, and to some extent Newars – leading the NGOs fit into Merry's category of “vernacularizers”.

As the work of the “vernacularizers” is “largely a top-down process [that moves] from the transnational to the local and the powerful to the less powerful” (Merry 2006b, pp. 48-49), the vernacularizers are positioned in the existing field of power and are deeply affected by the interests of the state, funders and local communities. While on the one hand “vernacularizers” have to cater to the priorities set by international donors (Merry 2006b, p. 42), they also need to create programs and institutions that can reflect local concerns (Merry 2006b, p. 134). However, the process of vernacularization gets more complicated when the “concerns of the local context”

primarily reflect the values and interests of national elites, as in the case of Nepal. In such a situation the process needs to be regarded with greater caution and analysed more carefully.

While much has been written about the elite structure of NGOs and the foreign aid mechanism that reinforces it, those who lead and control the women NGOs have rarely been subject to scrutiny. More research needs to be done to examine how the homogenised image of “Nepali women” is being reproduced and what implications it has for women from socially excluded groups. By placing women from socially excluded groups at the centre of the analysis, this research seeks to explore the ways in which urban elite leaders of NGOs have translated the international human rights concept of Violence Against Women in Nepal.

2.4 VAW, Intersectionality and International Human Rights

Resonant with the voices of Nepali scholars and activists who stress the need to address the multiple forms of oppression faced by women from socially excluded groups, VAW as an international human rights approach also emphasizes the need to understand the multiple forms of oppression faced by women. Therefore “[a]n integrated and inclusive human rights regime should take into account not only gender perspectives but also the wide variety of factors that shape and reinforce women’s, and men’s, experiences of discrimination and violence, including race, ethnicity, class, age, sexual orientation, disability, nationality, religion and culture” (UN 2006, p. 14). Tamang acknowledges that internationally defined rights, although not fully adequate in themselves, have the potential to further democratise Nepali society and politics (Tamang 2002, p. 172). However, it can only happen with the reconceptualization of feminist discourse in Nepal through recognition of diversity among women (Tamang 2002, p. 172).

Studies on Nepal have consistently highlighted the remarkable diversity of the Nepali population. Tamang states that research conducted by anthropologists, government and development agencies has thrown light on the varied challenges faced by specific caste and ethnic groups, as well as the effects of different social, economic and political factors on certain communities (2002,

pp. 161-162). Such studies have shown how different social norms in diverse communities result in different gendered norms and varying definitions of “masculine” and “feminine” (Tamang 2002, p.162). Tamang cites various examples to illustrate the diverse socio-cultural contexts of women in Nepal: the importance placed on women’s “sexual purity” within the orthodox Hindu community; the business acumen of women valued within Sherpa and Thakali communities; and the practice of polyandrous marriage in some Tibeto-origin groups (Tamang 2002, p. 162). Similarly, Pradhan (2008) argues that “polarized gender roles and structures that permeate life in Nepal intersect with caste and ethnic identities, as well as class” (Pradhan 2014, p. 50). In view of such diversity among women, intersectionality provides a useful lens for gaining a deeper understanding of women’s situation.

The approach of “intersectionality” was introduced by Kimberlé Crenshaw in 1989. Crenshaw, a prominent black feminist legal theorist, argues that overlooking the intersection of social identities such as class, caste, and race is fundamentally problematic in the context of violence against women, because the violence many women experience is shaped by dimensions other than gender (Crenshaw 1991, p. 1242).²⁷ This lens not only acknowledges difference among women, but also situates identity of women within the varied intersections that shape their experience of violence.

Intersectionality is considered as one of the “most important contributions that women’s studies has made so far” (McCall 2005, p. 1771). According to Davis, the theory of intersectionality was developed in response to the failure of mainstream feminist scholarship to acknowledge the differences among women (2008, p. 68). “Intersectionality addresses the most central theoretical and normative concerns within feminist scholarship: namely, the acknowledgement of differences among women. This is because it touches on the most pressing problem facing contemporary feminism – the long and painful legacy of its exclusions” (Zack 2007 cited in Davis 2008, p. 70). Since feminist scholarship at that time focused largely on the issues of middle-class white women, it ignored the intersections of gender with other forms of oppression shaped by

²⁷ See Appendix G for an image that shows the links between intersectionality and VAW

class, ethnicity, and race (Shields 2008, pp. 302-303). Scholars and activists in Nepal have voiced similar concerns about the women's movement in Nepal, pointing out that the movement has not been able to accommodate the interests of women from socially excluded groups.

Drawing on the experiences of oppressed women of colour where systems of "race, gender and class domination converge", Crenshaw points out how intervention strategies based on the experiences of white women did not provide an appropriate solution for coloured women (1991, p. 1246). Mirroring Crenshaw, Brownridge contends that the intersectionality approach to violence against women underscores the need for services that are tailored to specific groups (2009, p. 11). The concern raised by Brownridge is relevant to Nepal because policies addressing VAW reflect a merely tokenistic inclusion of socially excluded groups rather than addressing challenges that are specific to them. As Crenshaw warns, "tokenistic, objectifying, voyeuristic inclusion is at least as disempowering as complete exclusion" (1991 p. 1261).

2.5 Summary

The literature review demonstrates how the dominant ideology of the "upper" caste Hindu rulers was actively upheld and proliferated through laws, policies and practices since the establishment of the Nepali state. This translated into two major implications for the women's movement. First, the homogenous category of "Nepali women" constructed by the Panchayat State became the dominant image of women, and secondly, it propelled women from dominant ethnic groups to the decision-making positions. Whether they are heads of the state-sponsored women organisations, NGO leaders, or leaders of political parties, it is largely women from the dominant-ethnic group who have been at the forefront of the women's movement ever since it emerged during the mid-1940s. Those at the forefront have had a crucial role in shaping the course of the women's movement, determining priorities for women, advocating for issues and shaping policies that affect all Nepali women. However, the mainstream women's movement has not adequately addressed the concerns of women from marginalised communities. This is reflected

in the continuous portrayal of the homogenized image of “Nepali women” that lumps the diverse groups of Nepali women into a single category and overlooks the intersectionality of their ethnic, caste, class and religious differences. Policies and programs designed for the generic category of “Nepali women”, which implicitly means Hindu women oppressed by Hindu patriarchy, thus fail to address the specific needs of a large section of women. Such generalizations have led to a dearth of research and theorizing of concerns of women from socially excluded groups. The lack of specificity perpetuates existing cycles of oppression that makes women from socially excluded groups more vulnerable to discrimination and various forms of violence.

The research seeks to analyse the rights-based discourse on VAW in Nepal that is produced by its key vernacularizers—urban elite NGO leaders. By placing women from socially excluded (SE) groups at the centre of the analysis, the study will investigate how the key concerns of SE women – particularly recognition of diversity among women and multiple forms of oppression they face – are being addressed by elite NGOs that have considerable power to influence policies.

CHAPTER 3: METHODOLOGY

The research tries to address the following questions using a qualitative approach:

1. How are elite women who lead the NGOs positioned as the key vernacularizers of VAW in the social and political context of Nepal?
2. How have elite NGO leaders vernacularized the concept of VAW in view of the concerns of women from socially excluded groups?

I have addressed these questions by providing a) a review of literature; b) an analysis of a case study of a women’s NGO called SAATHI and its elite leaders; and c) a discourse analysis of three research reports on VAW produced by SAATHI. The research draws on a broad range of secondary sources, including government policies, laws and I/NGO reports.

The first research question regarding the position of elite vernacularizers has been addressed in the literature review. After situating elite women vernacularizers in the social and political

context of Nepal, Part I of Chapter 4 provides a case study of an NGO called SAATHI, and its elite leaders. SAATHI has been chosen for this study due to the following reasons:

- It is an elite-led city-based women's NGO working exclusively in the area of VAW in Nepal, and, It is one of the oldest NGOs established in 2001 that focuses exclusively on the issue of Violence Against Women,

Subsequently, Part II of Chapter 4 presents a discourse analysis of three research reports²⁸ produced by SAATHI. These reports highlight the concept of VAW, its manifestations and causes, and related challenges along with recommendations to policy-makers.²⁹

I have used the methodology of discourse analysis to examine how these reports have addressed the concerns raised by women from socially excluded groups. This method is suited for the purpose of my research because it is based on the premise that meanings of a discourse are "created, supported, and contested through the production, dissemination, and consumption of texts; and emanate from interactions between the social groups and the complex societal structures in which the discourse is embedded" (Hardy, Harley & Phillips 2004, p.20). As "texts" constitute a key site for the creation and contestation of meaning, it is important to critically examine the "texts" (in this case, reports) produced by the entity that shapes the discourse. Discourse analysis thus allows us to uncover meanings couched in the discourse, assumptions and power relations that are upheld and produced through a discourse (Crawford 2004, p. 23).

²⁸ As I was based in Indonesia for the second semester of the MHRD program while writing my dissertation, this research is largely limited to documents available on the organisational website of SAATHI. Three reports have been selected from 11 different kinds of reports listed under the "RESEARCH & PUBLICATIONS" section of SAATHI's organizational website (See, http://www.saathi.org.np/index.php?option=com_content&view=article&id=29&Itemid=43). Out of the 11 reports, only three were research-based reports on the issue of Violence Against Women/Gender-based Violence. The three reports are: 1) Situation Analysis of Violence Against Women and Girls in Nepal, 1997, 2) A Study on the Psycho-Social Impacts of Violence Against Women and Girls with Special Focus on Rape, Incest and Polygamy, 2001 and 3) Preliminary Mapping of Gender Based Violence, 2009. 11 reports listed out on the SAATHI's website are as follows: Nepal NGO Report on Beijing +15; Media Kit 1325 - English; Media Kit 1325 - Nepali; A Study on the Psycho-Social Impacts of Violence Against Women and Girls with Special Focus on Rape, Incest and Polygamy, 2001; The new Openness, 2011; Sexual Harassment in Public Places in the Kathmandu Valley, 1994; Situation Analysis of Violence Against Women and Girls in Nepal, 1997; Civil Society Monitoring Report 2010; Civil Society Monitoring Report 2011; Nepal NAP on Implementation of the UNSCRs 1325 and 1820 - 1st Year Monitoring Report 2012 (English); Nepal NAP on Implementation of the UNSCRs 1325 and 1820 - 1st Year Monitoring Report 2012 (Nepali).

²⁹ All three reports were produced after 1995, which was year the Nepal government adopted the Beijing Declaration and Plan of Action, making way for the vernacularization of VAW.

With this understanding, I seek to investigate the discourse on VAW produced by the elite vernacularizers in light of the broader societal structure and contestation of power among different groups of women. I intend to analyse these reports to find out how the leaders of SAATHI, as vernacularizers of VAW, recognize the diversity of “Nepali women” and the multiple forms of oppression they face. I have chosen this vantage point due to the concerns raised by socially excluded women of Nepal, which are discussed in the literature review. At this juncture in Nepali history, addressing their issues is not simply a moral obligation of the State, but a legal obligation enshrined in the Interim Constitution 2007, Comprehensive Peace Agreement 2006, national laws, as well as in the international human rights instruments ratified by the Nepal, such as CEDAW, CERD, ILO 169, BDPA, and UN Security Council resolutions 1325 & 1820.

The analysis of the reports will be framed by the key theoretical perspectives discussed in the literature review: Engle’s concept of “vernacularisation” (2006a, 2006b, 2009); the “intersectionality approach” of Crenshaw (1991); alongside the general concept of international human rights.

CHAPTER 4: ANALYSIS OF SAATHI AND ITS LEADERS AS VERNACULARIZERS OF VAW

This chapter is divided into two parts. The first part provides a case study of an elite-led NGO called SAATHI and examines how its female leaders act as vernacularizers of the VAW concept in Nepal. As Levitt and Merry (2009, p. 446) have observed, the process of vernacularization is decisively shaped by the position of vernacularizers “in the social and power hierarchy and their institutional positions”. In light of this statement, I will locate SAATHI and its vernacularizers within the social and political context of Nepal. Building on this, the second part of the chapter will critically analyse three research reports produced by SAATHI. The analysis seeks to present how the elite leaders of SAATHI have vernacularized the concept of VAW from the perspective of women from socially excluded groups.

4.1: PART I - LOCATING SAATHI LEADERS IN THE SOCIAL & POLITICAL CONTEXT OF NEPAL

4.1.1 SAATHI: A Brief Sketch

SAATHI is one of the oldest NGOs working in the area of VAW in Nepal since 2002. As vernacularizers, the NGO leaders of SAATHI interpret the transnational concept of VAW to fit the local context and redefine local issues in relation to international human rights concepts³⁰ (Merry 2006b, p. 39). They vernacularize VAW through various ways such as advocacy, policy-making, and delivery of services to the communities, made possible by funding from international donors.

I will present three examples to demonstrate SAATHI’s influential role in shaping policies related to Violence against Women. I will highlight the organisation’s funding dynamics; influence made at the policy level; and their involvement in the government’s periodic reporting on international human rights instruments such as CEDAW.

Funding is a key factor that enables certain groups in a society to vernacularize transnational concepts like VAW (Merry 2006b, p. 42). SAATHI’s partnership with nearly 23 organizations (see Appendix H), including prominent international donor organizations like the Department for International Development and Swiss Development Cooperation demonstrates the significant

³⁰ For example, see the article “Women’s rights status in Nepal” by Arzu Rana Deuba, one of the leaders of SAATHI, to have a glance of how she frames women’s issues in Nepal in terms of international human rights (Deuba 2011)

funding as well as recognition it has received so far. The SAWF report which specifically maps donor funding channelled to women's issues in Nepal, shows how donors prefer to fund bigger organisations adept at institutional management and at producing their reports in the English language (SAWF 2012, p. 22). Given the social, cultural and educational capital of its leaders which will be elaborated in the following sections, SAATHI has substantial potential to meet these unstated criteria of donors.³¹ As a result it has a lot of advantage over other NGOs in receiving funding support. Meanwhile, these same criteria set by donors have been barriers for smaller NGOs and CBOs run by women from marginalised communities (SAWF 2012 p. 25). This conditionality on funding allows the elite leaders to assume the role of vernacularizers of VAW.

Secondly, SAATHI has the opportunity to work directly with the government of Nepal, which is the highest authority for addressing women's issues in Nepal. SAATHI was one of the government's NGO partners for implementing the first "Plan of Action for 'Year Against Gender Based Violence, 2010'" formulated by the Office of the Prime Minister and Council of Ministers (OPMCM 2010). Likewise, SAATHI is also one of the NGO partners for implementing the Government of Nepal's five-year "National Strategy and Action Plan (NSAP)³² for combating gender-based violence (GBV)" project that began in 2010 (SAATHI n.d.). Direct involvement in formulating and implementing national policies provides ample opportunities to influence policy related to VAW and GBV.

Finally, SAATHI has been involved in international human rights mechanisms like the CEDAW Periodic Reporting³³ that subsumes issues of VAW. This mechanism subjects the signatory State of CEDAW to scrutiny by requiring it to formally submit a national report on the implementation status of CEDAW to the CEDAW Committee every four years. While the state has a central role in

³¹ 'In depth interviews with surveyed organizations and activists reveal that some organisations that have 'good connections' with donors, on account of their language abilities (proposal and report writing), social networking and socio-cultural backgrounds similar to staff of donor organisations, have greater access to information about grants, and are more successful in raising funds" (SAWF 2012, p. 21).

³² Formally the Plan is called the Five-year National Strategy and Action Plan for Gender Empowerment and Gender-based Violence (NSAP).

³³ Under the human rights monitoring mechanisms, the State party that has ratified the CEDAW Convention has the obligation to submit a status report on the implementation of the Convention every four years (See, <http://www.un.org/womenwatch/daw/cedaw/reports.htm>).

these mechanisms, NGOs have the opportunity to submit “shadow reports” to the CEDAW Committees. Shadow reporting is an opportunity for NGOs to present a counter-perspective on the issue and to make recommendations to the Government of Nepal. When the Government of Nepal submitted the CEDAW periodic report in 2011, SAATHI was one of the organizations that was involved in the preparation of the shadow report on the situation of women in Nepal (FWLD 2011). Based on the national reports and shadow reports, the CEDAW Committee made various recommendations to the Government of Nepal, which the State is legally bound to comply with.

These three examples demonstrate how SAATHI as an NGO has significant influence in shaping policies related to VAW.

4.1.2 The Leaders of SAATHI

Having highlighted the prominence of SAATHI as an NGO working to address VAW, I will try to convey how the leaders of SAATHI fit into the category of elite vernacularizers of VAW. The NGO leaders of SAATHI fall into the particular category of vernacularizers that Merry has identified:

“the anointed”, those leaders the international community has singled out and invested in because they see them as critical to the task in hand. Their education, class and cultural capital enable them to capture a disproportionate share of the resources and funding. They are “the person” on the ground in a particular city who knows about women’s rights and is key to their dissemination. They are showcased abroad at conferences and training workshops and can be counted on to present international funders’ contributions to visiting dignitaries and government officials (2009, p.449).

In line with the above description, SAATHI can be characterised as an elite-led women’s NGO due to the caste composition, class privileges, and educational background of its leaders. The key members of SAATHI – its Executive Board of Directors and Board of Advisors (see Appendix I) comprise majority of women who belong to the Chhetri caste group. Only two of the members in the Executive Board belong to Newar group, which is categorised as an “advantaged” group among the 59 indigenous ethnic groups in the country by NEFIN. There is no representation of women from socially excluded groups like Dalit, Madhesi or Muslim, or disadvantaged Indigenous Peoples.

The leading members of SAATHI hold key positions at the national and international level for advancing women's rights. By highlighting the social and political background of the three key members of SAATHI, I will illustrate how they are strategically positioned to act as vernacularizers of VAW. The leading members of SAATHI - founding members and President - comprise Chhetri women with strong social and political connections. Their family names of Rana and Singh also reveal social ties with the former ruling elites³⁴ of Nepal. Although democratic transitions since 1990 have altered power dynamics to some extent, the former ruling elites continue to wield considerable social and political power. As already discussed in Chapter 2, the position of women leaders in Nepal can be better understood by taking account of the privileges they derive from their caste, ethnicity, class and gender. Locating vernacularizers in the social and political context can illuminate how their caste, ethnic and class composition has a bearing on how they translate the concept of VAW.

The founder and former president of SAATHI, Arzu Rana Deuba, is the current as well as the former member of the Constituent Assembly (CA) that also serves as the legislative parliament. She became a member of the CA under the proportional representation quota of the Nepali Congress, Nepal's oldest ruling party. She holds a PhD in organizational psychology from the University of Punjab, India (Deuba 2008). Her husband Sher Bahadur Deuba, also from the Nepali Congress, served as Prime Minister three times (1995-1997, 2001-2002, and 2004-2005) and is one of the top leaders of the party. Her mother Pratibha Rana was also a CA member (2008-2012) under the proportional representation category, representing the National Democratic Party, a political party comprising former elites of the Panchayat period (CA 2009). Deuba is a prominent figure advocating for the rights of women in Nepal. In particular, she has played a significant role in shaping policies related to GBV in Nepal and advocating for a range of women's rights.

³⁴ The Rana dynasty ruled in Nepal from 1846-1951. They monopolised power by reducing the King to a mere figurehead. During the Rana regime, the position of the Prime Minister was made hereditary to ensure that power concentrated among the Ranas. The Shah dynasty ruled Nepal since the territorial unification of Nepal as a single country in 1768. Monarchy was abolished and the country became a Federal Democratic Republic only in 2008.

At the policy level, Arzu Rana Deuba was involved in the formulation of the first Action Plan on Gender Based Violence, 2010, that was developed by the Office of the Prime Minister and Council of Ministers (OPMCM 2010). She was a member of the Advisory Committee for the GBV Action Plan in the capacity of a CA member. Thus she had a significant role in formulating the first policy on GBV initiated by the government of Nepal. Understandably, when the national-level GBV Action Plan was finalised in 2010, SAATHI was one of the government's development partners³⁵ in implementing the plan (OPMCM 2010, p. 16). Apart from SAATHI, Arzu Rana Deuba is also associated with a number of other organisations working on a broad range of women's issues including GBV, such as SAMANTA, Rural Women's Development and Unity Centre (RUWDUC), and Safe Motherhood Network Federation (Deuba 2008). She is also the National Coordinator of the White Ribbon Alliance Nepal, which is part of the transnational advocacy on women's right to safe birth.³⁶

The founder president of SAATHI, Madhuri Rana Singh, is the first woman in Nepal to earn a doctorate in the area of Domestic Violence (Gyawali 2010). She used to work as a Development Program Specialist in USAID, an international aid organisation (Gyawali 2010) and is a faculty member at the Faculty of Humanities and Social Sciences in Tribhuvan University, the largest national university of Nepal (DCPDS 2014).

The current president of SAATHI, Bandana Rana, has served in many influential positions in the national and international arena. For instance, at the national level she was the former Chairperson of the National Women's Commission Nepal and was also a prominent figure in the national media. At the international level she is a member of the Global Civil Society Advisory Group for UN Women representing Nepal and South Asia (UN WOMEN 2014). In addition, she is also the Regional Coordinator for the South Asian Campaign for Equality (UN WOMEN 2014). These examples highlight her status in the transnational sphere where she also plays the role of

³⁵ The nine NGOs specifically mentioned as development partners were PHECT, FPAN, CVICT, SAATHI, FEDO, ABC Nepal, Maiti Nepal, RUDWUC and WOREC. (National Action Plan, p. 16, 2009)

³⁶ See, <http://whiteribbonalliance.org/arzu-rana-deuba-wra-nepal/>

an informant and advocate on behalf of women from Nepal and the region. As a result of her membership in the Global Network of Women Peacebuilders (GNWP 2014), a transnational network that advocates for implementation of UN resolutions 1325 and 1820, Rana has had a key role in conceptualising the “National Action Plan for the Implementation of UNSCR 1325 & 1820 (2011/12-2015/2016)” for the Ministry of Peace and Reconstruction in Nepal (MoPR 2013). As these two UN resolutions deal with women, peace and security, such guidelines³⁷ have important ramifications for women in a post-conflict country like Nepal (MoPR 2013).

Thus, the social backgrounds of these three leaders amply demonstrate that SAATHI is an organization run by the elite vernacularizers of VAW.

4.2: Part II - DISCOURSE ANALYSIS

The second part of this chapter analyses three reports produced by SAATHI after 1995, the year Nepal adopted BDPA. The UN Fourth World Conference on the Status of Women in Beijing, 1995,

³⁷ "GNWP's Localization program was cited in the UN Secretary General's 2012 report on Women, Peace and Security (WPS) as an important strategy that promotes implementation at sub-national and regional levels as well as an effort to integrate women and peace and security commitments in legislation, policy-making and planning processes (GNWP 2014)."

was a momentous event because it prioritized Violence Against Women as one of the critical areas of concern for women. This led to the allocation of funds for issues related to VAW in different countries as well as the vernacularization of VAW.

The three research reports³⁸ selected for the study are as follows:

- 1.) Situational Analysis of Violence Against Women and Girls in Nepal, 1997 (hereafter referred to as “the first report”)
- 2.) A Study on the Psycho-Social Impacts of Violence Against Women and Girls, with Special Focus on Rape, Incest and Polygamy, 2001 (hereafter referred to as “the second report”)
- 3.) Preliminary Mapping of Gender Based Violence, 2009 (hereafter referred to as “the third report”)

These reports seek to expand knowledge about the concept of VAW and the related practices, challenges, interventions and solutions in Nepal. All three reports were produced with support from international donor agencies, and they aim to inform policies on VAW through general and specific recommendations to the key actors such as government, donors and NGOs. While the first two reports (from 1997 and 2001 respectively) are based on primary research, the third one (from 2009) is primarily based on secondary literature review. Following are brief introductions of each report.

SAATHI claims that the first report is a “pioneer” national-level research. It was produced with support from The Asia Foundation, under the USAID/Empowerment of Women Programme. Given that the report is one of the first studies related to Violence Against Women, its findings and recommendations are critical to the discourse on VAW in Nepal. The study defines the concept of Violence Against Women (VAW) in the context of Nepal, provides data on the nature and causes of VAW, examines the effectiveness of legal provisions, and seeks possible solution to VAW from the respondents. In the end, the research provides policy recommendations to be adopted in the development of public programs regarding VAW.

³⁸ See Appendix J list of people involved in writing the first and second research reports of SAATHI

The second report was produced in 2001 with funding support from Netherlands Development Organisation (also known as SNV) Nepal. The report analyses the psychological and social impacts of three manifestations of violence: rape, incest and polygamy; the impact on the victims, the support received by victims, and public policy recommendations .

The third report was published in 2009 with support from the Department of International Development (DFID) and The Asia Foundation (TAF). The report's main objectives were to expand the knowledge about the challenges, key actors, and interventions related to GBV, and to develop public policy recommendations.

SAATHI produced this report in collaboration with one of the donors, TAF. SAATHI's key role in the preparation of the report was to review secondary literature, collect data from NGOs, conduct interviews and FGDs, and organize meetings with the NGOs and government institutions.

The following section will analyse the content of the three reports. The main points of analysis will be based on the key concerns raised by women from socially excluded groups around recognition of diversity and the importance of addressing the multiple forms of oppression.

4.2.1 Descriptive Representation of Women from Socially Excluded Groups

Social exclusion in Nepal has been defined as “the experience of groups that are systematically and historically disadvantaged because of discrimination based on gender, caste, ethnicity or religion” (World Bank 2009). In light of this definition, I will examine whether women from socially excluded groups have been represented in the three reports. In this specific context, representation means participation in the process of report writing and/or use of secondary literature that captures the experiences and challenges of women from socially excluded groups in Nepal.

As various scholars have pointed out, women's movements are often divided along the lines of race, ethnicity, sexuality, and class. Ensuring inclusion of marginalised groups can therefore be instrumental for the success of women's movements (Weldon 2006, pp. 55-56). The

transnational movement against Gender-based Violence (which includes VAW), which spanned the period of 1970 to 1998, was successful primarily because it adopted the norms of inclusion. According to Weldon, “descriptive representation” is one such norm³⁹ that can ensure physical participation of members from marginalised groups, thus allowing them to “self-organise, develop, and articulate the minority group perspectives” (2006, p. 19). In light of this argument, I will examine whether SAATHI’s reports have embraced the norm of descriptive representation of various caste/ethnic groups.

For the first report the research “team leader” or the lead writer is Arzu Rana Deuba. Other team members of SAATHI are Madhuri Singh, Pinky Singh Rana, and Nilkantha Upreti. Members representing TAF, the funding organisation, are Raju Dahal and Namrata Sharma. Strikingly, every single one of them belongs to either the Brahmin or Chhetri (B/C) caste group. There is no representation of women or men of socially excluded groups such as Dalits, Indigenous Peoples, Madhesis, or Muslims.⁴⁰ In addition, the report does not use any secondary sources that capture the experiences and challenges of women from socially excluded groups.

The second report, too, has Deuba in the lead while other key representatives of SAATHI include Pramada Shah, Shiva Das Singh, Anjana Singh, Pramila Shah and Pukar Shah. Representatives from SNV include Chanda Rai, Sriyani Perera, and Kamala Bista. Out of the 9 core members, 5 are from the B/C castes, 2 IPs, 1 international and 1 person whose caste could not be verified (the last name Singh is used by both B/C and IPs). The caste composition reveals that over 50% of the core team members are from the dominant caste group. The report does not make any references to publications or secondary sources that represent the voices of women from socially excluded groups.

³⁹ Weldon highlights some major norms of inclusion for success of women’s movements as “commitment to descriptive representation, the facilitation of separate organization for disadvantaged social groups, and a commitment to building consensus with institutionalized dissent” (Weldon 2006, p. 55).

⁴⁰ In addition, the participants from various governmental and non-governmental organisations who reviewed the draft questionnaire of the research report are also predominantly from Brahmin and Chhetri castes. Out of the 15 participants, 10 are from the B/C group, 4 are IPs, and one international. Among the four IPs, three are Newar, the relatively advantaged group among the indigenous groups, and one was Lepcha, which is listed as the “endangered” ethnic group by NEFIN.

Unlike the first two reports that are based on primary research, the third report is based on secondary literature review and data gathered in consultation with 36 NGOs based in Kathmandu.

Of the 36 NGOs consulted (see Appendix K), only two specifically address the issues of women from marginalised groups, i.e. Dalit and Muslims. They are the Feminist Dalit Organisation and the Nepal Muslim Women's Welfare Society (NMWWS). The remaining 34 NGOs work on a broad range of issues related to women, youth, migrant workers, sexual minorities and so forth. Although there are several NGOs working specifically on issues of Madhesi and indigenous women at the national and local levels, SAATHI's list does not include them. For the 2009 report, SAATHI reviewed 47 reports (see Annex L) as secondary sources for understanding issues related to VAW and GBV. However, the majority of these reports were produced by mainstream urban NGOs with donor support. None of the reports address the specific experiences and challenges of women from socially excluded groups. Despite the wide availability of studies and reports that *do* take the concerns of marginalised women into account, SAATHI has not used them for informing its analysis and recommendations.

One of the key concerns raised by women from socially excluded groups is representation in all spheres of life – social, economic and political. Low level of representation has been identified as both the cause and consequence of social exclusion. In its 2009 report, SAATHI continues the broader pattern of social exclusion whereby women from marginalised groups are either underrepresented or not represented at all. The failure to include NGOs working for Madhesi and indigenous women even for the sake of tokenism, and the tokenistic representation of Dalit and Muslim women, reflects either disregard for or lack of knowledge about the situation of women from socially excluded groups. Such blatant exclusion of voices of indigenous and Madhesi women and the negligible representation of Dalit and Muslim women indicates that the report does not include the voices and concerns of “all” women.

Although all three reports make references to secondary literature, no effort has been made to represent existing literature that voices the concerns of SE women. Mere representation does

not fully ensure that their voices are heard. Representation has to begin somewhere, and including the voices of women from different groups – both in the preparation and the content of the organization’s key publications – does present an opportunity to bring marginalised perspectives to light. Given that the reports have policy implications, the exclusion of marginalised women’s concerns prevents them from shaping policies that reflect these concerns.

4.2.2 Definition of VAW for the Nepali Context

This is how SAATHI defines Violence Against Women and Girls (VAW&G) in the “Nepalese Context”:

“Violence against Women and girls thus refers to all forms of violence, including traditional forms of violence in the Nepali context, inflicted on women and girls on account of their gender (first report 1997, p. i).”

I will analyse the above definition of VAW to see whether or not it encompasses the concerns of women from socially excluded groups. All three reports make constant references to terms such as “Nepali society” “Nepali girls and women” and the “Nepali context” while discussing the meaning, forms and causes of violence against women. Such generalisations might be unavoidable in some cases. The reports barely acknowledge the differences of caste, ethnicity, class, and religion among women that can shape the manifestation of VAW. This omission is problematic.

In Nepal, public discourse on women generally portrays women as a homogeneous category. As Tamang has pointed out, Nepali women are depicted as “uniformly poor, illiterate and choked by patriarchal domination” (Tamang 2002, p. 165). Such sweeping generalizations prevent specific manifestations of discrimination based on class, caste and ethnicity from coming to light. The 2006 study by World Bank on the levels of empowerment among different groups in Nepal reveals that “[c]aste is a more powerful predictor of empowerment/inclusion than gender” (World Bank & DFID 2006, p. 38). In a society with a deeply entrenched caste hierarchy and discrimination, caste/ethnicity is undoubtedly a decisive factor in shaping women’s experiences, including experiences of violence. This factor must be taken into account while trying to define VAW in the Nepali context.

Crenshaw's (1991) argument in her seminal article "Mapping the Margins: Intersectionality, identity politics, and violence against women of color" is pertinent in this regard. The article focuses on the experiences of black women and reveals how different factors of oppression (race and gender in this context) interact to produce a form of oppression that is distinct from oppression based on a single factor of either gender or race. Critiquing the feminist movements and racial liberation movements, Crenshaw asserts that "the problem with identity politics is not that it fails to transcend difference, as some critics charge, but rather the opposite – that it frequently conflates or ignores intragroup differences" (1991, p. 1242). Viewed from this perspective, a narrow focus on gender cannot address the complexity of a problem that also involves race, ethnicity/caste, class and other social differences. When such differences among women are not addressed, it can make such discrimination appear invisible. There is a vast body of knowledge that underscores the need to take account of the intersection of various forms of oppression based on women's race, ethnicity, caste, and class (Crenshaw 1991; McCall 2005; Davis 2008; Brownridge 2009; Nightingale 2010; Pradhan 2014). The sole focus on gender in SAATHI's definition of VAW obscures other bases of subordination such as caste, ethnicity, and class that can determine the forms of violence faced by women in Nepal.

4.2.3 Ideology

In all three reports of SAATHI, there is an underlying assumption that the various forms of violence faced by women are a result of a patriarchal Hindu society.

For example, the image of a broken red bangle on the cover page of the second report (see Appendix M) tends to symbolise a victim who is a Hindu woman.

Similarly, the reports refer to taboos related to women's "purity" and "virginity" that are part of traditional Hindu norms and values.

Red bangles are often worn by married Hindu women. Hindu women break their bangles as part of a ritual performed after their husband's death. If they break their red bangles by accident, it is

considered a sign of bad luck. Such representations tend to exclude the experiences of women from communities that are not strictly Hindu in their culture and practice. The reports suggest that a large section of Nepali women – for example, indigenous women who have not fully assimilated into the traditional Hindu culture, Muslim women, and women from other religious minorities – fall outside SAATHI’s radar. Echoing a similar concern in the context of women of colour, Crenshaw writes, “[B]ecause the experiential base upon which many feminist insights are grounded is white, theoretical statements drawn from them are overgeneralised at best, and often wrong” (1989, p. 155). The “experiential base” on which SAATHI’s portrayals of Nepali women are grounded is “high” caste Hindu. The experiences of women from socially excluded groups, unless they neatly overlap with those of high caste women, are overlooked. SAATHI’s reports are based on the underlying assumption that the experiences of high caste Hindu women represent the experiences of all Nepali women. Policy recommendations based on such an assumption have limited potential to address the specific challenges faced by women from socially excluded groups.

4.2.4 Portrayal of Women

Following testimonies from victims of violence are presented under the section “Scenarios of Violence and Betrayal: Reasons for Girls Becoming Sex Workers” of the second report (2001).

“An unknown individual guaranteed me a trip and forced me into this profession” (p. 13).

“After holding a [sic] marriage my husband said that he would take me abroad for a trip and then sold me to a brothel” (p. 13).

“I was born in the hills and fell prey to deceptions of the landlord of the area. I was kidnapped one day, drugged, and made unconscious and forced into this profession” (p. 27).

“While working in a shop in Darjeeling, a girl friend forced me to go to unknown places, committed acts of physical violence against me, stole my jewellery and forced me into this profession” (p. 32).

The above testimonies are taken from SAATHI’s second report. The testimonies from victims consistently cast women as helpless victims without agency, even though the global discourse on Violence Against Women emphasizes the need to acknowledge women’s agency and rights. Vernacularizing VAW entails internalising international human rights principles such as non-discrimination, empowerment of individuals, autonomy, choice, agency, and dignity. In the same vein, Pradhan contends that “while it is important to keep in mind how ‘the excluded are simultaneously excluded and dominated’ [Silver 1994 cited in Pradhan 2014], it is also extremely useful to understand how the ‘excluded and dominated’ use their agency in their daily life to circumvent structural barriers and life conditions” (2014, p. 53).

While the case studies presented by SAATHI show women as being vulnerable to various forms of exploitation, they fail to show how their experiences have been shaped by their ethnic identity, caste, class and other factors. Such representation glosses over the factors that make women vulnerable to various forms of violence. Portraying women as mere “helpless” victims deflects attention from issues of social justice that lie at the root of their victimisation. The landmark 1993 UN Declaration on the Elimination of Violence against Women, which laid the foundation for addressing VAW as a human rights violation, explicitly states that some women are more at risk of violence because of their status such as minority groups, indigenous women, impoverished women, refugees, elderly, women with disabilities, as well as women in situations of armed conflict (UNGA 1993). Such concern is particularly relevant in a country like Nepal where experiences of VAW could be based on factors such as caste, ethnicity, and class.

For example, the ABD 2010 report demonstrates how Dalits continue to lag behind in the national average for all the major social and economic indicators in the country. Overall lower social and economic status of Dalits can thus make women from Dalit community more vulnerable to VAW. Likewise, the study examining the prevalence and consequences of GBV in six districts of Nepal shows that women from Dalit and religious minority groups more likely to report experiences of violence (OPMCM 2012 p. xii). Consistent with these findings, Dalit activists in Nepal stress how

caste-based discrimination such as “untouchability” makes Dalit women vulnerable to various forms of VAW (Sob 1997; Bishwokarma 2004). This calls for a closer examination of the relationship between caste/ethnicity and the experience of VAW faced by women.

Omission of such crucial factors not only leads to a skewed picture of their victimisation but also makes oppression invisible. This could also block the possibility of formulating appropriate policy against certain forms of discrimination and consequently perpetuate violence.

Tamang argues that the elite NGO leaders consistently portray “Nepali women” as “helpless” and “ignorant” so as to assume the authority to become their spokespersons (Taman 2002, pp. 165-166). Sob, a Dalit activist, echoes similar concerns to emphasize that oppression faced by dalit women at the hand of women from “upper” castes is as the worst male oppression they experience due to the patriarchal society (1997, p. 349). Further Sob laments that although there are many NGOs working on issues of poverty, education, and healthcare., such programs have not reached out to Dalit women because these programs are mainly run by the “upper”⁴¹ castes, who are either unaware of the challenges faced by Dalits or prefer not to bring up the issue of caste discrimination (1997, p. 349). As Merry has pointed out, the work of translators happens within “fields of unequal power”, making it possible for certain groups to have more authority to articulate the problems of women (2006b, p. 40).

4.2.5 Violence Against Women & Patriarchy

As the reports⁴² indicate, SAATHI emphasizes patriarchy as one of the underlying causes of VAW. Although the subordination of women takes places within the overarching patriarchal structure, there is a need to acknowledge the existence of multiple forms of patriarchy and varying

⁴¹ “Upper caste” is a relative term in Nepal's context. For example, a Dalit community is discriminated by caste/ethnic groups that are “above” them in the Hindu caste hierarchy, including the Indigenous Peoples. Within the Madhesi community, the upper caste Madhesi discriminate the lower caste Madhesi. Even within Dalits, there is caste/ethnicity hierarchy and practice of “untouchability”. Although caste-based discrimination is generally portrayed as a practice related to “traditional” mind-set and lack of education, it is a widespread practice that people experience in various ways and settings.

⁴² For instance, see the First report, p. 44; Second Report, p. xviii, p. xxiv, p. 75; Third report, p. 13

gendered norms among different castes, ethnicity, religious groups, and classes in Nepal. Tamang contends that gendered norms for men and women in Nepal vary across different ethnic groups resulting in different experiences and multiple forms of patriarchy (2002, p. 162). Echoing Tamang, Hunnicutt states that patriarchy as a point of analysis for VAW is highly contested among feminists because “its ‘apparent’ universal feature came to eclipse “true” multiple shapes and form” (2009, p. 568). Hunnicutt underscores the need to take account of multiple forms of patriarchy for a more nuanced understanding of violence suffered by women in different patriarchal systems (Hunnicutt 2009, p. 568). This assists in gaining a comparative perspective on the experiences of women from different communities and identifying practices that are more progressive than others. SAATHI’s depiction of patriarchy as a uniform phenomenon tends to homogenize the diverse factors underlying VAW.

4.2.6 “Sameness of Treatment Approach”

“This study has revealed VAW & G [Violence Against Women & Girls] in Nepal to cut across women and girls of all class, caste, age, and ethnicity with 95 percent of respondents attesting first-hand knowledge of VAW & G incidents” (First report 1997, p. ii).

The finding is derived from a small scale research comprising 1250 respondents from 5 districts (out of the 75 districts) representing 26 caste/ethnic groups out of the 125 ethnic groups of Nepal. Despite representing such a small proportion of the women population, the report makes the sweeping claim that VAW affects women of “all classes, caste, age, and ethnicity”. The report does not raise questions as to why or how certain women of certain ethnicity, caste and class could be more vulnerable to violence or experience it differently. The generalisation is based on the assumption that VAW affects all women in the same way. The report neither acknowledges the diversity among women nor makes an attempt to elucidate the multiple forms of oppression faced by women from different castes, ethnicities and classes.

SAATHI’s generalized conclusions perpetuate the notion that since all women are affected by

VAW in the same manner, a one-for-all blanket policy on VAW will address the violence faced by different groups of women. This is clearly indicated in the recommendations made in the three reports, which neither acknowledge the diverse factors that determine the manifestation of VAW, nor highlight the need to design specific interventions that address the intersection of gender, caste/ethnic and class discrimination. In the book *Human Rights of Women – National and International* Mahoney argues that “sameness of treatment approach” is not only ineffective in addressing systemic discrimination, one of the most damaging forms of exclusion, but also makes systemic discrimination appear non-existent (Cook 1994, pp. 11-12).

4.2.7 Analysis of Rape as a Form of VAW

“The results of rape reveal that girls and women from low caste and disadvantaged communities are more commonly victimized. Out of the total samples responding to the survey, 22 per cent of the respondents in the survey were from the Dalit community while 17 per cent were from the Tharu community. High-caste women from Brahmin (5%) and Chhettri (7%) communities, and the relatively privileged Newars (12%) were less represented among the victims. Among other respondents 19 percent belonged to indigenous hill tribes such as Magar, while 18 percent belonged to Terai caste groups such as 'Sah'”(Second Report 2001, pp. 28-29).

Table 1.1 Ethnicity Variable of Rape Victims

Ethnicity of Rape Victims	Percentage
Dalit	22%
Indigenous Hill Tribes	19%
Terai Caste Groups	18%
Tharu	17%
Newar	12%

Chhetri	7%
Brahmin	5%

Table prepared by the researcher on the basis of the data from the Second Report 2001

Table 1.2 Economic Variable* of Rape Victims

Economic Condition	Percentage
No Income Source and Dependent on others for a livelihood	71%

Table prepared by the researcher on the basis of the data from the Second Report 2001

** The SAATHI report provided data only for 71% of the respondents without giving information for the remaining 19% of the respondents.*

According to the analysis of ethnically-disaggregated data of rape victims⁴³ presented in the report, “low caste” Dalit women are shown to be most vulnerable to rape. Among the 41 rape victims included in the study, 22% were Dalits, followed by 19% Indigenous Hill Tribes, 18% Terai caste group, 17% Tharus, 12% Newars, 7% Chhetris and 5% Brahmins. Although this is not mentioned in the analysis, the total percentage of indigenous women, i.e., Indigenous Hill Tribe 19%, Tharu 17%, and Newar 12%, if taken as a single Indigenous Peoples category, escalates to 48%. Considering the Economic Variable, the data indicates that 71% had “no income and (were) dependent [sic] on other for their livelihood”, suggesting that a high number of Dalit and Indigenous women fell into the “no income” category. The data of the remaining 29% is not provided. What can be deduced from these data is that victimization by rape bears correlation with the victim’s caste/ ethnicity and economic status. The report states that “[p]oor low-caste women have been found to be more prone to sexual abuse and exploitation” (Second Report

⁴³ According to the report, the final sample size of the rape victims for the study was 41.

2001, p. 30). The fact that the majority of victims were of low income and from particular caste/ethnic groups, calls for a detailed examination into the intersectional identities of women as poor Dalit women, as poor IP women in the case of victims who belonged to indigenous ethnic groups, as well as economically poor women from Chhetri and Brahmin groups.

Although the report mentions that the victims perceive “being poor and socially helpless as being reasons for being raped” (Second Report 2001, p. 31), this finding does not inform the analysis or the policy recommendations. Despite such indications of the intersection of various forms of oppression based on class and caste/ethnicity, the report does not fully take account of the multiple factors that could have made some women more vulnerable to rape.

The report states, in passing, that “feudalism and casteism” are the factors why “they [Dalit and indigenous women] are amongst the most victimized” (Second Report 2001, p. 28). However, it does not elaborate how women face discrimination and violence based on caste and class. The compounded effect of gender, caste/ethnic and class discrimination could have been explored further and a more nuanced analysis may have generated policy recommendations catered to the specific needs of women.

On the contrary, the report otherwise asserts, “...whichever strata of society women may belong to, they are at risk of becoming victims of gender violence. This finding therefore dispels the misconception that “it only happens among the lower caste and poor communities” (Second Report 2001, p. x). First, this sentence reflects a cynical attitude towards the supposed “misconception” that VAW occurs more frequently among marginalised communities. While there is truth in the claim that VAW can occur irrespective of caste, class and other factors, such assertion needs rethinking because experiences based on various factors of oppression can shape the manifestation of VAW. For example, a poor woman may be significantly victimized by the community and the police because of the caste stigma compounded by poverty.⁴⁴ By contrast, a woman who has resources may be able to pay for lawyers and gain access to justice. Reiterating a similar view, The UN Secretary General’s handbook on Violence Against Women states that

⁴⁴ For similar examples see articles by Adhikari (2013) and Lal (2013)

“while Violence Against Women is not confined to specific culture, region or country, or to a particular group of women within a society, [t]he different manifestations of such violence and women’s personal experiences are, however, shaped by factors such as ethnicity, class, age, sexual orientation, disability, nationality and religion” (Second Report 2006, p.ii).

Second, the statement “[t]his finding therefore dispels the misconception” is unfounded because there is no such misconception that it happens *only* among the lower caste and poor communities. If a specific source has voiced such a misconception, then the author needs to cite the source. This assertion is consistent with Crenshaw’s observation that “the dominant conception of VAW conditions us to think about subordination as disadvantage occurring along a single categorical axis of gender and does not address sufficiently the particular ways in which women from socially excluded groups are subordinated” (1989, p.140).

4.2.8 Advocacy Related to Domestic Violence

The issue that tops SAATHI’s priority list, namely domestic violence, received national-level commitment with the promulgation of the Domestic Violence (Crime and Punishment) Act 2009. SAATHI’s reports indicate that since its establishment, the organization has prioritized Domestic Violence as the most pressing issue within the VAW category. The emphasis on the issue of Domestic Violence is evident in all the three reports reviewed in this study. “. SAATHI has actively campaigned against domestic violence, carrying out various activities, holding delegation meetings and forming a national-level network to push for the passing of Domestic Violence (Crime and Punishment) Act 2009 (SAATHI n.d.).⁴⁵

⁴⁵ SAATHI organised various advocacy initiatives to pressurize the State to pass the legislation related to Domestic Violence. They conducted meeting with high-level dignitaries including the Speaker of the Constituent Assembly, and mobilised the pressure group comprising 22 NGOs. Out of the 22 NGOs, there was only one NGO, FEDO that represented the specific concerns of Dalit women. None of the remaining NGOs have specific focus on the issues of women from socially excluded groups. See “SAATHI Hails Domestic Violence bill- Meeting with Key Officials”, http://www.saathi.org.np/index.php?option=com_content&view=article&id=56&Itemid=105.

The Domestic Violence (Crime and Punishment) Act 2009 passed in parliament as a result of advocacy and pressure from the public at large and represents a landmark victory for addressing the issue of Violence against Women in Nepal. Despite the attention it has gained, there are still gaps in the act and its implementation. Given the prominence gained by domestic violence as a key women's rights issue, it is imperative to analyse the dominant discourse on Domestic Violence from the lens of women from socially excluded groups.

The three reports frame Domestic Violence (DV) largely as an interpersonal issue arising from conflict between married spouses or partners. However, in the national law against DV, the definition of "domestic relations" is not limited to marital relations. "Domestic relations" is defined as a "relationship between two or more persons who are living together in a shared household and are related by descent (consanguinity), marriage, adoption, or are family members living together as a joint family; or a dependent domestic help living in the same family" [Domestic Violence (Crime and Punishment) Act 2009]. Thus the law provides scope for implicating a broad range of perpetrators apart from married spouses. The key findings of SAATHI's third report emphasize excessive alcohol consumption, low income and lack of employment as major causes of conflict between husbands and wives (p. xx). While such reasons could contribute to domestic violence, the report does not uncover other manifestations of domestic violence that could be shaped by multiple factors such as caste and class (in addition to gender). Thus, the victim's caste and ethnicity would have no bearing on the degree and form of domestic violence she has experienced.

In a society as diverse as Nepal however, such representations cannot encompass the experiences of different groups of women. This also explains the dearth of information and data on specific manifestation of domestic violence shaped by factors other than gender in Nepal. There are instances such as Muslim women in Nepal who face distinct forms of domestic violence, such as "Triple Talaq", which allows the husband to misuse Islamic Law regarding divorce (Ashoka 2006). In the case of Dalit women who experience domestic violence, they could face additional challenges while seeking support from the community due to the stigma attached to their caste. An indigenous woman or Madhesi woman, who might not be able to speak in

Nepali⁴⁶, the national and only official Nepali language, might not be able to register their case in the police station due to language barrier. These examples indicate how a woman's caste and ethnicity could have a bearing on their experience of domestic violence. In her discussion of two forms of VAW – battery and rape – Crenshaw argues “how the experiences of women of color are frequently the product of intersecting patterns of racism and sexism, and how these experiences tends not to be represented within the discourse of either feminism or anti-racism” (1991, pp.1243-1244).

The issue raises questions about why specific forms of violence experienced by women on account of their caste, ethnicity or religion have not gained enough recognition. That is, the experiences of IP women that are tied to their language and culture; Madhesi women who continue to remain discriminated against due to their regional Madhesi identity; various (and sometimes lethal) forms of caste-based discrimination against Dalit women; and, problems of Muslim women that are tied to their religion/Islamic law. It raises cause for further analysis as to whether or not it implies that these issues are a priority for women, and who gets to decide these as priorities. Second, these issues could be neglected because of lack of funding, organization and advocacy. Third, there is the concern whether women from socially excluded groups may or may not fully be able to articulate their specific concerns. Fourth, these issues could be sidelined because addressing them would threaten the political status quo. And, finally, given that these problems are tied to the violation of women's rights, these issues could be treated as specific manifestations of VAW or GBV for greater support and recognition.

Critiquing campaigns against Domestic Violence that have failed to take account of the structural factors such as neo-liberalism, Snitow argues that it is “easier to garner support and international outrage around issues concerning sex that position women as victims than around issues of social justice” (1999 cited in Hemment 820-821). Similarly, in Nepal the discourse on Domestic Violence

⁴⁶ Although the progressive change in the Interim Constitution 2007 recognizes all mother tongues [nearly 123 according to the National Census of 2011] as national languages, the *Khas-Nepali* that is largely spoken by people from the dominant ethnic groups continues to remain the only official language (Lawoti & Hagen 2013, p. 244-245).

positions women as victims and deflects attention away from issues of social justice – such as issues of exclusion faced by them.

4.3 Summary

The discourse on VAW produced by elite vernacularizers of SAATHI does not entirely resonate with the concerns raised by women from socially excluded groups, namely, recognition of diversity and multiple forms of oppression. Although the three reports were produced between 1997 and 2009, the period during which the demands for social inclusion gained prominence at the national level, the discourse on VAW failed to include the perspectives of women from marginalised groups. This is reflected by the lack of descriptive representation of women from socially excluded groups, the homogenised portrayal of women, the limited characterisation of the victims of VAW, the tendency to subsume all women's experiences under those of "upper" caste Hindu women, and the lack of attention to multiple forms of oppression.

Chapter 5: CONCLUSION

The study has critically examined how elite women leaders of NGOs have vernacularized the concept of VAW, one of the most prominent international human rights concepts in Nepal. The central question raised was whether and how the concerns of women from socially excluded groups have been addressed by this elite-led process of vernacularization. The research took a qualitative approach to address this in three steps: a) a review of literature; b) a case study of a women's NGO called SAATHI and its elite leaders; and c) discourse analysis of three research reports on VAW produced by SAATHI. In Nepal, over two thirds of the population—the Indigenous Peoples, Madhesis, Dalits, and Muslims—constitute socially excluded groups. The analysis sought to foreground the perspective of women from socially excluded groups. The literature review mapped the women's movement in Nepal that has evolved with the political changes that Nepal has undergone during the three distinct phases in its history: the partyless Panchayat period (1960-1990); the democratic period which also witnessed the Maoist armed conflict (1990-2006); and the post-conflict democracy (2006 onwards). The review examined how the women's movement has evolved during these three historical periods and also highlighted the role of the state and the foreign aid regime in establishing the hegemony of the dominant ethnic groups in the women's movement of Nepal. It explained the role of urban NGOs in vernacularizing VAW, the complexities involved in employing the concept of VAW in Nepal, and the theoretical concepts of Merry's "vernacularization" and Crenshaw's "intersectionality" alongside the general concept of international human rights law. To present a case study of elite-led vernacularization of VAW in Nepal, the research focused on SAATHI, a well-established, well-funded and influential NGO working for women. The leaders of SAATHI have considerable power to influence policies related to women's issues including Violence Against Women both at the national and international level. Thus, by placing the leaders of SAATHI in Nepal's social and political context, the study tried to reveal how their caste, ethnicity and class had a bearing on how they translated the concept of VAW. The discourse analysis section examined three reports on VAW produced by SAATHI during a period when vernacularization of VAW was steadily gaining ground in Nepal. The discourse produced by these reports was analysed in light of the major

concerns of socially excluded women, particularly the need for recognition of diversity among Nepali women and the multiple forms of oppression they face.

“The effectiveness of the global women’s movement surely rests on its ability to heed local concerns” (Hemment 2004, p. 816). In the case of this study the “local concerns” were those of women from the socially excluded groups in Nepal. In keeping with this, the findings of the study suggest that SAATHI’s discourse on VAW does not entirely resonate with the concerns and demands of women from socially excluded groups, primarily because it portrays Nepali women as a homogeneous group and fails to take their caste, ethnic and class differences into account. The underlying assumption is that the experiences of high caste Hindu women, the group in which the leaders of SAATHI belong, represent the experiences of all Nepali women. In the process, the experiences of women from socially excluded groups were consistently overlooked – except when such experiences neatly overlapped with those of high caste women. Thus the translation of the human rights concept of VAW by the elite NGO leaders perpetuates a discourse that severely lacks descriptive representation of voices of socially excluded women. It continues a homogenised portrayal of women that glosses over critical elements such as caste, ethnicity, class and religion, creating the impression that the victim’s caste, class and ethnicity has little or no bearing on the degree and form of violence she has experienced. Based on such misleading arguments, SAATHI adopts a “sameness of treatment approach” and makes recommendations for a blanket policy for the diverse groups of women in Nepal.

Thus the prevalent discourse on VAW screens out the meanings and manifestations of VAW experienced by women from socially excluded groups. Such exclusion and silencing of voices of those at the margins is particularly troubling for a movement that is meant to challenge discrimination against women. As Bunch has observed, “the concept of human rights, like all vibrant visions, is not static or the property of any one group; rather, its meaning expands as people reconceive of their needs and hopes in relation to it” (Bunch 1990, p. 487). While it is important to acknowledge the commonalities between different groups of women, it is equally important not to assume a unitary experience for all women merely on account of their gender.

It has internationally been recognized that women's particular experiences must be brought to light if they are to inform our understanding of human rights violations and the necessary remedies it requires (UN 2006, p. 23).

In Nepal, what is needed first and foremost is a critical examination of how women's particular experiences are subsumed under the dominant narrative about women. Uncovering the "invisible" experiences of marginalised women will allow us to deconstruct the accepted categorizations of women's experiences. Only then can the vernacularization of VAW move closer to its goal of addressing the concerns of those at the margins of society.

In view of the fact that marginalised women's perspective on VAW remains under-researched and under-theorized, the thesis highlights three points in conclusion: 1) the need for further investigation by NGOs, INGOs, donors, the government, and scholars into the experiences and views of women from socially excluded groups, particularly with regard to VAW; 2) the need to ensure descriptive representation of critical thinkers, activists, scholars and women from socially excluded groups while conducting research/studies on women; and 3) the need for the leading NGOs and its leaders to take heed of the concerns raised by women from socially excluded groups. Efforts directed toward fulfilling these needs could make the women's movement in Nepal stronger and more inclusive.

REFERENCES

- Adhikari, A. 2010, "Nepal's Constituent Assembly A Conflict between Opposing World Views", *Think India Quarterly*, vol.13, no. 4, pp. 242-250.
- Adhikari, G. 2013, "Caste Tensions", *The Kathmandu Post*, 28 August, viewed 14 Aug 2013, <http://www.ekantipur.com/2013/08/28/opinion/caste-tensions/377122.html>
- Acharya, M. 2010, "Diversity and Unity of Feminist Movement in Nepal", Paper presented at the IAFFE Annual Meeting 2010, July 22-24, Buenos Aires, viewed 28 Feb 2013, <http://editorialexpress.com/conference/IAFFE2010/program/IAFFE2010.html>
- Ashoka, 2006, "Ashoka Innovators for The Public", viewed 20 Feb 2013, <https://www.ashoka.org/fellow/mohammadi-siddiqui>
- Asian Development Bank (ADB), 2010, *Overview of Gender Equality and Social Inclusion in Nepal*, ADB, Philippines.
- Baral, L.R. 1994, "The Return of Party Politics", *Journal of Democracy*, vol. 5, no.1, pp. 121-133.
- Bennett, L. 2005, *Gender, Caste, and Ethnic Exclusion in Nepal: Following the Policy Process from Analysis to Action*, World Bank Conference on New Frontiers of Social Policy: Development in a Globalizing World, pp. 1-48.
- Bhadra, C. 2001, "Gender and Development: Global Debate and Nepal's Development Agenda", *Centre for Nepal and Asian Studies*, vol. 28, no. 1, pp. 95-107.
- Bhattarai, H.P. n.d., "Inclusive & Participatory Constitution Making", viewed 10 Nov 2013, http://www.nesac.org.np/main/pdf/democratic_constitution_maintext.pdf
- Bishwakarma, P. 2004, *The Situation Analysis for Dalit Women of Nepal*, Centre for Economic and Technical Studies, Friedrich-Ebert-Stiftung, Lalitpur
- Brownridge, D.A. 2009, *Violence Against Women: Vulnerable Population*, Routledge, New York.
- Bunch, C. 1990, "Women's Rights as Human Rights: Towards Re-Vision of Human Rights", *Human Rights Quarterly*, Vol. 12, no. 4, pp. 486-498.

- Constituent Assembly of Nepal 2009, "CA Members Details", viewed 20 June 2013, 'http://www.can.gov.np/en/ca_members/view/284
- Coomans, F., Grunfeld, F. & Kamminga, M.T. 2010, "Methods of Human Rights Research: A Primer", *Human Rights Quarterly*, vol. 32, pp. 179-186.
- Cook, RJ (ed.) 1994, *Human Rights of Women-National and International Perspectives*, University of Pennsylvania Press, Philadelphia.
- CREPHA & University College London (UCL) 2013, Tracking Cases of Gender Based Violence in Nepal: Individual, Institutional & Legal Policy Analysis, CREPA & UCL.
- Crawford, N.C. 2004, "Understanding Discourse: A Method of Ethical Argument Analysis", *Qualitative Methods*, pp. 22-25.
- Crenshaw, K. 1989, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-discrimination Doctrine, Feminist theory and Antiracist Politics", *University of Chicago Legal Forum*, pp. 139-167.
- Crenshaw, K. 1991, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color", *Stanford Law Review*, vol. 43, no. 6, pp. 1241-1299.
- Cresswell, J.W. 2009, *Research Design: Qualitative, Quantitative, and Mixed Method Approaches*, Sage Publications, Thousand Oaks.
- Davis, K. 2008, "Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a Feminist Theory Successful", *Feminist Theory*, vol. 9, no.1, pp. 67-85.
- Department of Conflict, Peace and Development Studies (DCPDS) 2014, "Faculty", viewed 25 June 2013, <http://dcpds-tu.edu.np/9/faculty.html>
- Des Chene, M. (1997), "Nepali Women's Movement: Experiences, Critiques, Commentaries", *Studies in Nepali History and Society*, vol.2, no. 2, pp. 291-405.
- Deuba, A.R. 2008, "About me", viewed 14 April 2013, <http://arzurandeuba.com/profile.php>
- Deuba, A.R. 2011, "Women's Rights Status in Nepal", *The Kathmandu Post*, 3 March, viewed Jan 2014, <http://www.thehimalayantimes.com/fullNews.php?headline=Women%27s+rights+status+i>

n+Nepal+&NewsID=279080

Dobash, R.E. & Dobash, RP 1998, *Rethinking Violence against Women*, Sage Publications, Thousand Oaks.

Domestic Violence (Crime and Punishment) Act 2009, *Nepal Law Commission*.

Thomas, D.Q. & Beasley M.E. 1993, "Domestic Violence as a Human Rights Issue", *Human Rights Quarterly*, Vol. 15, No. 1, pp. 36-62.

Forum for Women, Law & Development (FWLD) 2011, *Shadow Report: On the Fourth & Fifth Periodic Report of the Government of Nepal on CEDAW*, viewed 23 Feb 2013, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FWLD_NepalCEDAW49.pdf

Feminist Dalit Organisation (FEDO) 2007, "Dalit Women Charter," viewed 14 Nov 2013, <http://www.fedonepal.org/dalit-women-charter>

Fujikura, Y. 2003, "Borders and Boundaries in the Era of Aids: Trafficking in Women and Prostitution in Nepal", *Studies in Nepali History and Society*, vol.8, no.1, pp. 1-35.

Global Network of Women Peacebuilders (GNWP) 2014, "GNWP and its members and partners launch the UNSCR 1325 & 1820 NAP Localization Guidelines in Nepal", viewed 24 June 2013, <http://www.gnwp.org/gnwp-and-its-members-and-partners-launch-the-unscr-1325-and-1820-nap-localization-guidelines-in-nepal>

Gyawali, S. 2010, "Fighting for A Cause, Says Dr. Madhuri", *Spotlight News Magazines*, vol. 4, no. 3.

Hachhethu, K. 2008, *Nepal in Transition: A Study on the State of Democracy*, International IDEA.

Hardy C., Harley B. & Phillips N. 2004, "Discourse Analysis & Content Analysis: Two Solitudes?", *Qualitative Methods*, pp. 19-22.

Hemment, J. 2004, "Global Civil Society and the Local Costs of Belonging: Defining Violence against Women in Russia", *Journal of Women in Culture and Society*, vol. 29, no. 3, pp. 815-840.

Hunnicut, G. 2009, "Varieties of Patriarchy and Violence Against Women: Resurrecting

- 'Patriarchy' as a Theoretical Tool Violence Against Women", *Violence Against Women*, vol. 15, no.5, pp. 553-573.
- Interim Constitution of Nepal, 2064 (2007), viewed 1 June 2013, <http://www.lawcommission.gov.np/en/documents/activities/func-startdown/163/>
- Keck, M.E. & Sikkink, K. 1998, *Activists beyond Borders: Advocacy Networks in International Politics*, Cornell University Press, Ithaca.
- Kelkar, G. 1992, "Stopping the Violence Against Women: Fifteen Years of Activism in India" in M Schuler (ed.), *Freedom from Violence: Women's strategies from Around the World*, UNIFEM, New York.
- Kelles-Viitanen, A. & Shrestha, A 2011, *Gender Equality & Social Inclusion- Independent Evaluation*, Office of the UN Resident And Humanitarian Coordinator, Lalitpur.
- Khan, S. 2011, *Enhancing Participation of Muslim Women in Politics*, Social Inclusion Research Fund (SIRF), SNV Nepal
- Lal, C.K. 2013, "Forged Consciousness", *Republica*, 29 July.
- Lawoti, M. 2007, *Looking Back, Looking Forward: Centralization, Multiple Conflict and Democratic State Building in Nepal*, East-West Center, Washington D.C.
- Lawoti, M. 2008, "Exclusionary Democratization in Nepal", *Democratization*, vol. 15, no. 2, pp. 363-385.
- Lawoti, M. 2012, "Ethnic Politics and the Building of an Inclusive State", in SV Eindedel, DM Malone & Suman P (ed.), *Nepal in Transition*, Cambridge University Press, Cambridge.
- Lawoti, M. & Hagen S. (ed.) 2013, "Nationalism and Ethnic Conflict in Nepal: Identities and Mobilization After 1990", Routledge, Oxon.
- Levitt, P. & Merry, S.E. 2009, "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States", *Global Networks*, vol. 4, no. 4, pp. 441-461.
- Lohani-Chase, R.S. 2008, "Women and Gender in the Maoist People's War in Nepal: Militarism

- and Dislocation” PhD Thesis, State University of New Jersey.
- Manandhar, L.K. & Bhattachan, K. (ed.) 2001, *Gender and Democracy in Nepal*, Central Department of Home Science, Women’s Studies Program TU & Friedrich-Ebert-Stiftung, Kathmandu.
- Maharjan, S. & Sah, R.K. 2012, “Madheshi Women in Nepal”, in R Tewari & AP Sah (ed.), *The Landscape of Madhesh: Politics, Society and Economy of the Plains*, Nepal Madhesh Foundation, Lalitpur.
- McCall, L. 2005, “The Complexity of Intersectionality”, *Journal of Women in Culture and Society*, vol. 30, no. 3, pp. 1771-1800.
- Merry, S.E. 2006a, *Human Rights and Gender Violence: Translating International Law into Local Justice*, University of Chicago Press, London.
- Merry, S.E. 2006b, “Transnational Human Rights and Local Activism: Mapping the Middle”, *American Anthropologist*, vol. 108, no. 1 No. 1, pp. 38–51.
- Mills, C.M. 1956, *The Power Elite*, Oxford University Press, London.
- Ministry of Finance (MoF) & Asian Development Bank (ADB) 2010, *The Role of Non-Governmental Organisations in Achieving Social Inclusion*, MoF & ADB.
- Morgan, S. (ed.) 1984, *Sisterhood is Global: The International Women’s Movement Anthology*, Feminist Press, Cuny.
- National Indigenous Women’s Federation (NIWF) 2011, *Training Manual for Capacity Development of Indigenous Women*, NIWF, Kathmandu.
- National Indigenous Women’s Federation (NIWF), Lawyers’ Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) & Forest People’s Programme (FPP) 2011, *The Rights of Indigenous Women in Nepal: Shadow Report for the Combined 4th & 5th Periodic Reports of Nepal*, viewed 1 March 2013, http://www.forestpeoples.org/sites/fpp/files/publication/2011/06/fpp-niwf-22-june-final-1_0.pdf

- Nightingale, A.J. 2010, "Bounding Difference: Intersectionality and the Material Production of Gender, Caste, Class and Environment in Nepal", *Ecoforum*, vol. 42, pp. 153–162.
- Norwegian Agency for Development Cooperation (NORAD) 2007, "A Discussion Paper on Donor Best Practices Towards NGOs in Nepal", Commissioned by The Working Group, Donor Heads of Agencies, including the Royal Norwegian Embassy.
- Norwegian Ministry of Foreign Affairs (NMFA) 2012, "Implement Locally, Inspire Globally", viewed 23 June 2013, http://www.norway-un.org/NorwayandUN/Selected_Topics/Peace_Efforts/Implement-locally-inspire-globally/#.UI5y9WQpail
- Office of the Prime Minister and Council of Ministers (OPMCM) 2012, *A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal*, OPMCM, Nepal.
- Office of the Prime Minister and Council of Ministers (OPMCM) 2010, "National Plan of Action for 'Year Against Gender Based Violence, 2010'", OPMCM, Kathmandu.
- O'Hare, U.S. 1999, "Realizing Human Rights for Women", *Human Rights Quarterly*, vol. 21, no. 2, pp. 364-402.
- Pettigrew, J. & Schneiderman, S. 2004, "Women and the Maobaadi: Ideology and Agency in Nepal's Maoist Movement", *Himal South Asian*.
- Pradhan, M.S. 2014, "Perspectives on Multiple Dimensions and Intersections in Social Inclusion", in O Gurung, MS Tamang, & M Turin (ed.), *Perspectives on Social Inclusion and Exclusion in Nepal*, Central Department of Sociology/Anthropology (CDSA), Kathmandu.
- Rai, K. 2008, "Adivasi Janjati Mahila Andalon Ra Janjati Mahila Mahasangh" [Indigenous Women's Movement And National Indigenous Women's Federation], *Studies in Nepali History & Society*, vol. 13, no. 1, pp.147-199.
- SAATHI 2001, *A Study on the Psycho-Social Impacts of Violence Against Women and Girls with Special Focus on Rape, Incest and, Polygamy*, SAATHI & SNV/Nepal, Kathmandu.
- SAATHI n.d., "Focus Areas", viewed 14 April 2013, http://www.saathi.org.np/index.php?option=com_content&view=article&id=36&Itemid=2

- SAATHI 1997, *Situational Analysis of Violence Against Women and Girls in Nepal*, viewed 27 Feb 2013, http://www.saathi.org.np/images/stories/pdf/vaw_and_girls_nepal.pdf
- SAATHI, The Asia Foundation (TAF) & Department for International Development (DFID) 2010, *Preliminary Mapping of Gender Based Violence*, viewed 27 Feb 2013, <http://asiafoundation.org/resources/pdfs/GBVMMappingNepal.pdf>
- Sherchan, K. (1997), "Political Divisions Among Women's Groups", *Studies in Nepali History & Society*, vol.2, pp. 335-339.
- Shields, S.A. 2008, "Gender: An Intersectionality Perspective", *Sex Roles*, vol. 59, pp. 301-311.
- Sijapati, B. 2009, "People's participation in conflict transformation: A case study of Jana Andolan II in Nepal", *Occasional Paper Series No 1*, Social Science Baha.
- Sob, D. 1997, "Dalit Women within Oppression", *Studies in Nepali History and Society*, vol. 2, no. 2, pp. 348-353.
- Social Welfare Council Act, 2049 (1992), Social Welfare Council Nepal, viewed 13 Dec 2013, http://www.swc.org.np/swc_act.php
- Social Welfare Council Nepal (SWCN) 2009, "SWC Sectorwise NGOs", viewed 12 Dec 2013, http://www.swc.org.np/swcsector/Women_Services.pdf
- South Asia Women's Fund (SAWF) 2012, *Rights, Shares, and Claims: Realising Women's Rights in South Asia*, SAWF Working Paper, India.
- Tamang, S. 1999, "Assembly-line Sisters", *Himal South Asian*, viewed 1 March 2013, <http://www.himalmag.com/component/content/article/2319-Assembly-line-sisters.html>
- Tamang, S. 2000, "Legalizing State Patriarchy in Nepal", *Studies in Nepali History and Society*, vol. 5, no 1, pp. 127-156.
- Tamang, S. 2002, "The Politics of 'Developing Nepali Women'" in Kanak MD and Shastri R (ed.) *State of Nepal*, Himal Books, Kathmandu.
- Tamang, S. 2009, "The Politics of Conflict and Difference or the Difference of Conflict in Politics: the Women's Movement in Nepal", *Feminist Review*, vol. 91, no. 201, pp. 61-80.

- Tawa, S. 1997, "Remarks on Political Within the Nepali Women's Movement", *Studies in Nepali History & Society*, vol.2, pp.327-335.
- Thapa, D. 2012, "The Making of the Maoist Insurgency", in SV Eindedel, DM Malone & Suman P (ed.), *Nepal in Transition*, Cambridge University Press, Cambridge.
- United Nations (UN) 2006, *Ending Violence Against Women: From words to action: Study of the Secretary General*, United Nations Publications.
- United Nations General Assembly (UNGA 1993), *Declaration on the Elimination of Violence against Women (DEVAW, A/RES/48/104*, 85th plenary meeting, viewed 18 July 2013, <http://www.un.org/documents/ga/res/48/a48r104.htm>
- UN WOMEN 2014, "UN WOMEN Announces Members of Global Civil Society Advisory Group", viewed 22 June 2013, <http://www.unwomen.org/en/news/stories/2012/5/un-women-announces-members-of-global-civil-society-advisory-group/>
- Weldon, S.L. 2006, "Inclusion, Solidarity, and Social Movements: The Global Movement against Gender Violence", *Perspective on Politics*, vol. 4, no. 1, pp. 55-74.
- World Bank (WB) & Department for International Development (DFID) 2006, *Unequal Citizens: Gender Caste and Ethnic Exclusion in Nepal – Summary*, World Bank & DFID, Kathmandu.

APPENDIX A

Brief History on the Movement on Violence Against Women (VAW)

Violence against Women (VAW) is one of the most pervasive forms of human rights violations across the world (O'Hare 1999; Merry 2006b; Thomas & Beasley 1993; Bunch 1990; Keck & Sikkink 1998); it is described as the “most brutal manifestation of women’s oppression” (O’Hare 1999, p. 365). As an international concept, VAW addresses a broad range of violations faced by women. Article 1 of the Declaration on the Elimination of Violence Against Women (DEVAW) defines violence against women as “any act of gender-based violence that results, or is likely to result in physical, 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” (UN 2006).

Despite the gravity of the issue, violence against women has historically been treated as a “cultural, private, or individual issue and not a political matter requiring state action” (Bunch 1990, p. 489). Official recognition of violence against women (VAW) at international and national forums and policies began as the result of strong transnational movements and pressure from a wide range of grassroots voices. Weldon points out “how until the 1980s even mainstream human rights groups and international law did not consider rape, domestic violence, and other forms of violence against women to be violations of human rights unless perpetrated by states” (Weldon 2006, p. 64). With the success of the transnational women’s movement, however, such violations, too, were recognized as a human rights issue requiring state accountability, irrespective of whether the perpetrator was the state or a private person (Keck & Sikkink 1998; Merry 2006a; UN 2006).

Keck and Sikkink's study highlights the critical role played by transnational advocacy in identifying social problems that could be framed as violence against women, and in conducting necessary research on their scope and severity. In order to push states to make the issue a priority and create policies and programs to address the problem, it became imperative for transnational activists to expose violence against women as rooted in structural inequalities between men and women (UN 2006, p. ii). It was equally important to establish that violence suffered by women whether in private or public spheres were human rights violations requiring state action. Although the transnational women’s movement itself was divided into different factions representing the global South and North, the VAW framework gained universal currency because it encompassed a broad range of practices that concerned women activists from all locations (Keck & Sikkink 1998, p. 170). By mid-1995 the framing of violence against women had become a “common advocacy position” for transnational movements in key global arenas (Keck & Sikkink 1998, p. 166).

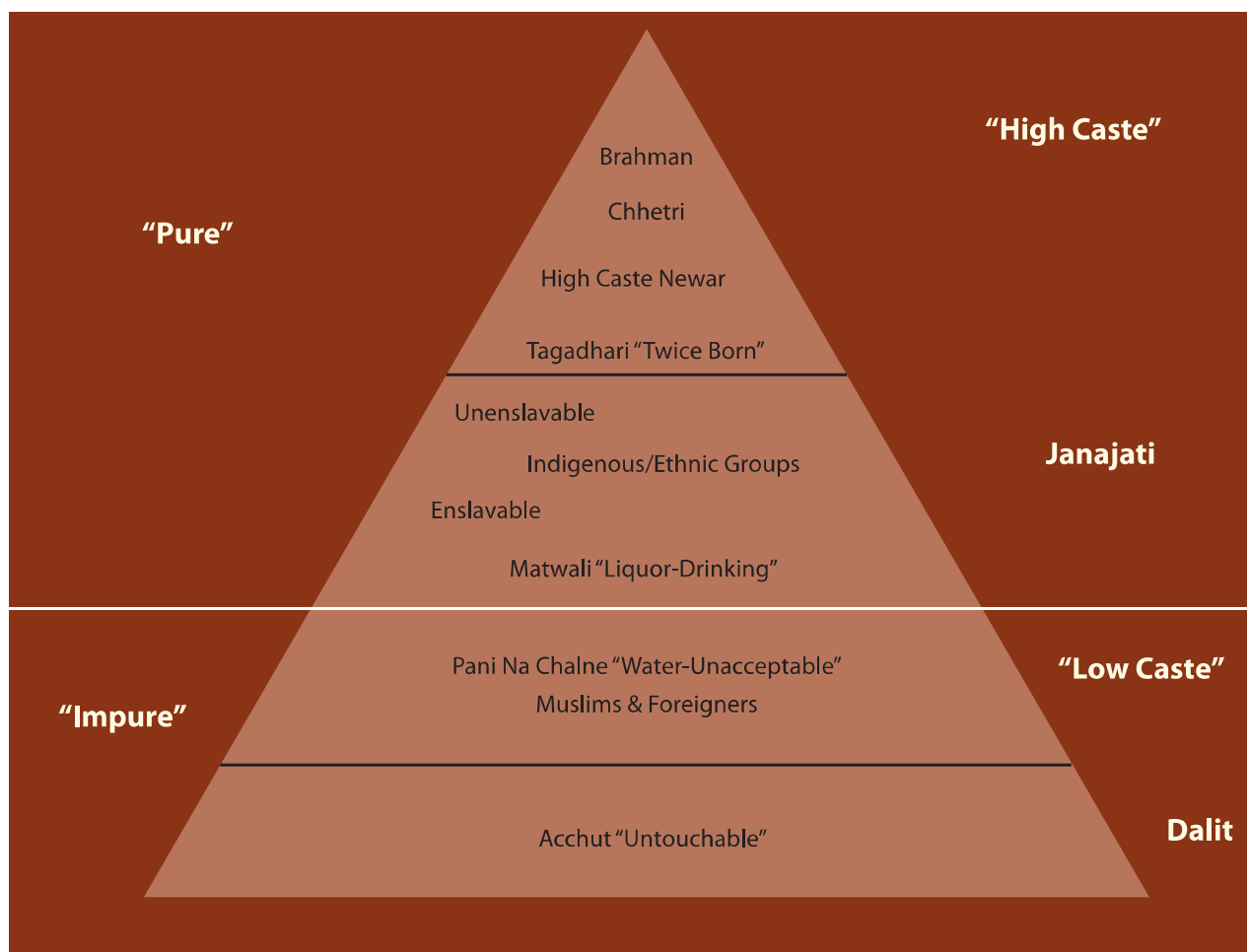
In 1993, the UN World Conference on Human Rights in Vienna situated VAW within the international human rights framework and later adopted the Declaration on the Elimination of Violence Against Women (DEVAW) (UN 2006, p.

10). Article 1 of the Declaration defines violence against women as “any act of gender-based violence that results, or is likely to result in physical, 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” (UN 2006). These developments on VAW were momentous because it shed light on the linkages between VAW and a range of women’s human rights and opened up avenues for claiming women’s rights. It provided a legitimate ground for challenging states, and holding them accountable for the protection and prevention of gender-based violence against women in both private and public spheres. An international human rights instrument that dealt specifically with VAW helped fill the gaps in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by making it more explicit.⁴⁷

⁴⁷ CEDAW, which came into force in 1981, is the major treaty that legally binds states to address women’s rights. Although the treaty mentions terms like “discrimination” and “equality”, it does not explicitly mention violence, rape, abuse, or battery (Keck & Sikkink 1998, p. 168)

APPENDIX B

The Caste Hierarchy in Nepal (1854 Muluki Ain)



Source: World Bank 2009 cited in ADB 2010 report *Overview of Gender Equality & Social Inclusion in Nepal*

APPENDIX C

Ethnic/caste population, 2001

Ethnic/caste group	Population	%
CHHE (<i>Caste Hill Hindu Elite</i>)	7,023,220	30.89
Chhetri	4,126,743	18.15
Bahun	2,896,477	12.74
Indigenous Peoples	8,271,975	36.31
Mountain	190,107	0.82
Hill (excluding Newar)	4,793,274	21.03
Newar	1,245,232	5.48
Inner Terai	251,117	1.11
Terai	1,786,986	7.85
Unknown	5,259	0.02
Dalit	3,233,448	14.99
Hill	1,611,135	7.09
Madhesi	1,622,313	6.74
Unknown	173,401	0.76
Madhesi	3,778,136	16.59
High and other castes	2,802,187	12.30

Muslim	975,949	4.29
Other	265,721	1.16

Source: Bhattachan (2008) cited in Lawoti (2012)

APPENDIX D

Demands of Dalit & Indigenous Women*

** A charter and / or declaration of Madhesi and Muslim women was unavailable electronically or in any literature)*

Dalit Women's Charter published by Feminist Dalit Organization (FEDO)

(Source: <http://www.fedonepal.org/dalit-women-charter>)

Nepali Dalit Women's Charter for New Nepal Building Process 2007

Preamble:

The state's policies towards Dalit women, who have endured three-way ethnic, class-based and gender-based exploitation for generations, are discriminatory. Dalits make up 13 percent of the total population and Dalit women who make up half of that have been socially humiliated, devoid of economic access, deprived of education, without political representation for generations. Since they don't have any access and representation at any level of the state, they are deprived of services and facilities.

The human rights determined by the Universal Declaration of Human Rights 1948, Covenant on Civil and Political Rights 1966, Covenant on Social, Cultural and Economic Rights 1966, International Convention on the Elimination of All Forms of Racial Discrimination 1965, Convention on Elimination of All forms of Discrimination Against Women 1979, Convention on the Rights of the Child 1989 and Convention Against Torture, are also the human rights of Dalit women. However, the state continues to exploit Dalit women, contrary to these international declarations and conventions. The state should guarantee these rights. We would like to remind, as a result of the sole regime that has been family-based, autocratic and feudal for time immemorial, Dalit women have been classified as second-class citizens even among women. Realising that, in this changing social and political context, the contributions of Dalit women in all sectors, including the house, society, workplace and community should be appropriately appreciated and honoured to guarantee human rights. Dalit women, representing different ethnicities from different parts of different districts of the country participated in the national convention to ensure proportional representation of Dalit women in the constituent assembly and structuring of a new state . These Dalit women issued the Dalit Women's Charter for New Nepal Building Process and widely discussed it and

issued the Dalit Women's Charter 2064 with consultation, on behalf of all Dalit women for effective equality, proportional participation and social justice.

We, Dalit women, welcome the people-oriented declaration made by the Parliament, which was reinstated after the success of Janaandolan 2, claiming Nepal, a nation free of untouchability. However, our attention has been drawn to the fact that those declarations could not become the mechanisms of implementation [sic.]. Even after those declarations were made by the House of Representatives, Dalit women have had to endure ethnic and gender-based exploitation. Even after the Parliament declared them gender-based discrimination, dozens of (existing) Acts and laws are (still) discriminatory towards women [tr. Nepali unclear]. The state is supposed to be restructured through the constituent assembly. We, Dalit women, express disappointment that the constituent assembly election could not be held on the determined date.

We warn that the decisions made by the interim government and Parliament and the constituent assembly should not be discriminatory towards Dalit women. We believe that the government, established by the *Janaandolan*, will respect the mandate of the people and hold the constituent assembly election as soon as possible and a state committed to people's welfare, with proportional representation of Dalit women, will be established. We, Dalit women, would like to reiterate that the country will be restructured in a true sense only if the state can convince all the citizens that the rights provided by the Universal Declaration of Human Rights 1948 [sic.], International Convention on the Elimination of All Forms of Racial Discrimination 1965 [sic.], Convention on Elimination of All forms of Discrimination Against Women 1979, Covenant on Social, Cultural and Economic Rights 1966 and Convention Against Torture, will be guaranteed through the restructuring of the state. For a long time, Dalit women have been exploited ethnically and because of gender bias and poverty. Additionally, during the 12-year people's war of the CPN (Maoist), Dalit women were forced to endure various forms of violence, some from the state side and some from revolutionary side. As a result of poverty and illiteracy, which are deep-rooted like ethnic discrimination, general Dalit women are still not in a position to demand their rights. Therefore, Dalit women continue to be exploited by the traditional, feudalistic state. Realising these facts, we appeal that during the restructuring of the state, representation of Dalit women be guaranteed in all bodies of the state, for social justice, (to guarantee) minimum rights of women, for ending impunity and for proportional representation of Dalit women in the state (structure).

Human rights for Dalit women cannot be guaranteed until the state forms a constitution, and develops policies, rules, acts and laws that do justice to women's special biological reproductive rights, reproductive rights including social justice and rights related to ethnic roles. Accepting this truth, we, Nepali Dalit women, demand that the constitution, policies, rules, acts and laws formed during the restructuring of the Nepali state, protect our special rights and guarantee human rights for us. The demands for rights, made through this Charter, will be based on the principles of inclusion. Similarly, there is diversity among Dalit women. Accepting this diversity, we reiterate that the work done (to guarantee) the special rights of Dalit women, should focus on the women who are backward, even among Dalit women and on those who represent this diversity.

The Condition of Dalit Women

We believe that Nepal can be transformed into a fully democratic republic state only by ensuring the representation of Dalit women, who are the most backward in social, economic, political and education sectors, in all aspects of state restructuring. Therefore, we request that (restructuring) be conducted in this manner (through representation of Dalit women). Nepal has been left behind politically and economically because of the feudalistic and patriarchal structure that has existed in the country for centuries, and also because of Brahminic control over means of production. Since only non-Dalit women have access to the facilities and opportunities that are made available by the government for women, Dalit women have been further isolated from the state structure. Nepal is in one of the poorest countries in the world because of the state's discriminatory policies towards Dalits from time immemorial.

We, Nepali Dalit women, condemn the various types of ethnic and gender-based discrimination and we demand that our rights be guaranteed by utilising this historical opportunity that the current political changes in the country has offered.

The Dalits, who comprise 25 percent of the total population, have been isolated because of the practice of untouchability, which exists even in the 21st century as the remains of the feudal system. A crime is being committed against Dalits, who make up 25 percent of the population. As a result of such practices of untouchability, Dalit women have been further marginalised. Therefore, they are forced to endure violence, exploitation and risks. We allege that the patriarchal values that dominate the country, society, political parties, civil society and households are core elements that lead to the backwardness of women.

The patriarchal system has limited women to the household, within the boundaries of domestic and social work, and only men have taken the responsibility for social and political work and leadership. For centuries, democracy and human rights has been looked at and understood based on the views and experiences of men and as a result they have been defined in a discriminatory manner. The structures of community, society and state have been organized and brought into use in a manner such that it is easy for men to (adopt) leadership role and benefit from them (the structures).

We, Dalit women, have the right to make decisions to control our own life and body. We have an important responsibility towards society, house, family and the state. However, we have been deprived of the opportunity to make decisions and we have been isolated from decision-making roles. We want to be partners in all decision-making levels, within the household as well as the state. We demand that proportional participation of Dalit women in all social, economic and political decision-making processes and levels be made mandatory.

The future changes in the social, economic, legal and political systems of Nepal should be based on the experiences of Dalit women (us), who represent Dalit women from different districts of the country and have been working for Dalit women's issues.

All Dalit women, strongly demand that in order to end the existing discriminatory values, behaviours, policies/rules, (that impact) all aspects of our life, including health, education, communication, traditions, family and married life, culture, religion, finance, that they (the abovementioned aspects) be analysed from social, economic and cultural rights as well as political and civil rights standpoint, and that they (the rights) be guaranteed from the human rights perspective.

1. Political and Civil Life

Traditionally, Dalit women were isolated from political, civil and community-level decision-making processes. To ensure inclusive democracy, Dalit women's participation is necessary in all political activities. For this purpose, we demand that the following tasks be accomplished and implemented.

- 13 percent of the seats in the constituent assembly election should be reserved for Dalit women.
- Equal access and opportunities should be ensured for Dalit women at all levels of policy-making and leadership, existing as well as those that will be created. Political parties are the foundation of a democratic republic. Democracy can be upheld in a country only if they (the political parties) are democratic, inclusive and transparent. Since the objective of the democratic system is to make backward communities equally capable as other citizens, we demand proportional representation of Dalit women in each sector.
- Inclusive proportional participation of Dalit women should be made mandatory at all levels within the political parties, from decision making to village levels. Legal provisions should be made to deny national party recognition to the parties that do not have participation of Dalit women at all levels.
- 20 percent of seats reserved for the Dalit community and 10 percent of the seats reserved for women at all levels of the state should be reserved for Dalit women.
- Traditional institutions should be restructured as per the principle of democracy.
- The state should build special mechanisms to support full political participation of Dalit women.
- Dalit women should be free of political fear and threat.

2. Equality

Equality is the main principle of our Charter. All our rights are based on the principle of equality. We believe that there should be equality between men and women and also between Dalit women and non-Dalit women. During the upcoming restructuring of state, disparities between different women should be identified and a special system should be implemented to eliminate the problems of ethnic discrimination, gender discrimination and sexual exploitation that Dalit women have been facing. The demands put forward in the course of our struggle for equality are based on the fact that Dalit women are behind in all spheres of life and are discriminated against. We believe that in the present economic and political context, only superficial equal behaviour towards Dalit women, other women and men cannot (actually) maintain equality. Therefore, in order to promote equality in the real sense, special provisions are necessary for Dalit women for the time being.

Equality is essential in every aspect of life. We demand that we are treated equally in every aspect of life, from family and workplace to state affairs, and an atmosphere be created to ensure equality. Therefore,

we demand that the following legal provisions be made to provide directives, so that all the policies, regulations and legal provisions made by the government reflect equality.

- Public places are still not accessible to Dalits. To end this, it should be defined as a crime, which might even lead to invalidation of citizenships of those who engage in discriminatory behaviour in public places.
- Special legal provisions should be made to establish the rights of Dalit women in the future restructured state. We demand that special arrangements be made to ensure their equal proportional participation in the decision-making levels of state restructuring. Apart from this, there should be just participation of Dalit women in social, economic, political, cultural and civil life. Special arrangements should be made so that everyone is able to equally reap the benefits of development.
- By focusing on the provisions of the convention regarding uprooting all kinds of violence against Dalit women, the Civil Act should be amended to allocate a 20 percent quota for proportional participation of Dalit women in government services. There should be provisions for positive discrimination, to increase Dalit women's participation at the decision-making level. • The participation of Dalit women in nation's security agencies, such as Nepal Police and Nepali Army, is important. This is not possible without making special arrangements for Dalit women and without the amendment of Acts regarding Nepal Police and Nepali Army. Therefore, the Acts pertaining to the Nepali Army and Nepal Police should be changed, and a 20 percent quota should be allocated for Dalit women.
- A separate high level commission should be formed to provide suggestions to the government to ensure and promote participation of Dalit women at all levels of the nation, to investigate as necessary and to monitor whether or not provisions for equal participation exist within government agencies.
- From within the 33 percent, which is reserved for women, proportional participation should be ensured for Dalit women on the basis of population.
- Everyone should strictly follow national laws, based on general conventions, to uproot discrimination based on caste, gender and other criteria. A commission should be formed for its implementation.

3. Rehabilitation / Reunion

Dalit women who were part of the agitating army have been affected in various ways by the 12 years of armed movement in the country. Some are mutilated, some were raped, some are living the lives of a displaced (person) and some have been forced to spend their lives as a widow. Similarly, the children of hundreds of Dalit women have run away because of the conflict, they were forced to embrace various risky jobs and were made to disappear. Focusing on this, we demand that the current government prioritise and carry out the following activities.

- A countrywide investigation should be carried out to gather accurate information about war-affected Dalit women.
- Proper medical treatment, counselling and suitable compensation should be provided, as needed, to Dalit women, who were mutilated, raped and sexually exploited.
- Appropriate investigation of disappeared Dalits should be carried out and their status should be made public. Appropriate compensation and help should be provided to the families of the disappeared and an environment should be created, where internally displaced people can return home with dignity.=
- All Dalit children below the age of 18, who were forced to engage in risky jobs, inside and outside of the country, should be rescued and proper arrangements should be made to improve their lives.
- Rehabilitation/reunion is not possible without justice. Therefore, suitable investigations should be conducted about the crimes that were committed during the conflict and appropriate actions should be taken against perpetrators.
- Special legal provisions should be implemented to end impunity.

4. Law and Justice

We have all accepted the fact that law guided by feudal and patriarchal thinking has not been able to provide necessary justice to Dalit women. Therefore, we demand that the following provisions be made for the development, usage and explanation of laws, based on the principles of equality:

- Appropriate training should be organized to explain gender and ethnic perspectives to all legal practitioners and judges and the restructuring of the judicial administration is absolutely necessary.
- Special policy, incorporating special legal provisions, should be formulated for participation of Dalit women in judicial services. For this, the social, economic and political conditions of Dalit women should be analysed while formulating, using and interpreting policies and making laws.
- Dalit women's rights for legal assistance should be ensured through the creation of family courts and close court system.
- Equality for Dalit women should be guaranteed in every aspect of law.
- Legal provisions should be made to ensure the rights of Dalit women to own property buy and sell (property), their land rights, ancestral rights and equal rights over paternal property.
- Legal provisions should be made to guarantee participation of Dalit women in the decision-making levels of public, government and non government sectors.
- Necessary new laws should be created, through a human rights perspective, to end different types of violence that are done to or could be done to women because of their status as Dalits and women, due to the weak structure of the country.
- Laws against rape should be promulgated and an implementation mechanism should be immediately built.
- Provisions should be immediately made for a victim-oriented justice system. Policy framework has to be prepared for capacity building of all sectors that are required for this.
- Laws should be created to ensure participation of Dalit women at all levels, from members to employees, in high level independent commissions like the Human Rights Commission, Women's commission and Dalit Commission.
- Laws should be formed to guarantee proportional participation of Dalit women at all levels, from members to employee, in constitutional commissions like the Election Commission, Commission for the Investigation of Abuse of Authority and Public Service Commission.
- Laws should be created to guarantee participation of Dalit women in all commissions and committees, which are formed by the government to serve any purpose.
- Laws should be formed to ensure participation of Dalit women in judicial services, from the Supreme Court to the Appellate Court, district courts and special courts. Along with this, laws with special arrangements should be created to provide access to Dalit women to every level of judicial services.

- If any Dalit woman is found to be a criminal, provisions should be made to punish her equally, based on the nature of the crime.

5. Economic System

The economic rights of women are of great importance for empowerment and equality of Dalit women. The prevailing economic system and economic policies have not assessed women's work. There is a stronghold of men and non-Dalit women in strategic places of the economic sector. Participation of Dalit women is limited due to different social, economic and ideological impediments prevailing in the economic structure. Similarly, Dalit women don't have social security in workplaces. Even minimum facilities, such as child care, treatment and special arrangements during menstruation are not available. The working environment is not safe for them. Dalit women are exploited in different offices, compelled to leave their job or take risks because of these reasons. Therefore, we would like to put forth the following demands for equal participation of Dalit women in the economic sector.

- The state should implement special programme packages to modernise indigenous occupations and skills of the Dalits.
- The practice of classifying work based on gender and ethnicity should be immediately stopped. To discourage the trend of such classification, division of work on the basis of gender should be made punishable by law.
- Policy based arrangement should be made for (providing) pension, safe accommodation, and medical services at places where Dalit women work. In addition, perpetrators of ethnic discrimination should be punished by the law and arrangements should be made to dismiss registration of such offices and make them pay penalty.
- Statistics of single women, widows and Dalit women who are sole bread earners should be collected and arrangements should be made for (providing) special employment and facilities to them. The government should make provisions for special concession cards for Dalit women who are sole bread earners of the family.
- Health facilities (should be made available) and safe environment should be created for Dalit women working in the informal sector. Their jobs should be evaluated and employment should be guaranteed for them.

- The trend of arbitrarily providing minimum wages to Dalit women in the informal sector, practicing different forms of exploitation and compelling them to work against their will should be ended. Necessary legal and administrative provisions should be made to end exploitation in the informal sector and to maintain justice.
- Provisions should be made to allow women, working in the informal sector, to form trade unions.
- The state should play a supportive role in providing collateral-free loans to Dalit women, in identifying businesses and in market management, so that they (Dalit women) can initiate new economic enterprises.
- Mechanisms should be developed to ensure participation of Dalit women at all levels, from the Ministry of Finance to policy formulation for economic transactions, discussions for economic development of country, plan formulation and development of implementation mechanisms.

6. Education and Training

Education is a basic human right. Education is the most essential element for the 21 st century human being. However, majority of the Dalits in Nepal are deprived of education. The education provided by the current education system especially schools, colleges and vocational training (institutions) does not incorporate the experiences and needs of Dalit women. Thus, we put forth the following demands.

- The current education (system) in Nepal is patriarchal and everyone does not have access to it. Further, it is unpractical and discriminatory. Thus, people-oriented and practical education policy should be implemented.
- Compulsory education with (full) scholarship should be provided to Dalit women from primary to higher level education, in both technical and non-technical fields.
- Rapidly increasing commercialisation of the education sector should be stopped and discriminatory education should be abolished.
- Education institutions with special facilities and materials should be organized for child care centres and for differently-abled people.
- The materials that are in the curriculum and portray ethnic discrimination should be immediately removed and the curriculum should be reformed in a way such that it respects the ancestral occupations of Dalits.

- Educational materials that eliminate ethnic and gender discrimination and raise awareness should be included in the curriculum from primary to higher level education.
- The needs of the working, rural, differently-abled, single and adult Dalit women should be identified and provisions should be made to provide accessible quality education to them.
- Compulsory provisions should be made to include one female Dalit teacher in each school.

7. Development, Physical Infrastructure and Environment

Women take major responsibility in the community and the household. Despite this, majority of Dalit women are deprived of essential basic facilities that are required for management of household, family and society. We are still deprived of an environment for healthy and productive life. Dalit women have not even been able to enjoy the fruits of basic development, which is essential for life. Slowly increasing encroachment of land, forest and water at the community level and privatisation has made the lives of landless settlers, squatters and farmer Dalit women, residing in rural communities, more difficult. Realising these facts, we demand that the following tasks be accomplished for (the establishment of) new Nepal. The following task needs to be accomplished to make legal provisions for physical development environment and its implementation [tr. Nepali unclear].

- Commitments should be made and implementation mechanisms should be developed to execute each development programme from the perspective of Dalit rights.
- While implementing the development projects, it should be ensured that Dalit women also benefit from possible employment opportunities at such projects.
- Policies should be formulated and budget should be allocated for providing safe drinking water and latrines in all places, including Dalit villages and settlements.
- Arrangements should be made to render electricity and telephone available in Dalit settlements and villages through prioritisation.
- Safe shelter is the right of all Dalit women. Understanding that women are exposed to different types of violence in the absence of safe houses, arrangements should be made to develop rural shelters for Dalit women and arrangements should be made to provide loan to Dalit women for safe shelters in an easy manner.
- Dalit squatters should be guaranteed safe shelters.

- Special health, education, entertainment and social welfare facilities should be made available to Dalit women.
- Policies and programmes for conservation and utilisation of natural resources should be implemented in a way such that it ensures Dalit women's rights and the benefits from it should be equally distributed.
- Dalit women play a vital role in management and conservation of natural resources. Therefore, Dalit women's right of participation at the decision-making level should be ensured while taking decisions on management and mobilisation of natural resources at the community level.

8. Social Services

Social service is a right, not a facility. The following provisions should be made to provide social services in a manner accessible to Dalit women.

- The state and private sector should provide social welfare services to Dalit women as per the principle of social justice, equality and access.
- Social service should specifically incorporate the needs of differently-abled, single and widowed Dalit women residing in rural and geographically remote areas.
- Provisions for economic and social security should be guaranteed for Dalit women, on the basis of equality.
- All social services should be made easily available and accessible to Dalit women.

9. Family and Conjugal Life

There are many families in our society who have not been able to utilise equal rights, responsibilities and reap the benefits. Dalit women have unequal responsibilities in household chores. They have very limited rights to make decisions. To change this, the current democratic government should guarantee the following provisions and rights for Dalit women.

- All types of families should be entitled to equal recognition and treatment.
- Dalit women should have equality in family matters, marriage and cordial relationships.
- Dalit women should get equal property rights as husbands and brothers.

- During the process of marriage and divorce, Dalit women should be guaranteed the right to equal participation.
- Arrangements should be made to ensure Dalit women's equal access and control over economic resources of the family.
- There should be provisions for Dalit women to receive guardianship of their children.
- Inter-caste marriage should be legally recognised and the state should initiate programmes to further encourage it.

10. Customs, Culture and Religion

Hindu customs, culture and religion, which prevails in our society and is followed by the majority, discriminates against and looks down upon Dalit women. Gender biased activities and roles are imposed upon Dalit women. The burden of untouchability, on the ground of ethnicity, has been imposed on Dalit women by women themselves. Dalit women have been side-lined from the decision making process and leadership and participation in various religious and cultural traditions and customs. This type of discriminatory tradition and behaviour should be ended. The following provisions are necessary for this.

- Dalit women should be established in society in a respectful manner by ending traditional superstitions and age-old negative traditions, including untouchability, *chhaupadi*, dowry, treasure digging, *balighare* [tr. exchanging skill for harvest] and sexual exploitation of Dalit women, and by providing security to couples of inter-caste marriage.
- In laws regarding human rights, custom, culture and religion should be incorporated under the glossary of equality.
- All Dalit women should be allowed to freely practice their religion, culture and customs, without any kind of discrimination.
- The cultures, traditions, and customs that adversely affect, discriminate against and harm Dalit women in some way or other, should be changed.
- An action plan should be formed to guarantee elimination of all kinds of systems and traditions that harm Dalit women, keep them in isolation and abuse their human rights under the guise of religion, custom and culture.

11. Violence against Dalit women

Violence against Dalit women is being practiced in Nepali society on the basis of discriminatory social, cultural, economic, religious and political tradition and beliefs. The following provisions are necessary to end such violence.

- Dalit women should be guaranteed security at home, in the community, workplace and public places, and their rights to be free from all kinds of violence should be ensured.
- The state should take responsibility of enforcing issues like dignity, morality and equality of human being in the form of public education.
- There should be appropriate provisions for protecting Dalit women from sexual misconduct, violence and exploitation.
- Centres where Dalit women can register their complaints against rape, beatings and sexual misconduct, and get necessary treatment and counselling services, including medical tests, should be established and they should be staffed with trained personnel.
- Necessary education and training should be provided to police, doctors, surgeons, lawyers and judges to register, inquire about and investigate cases like rape, beatings and sexual misconduct.
- Efforts should be made to form laws that provide full justice to victims, and the capacity of implementation mechanism for such laws should be increased, so that they can work from a human rights perspective.
- The state should immediately organize shelters and counselling centres for Dalit women who have been victims of rape, beatings and sexual misconduct. Such counselling centres should be established in all districts. The state should allocate separate budgets for safe shelters, counselling centres and institutions, which are sensitive towards the rights of Dalit women, should be responsible for managing such centres.
- A high level commission should be formed to end violence and discrimination against Dalit women.

12. Health

Health services and consultation has become a dream for rural Dalit women. Most Dalit women have lost their lives in the absence of basic health services. The mortality rate in Nepal is highest among Dalit women. Along with this, Dalit women are plagued with more health-related problems than people of other castes. Dalit women are even unaware of the fact that health care is their right, thus they are unable

to raise their voices to demand it. That is why, to establish health as a human right, the following provisions or tasks need to be immediately implemented.

- Because of increasing privatisation and commercialisation of health services, such services are beyond the reach of Dalit women. Thus, such privatisation and commercialisation should be discouraged and health service should be made easily accessible.
- The special health needs of Dalit women should be addressed through easily accessible and free health service.
- Standard health service and benefits should be ensured for Dalit women from the village level to the national level.
- Family planning related education, information and material should be made available to Dalit women and men free of charge.
- The state should make arrangements to ensure sufficient nourishment for Dalit women.
- The problem of uterine prolapse is predominant among Dalit women. The main reason for this is; they face violence from birth, unequal behaviour toward them, their work load and lack of proper support during child birth and immediately after child birth. These facts should be thought about and policies should be formed, implemented and budget should be allocated to solve problems related to uterine prolapse and treatment should be provided to those suffering from it.

13. Media

The reach of Dalits in media, such as newspapers, television and computers is not currently ensured. Through the following provisions, opportunities should be provided for Dalit women to be well-informed and well-educated.

- Participation of Dalit women should be ensured in all media.
- Policies should be formulated for broadcasting and publishing, in all forms of media, the contributions of Dalit women in public as well as private sectors.
- With the goal of solving the current caste-based and gender-based discrimination, the media should advance activities that encourage equality.
- Participation of Dalit women should be ensured in both government and private media sectors.

14. Dalit Women and Agriculture

Nepal is a country where most depend on agriculture. More than 75 percent of those in the agriculture sector are women. Among them, the participation of Dalit women is highest. Many Dalit farmers in Nepal are landless because of the patriarchal and feudal land-ownership rights system. Dalit women are not even defined as farmers because they don't have land rights. Similarly, hundreds of thousands of Dalit women in the country are surviving by working as agricultural labourers. Thus, we put forward the following demands.

- The right to eat is interlinked with the right to live. Both these rights have to be ensured and implemented by the constitution as the fundamental rights of women.
- Revolutionary land-reform programmes should be immediately implemented and necessary land should be made available to Dalit women.
- Legal provisions should be enforced to grant women equal land rights as men.
- Access and control of local communities, especially Dalit women, to local seeds and saplings, biological diversity and natural resources should be guaranteed .
- Food security should be guaranteed for Dalit women.
- The widespread disparity in daily wages paid to women and men should be immediately brought to an end and an equal wage system should be implemented.
- Infant care should be organized and toilets should be made available for the children of women working as agricultural labourers.

15. Conclusion

This Charter reflects the experiences, perspectives and expectations of common Dalit women. We are ending our silence, and through this Charter we request that the expected changes and state restructuring be implemented for respect of human values, to end discrimination and for social, economic, cultural and political equality. During the restructuring of the state, special provisions should be guaranteed for ensuring the reproductive role and related rights of Dalit women and the principles of international documents on human rights should also be fully guaranteed. Dalit women are marginalised by the state because of various reasons. They are compelled to endure different types of violence, discrimination and harassments. Bearing this in mind, legal provisions should be made to include women in the decision

making levels and to end differences between Dalit and non-Dalit women. New Nepal should guarantee proportional representation of Dalit women, who have for centuries been left behind from all levels of the state. Reiterating that such atmosphere is impossible as long as the unitary regime prevails in the country, we demand a fully democratic republic state.

We would like to remind, the establishment of sustainable peace in the country is not possible until these demands are fulfilled. We also declare that our struggle will continue until our demands are met.

Declaration of Indigenous Women, 2011

Translated from Nepali to English by the Researcher (Source: www.niwf.org.np)

On the occasion of the 101st International Women's Day, the National Indigenous Women's Federation (NIWF) and the National Indigenous Women's Forum successfully organized a national-level interaction. Participants at the event included indigenous Janajati women campaigners, experts, politically active youth, students, and various organizations and civil society members who are concerned with the issues of indigenous Janajatis. A 14-point declaration (Declaration of Indigenous Janajati Women, 2011) was issued at the meeting to ensure the rights of indigenous Janajati women. Indigenous Janajati women have put forth the following demands in the declaration:

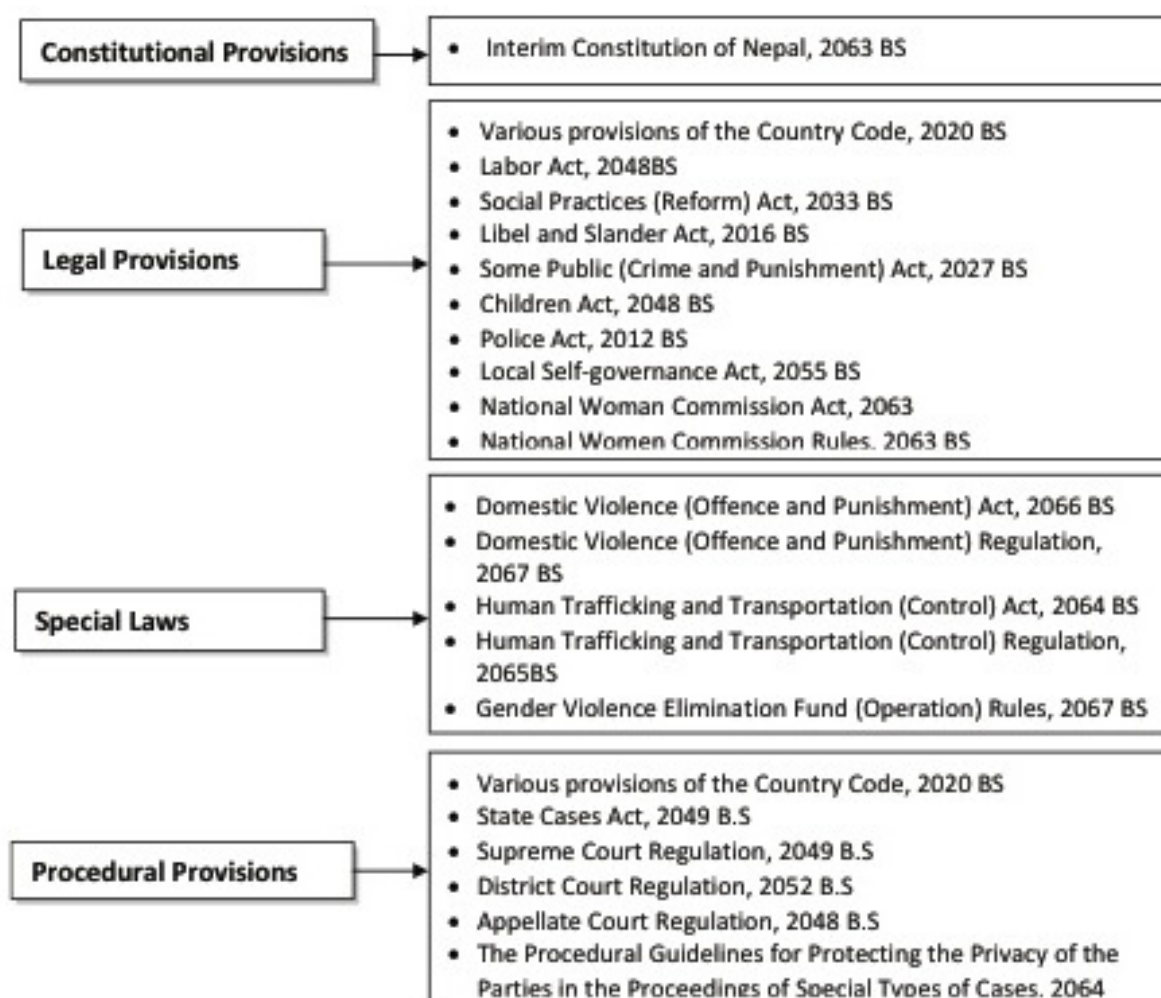
1. The new constitution shall ensure fully proportional and inclusive representation based on the population size of ethnic groups, as well as recognition of ethnic identity and the identity of indigenous Janajati women.
2. The constitution shall contain a provision guaranteeing ethnic, linguistic and regional autonomy along with the right to self-determination.
3. The state shall recognize the identity of indigenous Janajati women in the new constitution; specifically mention indigenous Janajati women in national plans, policies, strategies, programmes, budgets, monitoring and evaluation documents, etc.; and ensure fully proportional allocation of budget, resources and facilities.
4. Ensure fully proportional representation and the special rights of Janajati men and women in all state organs, sectors, agencies and structures.
5. Ensure the use of mother tongue as a medium of instruction in schools, and the use of mother tongue in the constitution and for the dissemination of information through the government and private media.
6. Ensure effective implementation of agreements, conventions and declarations that guarantee the rights of indigenous Janajatis, such as the International Labour Organization Convention 169, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
7. The state, the women's movement, and donor agencies shall acknowledge the ethnic, linguistic, cultural and regional diversity that exists within women or a particular gender, and ensure fully proportional participation and representation.

8. The state shall recognize, protect, promote and develop the traditional justice mechanisms, processes, knowledge, skills, art and culture of indigenous Janajati women, and grant them patent rights over the same.
9. Recognize and ensure the rights of indigenous Janajatis to essential livelihood resources such as biodiversity, ancestral land, water, forests, mines and grazing pastures.
10. The state shall enlist the indigenous Janajati groups that are yet to be enlisted.
11. Ensure the right to free and prior informed consent.
12. Carry out special programmes to empower and ensure the special rights of endangered, highly marginalised, and marginalised indigenous Janajati women.
13. Establish an indigenous Janajati commission.
14. The recommendations made on the basis of the study, discussion and analysis of the concept papers and drafts prepared by the 11 thematic committees of the Constituent Assembly shall be included verbatim in the new constitution.

APPENDIX E

Categories of National Laws Addressing GBV

(Cf. *Tracking Cases of GBV in Nepal Report: Individual, Institutional & Legal Policy Analysis, 2013, p. 18*)



Source: MWCSW/UN Women/FWLD, 2012

APPENDIX F

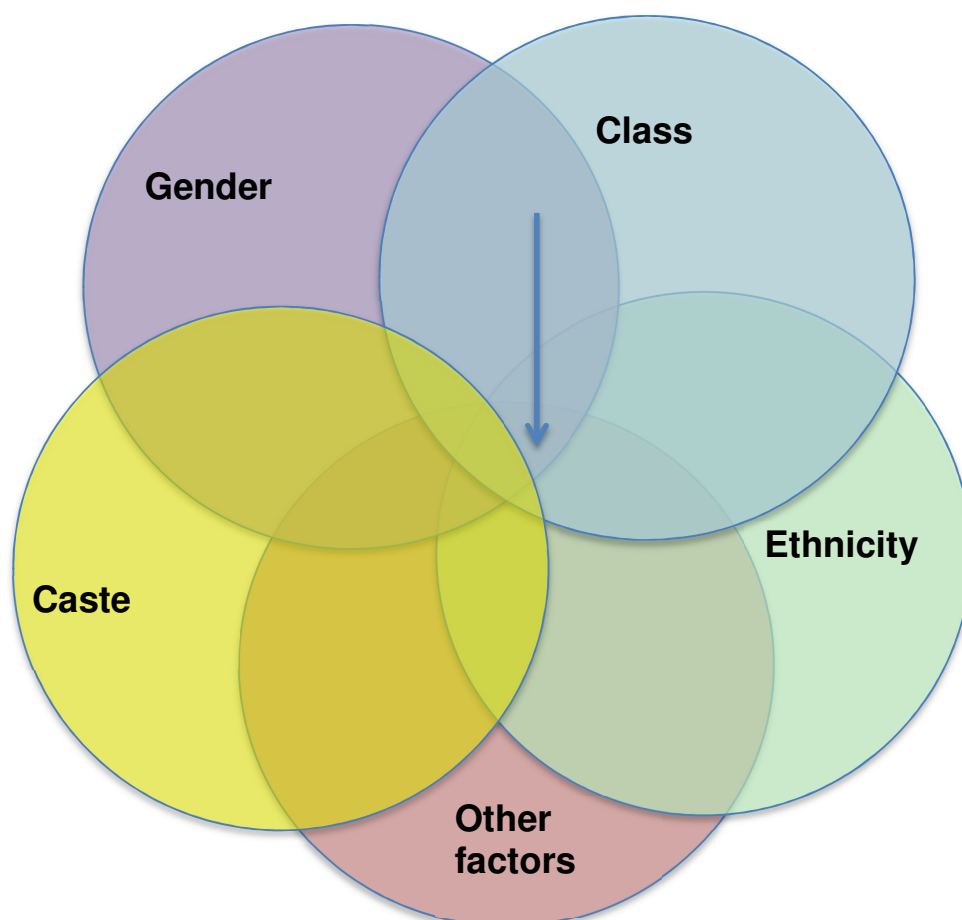
GBV/VAWG related Laws in Nepal

(Cf. *Tracking Cases of GBV in Nepal Report: Individual, Institutional & Legal Policy Analysis, 2013, p. 60*)

Constitutional Provisions	Legal Provisions	Special Laws	Procedural Provisions
Interim Constitution of Nepal, 2063 BS	<ul style="list-style-type: none"> • Various provisions of the Country Code, 2020 BS • Labor Act, 2048BS • Social Practices (Reform) Act, 2033 BS • Libel and Slander Act, 2016 BS • Some Public (Crime and Punishment) Act, 2027 BS • Children Act, 2048 BS • Police Act, 2012 BS • Local Self-governance Act, 2055 BS • National Woman Commission Act, 2063 • National Women Commission Rules, 2063 BS 	<ul style="list-style-type: none"> • Domestic Violence (Offence and Punishment) Act, 2066 BS • Domestic Violence (Offence and Punishment) Regulation, 2067 BS • Human Trafficking and Transportation (Control) Act, 2064 BS • Human Trafficking and Transportation (Control) Regulation, 2065 BS • Gender Violence Control Fund (Operation) Rules, 2067 BS • Directives issued to control sexual exploitation against working women in workplace such as dance restaurant, dance bar, 2065 BS 	<ul style="list-style-type: none"> • Various provisions of the Country Code, 2020 BS • State Cases Act, 2049 B.S • Supreme Court Regulation, 2049 B.S • District Court Regulation, 2052 B.S • Appellate Court Regulation, 2048 B.S • The Procedural Guidelines for Protecting the Privacy of the Parties in the Proceedings of Special Types of Cases, 2064

Appendix G

Violence Against Women Through the Lens of Intersectionality



Based on the approach of “intersectionality” (Crenshaw 1991) the diagram shows how various factors of subordination such as gender, caste, ethnicity, class, and other factors intersect to shape the manifestation of violence experienced by women.

APPENDIX H

Partner Organizations of SAATHI

1. All Nepal Football Association –ANFA
2. AWID Women’s Rights
3. CARE
4. Crystal Kids
5. Department for International Development (DFID)
6. Dream Asia
7. Enabling State Programme (ESP)
8. Global Fund for Women
9. Global Network of Women Peacebuilders (GNWP)
10. German Agency for Technical Cooperation (GTZ)
11. Match
12. Open Society Institute & Sorus Foundation Network
13. Planete Enfants
14. Quarriers
15. Silence Speaks
16. Smart Pharma Consulting
17. Terre Des Hommes (TDH)
18. Tewa
19. The Asia Foundation
20. The Embassy of Denmark
21. UN WOMEN
22. United Nations Population Fund (UNFPA)
23. World Education

Source: SAATHI’s organization website, www.saathi.org.np

APPENDIX I

Leading Members of SAATHI

Current Executive Board Members

President	Ms Bandana Rana
Vice President	Ms. Bhawani Rana
General Secretary	Ms. Shailaja Rana
Treasurer	Ms. Keshu Shrestha
Member	Ms. Bijaya KC
Member	Ms. Pramada Shah
Member	Ms. Uma Shah
Member	Ms. Pinky Singh Rana

Board of Advisors

Founder President	Dr. Madhuri R. Singh
Past President	Dr. Arzu Rana Deuba (former CA Member)

Source: SAATHI's organizational website, www.saathi.org.np

APPENDIX J

List of People Involved in Writing the SAATHI Research Reports

Name of Report:

A Situational Analysis: Violence Against Women and Girls in Nepal 1997 (SAATHI and TAF)

Research Team

Team Leader	Arzu Rana-Deuba, Ph.D
SAATHI Team Members	Madhuri Singh, Pinky Singh Rana, and Nilkantha Upreti
TAF Team Members	Raju Dahal and Namrata Sharma
Research Assistants	Anil Adhikari, Birat Dhungel, Bishnu Sharma, Chandra Bogati, Kamla Bista, Krishna Giri, Mahendra Laxmi Sharma, Mana Kumari Dhakal, Manoj Prasad Bhat+arai, Muna Joshi, Nirmala Upreti, Sharmila Karki, Suman Dhakal, Tanka Raj Pokharel and Tek Tamrakar.

Name of Report:

A Study on the Psycho-Social Impacts of Violence Against Women and Girls with Special Focus on Rape, Incest and Polygamy 2001

Research Team

Research Team Leader	Arzu Rana Deuba, Ph. D.
Research Coordinators	Pinky Sing Rana
SNV Team Leaders	Chanda Rai, Sriyani Perera and Kamala Bista
SATHI Team Members	Pramada Shah, Shiv Das Singh, Anjana Singh, Pramila Shah and Pukar Shah
Research Assistants	Bijaya K.C., Bimala Shrestha, Sumedha Gautam, Hari Joshi, Kabin Man Dangol, Samjhana Rana, Rojina Manadhar,

	Rashmi Bhandari, Hema Paudyal, Sapana Bhandari, Deepa Dhungana and Indra Niraula
Steering Committee Members	Annick Perrot, Dr. Ava Darshan Shrestha, Bandana Risal, Bimal Rawal, Caroline Bakker, AIGP Gobinda Prasad Thapa, Kumar Dahal, Madhuri Singh, Nira Rana, DSP Parbati Thapa, Rianna Knipples, Sriyani Perera and Sita Ghimire

APPENDIX K

NGOs Consulted in the Preliminary Mapping of Gender Based Violence Report, 2010

AMA Milan Kendra (AMK)

Alliance Against Trafficking in Women & Children in Nepal (AATWIN)

ABC/Nepal (ABC/N)

Advocacy Forum - Nepal AF-Bishwa Nepal (BN)

Blue Diamond Society (BDS)

Centre for Victims of Torture, Nepal (CVICT)

Community Action Center – Nepal (CAC-N)

Didi Bahini

Family Planning Association of Nepal (FPAN)

Feminist Dalit Organization (FEDO)

Forum for Women, Law and Development (FWLD)

Informal Sector Service Center (INSEC)

Institute of Human Rights Communication Nepal (IHRICON)

Legal Aid and Consultancy Center (LACC)

Maiti Nepal

Nagarik Aawaz

National Health Foundation (NHF)

National Inter-Religious Network -Nepal on Violence Against Women (NIRN)

Nepal Muslim Women Welfare Society (NMWWS)

Pourakhi - Nepal

Rural Women's Development and Unity Center (RUWDUC)

SAATHI

Samanata - Institute for Social and Gender Equality

Sancharika Samuha Nepal (SSN)

Shakti Samuha (SS)

Shtrii Shakti (S2)

South Asia Partnership - Nepal (SAP-Nepal)

Society for Empowerment - Nepal (STEP-Nepal)

Transcultural Psychosocial Organization Nepal (TPO Nepal)

Utthan

Woman for Human Rights Single Women Group (WHR)

Women Security Pressure Group, Dillibazar (WSPG)

Women Rehabilitation Centre, Balkumari Kathmandu, Nepal (WOREC)

APPENDIX L

List of Reports Reviewed in *Preliminary Mapping of Gender Based Violence, 2010* (p. 22)

Author (Year)	Title	Publisher
AATWIN.	Half Yearly Reports.	AATWIN. Kathmandu. Nepal
AATWIN. (2007).	In Search of Identity: The Social & Gender Dimension of the Impact of Nepalese Citizenship Policy on Lives of Women.	AATWIN. Kathmandu. Nepal
AATWIN. (2007).	A Decade of AATWIN 1997-2007.	AATWIN. Kathmandu. Nepal
AATWIN. (2063).	In Search of Identity: Nepali Women and Problem of Citizenship.	AATWIN. Kathmandu. Nepal
Advocacy Forum, INSEC, CVICT, INHURED, PPR & Accountability Watch Committee. (June 2009)	Criminalized Torture.	
Advocacy Forum.	Annual Reports	Advocacy Forum. Nepal
Advocacy Forum. (2010).	Maina Sunuwar: Irrelevant Logics and Reality.	Advocacy Forum. Nepal
Advocacy Forum. (Oct. 2009).	Human Rights Watch.	Advocacy Forum. Nepal
Advocacy Forum. (Sept. 2008).	Human Rights Watch.	Advocacy Forum. Nepal
Arzu R. Deuba & Pinky S. Rana. SAATHI (2001).	A Study on Psycho-Social Impacts of Violence Against Women and Girls With Special Focus on Rape, Incest and Polygamy.	SAATHI & SNV. Nepal
Arzu R. Deuba, Ph.D. (2005).	A National Study on Changing Roles of Nepali Women Due to Ongoing Conflict and Its Impact	SAMANATA. Lalitpur
CREHPA. (2008).	Exploring the Nature and Reasons Associated with Sexual Violence Within Marriage Among Young Couples in Nepal.	CREHPA. Nepal
CREHPA. (2008).	Reproductive Health Research Policy Brief.	CREHPA. Nepal
CVICT. (1994).	Indelible Scars: A Study of Torture in Nepal.	CVICT. Kathmandu
FWLD.	General Recommendations of CEDAW Committee.	FWLD. Nepal
FWLD. (2009).	National Manifesto on Issues of Rights and Concerns in the Context of New Constitution.	FWLD. Nepal

Author (Year)	Title	Publisher
FWLD. (2009).	Domestic Violence (Offense and Punishment) Act 2008 and Conceptual Framework.	FWLD. Nepal
FWLD. (2009).	Context of Writing New Constitution: National Declaration on Issues Relating to the Concerns on Rights of Marginalized Communities.	FWLD. Nepal
Human Rights Watch & Advocacy Forum. (2009).	Still Waiting for Justice to No End to Impunity.	Human Rights Watch & Advocacy Forum. Nepal
Human Rights Watch.	Waiting for Justice.	Human Rights Watch. Nepal
IHRICON & Save The Children Norway. (2008).	Success Stories.	IHRICON & Save The Children Norway
IHRICON. (2006).	Sexual Violence in the 'People's War': Impact of Armed Conflict on Women and Girls in Nepal.	IHRICON. Nepal
LACC.	Gender Recommendations on Proposed Bill on Truth and Reconciliation Commission.	LACC & UNIFEM. Kathmandu. Nepal
LACC.	Handbook on Human Trafficking Act 2064.	LACC. Kathmandu. Nepal
LACC.	LACC LENS.	LACC. Nepal
LACC/UNFPA.	Consolidated Report On GBV Mapping in Twelve Districts of Nepal.	LACC. Nepal
MoWCSW. (2009).	Empowerment, Journal.	MoWCSW. Kathmandu
MoWCSW. (2009).	A Collection of Laws Addressing Women's Rights.	MoWCSW. Kathmandu
MoWCSW. (2009).	Women Development Program Operational Guideline.	MoWCSW. Kathmandu
MoWCSW. (2065).	A Study Report on Cabin, Dance Restaurant and Massage Parlor.	MoWCSW. Kathmandu
SAATHI (1997).	A Situational Analysis of Violence Against Women and Girls in Nepal.	SAATHI.LALITPUR
SAATHI & LWF. (2006).	Hearing Community Voices: A Baseline Survey on Anti-Trafficking Needs.	SAATHI & LWF. Nepal
SAMANATA (2005).	A Study on Linkages Between Domestic Violence and Pregnancy.	SAMANATA. Lalitpur
SAP Nepal. (2008/09).	Annual Report.	SAP. Nepal
Sapana Pradhan Malla. FWLD (1995).	Inheritance Rights of Nepali Women: Journey Towards Equality.	FWLD. Nepal
Shakti Samuha. (2008).	A Study on the Situation of Women Working in Restaurants and Massage Parlors of Kathmandu Valley	Shakti Samuha, Nepal

Author (Year)	Title	Publisher
Shakti Samuha. (2008).	Situation of Slavery of Women Working in Restaurants and Massage Parlors of Kathmandu Valley.	Shakti Samuha. Nepal
Shakti Samuha. (2009).	Trafficking and Prevention in the Experiences of Victims of Trafficking.	Shakti Samuha. Nepal
South Asia Partnership. (2006).	Cries of Women in Politics: Violence Against Women in Politics.	SAP. Nepal
UNDP. (2010).	Power, Voice and Rights: A Turning Point for Gender Equality in Asia and the Pacific.	UNDP.
UNFPA/SAATHI (2008).	Situational Analysis of Gender-Based Violence in Surkhet and Dang Districts, Nepal.	UNFPA. Nepal
WHO. (2009).	Perspectives of Sexual Violence During Early Years of Marriage in Nepal: Findings From Qualitative Study.	WHO Nepal
WHR Single Women Group.	A Journey Towards Empowerment.	WHR. Nepal
WOREC (2003).	Adolescents and Youth Speak About Violence and Its Impacts.	WOREC. Kathmandu
WOREC. (2001).	Violence Against Women and State Responsibility: Public Hearing Program.	WOREC. Kathmandu
WOREC. (2009).	Year Book on Violence Against Women.	WOREC. Kathmandu

APPENDIX M

Image of Broken Bangle: Cover Page of SAATHI Report 2001

