



BACKGROUND
SERIES

GENDER BASED VIOLENCE



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Introduction

The [United Nations](#) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. '[Gender-based violence](#)' is a term that is often used to state that mostly violence is inflicted by men on women and girls. This does not necessarily mean that men are not affected. Men are also affected but not as much as women. However, it is important to understand the fact that violence against women is an expression of power inequalities between women and men. Gender-based violence is a human rights violation, a public health challenge, and a barrier to civic, social, political, and economic participation. It undermines not only the safety, dignity, overall health status, and human rights of the millions of individuals who experience it, but also the public health, economic stability, and security of nations.

Gender based violence tends to be mediated by factors such as age, religion, class, and disability. Acts of gender based violence include sexual violence, domestic violence, sex trafficking, forced or early marriage, forced prostitution, sexual harassment and sexual exploitation. Although sexual violence is often the most immediately identifiable form of gender based violence, it also includes the structural violence that results from gender biased practices, laws and traditions. Examples of structural violence include laws that prevent women from owning or inheriting property and the endemic poverty that leads women and girls to exchange sex for basic goods. Some forms of gender based violence specifically affect

children, such as violence against girls in school by male teachers or pupils, including rape and sexual harassment. This may lead to their exclusion from school due to stigma, pregnancy or health complications. As a consequence, girls' capacity to learn and benefit from education is diminished. Both boys and girls are also vulnerable to trafficking where they can be sexually exploited as well as exposed to child labour. Most fundamentally, gender based violence is a human rights violation.

Gender-based violence cuts across ethnicity, race, class, religion, education level, and international borders. An estimated one in three women worldwide have been beaten, coerced into sex, or otherwise abused in her lifetime. Although statistics on the prevalence of violence vary, the scale is tremendous, the scope is vast, and the consequences for individuals, families, communities, and countries are devastating. Governments and the international community have a responsibility to uphold to the international standards.

Violence against women and girls is one of the most prevalent human rights violations in the world. It knows no social, economic or national boundaries. Worldwide, an estimated one in three women will experience physical or sexual abuse in her lifetime.

Gender-based violence undermines the health, dignity, security and autonomy of its victims, yet it remains shrouded in a culture of silence. Victims of violence can suffer sexual and reproductive health consequences, including forced and unwanted pregnancies, unsafe abortions, traumatic fistula, sexually transmitted infections including HIV, and even death. It is vital to promote the rights of all individuals and reduce gender-based

violence while mitigating its harmful effects on individuals and communities. Unless women, girls, men and boys fully enjoy their human rights and are free from violence, progress toward development will fall short.

Global Status

The problem of gender based violence prevails all over the world. Violence against women - particularly intimate partner violence and sexual violence - are major public health problems and violations of women's human rights. Recent [global prevalence figures](#) indicate that about 1 in 3 (35%) of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime. Most of this violence is intimate partner violence. Worldwide, almost one third (30%) of women who have been in a relationship report that they have experienced some form of physical and/or sexual violence by their intimate partner.

Globally, as many as 38% of murder cases of women are known to be committed by an intimate partner. Violence can negatively affect women's physical, mental, sexual and reproductive health, and may increase vulnerability to diseases. Factors associated with increased risk of commitment of violence include low education, child maltreatment or exposure to violence in the family, harmful use of alcohol, attitudes accepting of violence and gender inequality. Factors associated with increased risk of experiencing intimate partner and sexual violence include low education, exposure to violence between parents, abuse during childhood, attitudes accepting violence and gender inequality. According to the [World Health Organization](#), approximately 73 million boys and 150 million girls under

age 18 worldwide have encountered sexual violence that involves physical contact .

There is evidence from high-income settings that school-based programs may be effective in preventing relationship violence (or dating violence) among young people. In low-income settings, primary prevention strategies, such as microfinance combined with gender equality training and community-based initiatives that address gender inequality and relationship skills, hold promise. Situations of conflict, post conflict and displacement may exacerbate existing violence, such as by intimate partners, and present additional forms of violence against women.

Status in South Asia

There are 50 million fewer women in [South Asia](#) today than there should be. Girl babies are killed before birth through sex-selective abortions, or die prematurely through violence and negligence. Millions more girls and women face discrimination .They have less to eat than boys and men, are denied an education, are forced into dowry marriages, have little or no access to health services, and suffer violence.

One in every two women in South Asia faces violence in her home. Violence is an inescapable reality of women's lives, as the social customs and attitudes that support violence against them are entrenched and institutionalized at all levels; home, family, community, society, and the State. The pervasive culture of gender-based violence in South Asia has eroded women's fundamental rights to life, health, security, bodily integrity, political participation, food, work, and shelter. It has severely limited their choices in practically all aspects of life, and explains the consistent poor gender-related development indices in crucial

sectors like health, nutrition, education, political participation, and employment. Sharp gender bias has also led to many girls and women in South Asia dying prematurely just because of gender based violence. In Sri Lanka, an estimated 10 percent of girls and 20 percent of boys are abused at school or at home.

South Asian women and girls face a range of types of violence throughout their lives. Starting with the beginning of the life cycle they are exposed to violence based on gender. South Asia has the highest levels of excess female child mortality among world regions. Within South Asia, India has the greatest excess female child mortality of all countries for which data are available; Bangladesh, Nepal, and Pakistan also show high levels. Since the early 1990s, however, excess female child mortality has declined in Nepal and Sri Lanka and dramatically in Bangladesh. Excess female child mortality in India, however, has remained firmly and largely unchanged.

Status in Nepal

In Nepal gender based violence is widespread cutting across classes, races, ages and religions. Women are facing violence at home, work place, market, road, bus, school, campus, hotel, office, law, policy, program, health, business, court and so on. Persistent patriarchy and dominance of Hindu religion and culture has treated women as a second class citizen from the very beginning. Furthermore, Hindu scripture also suggest that fathers, husbands and even sons should control women.

[Reports](#) show that close to half of women (48%) reported experiencing violence in their lifetime, and over a quarter had experienced violence in the past 12 months. Emotional violence (40.4%) was most

commonly reported, followed by physical violence (26.8%), sexual violence (15.3%), and economic abuse/violence (8%). Women who had experienced violence reported that almost three-quarters of the perpetrators were intimate partners (including husbands). The majority of women were unaware of any Nepali laws that address gender based violence. Only 9 percent of respondents were aware that rape within marriage is illegal, and only 13 percent were aware of a specific law against domestic violence. Only about one quarter of women (24.8%) were aware of services available to the survivors of gender based violence. In Nepal, a study of 3,960 girls and boys found that 10.5 percent of girls and nearly 8.0 percent of boys reported contact forms of sexual abuse in 2005.

A large proportion of women (61.3%) who had experienced violence had not shared or discussed their experiences with anyone. Family and friends were the most commonly mentioned persons from whom women sought help when they faced violence. Very few sought help from institutions such as the police, the health system, and NGOs. Women from lower-caste groups or religious minority groups, widowed, divorced, or separated women, and women living in the hill regions, were significantly more likely to report lifetime experiences of violence. Reports of recent violence were associated with older women (above 35 years), women with lower levels of social networking, and women living in the hill districts.

The majority of male seem to be aware of the issue and prevalence of violence against women. When asked what the underlying causes of violence are, men identified patriarchal norms, unemployment, lack of awareness of women's rights, consumption

of alcohol, and changing lifestyle or modernization as important drivers of violence.

In Nepal, gender based violence takes many different forms that includes: domestic violence, sexual abuse and torture, rape, sexual harassment, incest, women trafficking, dowry and bride price, preference for boys, mental torture, verbal abuse and gender discrimination, child marriage, polygamy, polyandry, etc. Similarly, discriminatory laws, social customs, prejudices that undermine equal status and opportunities for women in public and private life are the major contributing factors for the gender based violence as is our existing patriarchal social and cultural system, that gives lower social status to women, lack of education and awareness, & child marriage.

[The Situation Analysis](#) of Violence against Women and Girls in Nepal, 1997, by Saathi in collaboration with The Asia Foundation, revealed that 93% of women had exposure to mental and emotional torture, 82% were beaten, 30% raped, 28% forced into prostitution, 64% reported polygamy and 50% of women victims did not seek medical care. The maternal mortality study conducted in 1998 by Family Health Division, revealed higher suicide rate exist among women of reproductive age group.

Both men and women can be victims of violence, but the characteristics of violence commonly committed against women and men differ. Women are more likely to be physically assaulted or murdered by someone they know, often a family member or intimate partner. They are also at much greater risk of being sexually assaulted or exploited, in childhood, adolescence or as adults.

The most common form of gender based violence in Nepal is domestic violence, or gender based violence in families. Research consistently demonstrates that a woman is more likely to be injured, raped or killed by a current or former partner than by any other person.

Strategies to Control

- Provide women with access to legal representation and opportunities to pursue justice against perpetrators of violence through the formal legal system
- Promote gender equality in schools and widen access to education for girls. It has been proven time and time again that girls enrolled in school are less likely to be married early and become pregnant. If that weren't reason enough, girls that obtain higher levels of education are more likely to find employment and become empowered as a result of their financial contributions to the family and community.
- End forced early marriage and premature pregnancy, the leading cause of death of girls between 15 to 19 years of age. With more than 142 million girls expected to marry before they turn 18 over the next decade, implementing programs which offer conditional cash transfers to incentivize families to delay their daughter's marriages, will likely help reduce arranged marriages and allow girls to develop both physically and mentally before marriage and child-birth.
- Create laws that states violence perpetrated by a partner or spouse is punishable by the law.
- Revise marriage laws that are institutionally biased against women, particularly those that deny women custody over their children, inheritance,

and property laws and rights in cases of death, separation or divorce.

- Creating effective and widespread awareness campaigns regarding gender based violence and promoting the participation on male on these campaigns.

Current Challenges

The problem of gender based violence persists severely in Nepalese society. Nepal has been able to decrease the number of gender based violence. However, it has a long way to go before this problem is completely solved. Many challenges lie in the solving of gender based violence. These challenges can be listed as follows:

- Largely unequal power relations between men and women in rural areas of Nepal
- Existence of social and cultural norms that emphasizes on male dominance over female and consider women to be inferior than men
- Existence of laws and policies that pay little attention to gender based discrimination
- Lack of reported cases on gender based violence to the police has caused this problem to be largely undermined and underestimated
- Lack of effective monitoring and evaluation system to identify the true nature and extent of the problem regarding gender based violence
- Existence of beliefs that discriminate between genders
- Lack of funds to look after women victimized by gender based violence
- Lack of awareness and consideration of gender based violence as a problem of women and not a social problem as a whole
- Poor economic status and dependence of women upon male in financial matters

- Lack of strict rules to prevent gender based violence
- Accurately monetizing financial and economic cost of domestic violence is difficult
- Weak information dissemination and poor communication and coordination among the stakeholders
- Lack of faith of victims due to uncertainty of quality of service
- Limited treatment provisions for cases with severe injuries

Existing Implementation Gaps

Mechanisms for implementation, monitoring and accountability are in adequately implemented. Implementation is a particular challenge at district level, where there is limited awareness of laws and policies and lack of clarity about where primary responsibility resides for ensuring that action is taken. Weak coordination is also a factor.

Further, the Domestic Violence Act does not recognize domestic violence as a crime against state. Rape cases have to be filed within 35 days; this time period may also need to be revisited considering the reluctance of many women and girls to open up and discuss the issue publicly. Punishment for those found guilty of some forms of violence is minimal, so the police do not consider it worthwhile to find the perpetrator.

Women lack awareness of the law, of their rights, including protection from violence and to legal redress, and of available services. Women who seek formal support may suffer negative outcomes including discrimination, stigma and social isolation. This is particularly true in cases of sexual

violence. Many also fear that seeking help will bring shame on their family.

Women may be discouraged from reporting violence or seeking outside help. Male dominance of institutions, including the police and the judiciary, and lack of women in positions of authority reinforce the perception that institutions are unsupportive. There is limited awareness across all sectors of institutional responsibilities for service delivery and of policy directives and guidelines for dealing with victims of violence. Available resources are under-used.

Although specific budgets are available to institutions to address gender-based violence, some district officials have cited lack of resources as a problem. The 'Domestic Violence Fund', for example, which funds districts to provide support for women who have experienced violence, is not being fully utilized; this is due to bureaucratic procedures, women's lack of empowerment and the fact that only serious cases are reported to the Fund. Institutional accountability mechanisms are poorly implemented. Few institutions ensure that services are delivered or monitor the quality or outcomes of services.

There are significant gaps in available information about violence against women. The lack of centralized collection of data makes it difficult to measure and monitor the overall burden of violence against women.

There is a lack of robust systems for monitoring and data review at district level, and of clarity about how data is reported up through the system. There is little information about the perpetrators of violence and the evidence base on effective approaches, including with men and boys,

to preventing violence against women is weak.

Way Forward

Gender based violence remains one of the most serious social, legal and health challenges for the 21st century. It is a major public health problem and has a serious impact on women's health and well-being. It is one of the indispensable issues of equity and social justice. It happens in all the settings like family, community and state hence, has to be dealt with involving all the sectors. Much work remains to be done to create an environment free of gender-based violence.

Existing social structure and the roles that society has determined to women have played important role to make women face various forms of violence. Consideration needs to be given to change the existing patriarchal social structure and the attitude that exists among people through awareness programmes. Though the constitution and government plans, policies, and strategies have tried to address the gender based violence, implementation aspect of those constitutional and legal provisions is very weak. This calls for strong implementation of existing laws to curb the cases of gender based violence.

The Government should take proactive initiatives to implement the international conventions, treaties and covenants related to women. The condition of women won't improve until and unless the participation of women within the organizational structures of political parties is increased. The cases of violence against women during decade-long Maoist conflict need to be investigated thoroughly and the guilty behind such incidents need to be

brought to justice based on the principle of transitional justice system.

Government needs to formulate new laws such as one to deal with cybercrimes - the lack of which has made women vulnerable to face violence. The statute of limitation for filing case in utterly evil crimes like rape needs to be increased from existing 35 days. Women's access to the judicial system and media needs to be increased to curb violence against women. The practice of media to assassinate the character of women based on false information needs to be discouraged. Coordination and cooperation among all sectors could help to curb the cases of gender based violence.

A curriculum on civic education that includes the issue of gender based violence needs to be incorporated in secondary level textbooks to create a society based on gender equity. Judges and justices need to be provided with training and orientation to make them more sensitive to the issues related to violence against women. Officials in government agencies need to change their response to cases of violence against women.

Additional efforts need to be made to create gender friendly work place for women. Meaningful participation of women in all state structures including in political parties and their access to resources are key to end the cases of gender based violence.