FIELD BULLETIN

Violence against Madheshi Dalit Women in Dhanusa & Mahottari districts

Background

Cultural and social inequalities are often used as motivational factors to mobilize political and social movements in Nepal and the decade long armed conflict “capitalized on caste and gender discrimination in Nepal as a means of legitimizing the armed revolution”. The Comprehensive Peace Agreement (CPA) of 2006, in sections 3.5 and 7.6.1, explicitly calls for an end to discrimination and abuse against women, and to eliminate all types of violence against women and children, including child labour as well as sexual exploitation.

More than five years after its signing, many traditionally marginalized groups remain de facto voiceless with few visible signs of improvement in their status, and Madheshi Dalit women are a prominent example of this. Vulnerably positioned at the bottom of Nepal’s caste, class and gender hierarchies, Madheshi Dalit women experience widespread and deeply-rooted gender as well as caste discrimination and violence as a result of profoundly imbalanced social, economic and political power equations. This field bulletin sets out to document some of the factors triggering discrimination and high exposure of violence amongst Madheshi Dalit women in Dhanusa and Mahottari districts, and the abuse that is allowed to perpetuate through a culture of silence.

Dalit population represents 11.8% of the total population of Nepal, of which Madheshi Dalit make up 36.7%. In addition to being at the bottom of caste, class, and gender hierarchies, they lag far behind on almost all development indicators. The average per capita income for Dalits is NRs 10,000, poverty rate 45.5% and human development index - for Madheshi Dalits specifically- 0.383 as the lowest in Nepal, against the national averages of NRs 15,000, 31% and 0.509 respectively. They own only 1% of arable land and 44% of them are landless. Members of the Madheshi Dalit community in Dhanusa noted that even those who own land only possess enough to build a thatch hut or less.

The Interim Constitution of 2007 stipulates that there “shall be no discrimination in the application of general laws against any citizens based on caste, and that the State shall also not discriminate on such ground”. It also prohibits racial discrimination and untouchability in any form, as well as the

1 FCO Bharatpur conducted interviews with various Madheshi Dalit women, Women and Children Office staff, journalists, UN agencies, INGOs and NGOs in Dhanusa and Mahottari districts (Central Tarai) for this field bulletin
3 See http://www.chrgj.org/docs/Missing%20Piece%20of%20the%20Puzzle.pdf
5 National Census 2001 www.cbs.gov.np
8 Wily, Liz Alden (with Devendra Chapagain and Shiva Sharma), 2008. Land Reform in Nepal. Where it is Coming From and Where is it Going. Kathmandu
9 Interview in a Madheshi Dalit community, Mahottari, on 24 August 2011
10 Article 13.32, the Interim Constitution of Nepal (2007)
demonstration, dissemination and encouragement of caste superiority or discrimination. Furthermore, the Caste-based Discrimination and Untouchability (Offence and Punishment) Act (Untouchability Act)12, adopted by the Legislature-Parliament on 25 May 2011, provides a legal framework for combating discriminatory practices by detailing and specifying the criminalization of caste-based discrimination and untouchability in both public and private places.

Notwithstanding these landmark pieces of legislation, in practice, Nepali society remains deeply entrenched in hierarchies of caste and gender, with prejudices, discrimination and abuse against for example Madheshi Dalit Women being rampant, as the examples below illustrate.

**Gender-Based Violence (GBV)**

Although there is a lack of exact data on the number of victims, the magnitude of gender-based violence in Nepal is believed to be alarmingly high. Several research projects have indicated that 66% of women have endured verbal and 33% emotional abuse, with 77% of perpetrators being family members. According to local interlocutors, the situation in the work environment is similar; anecdotal evidence suggests that in one year over 30 young Madheshi women left their jobs in Dhanusa district due to sexual harassment by male colleagues, including management. These cases went unreported due to fear of reprisals and of being stigmatized.

Violence is not limited to their own communities and families, but also comes from both state and non-state actors of different gender, castes and socio-economic groups. In Dhanusa and Mahottari districts there are numerous examples of Dalit women having been subjected to violence from non-Dalit communities. In some cases, Dalit women engage in relationships with so-called upper-caste men who leave them right after the marriage or pregnancy on the grounds of caste differences. In some cases the violence leads to death. An NGO staff member referred to a case where a Madheshi Dalit woman who had married a Brahmin man in Dhanusa was killed by the latter’s family in the hospital where she was admitted for delivery of her baby, without anyone being prosecutioned.

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11 Article 14, the Interim Constitution of Nepal (2007)
12 The preamble states that “Whereas, acknowledging the principle that each person is equal in terms of rights and human dignity, it is expedient to provide timely provisions to protect the right of each person to live with equality, freedom and human dignity by creating an environment where no untouchability and discrimination prevails on the ground of caste, ethnicity, descent, community or occupation in the name of custom, tradition, religion, culture, ritual or any other name, to make punishable the acts of untouchability, exclusion, restriction expulsion, contempt or any other discriminatory act that is against humanity, to provide restitution (compensation) to the victim of such acts, to keep intact the national unity by strengthening the relationship subsisting among members of the general public, and to create an egalitarian society”.
13 Yadav are traditionally pastoral caste and are regarded as a Madheshi middle caste in the Tarai
14 Musahar is a Madhesi Dalit caste
15 Interview with staff members of WOREC in Dhanusa, 23 August 2011
16 NGO officials, Chunauti Project, Jaleswar, Mahottari, interviewed on 23 August 2011
17 NGO officials, Chunauti Project, Jaleswar, Mahottari, interviewed on 23 August 2011
18 Interview with members of FEDO in Mahottari, 23 August 2011
19 See http://www.worecnepal.org/programs/violence-against-women
20 Interview with Ratauli Youth Club staff, Dhanusa, on 23 August 2011

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Dalit women are sometimes also accused of practicing witchcraft. NGO officials spoken to gave the example of a Dalit woman who was recently accused by a non-Dalit of having made a child sick after practicing witchcraft in Simardahi VDC of Mahottari. The NGO officials explained that “the Dalit woman was severely beaten and the non-Dalit community even tried to feed her faeces. The woman registered the case with the local police, but the police asked her and the non-Dalit community to negotiate the case in the community itself. Due to the pressure and threats from the non-Dalit community, the case was not registered in court”.

Dowry constitutes another example of how violence is inflicted upon Madheshi Dalit women. In very poor households in the Tarai early marriages are a common practice. NGO officials in Mahottari explained that people hurry to arrange early marriages for their daughters because they are required to provide a bigger dowry if the daughter is adult. This information was supported by a group of Dalit women in the same district who stated that they have to marry their daughters at an early age because they cannot provide large sums of dowry once they are adults. In January 2012, a Madheshi Dalit girl who was studying in class XII in Naktajit VDC of Dhanusa was killed by her husband’s family for not providing a bed to them as part of the dowry.

Due to fear of reprisals, a majority of women neither report cases of violence to their community nor to the police. According to the Woman and Children Office (WCO) in Dhanusa, only very severe cases of gender based violence are exposed and those which are not are either negotiated or suppressed in the community.

**No land, no safe livelihood opportunities**

More than 90% of Dalit women living in villages in the Tarai earn their livelihood by working as agricultural labourers on land of the local elite due to their poor economic status. A government official explained that agriculture is not a particularly secure sector for these women as they are vulnerable to wage discrimination, verbal abuse and subject to physical violence. A group of Madheshi Dalit women working as agricultural laborers in Mahottari explained that landowners speak to them very aggressively and sometimes even beat them up. The women further noted “We are not allowed to sit on the wall next to the paddy field because they think that we will touch them when they pass and they throw food to us to avoid touching us. We are also not allowed to fetch water from the water pump that has been installed in the non-Dalit community nearby, so we have to wait until the non-Dalit community members find time to come and fill our pots.”

The Madheshi Dalit women are often dependent on others for basic energy and water resources as they have no land on which to construct a well and collect firewood and fodder from. If they are unable to work for landowners who provide them with access to water pumps, firewood and fodder, they are often compelled to trespass into others’ land placing them in an ambiguous position in a dominant, often masculine terrain where landlords are the de facto law enforcement agents. “I was slapped by a landowner as I was caught collecting pieces of firewood on his land”, explained an elderly dalit woman in Dhanusa.

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21 Over the last two years, WOREC documented at least 82 cases in which women were tortured by neighbors on charges of practicing witchcraft. 30 % of these cases involved Dalit women. See [http://www.ekantipur.com/the-kathmandu-post/2011/05/04/oped/woe-unto-women/221331.html](http://www.ekantipur.com/the-kathmandu-post/2011/05/04/oped/woe-unto-women/221331.html) and [http://www.worecnepal.org/event/campaign/launch-report-labelled-witches-prosecuted-tortured-and-stigmatized](http://www.worecnepal.org/event/campaign/launch-report-labelled-witches-prosecuted-tortured-and-stigmatized)

22 Ibid.

23 NGO officials, Chunauti Project, Mahottari, interviewed on 23 August 2011

24 Dalit women in Sarpallobalawa VDC, Mahottari, interviewed on 23 August 2011

25 A simple double bed costs around 10,000 NRPs.

26 Ibid.

27 Madheshi women interviewed in Dhanusa on 16 February 2012.

28 Interview with Woman and Children Office staff in Dhanusa on 22 August 2011


30 Woman and Children Office, Jaleswar, Mahottari, 22 August 2011

31 Dalit women in Sarpallobalawa VDC, Mahottari, interviewed on 23 August 2011

32 Ibid.

33 Interview with Madheshi Dalit women in Dhanusa on 22 August 2011
She further elaborated, “I had to bow my head on his feet to release myself as he was threatening to charge me with a penalty of NRs 500.”

**Labour migration an aggravating factor**

As pointed out by a female Madheshi Dalit rights activist in Mahottari “most of the male members in our communities are increasingly migrating as laborers to big cities or even to India and the Gulf countries”\(^{34}\). Extreme poverty coupled with the absence of male members, the breadwinners and protectors in a traditionally patriarchal society, puts the women at further risk of physical and sexual exploitation. NGO officials explained how in the absence of their male partners, these women have to rely on other males – usually relatives and neighbours – who sometimes exploit them sexually for doing favors to them, such as accompanying them to the city to withdraw money\(^{35}\).

Similarly, in Dhanusa it was noted that due to illiteracy and unawareness, women were often unable to take decisions on what to do with the money sent by their husbands, thus being compelled to ask for advice from males in the family or neighbourhood, again putting them at risk\(^{36}\). It was noted that if such extra-marital relations are disclosed, the women are forced from the house, whilst the perpetrators do not face any stigma and are not brought to justice\(^{37}\).

**Self-imposed silence fosters impunity and perpetuates abuse**

Madheshi Dalit women in Mahottari and Dhanusa were reluctant to speak out about the violence they are subjected to by their male counterparts, higher casts and landlords because they do not have alternatives to evade their dependency on them for their livelihood. Likewise, the women hesitate to speak up against landlords because of fear of losing their jobs. “What if they hear us talking about them? They will not allow us to work for them”, said a middle aged Madheshi Dalit woman\(^{38}\) whilst further explaining that they rely on the landlords for water, food and other support. As further noted by a female journalist “Madheshi Dalit women have their residence on the landowners’ land where they also work and thus they cannot report ill-treatment for fear they may be forced to leave”\(^{39}\).

Madheshi Dalit women seldom report cases of violence against them by non-Dalits to the authorities. Where cases are reported they often end up being withdrawn. In a recent case in Dhanusa “Dalit women were beaten by non-Dalits in a VDC in Dhanusa district when the former collected water from a public well. Even though the case was reported to the police, the concerned Dalits withdrew the complaint due to threats from the non-Dalit community”\(^{40}\). District based human rights activists argued that “cases of domestic violence against Dalit women remain high because of the culture of impunity”\(^{41}\). It has also been noted that “most often, victims do not file a case at the local police station due to the fear of being ostracised by the community and abandoned by their families. It is also commonly noted that the police prefer this kind of issues to be settled amicably by the community people themselves, resulting in their reluctance to register such cases formally. Consequently, the perpetrators of such heinous crimes are hardly brought to book”\(^{42}\).

**Conclusion**

The magnitude of violence against Madheshi Dalit women in Mahottari and Dhanusa districts could not be ascertained owing to the “culture of silence” and the social stigma attached to it. However, as illustrated in this field bulletin, it takes many forms (verbal, physical and sexual). The socio-economic vulnerability and

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\(^{34}\) Dalit women in Sarpallobalawa VDC, Mahottari, interviewed on 23 August 2011

\(^{35}\) NGO officials, Chunauti Project, Jaleshowr, Mahottari, interviewed on 23 August 2011

\(^{36}\) Interview with WOREC staff, Dhanusa, on 23 August 2011

\(^{37}\) Ibid.

\(^{38}\) Interview with Madheshi Dalit women in Dhanusa on 23 August 2011

\(^{39}\) Interview with a female journalist in Dhanusa on 23 August 2011

\(^{40}\) Interview with WOREC staff, Dhanusa, on 23 August 2011

\(^{41}\) Interview with local journalist in Dhanusa on 23 August 2011

lack of political voice, combined with risk factors of being Madheshi, Dalit and female, multiply their exposure to violent situations while simultaneously reducing their ability to escape.

The major challenges faced by Madheshi Dalit women are related to a lack of access to education, health and employment, including the unpalatable workload of agriculture related labour, household and reproduction responsibilities. Another factor that is contributing to a perpetuation of the cycle of violence and abuse has to do with the prevailing traditional belief in the dowry system and preference for sons over daughters. Combined, these circumstances lead to a high prevalence, intensity and severity of violence against Madheshi Dalit women. 43

Unless community attitudes change and people recognize violence against Madheshi Dalit women to be a crime, the latter will continue to suffer daily abuse at the hands of different perpetrators both inside and outside their families and communities. According to NGO officials interviewed in Dhanusa, in order to reduce violence against these women, it is essential that they have easy access to justice mechanisms and that the Government prioritizes education of Madheshi Dalit girls and facilitates for better employment opportunities for them, which in turn would reduce violence against them. 44

44 Interview with staff members of WOREC, Dhanusa, on 23 August 2011,