Chapter IV
Social and Economic Impact
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The present chapter results from researcher’s discussions, interviews and correspondences with the Nepalese during the field trip to Nepal. A number of Nepalese (mostly women) both from rural and urban areas, including community leaders, representatives of NGOs,456 academicians, media person, human rights activists, human rights lawyers, representatives of different political parties – Nepalese Congress, CPN (Maoists), CPN (UML), Student activist, Widows (husband killed by Maoists as well as the police/security forces), CSWs, etc. were interviewed. This chapter will specifically look into the social and economic impact of Maoist insurgency on Nepalese women. Valid comments, suggestions and recommendations that came out of these interactions have been included below.

It is revealed during the interaction that ‘People’s War’ in Nepal has disrupted the normal lives of people in many ways due to decline in resources, increased unemployment, migration, displacement, death, destructions of infrastructures and an environment of fear and insecurity. Livelihood due to curfews, bandhs, blockades, etc. has reduced the movement of goods and commercial activity. Rich and poor alike were adversely affected and have suffered human rights abuses at the hands of state security forces as well as the Maoists. But apart from various negative impact the Maoist movement had on the Nepalese society, there were equally divided opinion among those who agreed and disagreed that ‘People’s War’ also transformed traditional social structures and practices in ways that have positive benefits for the poor and socially disadvantaged (especially women). It is believed that because of the Maoists pressure, the oppressed and socially disadvantage people have experienced a reduction in levels of exploitations especially in Maoists ‘base areas’. Those people who agreed that ‘People’s War’ had brought changes

456 At the time of researcher’s visit to Nepal in 2008 (13th June to 10th July 2008) and 2009 (14th – 27th May 2009), interview and discussion with representatives from various NGOs like Institute of Human Rights Communication Nepal (IHRICON), Forum for Women, Law and Development (FWLD), South Asian Forum for Human Rights (SAFHR), Women Rehabilitation Centre (WOREC), PANOS South Asia, Himal South Asia, Nepal Centre for Contemporary Studies (NCCS), Women for Human Rights (WHR ) Collective Campaign for Peace (COCAP), and Micro Credit Institute (MCI), etc. took place.
only wish that if a way could be found for a political compromise whereby similar forces for progressive change could be deployed, without the use of guns, then all will not be lost.

Nepal was caught in serious internal armed conflicts with the Communist Party of Nepal (Maoists) from 1996 to 2006 where an average of twelve persons gets killed everyday in an insurgency related incidents since the collapse of the cease-fire in 2001 (INSEC 2004). The direct impact of armed violence was on those involved in the fighting where over 13,000 have lost their lives and many injured and suffered from psychological trauma. Internal displacement and migration have been significant consequences of the wider disruption of rural life. Those who migrated seek employment in the towns or abroad and the effect has increase reliance on non-farm income and remittance has actually benefited some of the poor.

The impact of Maoist movement also reduced women’s lives to a state of total paralysis – especially in Maoists ‘base areas’ where women were unnecessarily tormented during the day by security forces looking for Maoists suspects and at night by the Maoists...

One of the single women, whose husband was killed by Maoists, gave a sketch of the disturbing situation.457

"...if you go to the police station/headquarters, the police/security forces suspect you of being a Maoist cadre/spy; while the Maoists suspect you of being a Government spy in the village. Because of ‘People’s War’ we cannot continue work like farming, collect fire woods, graze our cattle, etc. We want peace so we can work freely in our farms."

In such a disturbed environment, apart from having to bear the economic and emotional aftershocks of losing husbands, sons, father and brothers, women also become victims of sexual assault from both the Maoists and the police/security forces.458 Not only

457 Based on the interaction with one of the widow at Women for Human Rights (WHR) office on 21st June 2008 at the time of researcher’s visit to Kathmandu. Lily Thapa is the President of WHR. She is also the the women behind ‘Single Women’s Association’ campaigns and boycotting white sari. Her organisation supports those widows whose husbands are killed in the conflict. Most of the single women work here along with many other women like her to earn their living. Most of the women here work as tailors.

458 Sexual abuse of women by the Maoist in the camps and sexual violence against women by the police/security force in the Maoist base were fairly new problems. There was no accountability for the
that, the absence of men in the family and village forced women to take up additional jobs that are traditionally taboo like – ploughing the fields, mending the roof, etc. to keep the family going.

According to the findings of INSEC (2006), the average family size of those killed in the conflict is 5.36 percent that make those directly affected by war at over 37,000, given that over 13,000 were killed during the insurgency. Women comprise at least 50 percent and more than 95 percent of Nepalese women were affected by Maoists war. These overwhelming numbers of women victimised by Maoists hang between life and death due to lack of timely financial support. Although, Government has spent more than 12 million compensating women and family of the army men, it has actually done nothing for the kin of the other victims. ‘People’s War’ has left many single women (widows) at young age and many fatherless children below 10 years old.\(^{459}\) In any conflict, women who are left with no husband are often at greater risk for sex work or for trafficking since there is no one to provide for them. In the same way, even in Nepal, many women were forced to take up such kind of profession to make quick money to provide for their family.

Nepal is a patriarchal society where opportunities for women to exchange views and forge a common policy against violent conflict are minimal since most of these women are ignorant about their rights. Lack of education is also one factor why women are also unaware of the role they are supposed to play in shaping the policies that affect their lives. Ever since the dawn of democracy in 1990, Government have made a continuous effort to enhance the status of women and to empower them by guaranteeing the ‘right to equality’. Nepal’s Government also promised to implement various gender sensitive development programs; ratified 16 important international human rights instruments, including the CEDAW but ironically it only remain on paper. Till date, many Nepalese women continue to live in a miserable condition without any basic facilities like education, access to health facilities, safe drinking water, etc.

After the Royal takeover by King Gyanendra on 1 February 2005, human rights violation such as arbitrary arrest, detention, torture, rape, disappearances and extra-judicial thousands of sexually violent crimes, and a climate of impunity persists. The Maoist cadres, police and the security forces showed a blatant disregard for the Geneva Convention.

\(^{459}\) Women for Human Rights (2001) reported that conflict has left more than 4,000 women as widows.
killings further intensified. The Government on the one hand systematically destroyed the national mechanisms which are mandated to protect and promote human rights on the other hand the security forces used excessive force against peaceful demonstrators – including sexual violence especially against women.

In addition to direct impact of death and injuries, armed conflict added extreme fear and uncertainty in the countryside. Traditionally, people in the villagers depend on each other for any support in times of trouble but after ‘People’s War’ the trust between the villagers (families, households, communities, etc.) turn into fear, distrust, and loss of self-confidence. Protracted armed conflict has resulted in breakdown of social and traditional communal bond (kin networks and neighbourhood relationships) that exist before the war.

In most cases, victims of violence were often neglected because people feared that if the villagers extend help, they might be suspected of ‘aiding and abetting’ those already targeted. Thirty-four years old displaced women said that the standard response that the villagers give is thus:

"...we cannot help much because if we try to help, we would also become the next target. Only in rare case the villagers help the orphans, widows, relatives of the victims because ‘we have to,’ not because ‘we want to.’"

Rokaya also said that the spontaneity with which people/villagers help those in trouble vanished over the years because of the fear that those helping the victims could themselves be victimised by either of the two parties. Under such circumstances, social institutions and local communities were stretched to breaking point and beyond to manage

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460 On 16 March 2005, the government formed a nine-member high-level Human Rights Committee headed by the Attorney General to undermine the National Human Rights Commission in the name of promoting human rights. The Human Rights Committee and the NHRC have conflicting mandate. In another illegal move, King Gyanendra introduced an Ordinance on 18 May 2005 amending section 4(2) of the Human Rights Commission Act to change the composition of the Recommendation Committee. This was to facilitate appointment of new members as the term of then members had expired. On 27 May 2005, while retaining Commission’s Chairman Nayan Bahadur Khatri, King Gyanendra nominated his people. (NHRC chairman’s tenure extended, Kantipur Online, 28 May 2005, http://www.kantipuronline.com)

Section 4 (2): There shall be a Recommendation Committee as follows to make recommendation for appointment of Members of the Commission:

(a) The Prime Minister – Chair
(b) The Chief Justice – Member
(c) The leader of the Opposition in the House of Representatives - Member

461 Based on the interaction and discussion with one of the displaced women in Internally Displaced People’s (IDPs) camp in Nepalgunj in western Nepal on 16th May 2009 at the time of researcher’s visit to Nepal. He is one of the many who has been displaced because of the ten years of fighting between Maoist insurgents and government security forces.
or 'cope'. Baldauf (2002) argues that while there were great deal of attention paid during and in the aftermath of crises to the ability of local people to survive and to 'cope', little attention were paid to the negative effects\(^{462}\) of social tension and the breakdown of normal relationships on social institutions. Moreover, demands to provide food, shelter, information, etc. from both the parties (Maoists and police/security forces) during the peak of armed conflict on a regular basis puts individuals, households, families and local communities caused constant worry for the villagers.

'People's War' has worsened the daily routine of social activities and functions in most of their 'base area'. Increased cases of human rights atrocities, sexual violence, etc. by both Maoists, police and the security forces compelled hundreds of Nepalese (including women) to flee from their homes/villages looking for safer place in the nearby cities, India borders and abroad. Since the ceasefire, forced internal displacement has decreased and a small number of Internally Displaced Persons (IDPs) are gradually returning to their villages but others still wait.

Another displaced person who has been living in the displaced camps in Nepalgunj for almost two years said:

"...initially, people came to the camps from Mugu in Karnali district. Then villagers from Jajarkot and Dailekh districts began pouring in....we were forced to leave our villages due to the political situation and the ongoing Maoists problem. There was rampant looting, our property was destroyed. Some people were killed turning many of us into widows and orphans. We had to flee from our villages and that is why we are conflict affected people. There was constant pressure from both the Government forces as well as the Maoists. The Maoists would come to our houses demanding food. The Government security forces came and troubled us for feeding the Maoists. We had no option but to escape from that situation."

Significant number of people (mostly men) migrates abroad to India or elsewhere on a seasonal or longer-term basis. It is clear that most men migrate as a result of 'the threat' of Maoists while others migrate because of the climate of insecurity and lack of opportunities. In such situation, left behind are the women who in a space provided by men had to shoulder the responsibility of looking after the children and the aged. Women were also forced to take up chores traditionally done by the male - like ploughing, farming, etc.

\(^{462}\) Negative effects like anti-social effects of crisis and trauma, failure to manage and cope and social breakdown – ending with the extreme disruption, break-up and dissolution of households, families and local communities.
It is possible, however to interpret these changes alternatively as breaking traditional forms of sex discrimination and enabling women to take on new roles and activities.

Apart from poor villagers, most of the political parties—other than the CPN (Maoist), rich local landlords, community leaders and money-lenders and others who had reason (as ‘enemies of the people’ and members of the local landowning and political elite) have left the villages because it anticipated attacks by the Maoists. The majority of those who left ‘under threat or after attacks’—and rightly referred to as ‘internally displaced’, therefore, are from better-off households and families. Numbers of instances were of Maoists demanding money or confiscating land of the rich landlords, money lenders, village leaders, etc. were heard during the field trip.

Forty-seven years old displaced woman who has been living in a thatch house with her four children, two grandsons and a daughter in Nepalgunj camps narrates her story thus:

“...the Maoists looted our belongings, including two houses in which I and my husband’s other wife were staying and forced us to desert our villages. They threatened my husband because he stood for local elections. It has been three years since the incident took place....first we lived in a cave nearby and went six days without food. Then locals helped us escape and reach the district headquarters by night. We stayed in the district headquarters for around four months. We cut grass or picked millet in other people’s fields to make ends meet. We would not have been this poor if they (Maoists) had not done this. They chased us out of our homes. What can we say to the Government? We are hungry and we do not even have a proper place to live. We are citizens of Nepal and this is our homeland. The Government should provide us better services. If the Maoists really feel they are fighting for the people, they should do the same.”

INSEC Yearbook (2003) shows that only 17,153 had been registered as displaced at the end of 2002 but the number had gone up to over 31,500 by the end of 2003. Source from UNDP (2006) shows that there are as many as 200,000 internally displaced persons (including women and children) and more are leaving the country but it is hard in practice to distinguish whether those migrants are ‘economic migrants’ from ‘displaced persons.’ Although, it had records of about 60,000 who had been displaced after the conflict intensified. In Rolpa—a district that Maoists maintain substantial control and is part of the Maoists ‘heartland’—local officials estimate that about 25 percent of the district’s ‘normal’ population are living outside the district, and that of those who had moved, about 50-60
percent were economically active.\textsuperscript{463} However, official data indicate that only 210 families had been ‘displaced’.

Majority of those included as ‘displaced’ are in fact labour migrants seeking economic opportunities in the towns or abroad. There is no doubt that internal migration within Nepal, for whatever reasons, has increased significantly over the last decade. But it is also the case that foreign labour migration has dramatically grown. Arguably this is, in part, a consequence of the conflict and armed violence in particular; but also arguably, it is a response to the lack of employment within the rural areas and perception (if not reality) of increasing employment opportunities in the urban areas and abroad. Figures cited by Karki & Bhattarai (2004) in the five ‘conflict-affected’ districts covered by their study reveal that male/female sex ratio had changed significantly between 1981 and 1991, suggested a high rate of male migration prior to the conflict in the four hill districts and one Terai district. A comparison of 1991 with 2001 also suggested a continuing trend in the same direction, both for the hill districts and for the Terai district, indicating substantial migration from the hills, into the Terai and elsewhere (towns and abroad). There is no doubt that such high rates of male migration are changing lives and livelihoods both in the hills and in the Terai, and having a substantial economic impact.

As discussed in the previous chapter (Chapter I), in any conflict area the number of female-headed households tend to increase as male members of the family have, for whatever reasons gone ‘away’. Likewise in Nepal, the number of female-headed households increased significantly across the country.\textsuperscript{464} Women also became more vulnerable to all forms of violence particularly sexual violence and exploitation including torture, rape, harassment, etc. from the Maoists, police and the security forces as men vacate the space leaving behind the women. Even those women who are considered to have strong support networks often find themselves helpless in such a situation.

In country where the state religion is Hindu, virginity is worshipped in the form of \textit{Kumari Puja} (the living Goddess of Nepal who is virgin) as a symbol of purity, prestige

\textsuperscript{463} Media Monitoring Report (2005), \textit{Our News}, Lalitpur: Institute of Human Rights Communication (IHRICON): Kathmandu and Assistance by Save the Children Norway
\textsuperscript{464}Men who have left home to joined the Maoists movement, the security forces or seeking employment elsewhere in Nepal or abroad.
and pride for unmarried Hindu women thus enhancing prestige of her family and community. Thus, sexual violence in the form of rape was used as a weapon/an instrument to make women culturally impure, frivolous and unfit for marriage to disgrace or embarrass the whole family or community.

In Nepal, Maoist insurgency has been marked by extraordinary level of brutal human rights abused, including sexual violence against women both by security forces and the Maoists. Rape has been used as a tool by both parties to punish women and their alleged connection. There was a report that just few months before ‘People’s War’ was declared, Government launched a massive police operation in the name of Romeo Operation (1995) in Rolpa – the heartland of CPN (Maoist), where six women were molested and tortured for being sympathetic to Maoists. In the beginning of Maoists women cadres and sympathisers were generally teased, molested or raped and then left to flee or were imprisoned. As the tempo of ‘People’s War’ heightened with increased militarisation of state, women were targeted in the form of group raping but not killing them yet in mass. The security forces use group raping as a strategy to frighten the mass. Women who are suspected to be Maoists or sympathisers of Maoists were marched nakedly in front of public or subjected to repeated rape with all forms of sadistic torture while in custody by the security force.465

There were reports of rape committed on whole family whenever armed forces go for search operations. Some of such cases are:466

‘A family in Marinkhola of Sindhuli, where a sixty five years old grandmother, a thirty five years old wife and seventeen years old daughter were raped at the same time by the security forces.’

On 10 November 2004, half a dozen security personnel allegedly raped a 15-year-old Majhi girl in the dense Charkoshe Jhadi forest of Bharaul village in Sunsari district. The army men allegedly caught hold of her when she had gone to the forest along with her friends. She said, ‘They chased my friends away and showed me Rs.25 note before raping me.467 According to an NHRC investigation team that

466 Based on the collection of old newspaper clippings at the time of researcher’s visit to IHRICON Resource Centre from 17 – 25th June 2008, Kathmandu.
467 “Army Men Accused of Raping 15-yr-old”, *The Kathmandu Post*, 16 November 2004
visited the place of offence, a police constable allegedly involved in the crime was identified while five Royal Nepalese Army personnel were yet to be identified.468

On 6 August 2004, a 13-year-old rape victim, who was brought to the police station in Devangunj in Dhankuta district for investigation, was allegedly raped by Assistant Sub-Inspector of police, Sanubabu Rajbanshi inside the police station. The victim was earlier raped at Sunsari’s Amduwa Village Development Committee on 5 August 2004.469

The Government used the police forces and the Special Task Forces (STF) to fight against the Maoists and the mass before 2001. However, after emergency was declared (2001), military rule was imposed and deployment of Royal Nepalese Army (RNA) saw a qualitative as well as quantitative shift in the way women were punished. Hisila Yami in her book *People’s War and Women’s Liberation in Nepal*470 presents several accounts of how women were brutally rape and tortured by RNA and the police.

Hisila Yami recount that women were not only brutally raped but they were also killed and sometime such corpses were displayed to the mass to terrorise them. Yami reiterated some of such brutal incidence thus:471

“In 2002, Roza – a platoon member was arrested in Gandak region. She was subjected to rape by fifteen armed forces, her dead naked body with tongue drawn out and tied rope, both her breasts were cut, both leg were torn apart wide open wide gash wound above her eyes were displayed to the public for three days. On the fourth day they (Maoist combatants) managed to get hold of her body and duly cremated.”

“... While in Rolpa alone, there were mass rape on Maoist cadres, sympathisers and innocent villagers... in Harjung, all the available women including 12 years old were rounded into a school and were systematically raped by the police force. In Oat, 47 innocent villagers were rounded up and women were raped by the security forces after forcing men to flee under the terror of gun. This is one of the reasons why Rolpa has become main base of ‘People’s War.’ People particularly women joined Maoist movement to take revenge on the old state.”

Yami further said that:

“...these are deliberate strategies and tactics, which have been adopted to send the message that woman’s place, belongs to their home and should not be sent to challenge the present state. RNA tried to extend the culture of rape in mass scale by unleashing vigilent on villagers by allowing them to rape women and burn the..."
housed of villagers. This tactic was used in areas where the Maoists were yet to consolidate its position. The security also unleashed local goons to do its dirty job for them.”

Also in settlement areas surrounding army barracks, there were reports of army men who committed many negative acts whom the high ranking officers often protected their cadres from punishment for their wrongdoings. As demonstration by the much publicised cases in Rautahat where two Muslim girls were raped and tortured by a Major, high ranking army officers were also involved in the cases of rape.472

Similar incident was carried by *The Kathmandu Post*:473

While sleeping in her own home, a 13 year old girl from Doti District was taken away by the security forces when no one was present. The young girl was raped and later released the following day. Despite local organisations reporting this case, it was dismissed by the security forces who gave an amount of money to the poor family. The issue became accepted in the society afterwards and the matter did not proceed any further. (Dipayal, Doti District).

Most of such cases where girls are sexually abused by security force were first threatened or blamed as being a Maoists. The number of women being tortured, raped and killed both by the security forces and the Maoists at the time of ‘People’s War’ in Nepal has been phenomenal. But, documentation of such cases has been weak.

Mandira Sharma – a Human Rights lawyer opined thus:474

“...there has been very poor effort on the part of human rights organisations, civil societies and organisations working for women issues to record and raise this issue responsibly. One reason can be – lack of evidence, details and due to remoteness of place that has occurred.”

The conclusion one can draw after interacting with women from different background475 shows that most of the cases of rape and sexual violence committed on the part of the Maoists were much less than that of the police/security forces. Many reasons may be put forward for such an outcome; however it is difficult to understand the

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473 Researcher’s visit to IHRICON Resource Centre, op.cit. No. 466, *The Kathmandu Post*, February 17, 2004
474 Based on the interview with Mandira Sharma on 18 July 2008 at the time of researcher’s visit to Kathmandu. She is also the Executive Director of Advocate Forum, Nepal
475 Based on the interview with All Nepalese Women’s Association (Revolutionary), CPN (Maoist) members, Shobha Gautam (IHRICON), Dawa (PANOS South Asia), Laxmi Murthy (Himal South Asia), Sapna Pradhan Malla (FWLD), Savitri Bhushal (CPN-UML), and Jaypuri Ghatri, Former PLA, CPN (Maoist), Mandira Sharma (AFN).
complexities of this finding without further investigation. This is not to suggest that in Nepal, Maoists were not involved in the same activities as security forces during the armed conflict, who were regularly reported as intimidating and forcefully recruiting young girls and children into their militia. Indeed, there were cases where Maoists cadres have shown arms and had forced sexual relations through intimidation with single women.\(^{476}\)

Media coverage also exposed women who suffered torture at the hands of Maoists if they are unwilling for physical contact with commanders or guerrillas.\(^{477}\) In addition, a study conducted by the National Women's Commission (2004) reveals that Maoists women cadres were sexually harassed and exploited by their male comrades in People's army. This was confirmed by a number of cases found in the course of field trip to Nepal.\(^{478}\)

"Puni Devi Bohora, 26, a mother of five children was raped by a Maoists cadre 'Suman' in presence of other Maoists at Shibalinga, VDC in Baitadi in far western Nepal on 1 April 2005. According to the victim, her husband was not at home on that night, when she was raped in the presence of nearly a dozen Maoists, who forcefully intruded into her house despite her refusal. The villagers had communicated to a Maoists leader, Gaurab about the incident. But instead of taking punitive action against the culprit, the Maoists leader charged the victim and villagers of trying to defame his party and comrades. A complaint was also lodged with the district police."\(^{479}\)

"On 18 August 2005, a group of Maoists allegedly raped 25 dalit women at gunpoint at Jagatpur village in Saptari district."\(^{480}\) The victims were between 22 and 35 years. According to the villagers, the Maoists told them to prepare food and after they had eaten, they forcibly carried the women inside the houses and raped them in front of other family members at gunpoint.\(^{481}\) The Maoists had also allegedly threatened to destroy their village if they disclosed the incident. However, a press release issued by NHRC on 4 September 2005, after investigating the incident, stated that only one woman had been raped.\(^{482}\) But there has been no investigation from Government agencies to prosecute the culprits."

The impact of rape by the police/security forces and the Maoists has led to many forced pregnancies as well as unsafe abortions. In a patriarchal society like Nepal, women who are raped have very little choice of safe abortion or other reproductive health services

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\(^{476}\) Kantipur Daily, 23 August 2005

\(^{477}\) Ibid

\(^{478}\) Researcher's visit to IHRICON Resource Centre, op.cit., No. 466

\(^{479}\) "Maoist Rapes Woman", Kantipur Online, 9 May 2005

\(^{480}\) "Mass Rape' by Nepal Maoists", The Statesman, 24 August 2005

\(^{481}\) "Maoists Rape 25 Women in Saptari", Kantipur Online, 23 August 2005

\(^{482}\) "Only one victimized in Jagatpur: NHRC", The Kathmandu Post, 6 September 2005
due to lack of resources, stigma, etc. Irregular health services with the destruction of health posts at the rural areas also exacerbated these problems. There were many cases where girls who had been raped had died while giving birth to their child.

In most cases, girls who have been raped are compelled to enter sex industry as a means to support themselves since society and family refuses to accept them that results to often greater risk and vulnerability of contracting Sexually Transmitted Diseases (STD) or HIV & AIDS transmission which accompanies sexual violence against women and girls. Yet general awareness of HIV & AIDS remains extremely limited as most of these young girls are not aware about AIDS.483 Instead of strengthening the capacity of its police/security force and judiciary system adequately to address cases of sexual violence, the Government has failed to protect its women from sexual violence. This is evident from the fact that thousand women in western and eastern Nepal have already been forced out of their homes due to the armed conflict. Some of the reasons why women and girls become hapless victim – because of social stigma and intimidation, most rape cases are not reported; the fear of retaliation and the knowledge that nothing will be done also silence the victims; lack of specific laws on sexual assaults has further aided to the rise of sexual violence against women and lastly but not the least, an opportunity for women to exchange views and forge a common policy against sexual violence is minimal.

In terms of seeking legal remedies, sexual abuse and harassment are amongst the most difficult cases to pursue in Nepal. Since Nepalese law does not define sexual abuse and harassment, seeking legal remedy in these cases is often futile. Nepalese law has a provision called “intention to rape” but this legal provision does not provide effective remedy mechanism and intention to rape is dealt with as a civil case. There is, however, a provision in the law which provides protection for women against sexual harassment in public places (a public offence) but this cannot give legal remedy to a women harassed in the privacy of her own home.

Sapana Pradhan Malla added striking examples to the discussion during the expert debate at UN Headquarters said: 484

"...women's lack of faith in the legal system due to violations by police and security forces, cultural connotations of shame, lack of judicially acceptable evidence, and cases in which women were denied justice. She emphasised the need to end impunity for violations committed by both State and non-State actors, calling for universal ratification of the Rome Statute."

In a submission to the 62nd session of the Commission on Human Rights, on the deteriorating human rights situation of women in Nepal in 2006, Asian Forum for Human Rights and Development (FORUM-ASIA) and WOREC Nepal (2006) raised the issue of the increasing prevalence of “conflict wives” – of State security forces keeping “wives” around barracks and leaving them to defend for themselves once the contingent gets a new assignment. Moreover, child marriage 485 was also found as one of the main impact of Maoist armed conflict, where young girls were married to army men in barrack areas and most often was left once those personnel were transferred or left that posting. 486

Fifteen years old girl child from Majhi Community said: 487

"Many of our friends between the ages of 15-16 have married to them" (security forces). Security forces do tease the girls in village, but they don’t come to school."

‘Involvement of the RNA in mediating cases of domestic violence through their barracks that exist in district is on the rise. This involvement indicates a rapid militarization of Nepali communities. With all state machineries being dysfunctional, the RNA has been the sole protector who is engaged in establishing a monopoly through abuse of power in the community. This raises serious concern about addressing violations

484 Excerpt from Expert debate held on 5th March 2007 at UN Headquarters, New York
485 The marriage law in Nepal strictly prohibits any form of marriage under the age of 18. With the consent of both parents, both partners may marry when they reach the age of 18. Without parental consent, both partners have to reach the age of 20. Despite these legal restrictions, child marriage is a common practice in Nepal. Being an accepted practice, neither law enforcement officials nor do the community wants to bring such incidents to the court of law.
486 Girls between the ages of 14-17 years were often the most vulnerable group. Girls from lower strata’s of society become more attracted to the army men as a result of the stability in their employment and their dreams of living a stable and relatively more wealthy life with them. Most of the sexual abuse cases involved a promise of marriage on the part of the security personnel. However, the promises of marriage were often used as a means of persuasion to engage in sexual relations.
487 Based on the interaction with a girl child from Majhi community girls near airport area on 18th May 2009 at the time of researcher’s visit to Karnali border in Western Nepal.
committed by the army when they themselves have become the mediators; this clearly makes their violations invisible since there is no authority to question. Women face a double bind because with no State machineries working, they are compelled to approach the army, which increase their exploitation. 488

Trafficking of women and girls for forced Commercial Sex Workers (CSWs) in Nepal is one of the serious problem and a grave human rights abuse. Political instability and the Maoist insurgency have further hindered Nepal's efforts in fighting women and girls trafficking. In most of the rural areas, Maoists activities have led to the withdrawal of police/security forces which results/have impacted on the number of reported investigations of trafficking decreased. On the other hand, Government provided only limited support to anti-trafficking initiatives within the country although Government Institutional Mechanism (like Ministry of Women, Children and Social Welfare, National Coordination Committee to combat the problem of Trafficking, National Task Force on Trafficking, etc.) and National Plan of Action against trafficking women and children for commercial sexual exploitation were formally approved or formulated by Nepal’s Government. 489 Poverty, unemployment and bad security situation in the villages further


489 National Plan of Action, 1999: The national plan of Action against trafficking in women and children for commercial sexual exploitation was formally approved by HMG on 29 July 1999. The approved plan of action describes the national strategy for combating trafficking and its root causes. The action plan, which is organized under six broad heading, has opened up avenues for multi-pronged and multi-sectoral implementation of programs. The National Plan of Action contains a variety of programs of short-term, medium-term and long-term nature in six main areas. The six areas of intervention are as follows:

- Policy, research and institutional development
- Legislation and enforcement
- Awareness creation, advocacy, networking and social mobilization
- Health and education
- Income and employment generation
- Rescue and reintegration

The Ninth Plan 1997–2002: The ninth plan has also recognized the growing problem of trafficking especially child trafficking and stressed the need of designing legislation measures in order to control sexual exploitation, sale and theft of children and other inhuman and heart rending activities. It has also recognized a need for designing a number of social, economic, legal and institutional measures for mainstreaming women in the national development, elimination of gender inequality and empowerment of women. In order to control all forms of violence and crime against women, the ninth plan shows commitment to implement programs encompassing such areas as identification of crimes, necessary punishment system, remedy and rehabilitation system and raising social consciousness.

Government Institutional Mechanism:
pushed women to leave their homes looking for better opportunities in the cities like Kathmandu.

Due to lack of education, chances of women getting a decent job in the cities are also limited. Moreover, UNDP (2006) report shows women's unemployment is twice as high as male unemployment in the cities. Low paid jobs such as domestic workers are so badly paid that it becomes impossible to survive on them. As a result, large number of women who are forced into CSWs is not surprising in Nepal. In addition, innocent women and girls fall prey into those traffickers who recruit young women and children through deceptive means including falsified employment advertisements for domestic workers, waitress and other low-skilled work.\(^{490}\) Rita Kumari case is one such example where the traffickers apart from exploiting the economic needs of innocent women and girls took advantage of their vulnerability.

"I got acquainted with a boy who said he loved me and promised to marry me. He convinced me to go to India for a better life. I went with him. The same night one of the men told us that we had to work in prostitution. I told him that I didn't want to work in prostitution, but he threatened me severely. I had several clients a day and was forced to hand over all the money they paid me. I was heavily guarded by those people and beaten up on several occasions. They often threatened to kill me if I wouldn't comply. I was afraid of them as I knew they carried guns. We are forced to work as prostitutes if we want to eat. And 38 women sleep in the same room."\(^{491}\)

Apart from multiple factors such as poverty, lack of education, social discrimination, dysfunctional family structures, demographic factors, along with the lucrative nature in the

1. Ministry of Women, Children and Social Welfare: MWCSW is responsible to formulate anti-trafficking policies, and accordingly coordinate supervision and monitor the program activities.
2. National Coordination Committee to combat the problem of Trafficking: Under the chairmanship of Honourable Minister of MWCSW, a Committee is constituted. MWCSW is mandated by HMGN as a focal point to implement the issues of women and children.
3. National Task Force on Trafficking: A National Task Force on Trafficking is set up with the representative of MSCSW, Home/ Labour and Transport, Health, Education and Sports, Law justice and parliamentary management, National Planning Commission, Police Headquarter, NGOs, ILO and UNICEF.
4. District Task Force: District task force is responsible for program formulation on issues of trafficking, follow up and monitoring anti-trafficking initiatives in the district.
5. Women Cell in the Police Department: This cell deals specifically with the crime against women and children.

\(^{490}\) In a study conducted by the International Labour Organization (ILO), 84 percent of 158 respondents (including twenty-eight girls who are younger than seventeen) indicated that their motivation or intention to migrate to the city – either voluntarily or not – was because they were told they would be able to get a good job. Nineteen percent also indicated that they were inspired by a glamorous, better life in Kathmandu.

\(^{491}\) Researcher's visit to IHRICON Resource Centre, op.cit., No. 466, The Kathmandu Post, 14 March 2005
sex industries, the insurgency and internal displacement also fuelled trafficking of women and girls in Nepal. Corruption – especially bribe to the border police by the traffickers, unregulated and an open national border between India and Nepal also encourage the traffickers to trafficked women and children in a massive way.\textsuperscript{492} Mumbai is seen as one of the major destinations of trafficking victims, due to the city’s rapid economic growth.

One of the CSWs who are now base in Kathmandu briefly narrates her story of how she was trafficked to Mumbai:\textsuperscript{493}

"...my uncle sold me for Rs.55,000 to the brothel owner....as soon as we arrived to Bombay we met some other girls that were there for the same reasons. We all had to work as prostitutes in the streets. In the beginning, I refused to work, but you would never believe what kind of persons they are and what methods they use to keep you feeling as a prisoner, as a victim. They took all the money I used to earn. I used to work every night in the streets and used to earn enough money for them. But they were never satisfied".

Most of the women working for the sex industry in Kathmandu said that sex industries around the city has grown at a rapid rate over the years, especially over the past twenty years, as a result of urbanisation and industrialisation. Most of them cite – lack of opportunities and poverty as one of the main reasons that forced them to pick up such jobs.

Exploitation of women and children and forcing them into the sex industry, domestic and factory labour, organ transplantation and illegal adoption are among the most troubling aspects of human trafficking. According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) defines human trafficking as:

"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

\textsuperscript{497} The U.S. Department of State (2006) estimated that 12,000 Nepalese women and children are trafficked to India every year.

\textsuperscript{493} Based on the interaction with some of the Commercial Sex Workers (CSWs) on 9\textsuperscript{th} July 2009 at the time of researcher’s visit to Nepal.
Over the years, there has been a growing feeling within the Nepali Governments and civil society organisations, that there is an urgent need to work closely with travel and tourism industry and draw-up a collective agenda to address the issues of sex tourism. But, nothing much has been done, as Nepal’s Government does not fully comply with the minimum standards for the elimination of trafficking. The law enforcement efforts against trafficking are limited due to political instability and a severe lack of resources.

Dr. Jamaika, a social worker while speaking with the Telegraph said:

"By disrupting normal economic activity and destroying bases of economic support, armed conflict also puts women at risk for trafficking and at greater risk for having to engage in survival sex or sexual bartering, through which many women are becoming infected with HIV. Corrupt leaders and a profound lack of political will coalesced to guarantee impunity for traffickers and to exacerbate the suffering of their victims. In addition, women faced rampant violence and discrimination like rape and sexual assaults in conflict lives."

Insurgency has taken a severe toll on women – exposing women and girls to sexual abuse and sex slaves. The massive and rapid spread of HIV&AIDS in Nepal is a significant threat to national peace and security since most women in brothels are being infected with HIV&AIDS, other sexually transmitted diseases and socio-psychological impact. Ministry of Health/HMGN (1996) reported that nearly 50 percent of the girls working in sex industry have two or more sexually transmitted disease. Although, most of these trafficked women even if they do escape and return to Nepal, they are ostracised and are seen as one of the major reasons for increased cases of HIV&AIDS. Similarly, community rejects marriage with the girls returned from India outright. The repatriated girls do not live a normal life as they are rejected and hated by the society. Thus, even after coming back they tend to take the same professions.

The impact of armed conflict and HIV&AIDS has also created double jeopardy for Nepalese women. Since Maoists has destroyed most of the economy and social

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495 A raid of a brothel in Bombay in 1996 reveals that out of 218 Nepalese girls found 70 percent of them have HIV positive.
496 Similar kind of impression was also shared by Sapana Pradhan Malla at the time researcher's visit to Kathmandu. She argues that because of the stigma and limited economic opportunities available to them women take up the same profession.
infrastructure while male members in the family are missing, women are compelled to carry a disproportionate burden as single-parent heads of families. And the risks of being infected by HIV/AIDS becomes high because, in her efforts to feed her family, women are put themselves in a vulnerable situation where they are more likely to be coerced into sex in exchange for money and resources. Such situation exposes her to HIV infection.

Because of armed conflict, the country could not set up necessary conditions required to combat HIV&AIDS and therefore, it deserved particular attention. The security conditions directly affected the spread of HIV&AIDS, and that conflict and civil unrest increases vulnerability to HIV&AIDS particularly among women and children. Political instability and political crisis has an undeniable impact upon Nepalese public health that can be effective only in as much as the security of victims or armed conflict is guaranteed.

Medical doctor Dr. Hari Mehata, while speaking with the Telegraph (2004) said:

"Young women and poor children without social protection are the first to be constrained into sexual transactions and prostitution by the lack of alternatives. In western Nepal, displaced people said the spread of HIV/AIDS was hastened by poverty, lack of occupation, and the lack of reproductive health services. In big cities girls and women exchanged sex for food. There were also cases that girls and mothers became sex workers to earn a living because of their social and economic vulnerability, they exposed to coercive sex, especially in conflict situations. Widespread rape and sexual exploitation of young people in conflicts are a serious violation and greatly increase the risk of HIV transmission".

The spread of HIV&AIDS is further compounded by the general absence of condoms in areas affected by conflict. The Government instead of looking at the health issues spends most of its money on arms to counter the Maoists. Presence of health workers in the conflict areas also reduced so much that women have very limited access to

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497 Similar kind of problems was also shared by some of the health workers at the time of researcher's visit to Kathmandu. These health workers complain that because of the collapse of education system and Maoist insurgency, they could not spread the message or create awareness about HIV/AIDS in the remote village.


499 Researcher's visit to IHRICON Resource Centre, op.cit., No. 466, The Telegraph, July 28, 2004

500 A study conducted by New ERA (2003) reveals that 81 percent of sex workers have regular clients. Only 38 percent were found to be using condoms consistently. The clients offer them more money if they don't use a condom. Regular clients were mostly businessmen, civil servants, transport workers, police, army, students and migrant workers.
Social and Economic Impact

health care. UNAIDS has declared Nepal as the 'concentrated epidemic' region because of the increasing rate of HIV&AIDS in the country. It has been reported that 30 new cases of AIDS infection are detected every day which is an alarming.

Despite setting up AIDS control program and high level National HIV&AIDS Council\(^\text{501}\) by the Government, these programs could not become effective due to armed conflict. Moreover, Political commitment is lacking and the Government still fails to take HIV/AIDS as a national issue.

Education is another important area that became one of the worst hit sectors in the country ever since Maoists declared its 'People's War'. Schools, like any other Government infrastructures were seriously affected. Despite suffering from a low level of enrolment, Nepal's education system has been further weakened by the conflict.

Because of insurgency, many youngsters in rural Nepal were forced to flee the countryside, leaving a big question mark over their education. Conflict has pushed back the strides education has made in the last couple of decades. Since 2000, the rebels have organised a nationwide strike of all schools and educational institutions, affecting the education of millions of children in order to put pressure on the Government. Many schools have never reopened after the strikes hundreds and thousands of children have dropped out as a result.\(^\text{502}\) The Maoists did not pay any heed to a call by human rights workers to respect schools and children as zones of peace. For instance: \(^\text{503}\)

On 19 February 2005, the Maoists bombed and destroyed six schools in Rukum, a remote district just 300 km northwest of Kathmandu, accusing the students and teachers of supporting the Government. The students have been severely disrupted in their studies at a time when they were preparing for their final school exams.

Because of the consistent pressure on the part of international human rights organisations as well as local communities, the Maoist high command has decided not to

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\(^{501}\) In 1995, a National Policy on HIV/AIDS/STDs was adopted by the Ministry of Health, and a multi-sectoral approach involving 12 government ministries was established. There are currently almost 100 NGOs working in the area of HIV/AIDS. A coalition of approximately 40 NGOs, initially established to tackle the problem of trafficking, has also undertaken the issue of HIV/AIDS.

\(^{502}\) Coalition for Children as Zones of Peace (CZOP, 2006) launches campaign to enable every child to return home this Dashain.

destroy schools and health centres, and therefore it stopped attacking local health posts and health workers. This is not a case of “collaboration” with Government. However, it was more a matter of showing the people that they respect human rights and are sensitive to people’s need for health and education. According to Ram Chandra Paudel, Executive Director of CHILDREN – NEPAL, “this relationship and working approach described here is unique in the level of actual collaboration that is involved between rebel forces and a Government institution.”

There were also reports of Maoists involvement in abductions and forced recruitment of both students and teachers from the schools in their ‘base area’. In 2000, the Maoist intensified its efforts against the Government and began to target schools, severely impacting the mindset of the children. From that year onward, the number of students abducted each year increased. According to Community Study and Welfare Centre (CSWC), an NGO that advocates on the issue of IDPs reports that in 2004, nearly 5,000 students were abducted between July and September for indoctrination in Maoist teachings, to dig bunkers and train them to lay underground mines. Although, there is a law under the Royal Army Recruitment Rules (1962) that no one aged less than 18 years is eligible to join the Army; however, in the Maoist movement, children as young as 15 years were enlist for military training. The Maoist insurgency that started in 1996 has claimed several thousand lives including, 300 children and injured many others. Detailed information on the number of children involved and its situation is however not available.

While the security forces on the other hand occupy schools in order to use them as barracks (surrounding the premises with barbed wire) and of repercussions against those who are seen as supporting the Maoists. Students had to pass through those security checks to reach their classes. In many villages, army men at the check post as well as along the route, would often verbally abuse and tease younger girls. Such verbal abuse is another factor that often compelled girls to stop going to school. There were also reports of parents fearing to send their children to schools because of the sexual abuse by the security forces;

504 Based on the interview with Ram Chandra Paudel on 3rd July 2008 at the time of researcher’s visit to Pokhara. CHILDREN-NEPAL: Social Integration forum for Working Children is a member of Fair Trade Group Nepal and International Federation (IFAT).
schoolteachers in rural areas moved out because of conflict, etc. Although there were efforts to have schools considered as “Zones of Peace,” the reality is that schooling has been sorely disrupted by the hostilities, that children and teachers were often found fearful to attend thus, many children were denied their rights to education.

Dysfunctional schooling also means more children without having to engage in recognised future oriented or hope generating activity in school. So children were more vulnerable to falling on the worst forms of child labour. One of the most unfortunate incidents reported in October 2003 was when four students were killed during an exchange of gunfire between Maoists and security forces at the Shardha High School in Mudbara village of Doti district, 400 km west of Kathmandu.\textsuperscript{505}

Suomi Sakai, country representative for the UN Children’s Fund (UNICEF), when asked about the impact of ‘People’s War’ on the children thus said:\textsuperscript{506}

"... The cost of conflict has taken its toll of education in Nepal. Children should not be having nightmares that their school will become a battleground between opposing forces. And they should not have to wake up each day not knowing if the school will be open or closed.”

According to Ministry of Education, there are over 35,000 schools in Nepal. It also claims that despite being one of the lowest literacy rates in the world, Nepal is slowly making progress in education by showing that – the number of children newly enrolled in school (grades 1-10) had increased from 2 million in 1981 to nearly 6 million by 2004. But on the contrary, Centre for Educational Research Innovation and Development (CERID 1997) reports says that there is no accurate figure of the number of children leaving school because of the conflict but, even under normal circumstances about 70 percent of Nepalese school children between 6-10 years of age drop out due to poverty, a lack of teachers and poorly managed schools in the remote area. While UN (1989) report also shows that the country has one of the highest school dropout rates in the world.

\textsuperscript{505} http://www.irinnews.org/report.aspx?ReportId=79117
\textsuperscript{506} Based on the interview with Suomi Sakai on 19\textsuperscript{th} June 2008 at the time of researcher’s visit to Kathmandu.
Apart from negative social impact in the society, Maoist insurgency also brought about some positive changes for the poor and socially disadvantaged people. Traditional structures and practices in rural Nepal are often extremely oppressive and restrictive (especially on women), built on various forms of social exploitation and discrimination. Many forms of bonded labour exist within systems of economic and social relations that present themselves as forms of reciprocal ‘exchange’.\textsuperscript{507} The disruption of traditional local social structures and practices, encouraged by the Maoists in areas under its control and influence (that constituted to some 90 percent of the countryside), can also be seen as a liberating process, enabling those previously locked into positions of subordination and subjugation to be freed of these ties and obligations in a hitherto unprecedented fashion. The breakdown of these traditional social structures and practices have served to justify and legitimise the exploitation and oppression of the poor and socially disadvantaged (bonded labourers, dalits, etc.) and to ensure the exploitation and subordination of women, particularly in households and local communities where Hindu religious ideology predominates has proved liberating for many of those previously entangled in such relationships.\textsuperscript{508} Throughout the countryside, the poor and socially disadvantaged (especially women) have found themselves less bound by traditional structures and practices. While this has left many vulnerable, it has also liberated and empowered others. For instance, “events specific to different cultural groups were disrupted by the conflict. Cultural practices like Chooti Basne, Rodhi and Satyanarayan Pooja had been disrupted. Likewise, traditional religious/cultural practices, like celebrating Teej\textsuperscript{509} where women get

\textsuperscript{507} Tamang, M.S. et al. (2003), Social Change in Conflict Affected Areas: Assessment Report, Nepal: Department for International Development
\textsuperscript{508} Gurung, Harka, (2005), op.cit., No. 352
\textsuperscript{509} "Teej" is a day long fast imposed on women in order to pray for longevity of their husbands or for those unmarried they keep fast to pray for eligible husbands. Women in their bridal dresses and make-up and sing on this day in public areas. Although a religious occasion, this occasion has been used by women to weave their own songs of oppression related to domestic violence, male domination and oppression of women by the feudal culture. This sentiment we took over from them and we started using these platforms to politically educate them in attacking feudal practices... Secondly, cultural programmes have been encouraged because such programmes attract the attention of women in particular due to its perceptive appeal, which is then used as a means to gain access to their life and to teach them the key issues of poverty which is the cause of their misery and deprivation
together for worship and merry-making, were affected because people could not gather during the evenings.”

To the Maoists, many of these cultural and religious festivals are simply occasions for ostentatious display and expenditure and have their own unattractive aspects also. For instance, the closing down of the chooti basne was regarded by many locals as a positive step towards rooting out a ‘social evil’. The community considered its closure as a good thing because many young men visited them for singing and dancing rather than education, and these were places where young boys learned to drink and smoke and indulge in pre-marital sex. Furthermore, displacement and migration was seen in a more positive light as the consequence of the disruption of traditional social structures and practices, enabling more people to migrate in search of better lives and livelihoods, and households to send one or more household members to the towns or abroad to find employment (often unavailable locally) and to generate new non-farm income streams that constitute a positive diversification of income sources and improve the livelihoods position of the household concerned. It has been noted, in recent research on foreign labour migration, that the poorest find it difficult to seek employment abroad, largely as a result of their inextricable entanglement in local ties and obligations (to local landlords, money-lenders and others). Thus, these sections of population consider taking the risk and seek employment elsewhere, resulting in increased migration and apparent ‘displacement’.

From the beginning the Maoists also fought to control negative elements in the society such as alcoholism, child marriage and men marrying twice, etc. Much of their support, especially from women, is the result of their success in reducing such bad elements. In this aspect, the Maoists have contributed to increased social harmony in the villages and areas it controls. However, it also aggravated it in various ways. For example, the Maoists also aim to raise awareness against superstition and traditional practices. While this has clearly had some positive effects, it has also meant that many villagers – who often have nothing but religion and tradition to turn to – are afraid of performing traditional

510 Tamang, M.S. et al. (2003), op.cit., No. 507
rituals such as funeral ceremonies, religious fasts and festivals. In their determination to eradicate such practices, the Maoists often took severe action against those found engaging in such activities.

The cultural sector was also terrorised due to violent activities conducted by the Maoists because it tried to win the collective consciousness of people through force and gun by saying that everything is ‘People’s War’ and it is people’s cultural celebration. For instance, such an influence can be seen in their attitude towards different fairs festivals celebration – their boycott of Dasshan⁵¹³ - the biggest festival celebrated widely by the people in Nepal every year. They tried tied to turn this festival into part of their movement. Maoists celebrates its biggest festival with great pomp in February – the anniversary of ‘People's War'. Therefore, they want all of Nepal to celebrate with them and have decided the only way to do this is to change the date of Dasshan from October to February – so that Nepal's biggest festival coincides with the Maoists biggest festival. But this was unthinkable for those Hindu devotees who cling on to tradition and religion. This particular attempt of Maoists has a negative impact on people. The Maoists in the process of trying to change the cultural landscape of Nepal has constitutes a form of mental torture for the villagers, for whom tradition is the thing they value the most. Having said that, many of the 'lower' castes and classes in Maoist controlled areas support the Maoists even in this, as the Maoists have supported them in so many other ways.

Apart from that, Maoists also damaged many traditional social organisations in the remote areas where it has its control – in terms of local Government by trying to controlled the developmental aspects of local economy and society, such as community forest users’ groups, mothers’ groups and other economic groups. People said that in such activities guns dominate. Such kind of control of activities is more like a dictatorship and it did not do any justice to the people. Moreover, Government was no better – while trying to mobilise the army, it shows the same dictatorship mentality.

⁵¹³ This is the biggest festival celebrated every year for over a weeks in October.
The overall cost of the conflict resulting from insurgency was estimated by the World Bank at around $300 million. Karki and Bhattarai (2004) estimate that, the economic costs of the conflict vary from 8-10 percent of GDP while there are others who estimated the annual GDP loss at about 1.25 percent, which makes the total loss so far about 15.4 percent of GDP. But Prachanda estimate it to be 10 percent of GDP for “the damage caused during the first seven years of the insurgency.” Some critic Prachanda’s estimate by saying that – these estimates seem to be greatly exaggerated and attribute a greater impact on the economy to the conflict than seems justified. However, the estimates of costs will be very subjective.

In Nepal, major sectors of the non-agricultural economy constitute some 60 percent of overall GDP. The non-agricultural sector refers to the ‘big businesses’ like industrial, manufacturing industries which are seen by the Maoists as closely associated with the political elite and also with foreign (imperialist) interests. Thus, after ‘People’s War’ was declared, Maoist directly started attacking these sectors. They began to attack the buildings and plant of the multinational and large national corporations after 2001 onward. Some of the big business man houses were particular targeted – especially the $100 million Soaltee Group, owned by a family linked to the Palace and with interests spanning tourism, power and tea, was one of Maoist first target. According to Siddhartha S J B Rana, Chairman, Soaltee Hotels – the foundation of the business empire – made a loss for the first time in 25 years in 2001 due to conflict. It was the subject of a bomb attack in 2004. Distillers and plants making alcoholic drinks of all kinds were also attacked. While the women’s wing of the Maoist movement – All Nepalese Women’s Association (Revolutionary) run an effective campaign in the rural areas to ban liquor sales. It has had an undoubted impact on sales, of both locally and nationally produced alcoholic drink, across the country. Construction that requires the transport of heavy materials on a large scale and mobilisation of significant labour forces has been hard hit as a sector by the Maoists, with associated losses of profits, employment and income.

514 Gautam Shobha (2004), Armed Conflict and its Impact on Gender, Paper prepared for APA to Aditi Chaudhari, Nepal, pg. 3
The impact of Maoist insurgency hit worst on the tourist industry as a result of fear of insecurity associated with the conflict. According to UNDP (2006), the rapid upward growth of tourists coming to Nepal in the latter part of the 1990s slowed down in the new millennium. In 2000, the total number of arrivals slipped back to where it had been in 1998 but the foreign exchange earnings were very little below the previous year’s figure. In 2001, there was a significant reduction in tourist visits, even during the popular October to December trekking season. Airline and hotel bookings for the first six months of the year 2002 were already well down on the previous year, in spite of statements issued by the Maoist leadership reassuring tourists that they are not targets. On the other hand, more recent statistics relating to tourist arrivals indicates a recovery in 2003 and 2004, although levels have not recovered to the levels of the 1990s.

The loss of confidence and real threat to profits in the non-agricultural sectors further reduced the willingness of both foreign and big nationals to invest in business ventures in Nepal due to conflict. Up until 2001, attacks on police posts and Government buildings were the main cause of infrastructural damage, but since then, and particularly between 2002 and 2003, a programme of systematic sabotage resulted in heavy damage to infrastructure across the country. Attacks on power and electricity supply centres, communications centres, airports, etc. have all severely damaged local capacity. There was a period when the foreign development community in particular was convinced that the targeting of assets of development – drinking water systems, micro-hydro stations, communications towers, rural airports and suspension bridges – would have a really catastrophic effect on rural livelihoods. Others have made similar comments – for example, Prabhakar S J B Rana, former Chairman of the 12-company Soaltee Group, is on record as saying that “the destruction of infrastructure goes on, hitting people’s livelihoods and having a psychological impact, especially on women. The extent of this damage remains difficult to measure, not only because of the difficulty of assessing the indirect effects of sabotage of infrastructure on livelihoods but also because the real extent of the sabotage itself has not been assessed reliably. There is no doubt, however, that

515 Similar kind of impression was also shared by the one of the hotel owner at the time of researcher’s visit to Kathmandu.
infrastructural damage has been significant and may, indeed, be more serious than this in specific localities, affecting particular local communities and their livelihoods.

Though it needs to be recognised that the infrastructure targeted has an immediately affects on the lives and livelihoods of the better-off in the rural areas to a greater extent than it does the mass of the rural population, including the poor. Nevertheless, it constitutes a loss of ‘community’ and ‘national’ development infrastructure of considerable value. Probably more significant but even more difficult to assess, has been and will be the impact of infrastructural projects delayed or stopped because of fear of Maoist attacks. For instance, mobilisation of major rural access projects, such as rural roads programmes, irrigation development programmes etc has proved difficult because of the issues of ‘insecurity’ during the ‘People’s War’. In the long run, this may prove a major concern.

In Nepal, the level of production is very backward in the remote countryside and farming basically depends on human and animal labour with the use of simple tools, like sickles, hoes and shovels. In these remote areas, the living conditions in general are very primitive, where women have to spend many hours at tiresome and time-consuming tasks like hauling water, gathering fuel, and grazing animals. A peasant woman may get up at 4 a.m. and not see the end of her day for 18 hours. 517

Anju Kumari describes her day thus: 518

"...I wake up at 5:00 a.m. prepare a simple soup for the family, get grass for the goat (which takes five hours to get) and return about noon. Then I have to clean the pots and dishes. I prepare food and eat and then take the goats and cows to graze them... I take them to the same area far away to graze. I also gather roots in the forest, which are boiled and put in salt and ash to neutralize the bitterness. Its five o'clock by the time I get back from grazing the animals. Then I have to prepare another meal. I also have to gather firewood from the forest. I finally go to sleep at 9:00 p.m."

Because women are not allowed to inherit land and do not own land on equal terms with men, they are oppressed from different feudal and semi-feudal mode of production. The Maoist directly addressed this by carrying out agrarian revolution under the slogan of 'Land to the tillers'. Along with this, revolutionary land relationship between men and

518 Based on the interaction and discussion with Anju Kumari on 17th May 2009 at the time of researcher’s visit to Surkhet in the Western Nepal.
women was also carried out under the slogan of 'Women's equal right to property'. Thus, the Maoist guaranteed women by saying that, under the New Democratic System in rural areas women's access to land property would be able to make them important part of rural agriculture economy. In urban areas this right would allow them to inherit urban land, other means of production such as industry, business enterprises etc., thus making them part of urban economic system.

Patriarchal traditions and taboos, deeply embedded in the feudal and religious culture in Nepal's countryside, dictate a strict division of labour. Though women do most of the manual labour, they have no control in the economic and social life of their family and village. Nepalese women are virtual servants to their husbands where their only purpose is to produce sons, take care of children, tend to the animals and cook. Taboos against women doing certain tasks promote the idea of women's inferiority. And girls as young as nine years old have their fate already sealed by "arranged marriages" - where her parents choose her husbands. Little girls are considered "useful" because they can do chores. But after a woman gets married, tradition says she must live with-and serve- her husband's household. So many parents believe that, "To get a girl is like watering a neighbour’s tree. You have the trouble and expense of nurturing the plant but the fruits are taken by somebody else." This is why most women in Nepal are denied an education. Almost 80 percent of Nepalese women cannot read or write giving Nepal one of the highest female illiteracy rates in the world.

For many peasants, farming the land only feeds their family for half the year. The rest of the time men are forced to look for work in Nepal's cities or in India. Added to this, in the guerrilla zones, many men were forced to go underground because the police routinely come into the villages and round up, torture and arrest "suspected Maoist sympathisers". And so women had to take up jobs additional new jobs which have given women new skills and new confidence where the thinking of men and women has been challenged and changed. In a guerrilla zone in Rolpa, where the "People's War" has been strong, a woman said:

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519 Bennett, L. (2003), op.cit., no. 165, pg. 25
"There have been many changes in people's thinking since the People's War started. Fathers and brothers are now involved in things like cooking, getting water, washing dishes. There is also a change in the women's thinking. Before, women were not permitted to make the roof of the house or plough the fields. But now where the People's War is going on, it is easy for women to do this. Before women are not allowed to make baskets and mats, according to tradition. And women are made to think that they are not good enough to do this work. But when we dared to do this work, it was easy. So if we dare we can do anything--there's no distinction between men and women."

There were also reports of efforts in the Maoist controlled areas to implement limited local land reform measures and to adopt co-operative farming practices to increase output and food availability. Initially, these were on a limited scale and posed considerable organisational and even political problems for the Maoist local commanders and commissars – the general paucity in the hill areas of large landowners of the 'semi-feudal' kind has limited the potential for redistribution, and distinctions between 'rich', 'middle' and 'poor' peasants have proved difficult to operationally effective and without considerable local dissent. Apart from some land expropriations in the Terai, there was little in the way of 'land reform' undertaken by the Maoists and no visible impact on agricultural production.

In conflict affected areas there were many cases of Maoist guerrillas coming to the house of the villagers demanding food and shelter at night when they are already asleep. This has taken place in a significant scale affecting whole village community since the villagers are also poor struggling to meet their end. While on the other hand, the security forces also punished the villagers for lodging the Maoists by destroying their grains to prevent such kind of support to the rebels, and themselves looting local food stores.

Throughout Nepal, significant disruptions on transport and movement have had a serious effect on food security. Destruction of bridges by the Maoists means that what used to be half an hour’s walk to the market may now be a three day hike. In order to deny food supplies to the Maoists, the security forces did not allow people to carry more than one-day’s food supply at a time. It is obvious that when one has to walk for 3-4 days’ to go

521 Ibid, pg.4
to the market, it is understood that one will carry a month’s supply but the security did not allow that, so the impact on food security was very serious especially for women and children.

Similarly, the security forces will not allow pack animal trains to carry food supplies into the hills.” In general “movement was severely restricted, as there were many check posts where the authorities want to know why people were moving around and anyone if found in the forest are liable to be treated as a Maoist. Traditional livelihood opportunities such as going into the forest to collect non-timber forest produce and marketing it elsewhere were therefore seriously disrupted.” Because, going to the forest to collect fuel wood, fodder and non-timber forest products were restricted, which has an adverse effect on the poor, as they depend on such resources for their livelihood.

The Government also put restrictions on many essential supplies to the interior during the state of emergency. There were reports that people were not allowed to take dry foods, medicines, iron/copper and metal pipes into the interior; restrictions were also imposed on essential supplies like kerosene, medicines and food grain; restrictions on transport of red coloured textiles, combat fatigues and construction materials finally, restrictions reduced local trading, forcing many traders to close shop. The general insecurity had also sapped private initiative and affected new investment.

IV

From the interaction with the Nepalese both in Nepal and during their trips to India, researcher has found that there are still many discriminatory laws that exist against women in Nepal and because of this discriminatory policies many women in the rural areas has supported the Maoist movement whose impact on them are far reaching. Some of the suggestion and recommendation that came out during the study are:

i. Make education compulsory for all girl child in Nepal – be it rural or urban.

ii. Implement various gender sensitive development programs especially in both rural and urban areas.

iii. Implement all the 16 International Human Rights Instruments, including the CEDA.
iv. Basic facilities like safe drinking water, health facilities should be provided in each village especially in the remote areas.

v. Compensate those Maoists families who are also affected during the conflict

vi. Government should have clear policies on IDPs

vii. Liberalise the law of abortion.

viii. The Government should strengthen the capacity of its police/security force and judiciary system adequately to address cases of sexual violence.

ix. Lack of specific laws on sexual assaults has further added in the rise in sexual violence against women.

x. Opportunity for women to exchange views and forge a common policy against sexual violence should be encouraged.

xi. Have a define laws on sexual abuse and harassment at the domestic level.

xii. Government should provided support to anti-trafficking initiatives within the country through institutions/bodies like Ministry of Women, Children and Social Welfare, National Coordination Committee to Combat the Problem of Trafficking, National Task Force on Trafficking, etc.

xiii. Comply fully with the minimum standards for the elimination of trafficking.

xiv. Lack of Political commitment despite Government setting up AIDS control program and high level National HIV&AIDS Council.

xv. Government should recognised HIV&AIDS as a national issue.

xvi. Government should recognise diverse needs of the people of Nepal.

xvii. Policy makers to give immediate attention to the eliminating and reducing the impact that discriminate law on women.

xviii. Legal reform (eliminating or reducing discriminatory laws) is one of the preconditions for gender equality.

xix. Without legal reforms, upliftment of women’s social, economic and political status is not possible. Therefore, women’s status has to be improved.

xx. Discriminatory legislation as well as harmful tradition and customary practices and negative stereotyping of women and men should be done away with.
xxi. Both Government and civil society should establish proper networking for timely monitoring to evaluate and follow up on the process/progress made on the elimination of discriminatory law.

xxii. Men and women should be given equal rights to marriage and divorce. Discriminatory legal provisions in case of bigamy be amended, and bigamy should be declared ultra vires.

xxiii. Gender sensitisation programs for policy makers, planners, political leaders, high level Government officials, judges, legal professionals, polices, security forces, laws makers, law ministry, public attorney, media persons should be launched in a massive way.

xxiv. To pressure on Government to ‘live up to’ their rhetoric of commitment to poverty alleviation.

xxv. Special attention should be given to obtaining better information on the specific impact of the conflict (including armed violence) on individuals (men, women and children), households, local communities, etc. with a view to developing appropriate structures and mechanisms for the treatment of psychological and physical trauma, and the strengthening of social protection and livelihood support systems.

xxvi. Social welfare measures should be undertaken in collaboration with local communities and those immediately concerned.

xxvii. Ensuring equal representation and participation of all communities and guaranteeing the rights of women and of minorities.

xxviii. Policies and programmes need to be sensitive to the quality of life and security of women within the camps or areas where displaced persons are concentrated.

xxix. Last but not the least; women should be given the right to inheritance of ancestral property.