

AN APPEAL FOR SOLIDARITY AND SUPPORT

Nepal: Women's Human Rights Defenders Threatened and Harassed

Women's Rehabilitation Center (WOREC), Nepal requests your urgent intervention in the following situation in Nepal.

Brief description of the situation:

Women's Rehabilitation Center (WOREC) is alarmed about the threats and harassment of Rita Mahato and Dev Kumari Mahara, Women's Human Rights Defenders and WOREC staff members working in the Siraha district in Nepal.

Rita Mahato has been working in WOREC for the past one and a half years. She is from a Maithali community in Siraha which follows strong patriarchal norms and values. However, Rita has managed to break that rigid structure by working in the community for the rights of women and dalits and is fully supported by her husband. Her work has been regularly obstructed by other members of her community who try to break up her relationship with her husband by spreading rumors and gossip about her.

The biggest challenge to the work of Ms. Mahato and Ms. Mahara has been defending the rights of the women and dalits, documenting cases of violence against women, and providing various forms of support to victims is that they have been unsupported by the community in their efforts. This situation has deteriorated even further in the past few months (it was aggravated in April, 2007) ever since both of them have documented cases of rape victims and assisted the victims in accessing justice (including: registering the cases with the police, assisting in the arrest of the perpetrators, and providing legal and medical support to the victims). In addition, there are several reasons for the development of such a volatile and unfriendly situation. The Siraha district has been highly influenced by the Madhesi movement in the last few months, Madhesis are the residents of the terai region and their movement is directed towards ensuring rights to the Madhesis, and also uprising against the discrimination, negligence and oppression they have faced for decades. The movement has been led by several groups such as the Janatantrik, Mukthi Morcha, Madheshi Jaanadhikar Forum, Terai Tigers and Terai Cobra and others.

The Govindapur community where both of the incidents occurred has been unsupportive and negative. There is a rigid presence of feudal and a patriarchal society where the caste and class structure gap is very wide. The community has strongly criticized the women for taking the cases to the police instead of settling the cases within the community. The women in these communities are poor and marginalized, and their voices are suppressed by the male decision makers.

Ms. Mahato has received threats of death, rape, kidnapping, shooting and beating by the following perpetrators: Binod Balbar Chaudhary, Ramu Yadv, Kishori Raya and Ram Bharosh Yadav. She was also intimidated by Dinesh Yadav who threatened her that "he has unleashed a man who will rape any woman and who will raise sensitive issues so the women should stay

alert.". She was also told that a woman who is uneducated should not be employed as a man would be, and if men want they can force women to go back to where they belong.

Ms. Mahato feels threatened and is insecure staying in her community. With these threats against her, Ms. Mahato fears for her life.

Background:

Siraha is located in the eastern region of the country and shares a border with India. The population of the district encompasses the Madhesi communities where there is a strong presence of feudalism and social exploitation of marginalized groups. The upper caste/class controls the district by holding the rights to land, and by dominating the marginalized groups such as women and Dalits. WOREC is involved with various activities in empowering the Dalit communities, such as Musahar, Paswan, Ram and Sarki, who are marginalized and socially excluded.

WOREC has been working in Siraha for the past 4 years with a special focus on Dalit rights and women's rights with a focus on violence against women. WOREC has been active in documenting cases and providing various forms of support, such as legal support, by registering cases with the local police station and other associated government bodies, providing socio-psycho counseling etc. The documenters are usually WHRDs who document cases and follow the mechanisms to help the victim gain access to justice. However, in defending the rights of the victims, the WHRDs are facing gross violations of their own human rights. They face constant death threats, abuses, and intimidation.

On 19 April, 2007, Nipur Devi Yadav was raped and then physically battered by Ram Bharosh Yadav in Ward No. 1, Govindapur, Siraha. She was in the midst of a domestic disagreement with her husband when she was visited by the perpetrator and his five friends. The perpetrators tried to settle the disagreement between Ms. Yadav and her husband. During this episode Ram Bharosh Yadav asked Nipur to have sexual intercourse with him. When she rejected him, she was raped and beaten, which left her in a comatose state. This incident was reported to WOREC at 9 AM the next day. When WOREC WHRDs visited the location of the attack, the victim was found unconscious, her body covered with a sari and shards of broken bangles. When the villagers were requested by the WHRDS to take the victim to the hospital, they ignored the pleas. When the police later were contacted they also took no action. Her husband could not provide any form of support as he is verbally incapable (deaf and dumb). Finally, with the help of some compassionate villagers, WOREC managed to admit her to the hospital. Since there was no one else who showed any concern towards Ms. Yadav's situation her immediate medical support was given by WOREC. Once Ms. Yadav became slightly better, she filed a case against her perpetrator.

Both the victim and the perpetrator were called in for questioning, and a discussion on how to move the case ahead, by the police on 1 May, 2007. WOREC was also asked to attend the question and discussion. There were few local organizations who supported the victim while the perpetrator had supporters from two communities. The victim stated that she was raped and beaten by the perpetrator; while the perpetrator claimed that he had gone to settle the disagreement and **he beat the victim but he did not rape her**. His friends confirmed the perpetrators statement. Since then, the perpetrators have been regularly threatening to burn down WOREC as to not allow the organization to operate, as well as issuing death threats to WOREC staff members.

On 16 May, Santoshi Kumari Mahato, aged 13 was raped at 8:30 PM in the Gobindapur village by her neighbor, Dyani Chaudhary, while Dinesh Yadav watched the entire act. Santoshi lives with her step mother while her father and uncles are working in India.

The perpetrators lured the child to them by giving her 20 Rs. She was told that the perpetrators had some work for her, and they subsequently took her to an orchard where Dyani Chaudhary raped her. The victim informed her brother about the rape, and when the community came to know about it, they kept both the parties together where the perpetrator Dyani Chaudhary admitted that he raped the minor with the help of his Dinesh Yadav. It was decided by the that this case should not be exposed in the public and instead they tried to settle it within the community and destroyed the evidence by washing the clothes of the victim and stopped her from getting medical test. She was accused of taking money from different men in the community for sexual relations, and was severely verbally abused with filthy names. In opposition to the wishes of the community, both Ms. Mahato and Ms. Mahara called the police. On 17 May, local police arrested the perpetrator, imprisoned him for three days and took the victim to be checked in the hospital. The medical results did not show evidence of any rape, and so the police had to release the perpetrator due to pressure from the other parties. The case has not been registered yet.

The community blamed Rita Mahato for calling the police to arrest the perpetrator when they had decided the case was to be settled in the community. On 26 May, a meeting to discuss the case was held, but it could not be convened as the people involved refused to participate. A meeting was again held on 2 June, 2007 and was attended by 350 people except the perpetrators, who had been told to be present. The meeting has again been postponed to 9 June where the supporters of the perpetrators have been informed to bring the perpetrators with them. It is not a coincidence that the main gate of the WOREC was dismantled and thrown in the middle of the road by unknown assailants, who were later identified by the community as the perpetrators who raped and beat Nepur Devi Yadav. This incident was registered in the local police station, however the investigation has not been started yet.

On 2 June, 2007 around 11:52 PM, the office was attacked by unknown assailants with sharp bricks. During the episode, the staff was busy working on their computers, and it was evident that the intention of the attack was an attempt to murder the staff. However, the attackers could not be identified since it was dark outside. When the staff went out to inspect the situation, there were further volleys with bricks from all over the area while the attackers fled. The staff was not seriously injured in this attack, but they all feel their lives are being threatened.

After this incident, the staff contacted the local police who replied that they were unable to come to the WOREC office due to security reasons, but they assured the staff they would come the next morning. The staff then inspected the area for about ten minutes, but they again had stones thrown at them by the attackers. The staff did not sleep that night as they stayed awake to protecting themselves.

This is one of innumerable incidents that has occurred in the field while the Women Human Rights Defenders attempt to do their work.

WOREC denounces such demeaning acts of the perpetrators and calls on the state to investigate the violations against the Women Human Rights Defenders and the victims.

WOREC demands that the perpetrators be penalized, and that the rights of the victims respected, recognized, and restored in the community.

CALL TO ACTION:

1. Make necessary legal mechanisms to ensure the fundamental rights of the Women Human Rights Defenders;
2. Develop protection strategies for the Women Human Rights Defenders working in the community level;
3. Examine the situation of Violence Against Women Human Rights Defenders;
4. Immediately set up a separate High Level Commission on Violence Against Women;
5. Ensure protection of Women's Rehabilitation Center and other Human Rights Organization working in the conflict prone areas;
6. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Nepal;
7. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 9 that states that Right to Remedy/Justice for violation of Rights.

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