



Policy Brief

February 2023

WOMEN'S LEADERSHIP TO END VIOLENCE AGAINST WOMEN

SUMMARY

Equality and the feeling of being equals are key for any long-lasting peaceful system. For this state of equality, it is imperative to have a healthy representation of women in the political set-up and various governing bodies so that they can voice their issues and concerns in a competent and effective manner. Women's political participation in Nepal has risen in recent years as a result of the Constitution's requirement. but the influence of women leaders in addressing the needs and priorities of women, meanwhile, is still limited. In order to reduce violence against women in Nepal, this policy brief examines opportunities and barriers affecting women in leadership positions nationwide. Based on the analysis, it provides recommendations for improving women's leadership in Nepal's response to violence against women.

CONTEXT

Women's participation in decision-making is the foundation of the human rights and social justice paradigm for developing gender equality and a culture free from violence. Major international human rights documents, such as the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women, have acknowledged that achieving gender equality, women's empowerment, and women's political, social, and economic status improvement is crucial to achieving transparent, accountable, and sustainable development in all spheres of life. However, gender-based violence, discrimination, and other human rights violations against women persist. According to UN Women, 35% of women worldwide have experienced physical or sexual assault; of every 10 victims of human trafficking identified internationally, roughly 5 are adult women and 2 girls (UNODC, 2021); and women and girls make up about 71% of all victims of modern slavery (The Minderoo Foundation, 2020).

In terms of the prevalence of violence against women in Nepal, there were 18,879 reports of occurrences in the fiscal year 2077–078 and 2572 in the fiscal year 2078–079, for a total of 21,451 cases involving women and children. Similar to this, a total of 1813 cases of violence against women were reported to WOREC in the fiscal year 2078–2079; 6 percent of these cases involved rape, 13% involved social violence, and 6 percent involved personal violence (Anweshi, 2022).

Likewise, despite mounting evidence to the contrary, women are underrepresented in decision-making across all sectors.

Women's involvement and inclusion continue to face cultural, societal, and educational challenges, which restricts their capacity to advance to leadership roles. WOREC has conducted research on "GBV in public space focusing on elected women representative, Access of women to public resource and health facilities" in 2021. The findings show that women leaders have faced various challenges, such as political parties hesitating to give candidacy to capable women leaders, and denial of their administrative and executive roles. They have also faced sexual harassment and blaming from their co-workers. Women leaders are perceived as having less authority compared to their male counterparts. Women are unable to exercise the authority of their respective posts due to the denial of their leadership position. Hence, addressing gender inequalities in the public sphere is the most important factor for women to have decision-making power. Women face multiple obstacles for both obtaining access to decision-making bodies and having an influence on decision-making process.

Despite these challenges, many instances show that women have strong voices for agenda setting to end violence against women and girls than men.

WHAT WILL HAPPEN IF WOMEN TAKE ON LEADERSHIP ROLES?

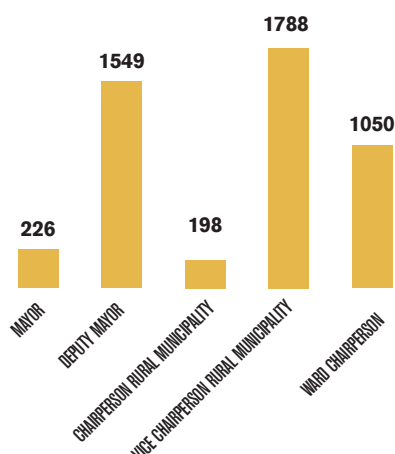
Many instances show that when women come into leadership positions, they will be more sensitive toward the issues of violence against women. In the local level election held in 2017 in Nepal, a total of 35,041 local representatives were

elected across 753 local units. The election commission had made it mandatory for political parties to give 33% seats for women to take part in the election. According to the Election Commission, of these 35,041 elected representatives, 40.96% were women. In spite of challenges faced by women representative for meaningful participation in decision-making, women representative was more sensitive towards the issues of women and girls. They have raised voices for gender-responsive budgeting, reduction of violence against women and girls, and economic empowerment of women. The female judicial committee chair is more sensitive and has applied survivor-centric approach while dealing with the cases compared to their male counterparts. They were more focused on formulating gender policy, gender-based violence reduction fund, building/allocating budgets for safe houses/counseling centers etc.

For instance, in Koshi Province, many women human rights defenders were elected as mayor/vice-mayor in 2017's and in recent local level elections in which they have fought for the rights of women as well as their right to lead. In Triyuga Municipality and Katari Municipality of Udayapur district, during their nine months of tenure, the vice mayor succeeded to endorse the Gender policy, GBV reduction fund, and formulated guidelines of GBV reduction fund. Similarly, Triyuga Municipality also allocated budget for skill-based training for GBV survivors, and made a separate room for breastfeeding. Katari Municipality allocated budget for women-led organizations to conduct GBV mitigation and response program. Similarly, in Sudurpaschim province, both female vice-mayor (elected in 2017) of Gauriganga and Bhajani Municipality also initiated the endorsement of GESI Policy, GBV reduction fund, provide GBV services to survivors, and allocated budget for the safe house. Not only female elected representatives, but female community leaders in Sudurpaschim are also sensitive towards gender-based violence. They also referred cases to judicial bodies.

The above mentioned cases serve as examples that demonstrate how, despite numerous obstacles hindering them from exercising their authority as leaders, women have been striving to fight for women's rights and make violence against women a political priority.

WOMEN LEADERS AT LOCAL LEVEL



In the OECD countries and beyond, women have achieved significant advancements in public life. They take on more and more roles as presidents, lawmakers, ambassadors, judges on the supreme court, and top government officials. They have a strong presence in the public sector. Despite great improvements, there are still large discrepancies in women's participation at the highest levels of authority. In OECD countries, women hold fewer than one-third of all positions with decision-making authority on average across all spheres of power. When women are actively involved and substantially represented in leadership positions in institutions like legislatures, courts, executive boards, etc., it increases the chances of laws, decisions, and rulings made by community councils being inclusive, representative, and taking multiple perspectives into account. Companies with higher gender diversity on executive teams are 21% more likely to outperform the national average, which is a result of women holding more executive leadership positions. A peace accord is 20% more likely to persist for at least two years when women are included in the peace process. In the long run, the impact of women's engagement is considerably greater. If women were included in the development of the agreement, it would be 35% more likely to last for 15 years.

CHALLENGES AND OPPORTUNITIES

CEDAW defines discrimination as any distinction, exclusion, or restriction that affects women's enjoyment of political, economic, social, cultural, civil, or any other rights on an equal basis with men. Women's equal participation and leadership in political and public life have been highlighted by different international conventions. UN conventions also provide guidance and set a universal standard for women's empowerment and against VAW. International conventions, such as ICESCR, ICCPR, and UDHR amongst others along with their committees and other UN agencies work to empower women by promoting equality as well as encouraging their participation in different fields. The conventions have also provided an optional protocol mechanism for the aggrieved party to file a complaint in an individual or collective manner if the states fail to provide any legal remedy to the alleged violence recognized by these conventions. Furthermore, it provides a legal framework to respond to gender-based violence and violence against women for the states that are party to the convention. For instance, Art 7 of CEDAW obligates the state to ensure the equal right to vote, hold public office, and participate in civil society. It has also envisioned various provisions to combat and criminalize violence against women. Similarly, ICCPR and ICESCR along with the parent convention UDHR aim to improve the status of women and to change laws and customs that impede women's advancement in political, economic, social, cultural, civil, and all other fields.

Ratification of these agreements under the UN umbrella provides a guideline for the state party to adopt and implement the provisions provided by them in the local level. The government in coordination with nongovernment

agencies works towards ensuring that the municipal laws are in compliance with the international standard as well as monitoring the implementation of such provisions. Since Nepal does not have any relevant regional bodies to govern or facilitate issues surrounding violence against women, the government has to rely on UN bodies for guidelines. However, international law has always been known as soft law, and for good reason. If a country has agreed to such agreements, it is not allowed to impose sanctions if it does not follow international standards.

Progress can be made by tackling these systemic problems, even if there are still numerous and diverse challenges. Stereotypes about leadership are decidedly masculine. Stereotypically male characteristics – independence, aggression, competitiveness, rationality, dominance, and objectivity all correlate with current expectations of leadership. Additionally, women's access to powerful networks and mentors is another barrier to their advancement into more senior positions.

At least 33% of women have been acknowledged in the in all decision making bodies - the National Assembly, Federal Parliament (Article 84(8) Constitution of Nepal 2015), Provincial Parliament, local body executive and District Coordination Committee (DCC) including bureaucracy in the new constitution of Nepal 2015 (See Article 84(8) and Article 176 (9)).

Nepal has adopted gender-responsive legislation and policies which formally protect women's rights, explicitly prohibit discrimination and guarantee the rights of women to be protected from any act(s) of violence or exploitation on any grounds. These include Human Trafficking and Transportation Act, Domestic Violence (Crime and Control) Act, Witchcraft-related Accusation (Crime and Punishment) Act, Sexual Harassment at the Workplace (Elimination) Act, GESI policy

Dominant gender norms assign women with domestic and caring obligations, and in some cases, may forbid or dissuade women from assuming public roles, especially leadership roles. This is particularly true in nations where traditional religious beliefs and/or patriarchal customs are prevalent. Therefore, in certain countries, women who are active in public life, violate gender norms and expectations regarding women's rightful roles and behavior, regardless of legal reforms. Women's capacity to assume public positions depends on changes in family dynamics and perceptions toward women's roles and responsibilities.

People frequently perceive powerful women as unusual, "troublemakers", and not "like other women". When compared

Women's proportionate inclusive leadership: Base for social transformation Campaign

To advocate for proportional inclusive participation of women in local and provincial election, WOREC has launched a campaign, "Women's proportionate inclusive leadership: Base for social transformation". The major objectives of this campaign were to make a commitment with the political parties to make the presence of women people's representatives at the decision-making level and make political parties accountable for addressing the issues of violence and abuse against women. This campaign created a discourse for women's political leadership throughout the country.

to their male counterparts, their behavior and deeds are scrutinized harder and are subject to harsher judgment

Gender-based violence is one of the biggest obstacles to women holding leadership positions. Threats, sexism, and other forms of harassment that target women prevent them from participating in activities and block their route to leadership positions. Female politicians and candidates are still too frequently detained, subjected to torture, and intimidated in other ways both online and offline for disobeying patriarchal conventions and moving up the political ladder. (Leadership acceptance: blaming, harassment and violence)

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Political Instability (Gathabandhan in recent elections) Leaders (mayor/deputy mayors) are appointed at the discretion of the party, and it has been observed that parties have given preference to male candidates over female candidates. As a result, men made up the majority of the mayors and deputy mayors. Additionally, there are far fewer women serving as mayors than deputy mayors.

Sexual violence and character blaming faced by women leaders. Because of patriarchy, women frequently experience character assassination and sexual harassment at work. People's stereotypical mindsets lead to the ongoing criticism of women's labour and effort, which permanently harms their character.

DEPRIVED OF FREEDOM OF EXPRESSION

Women in positions of leadership are not granted an equivalent level of freedom to express themselves as their male counterparts. It not only violates their fundamental human rights but also affects their ability to lead and engage in work.

UNACCEPTANCE OF THEIR DECISION-MAKING ROLES/ LEADERSHIP

Women's decision-making and leadership are often questioned and disregarded in a chaotic country like Nepal since they are frequently viewed as inferior and incapable in comparison to their male counterparts.

WORKPLACE HARASSMENT

The Sexual Harassment Prevention Act, which was enacted in 2015, does little to stop and address sexual harassment in the workplace. In a male-dominated work environment, women are more likely to encounter workplace harassment, which can be physical, psychological, and from third-party sources. More than one-third of the women who reported experiencing workplace harassment were under the age of 25, according to a poll conducted in Indian.

POLICY GAPS

The government's legislative inability to include and enforce these policies has enabled violence against women, despite the fact that ratifying the international treaties that provide instructions on legislation against VAW. Positive adjustments have been made to the laws that forbid and make VAW a crime, but they still need to be strengthened and changed.

Nepal has ratified international instruments and incorporated those provisions in national legislation as per the Nepal Treaty Act section 5 and 9, pertaining to women's empowerment. However, certain traditional practices that infringe the human rights of women have been legally recognized by the law.

POLICY RECOMMENDATION

To end violence against women and enhance women's leadership, the following actions should be made:

- Laws and policies which devalue women's leadership or promote gender inequality should be dropped. Likewise, the discriminative provision of the constitution of Nepal should be amended.
- Gender equality policy should be formed and implemented with a proper mechanism in all three tiers of government.
- A survivor-centric approach should be applied while dealing the cases of violence against women.
- Feminist capacity enhancement of women political leaders is a must for effective agenda setting and agency building.
- Support mechanisms should be created for women leaders for solidarity and emotional support.
- Establish policies and programs which promote women's leadership and decision-making roles by ensuring women's proportional and inclusive rights to participation and leadership.
- State and political parties should acknowledge the contributions of women leaders to the national politics and agenda setting of marginalized communities in national politics. The state should make a favourable environment for women's leadership to ensure 'women have a right to lead'.



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