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VIOLENCE AGAINST WOMEN IN DISASTER SITUATION

***WOMEN'S REPORT PREPARED
IN THE POST FLOOD CONTEXT
MAHOTTARI, DANG AND BANKE
DISTRICTS OF NEPAL***

**ACTIONAID NEPAL
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TABLE OF CONTENTS

<u>Contents</u>	<u>Page No.</u>
1.0 Background	1
1.1 Flood Situation	1
1.2 Women in Nepal	3
2.0 Approach and Methodology	5
2.1 Process	5
2.2 Methodology	6
2.3 Limitation of the Study	8
2.4 Profile of the Respondents	8
3.0 Relevant Laws and Policies to Address VAW and for Disaster Response	9
3.1 International Context	9
3.2 National Context	9
3.3 Policy Approach for Women's Right	11
3.4 Institutional Mechanism for the Implementation of Women's Right	12
3.5 Act and Policy for Disaster	13
3.6 Agencies Involved in disaster Management	15
4.0 Ground Realities Voices of Flood Affected Women	20
4.1 Right to Information	20
4.2 Right to Food	21
4.3 Right to Water and Sanitation	23
4.4 Right to Health	24
4.5. Right to Education	26
4.6 Right to Housing, Ownership of Land and Inheritance	27
4.7 Right to Livelihood	31
4.8 Right to Participate in Decision Making	34
5.0 Women's Right to Protection, Security & Bodily Integrity	35
6.0 Structural Violence	38
7.0 Conclusion & Recommendation	42
7.1 Conclusion	42
7.2 Recommendation	44
Annex	
1. Loss of lives and property by various disasters	
2. District profiles	
3. Workshop report	
4. List of documents reviewed	
5. List of person consulted	
6. Checklist for FGD and Interview	
7. Name of the sample VDS/Municipality in each district	
8. The list of governmental, non-governmental and international agencies	
9. Cases	

ACRONYMS

AAN	ActionAid Nepal
BPFA	Beijing Platform For Action
CBO	Community Based Organization
CDO	Chief District Officer
CEDAW	Convention for the Elimination of All Forms of Discrimination
CNDRC	Central Natural Disaster Relief Committee
DDC	District Development Committee
DHM	Department of Hydrology and Meteorology
DNDRC	District Natural Disaster Relief Committee
DWIDP	Department of Water Induced Disaster Prevention
FGD	Focus Group Discussion
FWLD	Forum for Women Law and Development
GLOFs	Glacier Lake Outburst Floods
IEC	Information Education and Communication
INGO	International Non Government Organization
MDG	Millennium Development Goal
MoHA	Ministry of Home Affairs
MoHP	Ministry of Health and Population
MOWCSW	Ministry of Women Children and Social Welfare
NDRA	Natural Disaster Relief Act
NGO	Non Government Organization
NRCS	Nepal Red Cross Society
OCHA	Office for the Coordination of Humanitarian Affairs
PRA	Participatory Rural Appraisal
SLTHP	Second Long Term Health Plan
UNDP	United Nations Development Programme
VAW	Violence against women
VDC	Village Development Committee
WDO	Women Development Officer
WHO	World Health Organization

Executive Summary

Interventions aimed towards saving lives and meeting basic needs during flood situations have been less effective as underlying gender issues are not understood and addressed by the State and other humanitarian agencies. As disaster relief and recovery efforts are not considered from women's rights perspective, discrimination and violence against women in times of disaster remain unaddressed. This study, which draws on national and international commitments made by the State on women's rights, is based on the argument that VAW is not only committed by individuals but is also committed by the State which still practices discriminatory policies and processes and has not formulated appropriate acts and policies to deal with this issue.

While the overall objective of the study is to contribute to the reduction of violence against women and girls in disaster situation, the specific objectives comprised: identifying policy gaps related to VAW and disaster, raising awareness about VAW and disaster through consultation, capturing the voices of flood affected women on violence against women during and post flood period and contributing to policy input for country and regional advocacy. Besides collecting information from flood affected women, the study approach also endeavored to inform them about the State's responsibility and commitment so that they could raise their voice to claim rights. The report is based on consultation with 645 flood affected women, key informants interviews with stakeholders at the local and national level and review of relevant policies, Acts and other documents.

Due to advocacy of women's movement and political change brought about by Popular People's Movement II, the interim constitution, which guides the country's policy rules and regulations, has made efforts to address gender inequality. However, these are yet to be reflected in practice with effective legislation and implementation mechanism. Despite these efforts, some gaps still remain, which include insufficient implementation of international instruments; low institutional capacity of the government for policy implementation; lack of effective law enforcement; lack of knowledge of women about legal provisions pertaining to women rights; and lack of financial and social support system for women for taking legal actions.

The Government's initiative for disaster management, guided by the Natural Disaster (Relief) Act which primarily focuses on relief work, does not take into consideration gender issues in disaster situations. Provisions of the Act are gender neutral and have not made any specific provision to ensure representation of women in disaster management committees at all levels. Despite suffering much more than men during floods and other natural disaster, women's voice in policy formulation and coordination of relief works is largely negligible. The plight of women is further aggravated by low level of sensitization of key actors about gender issues in disaster management. Relevant data of flood affected population disaggregated by sex is not compiled by most of the relevant agencies.

As flood affected women have been denied their right to information, a vast majority of them (80%) did not know about the relief assistance they were entitled to receive from the State. Women suffered the most and had to bear multiple burdens during disaster period. In flood situations, which is beset with acute shortage of food, water and other basic necessary supplies, the responsibility of coping with shortages and tending to family needs fell on women. Health problems are common phenomena in affected areas but health service provision is inadequate as 59% women reported they had never made it to the health post or seen a health service provider during these times despite the fact that most of them suffered health problems. Moreover, reproductive health was largely neglected. Health camps, which were usually set up in an open place without privacy for women, seldom had female doctors. Though children's education was hampered temporarily due to practice of establishing shelters in schools; and

permanently due to flood exacerbated poverty, the State's educational support to ensure children's right to education was absent. Gender based discrimination in education, in the aftermath of floods, is validated by the fact the drop out ratio of girls was twice that of boys in affected areas.

Even after the eleventh amendment of the Country Code (2002), which has provided women with right to inherit family property, only 0.7 % of the women consulted had land registered in their name. This was one of the primary reasons for the exclusion of women from household decisions including matters relate to repair and rebuilding of their homes. A vast majority, 90%, were unaware about their right to shelter after the flood even though 69% of the women stated that their house was destroyed by the flood. Women were also denied the right to security in the aftermath of flood. Many of them had been victims of rape and sexual abuse owing to unsafe shelters and exploitation while fulfilling their responsibility of managing food and other basic needs of the family.

Similarly, livelihood options of women in flood hit areas were adversely affected as agriculture labor, their primary occupation, are severely hampered with most of the arable land being inundated or cut away by the river. Assistance to livelihood means had not reached flood affected women even though they, unlike men, do not migrate for alternative livelihood means on account of responsibility of taking care of children and elderly. Women, who were engaged in micro enterprise with the credit support from NGOs had not only lost their source of income but were burdened with debt they cannot repay. Due to socio cultural practice and norms coupled with the lack of proper policy, women lagged behind in taking up decision-making positions in community rebuilding efforts. Thus, women's involvements in community based disaster committees/groups were almost negligible.

Discrimination and harassment against women were often overlooked or received negligible attention though incidents of VAW increased after the flood. Alcohol and drug abuse of male member, often linked to depression and stress which are prevalent during the time of disaster, have resulted in violent behavior within families and communities. Long standing structural discriminations against women such as dowry system, accusation of practicing witchcraft, negligible access to family decision making process, male dominated traditions, rituals and customs and legal system were primarily responsible for perpetuating violence during disaster period. Due to lack of appropriate policy, legal provisions and other supporting mechanism from the State, women had to bear violence against them in silence. Sexual violence such as rape or attempted rapes were rarely brought to the open by the survivors because of stigma related to the incident. Women had lost faith in the police and administration as no action was generally taken on the perpetrators when such cases were reported. Majority of the flood affected women were of the opinion that if they themselves were more organized and equipped with more knowledge and skill, they would have better ability to cope with violence and discrimination more effectively.

As women's human rights are ignored during and post disaster situations, it is imperative that women's status during and post disaster be evaluated from a women's human rights perspective. This necessitates gender-based analysis in disaster management in order to develop policy and strategy that can address the VAW in disaster.

Besides formulating a comprehensive gender strategy to address women's specific needs in disaster management, ANN needs to advocate for the development and maintenance of a common understanding among aid agencies to address gender issues in disaster situation. There is a need to support programmes on awareness raising and capacity development of women in flood affected areas, civil society organizations and key government stakeholders.

Programmes related to knowledge generation and management such as mapping of vulnerable area with gender sensitive indicators, research related to VAW in disasters also need to be supported.

The State needs to review related Acts and ensure women's representative in disaster management committee at all level. It also needs to ensure coordination among aid agencies with a common understanding of gender issues, decentralization of disaster management and monitoring of disaster management from gender perspective.

At the regional level, issues, experiences, challenges and success stories addressing violence against women should be shared among South Asian countries. There is also a need for knowledge management and human resource development through establishment of a website, updated roster of gender experts and aid agencies, sharing training manuals, hand-books, teaching aids and methods and supporting regional studies. Regional networks should be formed and activated to review current laws and policies, advocate enactment and subsequent enforcement of national policies and laws in alignment with CEDAW and to make incidences/cases of violence and the contribution of women in the face of disaster more visible.

1.0 BACKGROUND

The World Disaster Report 2006 quote "This is an emergency, don't talk about gender." draws attention to the commonly internalized notion in many parts of the world including Nepal. Whenever a flood hits a particular locality, the prime concern of humanitarian actors from the government and non government sectors is to save lives and meet basic needs. Gender issues, during such periods, become irrelevant and not paid attention to. Thus, it is, generally, forgotten that flood related humanitarian interventions cannot become efficient and effective when gender issues are not understood and addressed.

Recognizing the fact that the level of discrimination faced in everyday life is heightened when disaster strikes, The World Disaster Report 2007, has focused on discrimination and aims to address this issue by examining the reason of marginalization of different, specially women, children, elderly, people with disabilities and minority groups during humanitarian emergencies.

Disaster relief and recovery effort are not considered from women's right perspective to address discrimination and violence against women. This study is based on the argument that VAW is not only committed by individuals but is also committed by the State through non existence of and/or discriminatory policies and processes. The "Beijing Platform of Action has expressed concern regarding the impact of disaster on women, and has made specific recommendation in the Beijing + 5 Document which states that a gender perspective should be incorporated in policies and programmes pertaining to all phases of the disaster cycle from prevention and mitigation to response and recovery"¹ Similarly, commitment made in the CEDAW regarding rights of women has been ratified by Nepal a long time ago. This study also draws on national and international commitments regarding women's right. The report has been prepared based on the work of district level organizations and consultation with 645 flood affected women in three districts of the country.

Objective of the Study

The overall objective of the study is to contribute to the reduction of violence against women and girls in disaster situation. The specific objectives are:

- Identify policy gap regarding VAW and disaster
- Raise awareness on the issue of VAW and disaster through consultation
- Capture the voices of women regarding violence against women during and post flood period
- Contribute to policy input for country and regional advocacy

1.1 Flood situation in Nepal

Nepal, with its geographic diversity and varied climatic conditions, is prone to various types of disasters such as landslides, earthquakes, floods, avalanche; glacier lake outburst floods (GLOFs), droughts, epidemics, thunderbolts and hailstorms. The country is particularly prone to hydrological hazards and seismic activities owing to the topography and young geology. Water induced disasters like landslides, floods, debris

¹ Review of Gender Dimensions in Disaster Management by Swarna Jayaweera

flow, sedimentation flow and GLOFs occur on a regular basis causing heavy loss of human lives and physical properties.

With more than 6000 rivers and rivulets nationwide, floods are a common phenomenon in Nepal during rainy season. Most of them originate from the Himalayas and flow through the Terai plains causing flood in the low lands. The poor and marginalized people are compelled to make their living by settling in flood prone areas, as a result of which, most of them are affected. The devastating flood causes widespread damage, heavy loss of human and animal lives, and disruption in development activities and terror in communities. Severe damages are done to roads, irrigations, hydroelectric installations and other physical infrastructure. Thousands of women and men are affected from the damage of houses, livestock, rural infrastructures, destroyed farmland and rural roads

Floods cause loss of enormous amounts of property, infrastructure and human lives every year. Loss of human lives and property by the flood since 2000 is presented table below. (Refer to Annex - 1 for loss of lives and property by various disasters)

Year	People			Affected Family	Animal Loss	House Destroyed		Shed Destroyed	Land Loss Hector
	Death	Missing	Injured			Comp.	Partly		
2001	173	95	120	15348	796	5229	0	369	520
2002	196	45	88	7901	377	2995	939	212	0
2003	441	21	265	38859	2024	13956	4204	771	0
2004	232	58	76	7167	865	2683	334	174	0
2005	131	11	24	14238	495	2552	1132	143	0
2006	141	20	31	2088	360	1090	12	49	0
2007	114	30	39	18385	9980	2946	388	1300	7378

Source: Ministry of Home Affairs, Division of Disaster Management

In the last seven years, more than 1400 people have died with 280 still missing due to landslide and flood. The number of injured is recorded up to 643, which is assumed to be largely under reported and do not reflect the actual number of people who have been injured. Similarly thousand of families have been displaced after having lost their houses and means of livelihood. The data available are not segregated into landslide and floods and have also not been disaggregated by sex.

1.2 Women in Nepal

According to the Census 2001, women comprise 50.05% percent of the total population (23,151,423) of Nepal. Women in Nepal are not a homogeneous group on account of ecological and socio-cultural diversity. Despite their grouping in various class, caste/ethnicity, religion, locale of residence (urban/rural) and the development regions, the treatment of “women as a category of gender” by existing patriarchal institutions (family, community, larger society and the State) play a critical role in their exclusion and under developed human capability. (Bhadra 2006) Existing male chauvinistic society; discriminatory social values, norms and attitudes; legal provisions and social, economic and political exclusion are the underlying causes of various forms of violence suffered by Nepali women.

A huge gender gap persists in the literacy status as only 34.9% women were literate in comparison to 62.7% men in the year 2003. Acknowledging that this wide gap needs to be narrowed, the education sector policy “Education for All “of the Tenth Five Year Plan (2003-2008) emphasized on providing special provision to increase access of educational opportunities to girl children. Though the enrolments of girls and boys in primary level schools appear quite encouraging, the enrolments at the lower secondary and secondary, suggest high drop out rates with girls enrolment at all levels below that of boys. Unless a drastic effort is made for the girls' education, it is very difficult for Nepal to achieve MDG 2 and MDG3 of achieving ‘universal primary education’ and ‘gender equality in primary education’ by 2015.

Though the government adopted a national health policy since 1991, it was only with the advent of the Second Long Term Health Plan (SLTHP) 1997-2017 that some attempts were made to address gender disparities in health sector. The reproductive health services to women, as depicted by government data, appears to be improving over the years but considering the target set by and the target set in the Millennium Development Goals, the services need massive enhancement to realize the targeted outcomes as maternal mortality and child mortality rates are still one of the highest in the world.

Women have less access to and control over major agriculture related productive resources such as land, livestock and forestry. During Census 2001, only 17% of the households reported that female in their families have ownership on the house, land and the livestock. Among those who reported of female ownership, 10.8% reported of female ownership of the land, 7.6% reported of the female ownership of livestock and 5.5% reported of the female ownership of the house (Bhadra 2006)

Women do not enjoy the same property rights as that of men and is still dominated by the patriarchal legal system. Despite daughters' entitlement to parental property by the Property Right Bill, the bill has failed to do justice and is a mere eye wash. It fails to ensure this right after marriage as the Bill has incorporated discriminatory provision to take away daughters' right over parental property after their marriage. Recognizing women's minimal access to and control over land and property and to increase women ownership over property, the Ministry of Finance, in 2004, initiated tax-exemption on land deeds in case the buyer is a woman. Likewise, access to and control over community forestry is an essential to meet practical needs and strategic interest for Nepali women. Women specific forest users' group was first initiated 1990, which has

been reported to have increased to 82 groups in 1998. Currently, it is reported to have increased to 674 groups (5%) out of the total 13,360 groups (Bhadra 2006)

The disparity between men and women appears even more acute when perceived from vital factors related to decision making. Political exclusion leads to women being excluded from development agenda setting and the decision making in the distribution of the State's resources. The Constitution 1990 provided only 5% candidature of women for the Lower House election and 5% nomination for the Upper House. The Local Governance Act 1999 provisioned the representation of one woman at the ward level membership of the Village Development Committee; and mandated only one woman to represent in the district level Committees and Councils. Though this provision resulted in bringing more than 39,000 women in local political bodies; women remained voiceless in an overwhelmingly male-dominated political structure.

In the Interim Parliament formed in January 2007, women comprise 18.5% of the total parliamentarians. Compared to the past, the proportion of women in the Parliament is significantly higher. This is primarily due to the Communist Party of Nepal (Maoists) who have broken away with the traditional political practice by providing women with 40% representation in their share of parliamentary seats. To ensure critical mass of women in the upcoming Constituent Assembly, women's movement in Nepal is currently asserting for at least 33% representation.

Nepalese women are vulnerable to both domestic violence as well as public violence. Domestic violence is apparent as wife battering, neglect and physical abuse of the girl child, early marriage, dowry related violence, sexual abuse in the household, polygamy and marital rape. While violence in public arena are rape, sexual abuse and sexual harassment in the workplace, trafficking of women and girls and traditional harmful practices such as Dewki, Badi, Jhuma and witchcraft. It has been found that 43% of women faced sexual harassment in the workplace but could not complain due to lack of adequate provision for registering grievances (FWLD, 2003). It is estimated that 5,000 to 7,000 girls/women of 10 to 20 years of age are trafficked every year and 75% of them are below 18 years age. Majority of the trafficking victims are sold for forced prostitution (Bhadra 2006)

During the ten years armed conflict, violation of women's rights manifested in various ways. Women's bodies also became a battleground as women were inhumanly subjected to incidences of rape, forced pregnancy, sexual assault and murder. Women and young girls became victims of violence from both the warring factions (i. e., insurgents and security personnel) and the third party who took advantage of the prevailing security lapse (Bhadra, Shrestha & Thapa, 2003).

2.0 Approach and Methodology

The approach and methodology endeavored not simply to extract information from the flood affected women but also inform them about the State's responsibility and commitment. During the consultation process, their entitlement rights as a citizen was clearly informed so that they could raise their collective voice and bargaining power to claim their rights.

2.1 Process

The study on VAW and Disaster was simultaneously initiated in three countries of South Asia; Bangladesh, Nepal and Pakistan. To develop common understanding on conceptual and operation framework and methodology, a three days workshop, attended by consultants and representatives from ActionAid country offices from the three countries, was held in Bangkok, Thailand. During the workshop, consultation process to capture the voice of flood affected women and the conceptual and operational framework of the study was discussed in detail. Tools and instruments used in a similar study in the Tsunami context were reviewed and contextualized for each country taking in consideration prevailing situation in the respective country. As a consequence, a proposal for the study was developed. A core team, comprising a lead consultant and a co- consultant, was formed to carry out the study.

2.1.1 Selection of the Districts

The selection of districts for the study was done by the AAN country office. The criteria for the location included:

- i) Availability of flood affected communities in areas where AAN's local partners were working so that consultation with women could be followed up to support women's idea for organizing and community action; and
- ii) Presence of different social group, geographical spread and displacement

Three districts, Mahottari, Dang and Banke located in the central and mid-western regions were selected. (*Refer to Annex 2 for district profile*). AAN alliance in each district was also involved in the course of the study. Their contribution was largely on selection of flood affected VDCs, selection of sites for FGD, facilitation of FGD and identification of specific cases of violence and coping strategies. These district level alliances were:

- Community Development Project (CDP), Mahottari
- Society for Environmental Education Development (SEED), Dang
- Nepal Muslim Samaj Bikas Chetana Kendraj (NMSBCK), Banke

2.1.2 Orientation workshop

A four days orientation workshop was held in the Chitwan district of the Central Region to disseminate information on the study concept, objective and methodology. Two field researcher and one focal person from the above mentioned AAN alliances participated in the workshop. To ensure more effective consultation with women affected by disaster, all field researchers selected for the study were females from the local community. (*Refer to Annex - 3 for workshop details*)

During the workshop, the field researchers were oriented on the conceptual frame work of the study, VAW during and post disaster period and structural discrimination. Policy and legal provision regarding VAW and disaster at the national level and regional and international convention and commitments regarding disaster response and women's rights were also discussed. Handouts of the policy and provisions were distributed to the researchers so that they could disseminate them to disaster affected women during the consultation process. IEC materials depicting women's right during disaster time were developed to raise the awareness of flood affected women and men

2.2 Methodology

To accomplish the objectives of the study, a multi-pronged approach was followed. This involved collection and analysis of primary as well as secondary data from all relevant sources at the national, district and VDC/community levels. Both quantitative as well as qualitative information were taken into account.

2.2.1 Secondary Information

Secondary information required for the study was collected through review of national policies, legal provisions and regional/international commitments related to women's right and disaster response. The Interim constitution 2006, Disaster Relief Act, documents related to disaster from Ministry of Home Affairs, Red Cross, OCHA, official records of AAN and its alliances and other relevant reports and publications related to disaster and women's right, BPFA, outcome of Beijing +5 ,CEDAW were primarily reviewed for this purpose. *(Refer to Annex - 4 for the list of documents reviewed)*

2.2.2 Primary information

An interactive participatory process using appropriate contextual tools and techniques of Participatory Rural Appraisal (PRA) was used for the collection of primary data. The process primarily comprised focus group discussion, individual interview, key informants interview and recording of case. Besides collecting relevant information for the study, the consultation process also focused on disseminating information to the respondents.

2.2.3 Tools for collection of Primary Information

Field researchers as well as the core study team (consultant and co-consultant) were involved in the collection of primary data. The core study team visited all three selected district and held interactions with key informants, recorded case studies and observed the FGD and individual interviews. Various tools and techniques used for primary data collection is described below:

Focus Group Discussion

FGDs, two in each selected VDC and one in each ward of selected Municipalities, were conducted with flood affected women by the field researchers. In each district, a separate FGD with adolescence girls was also conducted to examine their experience of violence and understand their views. A checklist with open and close ended questions was used for the consultation process involving 20 girls/women on an average in a FGD.

Individual Interview

Though the FGDs were the primary process of consultation with women, individual interviews with some women were also conducted to gain a deeper insight on personal experiences. For this purpose, at least two women from the participants of each FGDs were randomly selected. As discussing violence in public, especially if it was within the family, was a sensitive issue, personal interviews were conducted in private to allow the women to relate their experience in an environment of understanding and empathy. A total 63 women were interviewed in the three districts.

Key Informant Interview

To gather information on various aspects of the process, mechanism and provisions addressing VAW in disaster, the core team conducted key informant interviews with the representative from MoH, MOWCSW, DDC/VDC officials, CDO, Red Cross, WDO and other pertinent stakeholders. Semi-structured checklists and open-ended questions were used for the key informant survey. Total 30 stakeholders were interviewed as key informants. (Refer to Annex - 5 for list of person consulted)

Documentation of Case Studies

All together 24 cases in three districts, identified by the district alliances depicting violence, denial of rights and suffering of women affected by the flood were documented by the core study team. Cases also included the contribution and ability of women to cope with disaster. The identities of the women are changed in the report to protect their rights to secrecy. The actual names and addresses of these women have been reserved within the record of study team. (Refer to Annex - 9 for cases)

2.2.4 Preparation of Questionnaire and Checklist

While developing the study tools, the study team reviewed and made use of checklists, interview guides and questionnaire previously developed and used in similar studies related to VAW and Tsunami. Based on the information needs identified during the desk study, the study team contextualized these checklists to the Nepali context. Separate checklists were prepared for the FGD, individual interview and the key informant interview. The checklists were finalized incorporating the comments and suggestions from the field researchers. (Refer to Annex - 6 for checklist for FGD and Interview)

2.2.5 VDC Selection & Sampling

The data available in Red Cross offices and consultation with AAN local alliances were the primary basis for deriving a list of severely affected VDCs from the inventory of the total affected VDCs. From this list of severely affected VDCs, the final selection of VDCs was done to ensure at least 30% geographical coverage.

District	No. of VDC	No. of Wards of Municipality	No. of FGD	No. of women consulted in FGD	No. of Interviews
Mahottari	5	2	13	322	26
Dang	3	2	8	149	16
Banke	3	2	10	184	20

Total	11	6	31	645	62
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A total of 31 FGDs were held in the three districts including 11 VDCs and 6 wards of 3 municipalities. (Refer to Annex- 7 for Name of the sample VDS/Municipality in each district).

Purposive sampling was used to ensure a fair representation of married, single, widowed and divorced women across age range as well as different social and ethnic group for FGDs and case studies. On average about 20 women participated in each FGD. Two women from each FGDs were randomly selected for individual interviews. A total number of 645 women were consulted in 31 FGDs in the three districts under the purview of this study.

2.3 Limitation of the Study

The study has explored the structural violence that contributed to denial of women's rights in flood situation while also examining the physical, sexual and emotional violence against women but has not looked into the mental health of affected women.

2.4 Profile of the Respondents

All the women consulted were from the poor or ultra poor family. Majority of them, not having a place of their own place to live in, were either living in public or in the landlord's land. Most of them were engaged as daily wage labourers for their livelihood and were illiterate. Unmarried, married as well as single women were consulted. Respondents represented the dalit community (such as Dusadh, Paswan, Dom, Halkhor, Chhamar, Katwe, Tatma, Mushar, Bika and Nepali), indigenous and janajati groups (such as Halwai, Kalwa, Dhanuk, Kurmi, Malaha, Tharu and Magar), Muslims and Bramhins and Chhetris of the study area.

3.0 Relevant Laws & Policies to Address Violence Against Women and for Disaster Response

3.1 International Context

Nepal has ratified various international and regional conventions related to human rights giving responsibility to the state to take appropriate steps for the protection of the rights of the citizen and to adopt special measure for women and other disadvantaged group.

Convention for the Elimination of All Forms of Discrimination (CEDAW)

Nepal ratified CEDAW in 1991, during the interim Government immediately after 1990's political change to Multiparty Democracy from the former party less Panchayat System. As Nepal is signatory to this legally binding document, the Government is obliged to eliminate discrimination against women by granting them equal rights and opportunities. Women, who are subjected to more violence, discrimination and denial of rights in comparison to men in disaster situations, need special attention from the State. However, the government has not taken initiative for promotion of policies and action plans to ensure full enjoyment of their rights in disaster situations. Though periodic progress report is submitted to CEDAW committee by the Ministry of Women, Children and Social Welfare (MOWCSW), no specific mechanism has been established to monitor whether the State parties are seriously taking initiative to ensure women's right.

Hyogo Framework for Action (2005 – 15)

Recognizing the significance of promoting disaster risk reduction efforts on the international and regional levels as well as the national and local levels in the past few years, The World Conference on Disaster Reduction, held on January 2005 in Kobe, Hyogo, Japan, has adopted the Framework for Action 2005-2015. This framework has been agreed to by governments world wide, as the international framework for disaster reduction. The Hyogo Framework has clearly stated the need for integrating gender perspective into all disaster risk management policies, plans and decision-making processes. The Framework has also emphasized ensuring equal access to appropriate training and educational opportunities for women and promoting gender and cultural sensitivity training as integral components of education and training for disaster risk reduction. Thus, implementation of the Framework with strong and effective mechanism can be a useful instrument to address the issue of violence against women in disaster situation,

3.2 National context

Interim Constitution (2007)

Nepal is going through a state restructuring process and is in political transitional phase. The country's policy, rules and regulations is guided by the interim constitution. Recognizing the existing gender based discrimination, the interim constitution has made effort to cover gender equity and equality in wider range.

Gender Issues and Women's Rights Incorporated in the constitution are as follows:

- .Article 8: Citizenship
 - Conferring citizenship to child if father or mother is Nepali citizen

- Women of foreign nationality with matrimonial relationship with Nepali citizen on her wish
- A child born by Nepali woman married to foreign national if she has no citizenship of father's country
- Article 13: Right to Equality
 - No discrimination on the basis of sex
 - Special measures through enactment of law for protection and advancement of women
 - Equal remuneration and social security for equal work
- Article 20: Women's Right
 - There shall be no discrimination just because that person is a woman
 - Woman shall have reproductive health and fertility rights
 - Physical, mental or any other form of violence against women shall be legally punishable
 - Equal inheritance right to sons and daughters
- Article 29: Right Against Exploitation
 - There shall be no exploitation (of women) in the name of custom, tradition and culture
 - Human trafficking and bonded labor is prohibited
- Article 34: Directive Principles of the State
 - The economic exploitation will be prohibited including the one, based on gender; and ensure equality in the benefit distribution
- Article 35: State Policies
 - Special provision for women for education, health and employment
 - Social security for single women
 - Special allowances to disabled-women
- Article 63: Formation of the Constituent Assembly
 - Political parties should give minimum 33% of the total candidature to women
- Article 131: National Human Right Commission
 - Maintain diversity including women during formation of the National Human Rights Commission
- Article 138: Progressive Restructuring of the State
 - To end various forms of discrimination including the 'gender discrimination'; there will be progressive restructuring of the State into inclusive democracy
- Article 142: Political Parties' Eligibility of Registration for Election
 - Participation of women in various levels of executive committees
 - No gender based discrimination in the membership of political parties
- Article 154: Establishment of Commissions
 - Establishment of Women's Commission for protection and promotion of women's rights

Decades long women's movement and recent political change, brought about by Popular People's Movement II, has ushered in inclusive democracy and reformulation of all discriminatory laws against women. However these resolutions adopted is yet to be reflected in practice with effective legislation and implementation mechanism.

Some of the major legal instrument related to VAW

11th Amendment of the Country Code, 2002

The eleventh amendment of the Country Code is a mile stone in the women's rights movement in Nepal. The major achievements on women's rights, at made by the 11th amendment were as follows:

- Equal inheritance rights, at par with sons, to unmarried daughters.
- Sanction of rights to abortion under certain conditions.
- Raised the 'age of consent' for marriage from 16 to 20 for girls and 18 to 21 for boys
- Brought changes in unequal terms of divorce
- Increased punishment for offence of rape

Gender Equality Act, 2006

The Gender Equality Bill was another major breakthrough in women's rights movement as it was enacted to amend legal provisions to maintain gender equality. Gender Equality Act included following clauses:

- Marital rape included within the definition of rape and also as a ground for divorce.
- Women entitled to use the movable and immovable property freely without the consent of male members of the family that was required before.
- Intention to rape included other forms of sexual harassment such as physical, verbal, written, gestures etc., as against only physical stated before.
- Daughter is included within the definition of family under the Act relating to land
- Correction of discriminatory language in all national documents.

To address domestic violence, which is a major form of violence in Nepal, MOWCSW had proposed a Bill on domestic violence against women. The bill was first registered in the 21st Session of the Parliament and passed by the House of Representative on April 2002. The bill, which was then sent to National assembly for endorsement, never became a law as political events took a critical turn when the parliament was dissolved by the King on the recommendation of the elected prime minister in June 2002.

3.3 Policy Approach for Women's Right

Though planned development in Nepal started in 1956, the importance of the role of women lacked recognition until the early eighties. In 1980, Women's Development Section was established under the Ministry of Local Development and a plan of action for women development was prepared in 1982. At the national level, government policies have tried to respond to women's issues from the Sixth Five Year Plan 1980-85 onwards. However, these responses were limited to adopting the policy enhancing efficiency and productivity of women through participatory approach

The Eighth Five Year Plan 1993-97 recognized the need for increasing women's representation at decision-making levels in the government and nongovernmental sectors and adopted the policy of ensuring equitable distribution of development benefits by bringing women into the mainstream of development. During the Eighth Plan period, the Government formulated and presented an Action Plan in the United Nation's Fourth World Conference on Women. The Ninth Five-Year Plan (1997-2002), making a more progressive move, adopted the policy of mainstreaming gender and empowerment of women.

The Tenth Five Year Plan 2003-2008 adopts the policy of mainstreaming gender, reducing gender inequality and empowerment of women; and recognizing gender equality as a key indicator of poverty analysis. As a policy continuation of the Eighth and the Ninth Plan, this plan has envisaged to expedite poverty alleviation by giving priority to high economic growth, good governance and social justice.

Despite the efforts made for gender equality through the formulation of legal instruments and policies approach, some gaps still remain to be addressed. These gaps include:

- Unavailability of an Act specifically addressing violence
- Lack of rules and regulations to support the Acts
- Non-implementation or insufficient implementation of international instruments
- Insufficient institutional capacity of the government machinery for policy implementation
- Lack of effective law enforcement.
- Lack of knowledge of women in general and rural women in particular about legal provisions pertaining to women rights
- Lack of financial and social support system for women for taking legal actions

3.4 Institutional Mechanism for the Implementation of Women's right

Ministry of Women Children and Social Welfare (MOWCSW)

The highest level national agency for women in Nepal is the Ministry of Women, Children & Social Welfare, which was established 1995, immediately after the Beijing Conference. The Ministry is the national level gender focal point to ensure mainstreaming gender in national agenda, and empowerment of women. MOWCSW has the mandate to supervise, monitor and coordinate women development activities of all sectors. A national level coordination committee has been formed under the Ministry to coordinate women development programmes that are being implemented by government agencies.

The Ministry has conducted gender analysis of policies; programme and budget of sectoral agencies and as formulated National Plan of Action on CEDAW and BPFA. The Ministry is the lead agency for monitoring and taking necessary actions to meet Nepal's commitments to UN conventions and declarations related to women and children.

National Women's Commission

The National Women's Commission was formed in 2002 as principal supporting wing for the Ministry, to monitor and effective implementation of international instrument for women's right and to develop plan and policies specifically aimed at advancing women. However, Women's Commission became more of political body as the government nominated the commission members on the recommendation of political parties. The commission has mostly remained non functional owing to non appointment of executive members for a long time due to political instability.

Division of Women Development

The Women Development Division under the MOWCSW has Women Development Offices in all 75 districts. District Women Development Officers (DWDOs), as the focal point and the head of the district level functionary for gender equality and women's empowerment, is responsible for implementing gender-mainstreaming actions at the

district level in Nepal. This is the only government office established at the district level to support different women-related development activities

Women's Cell under the Police Department

A separate women's cell in police headquarter was established in 1995, which now have extended to 19 districts. The primary role of these cell is to provide support to women survivors of various form of violence.

Human Right Commission

The Human Right commission Act 2053,(1996) conferred the power to commission to monitor and implement human rights, including right to equality. However, in the commission itself, equal representation of women is not ensured. On May 2000, a five member commission was formed with only one women member.

3.5 Act and Policy on Disaster

As a separate legal provision requires necessary measures to make arrangements for the operation of relief works and the maintenance of people's convenience with a view to protect life and property, the Natural Disaster (Relief) Act, 1982 came to force immediately after its enactment. The Act is the guiding document for disaster management. A National Action Plan on Disaster Management was formulated in 1996 taking consideration into different aspects of the natural disaster in the country. The Tenth Plan (PRSP) 2002 -2007, recognizing the impact of disaster in poverty reduction, has mentioned specific strategies for natural disaster management. These are the primary in-country legal and policy documents that directly address natural disaster, including flood, related issues.

Natural Disaster (Relief) Act, 1982

The Act, which was amended for the second time on September 30, 1992, besides defining natural disaster, disaster area, natural disaster relief work and various committees (Central, Regional, District and Local Natural Disaster Relief Committees), also specifies the functions and duties of these committees. The Act empowers the government, if it deems necessary, to specify the extent of the affected area by publishing a notification in the Nepal Gazette as Disaster Area for a period specified in the same notice. The Act also empowers the Government to carry out the Relief Works in Disaster Area and give orders to any one concerned to response and manage the disaster.

The Act also made provision for setting up Natural Disaster Aid Fund (Central, Regional, District and Local) that primarily relied on the following funding sources:

- Government of Nepal
- National and international organizations,
- Other sources in the public and private sphere.

The Natural Disaster (Relief) Act primarily focuses on relief work in the aftermath of a disaster without giving adequate attention to preparedness and mitigation. The provisions of the Act are simply gender neutral. The Act has not made any specific provision to ensure representation of women in national, regional, district and local level committees and sub-committees. The, Women Development Officer, who heads the Women Development Office has still not been included in the District Committee though

its status has been upgraded to the level of district level line agency of the Ministry of Women, Children and Social Welfare from its previous position as a branch office falling under the jurisdiction of the DDC². As the representation of women in high level political structure and government bureaucracy is nominal, women representation in Committees and Sub-committees from the national to the local level is very low. Thus, despite suffering much more than men during floods and other natural disaster, women's voice in policy formulation and coordination of relief works is unheard and largely negligible. Subsequent amendments to the Act have largely failed to acknowledge the provisions of Universal Declaration of Human Rights and CEDAW

Apart from the NDRA 1982, Soil and Watershed Conservation Act 1982, Land and Watershed Protection Act 1983 and Water Resource Act, 1992 are other Acts related to disaster mitigation and response. However all these Acts are concerned towards conservation of forest, soil, land and watershed areas and maintain/promote socio-economic welfare of people through controlling flood, landslides and other natural calamities. They do not have any provision to ensure women's right and are gender neutral

National Action Plan on Disaster Management in Nepal, 1996

The National Action Plan details out four separate action plans pertaining to Disaster Preparedness, Response, Reconstruction/Rehabilitation Action and Mitigation.

The action plan for disaster preparedness gives priority to measure related to national policy and planning, institutional arrangement, providing legal framework and adopting national policy and plan on disaster management. Priority is also given to measures related to awareness raising, training, simulation activities and establishment of disaster management information system and stockpiling of emergency supply materials.

Similarly the action plan on disaster response includes measures related to evacuation, search and rescue, communication and transportation, temporary settlement and health, nutrition, and sanitation. It also includes rehabilitation and reconstruction planning with emphasis on creating permanent committees for such activities centrally and locally. It emphasizes implementation of income generating programmes utilizing local resources and supported by subsidized funding for sustainable rehabilitation.

The mitigation action plan has included risk assessment for development planning and policies on the role of NGOs, local community, private sector and also policies on peoples' participation especially women and socially disadvantaged groups. It also calls for incorporation of Environment Impact Assessment for disaster reduction in development planning, promotion of regional and sub-regional co-operation between countries exposed to same types of hazards and establishment of documentation centre on disaster reduction activities.

However, The National Action Plan, like the Natural Disaster (Relief) Act, is largely silent on gender issues. However, the action plan on disaster mitigation does mention about policies to increase participation of women and socially disadvantaged groups.

The Tenth Plan, PRSP (2002-2007)

² Till 1998 Women Development Offices at the districts were under the portfolio of Ministry of Local Development and established as a branch office of District Development Committees. Thereafter WDO came under the Ministry of Women, Children and Social Welfare and with status of district line agency.

The Tenth Plan has acknowledged increased in human made disaster due to haphazard settlements, increasing population, economic backwardness, illiteracy and lack of knowledge.. It also highlights that apart from the death of thousands of people and large number of animals, agricultural land and the harvest had been damaged on account of natural disaster, such as floods and soil erosion. The plan also points out the possibility of infrastructures like road, electricity and irrigation breaking down. It asserts that large-scale preparedness is a prerequisite for effective response to disaster.

The Plan has recognized that the main challenges for natural disaster management are the lack of coordination among the stakeholders, preventive measures, modern technology that provides pre-information and warning, topographic survey of possible disaster areas, and the awareness. In addition, it also mentions the lack of adequate operation of rehabilitation and support programs.

The plan highlights that the capacities of institutions involved in water induced disaster management will be strengthened by formulating policy and action plan. It mentions that effective communication will be strengthened for collecting, storing and dissemination of information. Besides advocating for carrying out massive effective public awareness activities, it emphasizes formulation of policies that enhances involvement and participation of women and other socially disadvantaged groups in disaster management. Although, poverty alleviation have been taken as the cross cutting sectoral policy in the Tenth Plan, integration of poverty with disaster management is not recognized by the Plan

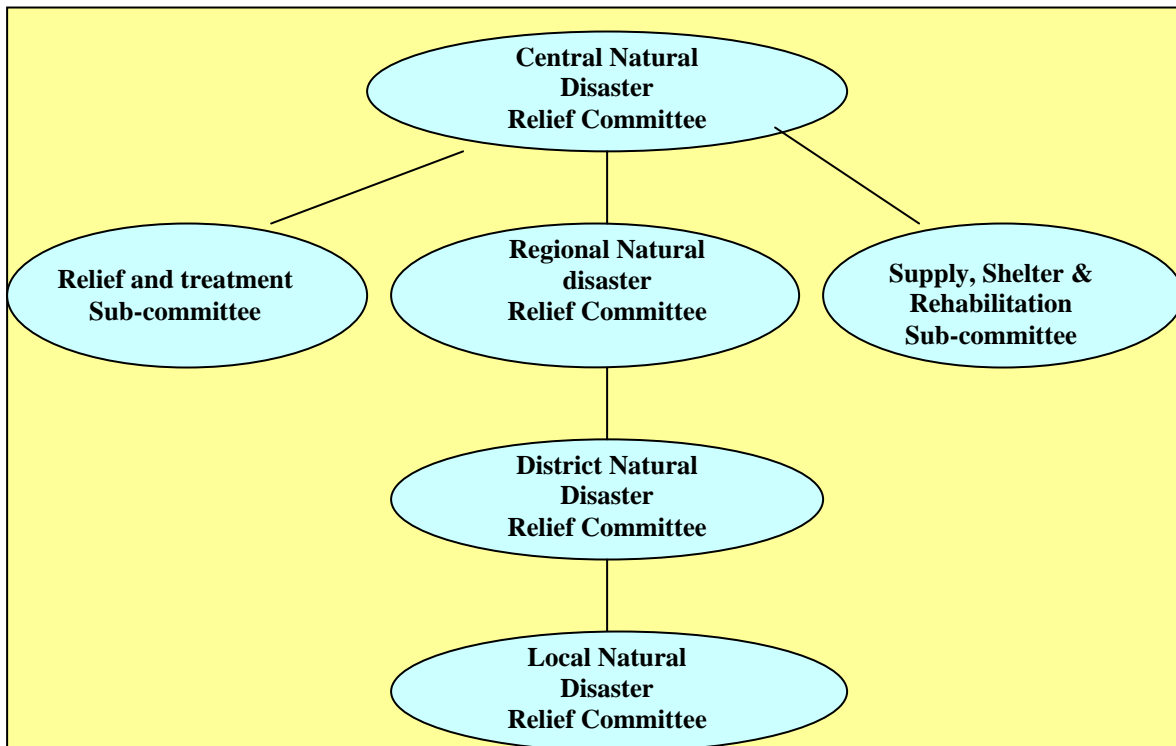
3.6 Agency Involved in Disaster Management

Various government and non government organizations are working on disaster management: from policy formulation and coordination of relief activities to implementation of preparedness/mitigation, reconstruction and rehabilitation activities. Initially, these organizations mainly concentrated on immediate relief and post disaster activities. Adequate efforts and priorities were not accorded to disaster preparedness. Later on to reduce the adverse impacts of floods, INGOs and UN agencies, in partnership with civil society organizations and government agencies, gradually began to introduce disaster preparedness programme interventions at the community level. (*Refer to Annex -8 for the list of governmental, non-governmental and international agencies involved in disaster management*)

Government Agency

The Natural Disaster Relief Act 1982 has a provision for the formation of a four tier Natural Disaster Relief Committees at the central, regional, district and the local level to oversee disaster relief works. Committees at the central, regional and district level have been formed and are functional. However, at the local level, initiatives towards formation of committees have been nominal. Though the NDRA has made provision for the establishment of Village Natural Disaster Relief Committee in order to decentralize the disaster management effort, it has not materialized in majority of the VDCs.

Organizational structure of relief committee is as follows:



The Central Natural Disaster Relief Committee (CNDRC), under the portfolio of the Ministry of Home Affairs (MoHA) and chaired by the Minister, is the apex body responsible for national policies and programmes related to natural disaster relief work, which among others also includes the rehabilitation of the victims of natural disaster and reconstruction. As various regulatory provisions supporting the Disaster Relief Act 1982 have not yet been formulated, the CNDRC, formed through the Act, is not only the principal agency for disaster management but also the authority for the formulation of rules and provisions in accordance with the Act.

The CNDRC is also involved in mobilization and channeling of fund, coordination of relief distribution and mobilization of required government agencies, such as army and police and other social organizations and associations in natural disaster relief works. Decisions related to and authorization of relief assistance, which among others also includes release of financial assistance and other immediate relief provisions, are also the primary functions that fall under the purview of the CNDRC. Currently, the following relief provisions have been authorized by the Committee:

Relief assistance for death: If a person dies due to disaster, the closest family member is entitled to receive Rs. 25,000/-. The claim for the same should be made within 35 days of the incident and it should be validated by the VDC secretary or the local police station.

Relief assistance for house repair and construction: If a house is fully destroyed, the affected family is entitled to receive up to Rs. 10,000/-. If it is partially destroyed, the affected is entitled to receive up to Rs. 5,000/- . The claim should be made within the 35 days of the incident. However, the demand for such assistance is very high usually exceeding the financial resources set aside for this purpose. Thus, the Government

distributes the available resource equally to all the affected families. Sometimes, the entitlement received by an affected family is a meager Rs 1,000/- or even less.

Relief assistance for health service: Apart from coordinating the setting up health camps in disaster affected areas, the committee has made provisions to bear the entire hospital expense of persons injured on account of a disaster. The injured person is also entitled to receive Rs.1,000 /- as transportation cost to go back home after the treatment in the hospital. Claims need to be made within the 35 days of the incident failing which the injured person will not receive any assistance.

Immediate relief: Depending upon and in alignment with available resources at its disposal, the Committee can also decide to provide food and non food items as immediate relief in times of disaster. The distribution items along with the quantity and their mode of distribution is decided by the DNDRC taking into stock the gravity of the situation and the available resources.

The MoHA, which has a network through out the country with administrative offices in all 75 districts, is also responsible for flood management at the district level. Each district is administered by the Chief District Officer (CDO) who is also vested with the responsibility of a crisis manager in the time of disaster.

The Regional Committees for natural disaster relief works provide necessary suggestions to the Central Committee regarding the formulation of regional level policy and information about natural disaster relief work. They also coordinate relief works undertaken by District Committees in their regions.

The District Natural Disaster Relief Committee (DNDRC), chaired by Chief District Officer and having the Local Development Officer as the member secretary, is responsible for carrying out all activities related to disaster management in the district. The heads of all government line agencies are represented in the District Committee

Department of Water Induced Disaster Prevention (DWIDP) and Department of Soil Conservation and Watershed Management (DSCWM), under the Ministry of Water Resources, are working on mitigating the problems of water-induced disasters such as landslides, soil erosion, debris flows, and floods. DWIDP supports community initiatives for the construction of embankment and spur through technical knowledge and distribution of gabion wire

Though the Department of Hydrology and Meteorology (DHM), under the Ministry of Environment, Science, and Technology (MoEST) is not directly involved in disaster management, it is responsible for collecting, processing, and publishing data on hydrology and climate which can provide crucial early warning signals about and mitigation of floods.

As health service is a basic need during and post disaster period, the Ministry of Health and Population (MoHP) has crucial role in disaster management. The Department of Health Services has special training provisions to deal with problems related to public health arising from natural disasters at the central level. This enhances the department ability to handle disaster situations with minimum loss of lives (MoH 2003). In 2003, the Epidemiology and Disease Control Division of the then Ministry of Health (later the Ministry of Health and Population) produced a 'Health Sector Emergency Preparedness and Disaster Response Plan for Nepal' with technical support from the World Health Organization (WHO).

The Government's initiative for disaster management appears to be primarily limited to response, that too without synchronizing the related measures with long-term development plans. Likewise, gender issues in disaster situations are ignored. Neither have any specific studies on gender issues to be addressed during disaster situations been conducted nor has any separate budget been allocated to address the specific needs of women. Similarly, there are no provisions to sensitize key development actors about gender issues in disaster management. Data compilation of flood affected population is not disaggregated by sex. The Government does not have adequate and effective coordination mechanism along with proper policy and strategy to mainstream gender in disaster management.

Non Government Agency

Several national and international non-government organizations and UN agencies are working in the field of disaster management in Nepal. International organizations, implement many programmes in organization specific priority sectors which among others also includes disaster management. I/NGOs that specifically focus only on disaster management and relief work cannot be found. As government agencies focus on rescue and relief activities, non government agencies are involved also in the disaster prevention works besides supporting response to emergencies. They seek to address vulnerability and hazards by increasing the capacity of poor, excluded, and high risk groups through training on disaster response.

At times of disaster, need assessment of relief activities is done by individual organization following their own processes. Relief support includes food and non food items but consideration is given to Sphere Standard. Generally INGOs have been providing resources to local NGOs for immediate support, enabling them to implement disaster management programme.

UN agencies, generally work in partnership with the government. The UNDP is supporting the Community Based Disaster Preparedness Programme, under the Ministry of Home Affairs (MoHA), being implemented in six districts. It is also supporting the MoHA in the development of a national strategy for disaster management. The WFP and WHO provide support on food items and health service while OCHA coordinates relief activities and keeps disaster related data. UNICEF supports childhood nutrition, drinking water supplies, and emergency relief – especially for women and children.

The Nepal Red Cross Society (NRCS), which works in coordination with the MoHA, is the premier national level organization working in disaster management. It works closely with the Natural Disaster Relief Committees at the national, regional and the district level. With its presence in all the 75 districts, it is the only non-government organization with a countrywide network that can cope with disaster related problems on a national scale.

Despite many organizations being involved in disaster management, stakeholders have pointed out that lack of coordination among development actors is responsible in reducing the effectiveness of disaster preparedness and relief work. Lack of coordination is even more apparent at the district level. Generally, organizations involved in disaster are unaware about where similar organizations are working and the type and extent of relief package they are providing. Likewise, the media, which can play an important role

in highlighting the issue of VAW in the flood situation, has not given due attention to this issue.

Though all the non government organizations associated with disaster relief work claim that they give priority to women and children in rescue efforts and relief distribution, a common strategic approach to address gender issues in disaster management is lacking. The approach appears to be haphazard and highly influenced by individual organization's judgment, perception, budget and the scope of work. For example: ActionAid Nepal gives emphasis to inclusion of women volunteers in relief distribution and has a provision for doubling the relief support in case of household with pregnant or lactating mother while Oxfam, besides distributing menstruation kits, provides a supplementary privacy curtain in temporary shelters. The Red Cross has a sari in its distribution package. The support provided by the government and other development agencies to flood affected people is grossly inadequate much below the demand. Relief supplies do not reach majority of the affected population on time. Even those agencies that do manage to reach flood affected areas have to cope with huge demand beyond their supply capacity leaving them with no choice but to split supplies and provide something to all the affected people in the area.

Realizing that the absence of a comprehensive Act, regulation and policies, which takes into consideration all current issues, is one of the primary reasons for ineffective disaster management in Nepal, the civil society has been advocating for large scale improvement to existing provisions and introduction of new policies in alignment with current requirements. In this regard, the Nepal Centre for Disaster Management in association with Oxfam GB Nepal has formulated a new Disaster Management Policy, 2007 and Disaster Management Act, 2007 and submitted them to the Ministry of Home Affairs, Government. Though these documents have tried to make significant improvements to related provisions and policy, they, like their predecessors, have not attempted to address gender issues associated with disaster.

4. Ground Realities Voices of the Flood Affected Women

4.1 Women's Right to Information

Denial of the right to information was the general experience of flood affected women in all districts. The dissemination of information on relief assistance provision to the community was not practiced by the State's agencies at the district and local levels. A vast majority of the women consulted (80%) did not know about the relief assistance they were entitled to receive from the government. Even those who did have some knowledge about the relief assistance were unaware about the procedure and the agency to approach.

Many development agencies, involved in relief work, determined geographical coverage and the scope of support through specific assessments on their own. While some provided food support, others assisted by providing shelter, mattresses, blankets, utensils, medicines and medical services. However, most of the women consulted said that they were not clearly informed about the relief packages and the agencies involved. They said that representatives of development agencies came to their villages to list down their names without informing them about what they have to offer and the organization they belonged to.

"Six different persons came separately to my village to write down our names. They wrote my name in the list but I did not get anything."- Mahottari

The women consulted stated that they came to know about the existence of relief package distribution centers primarily through facilitators of local NGOs, friends/neighbors, Red Cross and security personnel who came to village for rescue. Only a few of the women said that they were informed about this by the DDC and the VDC officials. None of the women consulted knew about the distribution time and what the relief package contained. Besides the 69 women who had been issued cards by the Red Cross, the others did not know which documents they had to produce to obtain the relief package. Owing to the denial of right to information, women had undergone lots of hardship in their effort to receive relief package. While many had to travel several times to get a single relief package others had not even managed to do so despite numerous attempts.

According to the women consulted, relief assistance was plagued by many discrepancies that hindered or deprived many of them from accessing their entitlements. Discriminatory behavior and malpractices by relief package distributors/volunteers, political leaders and local government bodies were cited as the most common reasons for this. This was validated by 58 % of the women who cited discrimination. The remaining 42% who said there was no discrimination mostly said so because no relief package had arrived in their locality.

"Many of us were unaware about who distributes relief packages and where it is distributed. Even when it does arrive, volunteers take them to their homes first. The distributors also show partiality while the political leaders have themselves and their supporters to be served first. Then people who are listed and raise their voice get something. Poor people who don't have connection and cannot speak out get nothing or are left out. The distribution system is not effective. If it was, all of us would have got something."- Mahottari

According to the women consulted, the Red Cross and Local NGOs were identified as having most easy access to community as their presence is seen. Some of the respondents said that VDC can also be approached in the cases where VDC secretaries are from the same VDC. They stated that other government agencies are not accessible to women. Most of them did not even know where the line agencies are located.

4.2 Right to Food

A vast majority of the women, (91 %) consulted did not know about their right to food support during the post disaster period. It was perceived that such support, if received, was because of the State's and people's charity or good will. This was one of the major reasons why women were unable to claim their right to food support from the relevant agencies.

Despite claims made by the Aid agency that emergency food support is made available to the entire affected households after a rapid assessment, 46% of the women said that they did not receive any kind of food support not even the emergency relief food items. However, officials of the or Aid agency alleged that "Within a few hours of the disaster, we start gathering emergency food support containing ready to eat foods such as beaten rice, sugar, biscuits and instant noodles. Within 24 hours, we start distributing it to the affected community. As we can cover only about 25% of the affected areas in 24 hours, it takes us up 4 days to reach entire area."

This claim was challenged by a woman who related a totally different experience.

"I spent three days on a tree top with my children without food and water. The anguish of watching my tired children fall asleep after hours of crying for food was one of most harrowing experience of my life."- Holiya , Banke

In such circumstances, when food support does not arrive and/or are not adequate or on time, the common coping strategy of poor women was to borrow from the few villagers who had managed to save some food. Women also stayed hungry by sacrificing their share of food to feed their children. .

Women also narrated cases of sufferings in localities where relief package never arrived. In some places when it did arrive after days of waiting, it was inadequate: not even enough for a single meal.

Box No. 1

Endless Wait for Food Support

Habiba has never been to any hospital or health centers. "The hospital is too far and beyond our means while there are no medical service providers in the health post. How can I pay Rs. 50 for the bus and other medical expenses, when my husband's earning is not even sufficient to feed the family?" Habiba is usually unaware of her due date. The general custom in their village is that women from the neighborhood come and help pregnant women to deliver after they are informed about the labour pain. However, five months ago, poor Habiba had to no help and had to give birth to her son in conditions beyond ones imagination.

On the third day of the flood when her house was in knee deep water and totally cut off from the outside world, her labor pain started. As the water level was still rising, her husband raised their cot with help of some bricks to avoid getting wet. Poor Habiba and her family were perched on two cots without food and proper drinking water. Exhausted

and hungry, she had no energy to aid her delivery and cope with the pain. She thought she would die. She even passed away a few times.

After hours of unbearable agony, she gave birth to her son on the cot attended by her husband and her eldest daughter. On the fifth day the water began to recede and her husband went out for help but couldn't find anything to eat as the conditions of other people were also the same. Later on, some people with taller houses gave them a little bit of food. This was not enough for the children. No relief came to their aid till the tenth day. All they got was a kilogram of beaten rice. "Where are the Government and the relief aid people talk about?" asks Habiba and her husband. - Mahotari

All of the women consulted related that after the emergency food support, it can take up to two months to access ration support provided by State's agencies, donors or jointly through one window policy. They lamented that during this period coping with food demands was extremely difficult and most unbearable for the family. Sometime men leave their villages to find work in other places. Women are left alone to fend for themselves and their family making survival most painful and difficult.

"Flood water remained in the village for two months. There was no place we could work and earn a living. You can imagine how we survived during those times."- Mahottari

Women related that many of them were unable to go to the ration distribution center as it was located quite far way. They recounted that those who went, had to spend few days just trying to find whether their name had been listed. They complained that the distribution mechanism was not transparent. They did not understand why some got the support while others didn't. They felt helpless and at the mercy of the distributor. Many women, who managed to get some ration, experienced extreme difficulty to carry it back home as most of them were carrying a small child on their back. Women residing in the village where distribution centers were established experienced less trouble. Some of the women (18 %) recalled having received cash grant, ranging from 150 to 400 rupees, for food. "How long can this little amount of money last?" they asked.

Though some organizations, distributing relief food aid, had made provisions for additional support for pregnant and lactating mothers (such as doubling the relief package), few of them benefited from this provision as it just lent a little bit of further support to augment the inadequate supply of food to meet the demand of the whole family. Pregnant women recounted that the distribution mechanism was insensitive to their condition as they were made to stand in long queues without separate lines for them.

"I was eight month pregnant when the flood hit the village. When I heard the news that relief food package was being distributed, I went there for more than 7 days: every day with the hope that my turn would come. Some people had come to my village to record the name of flood affected family. I was sure that my family's name was on the list. Every morning, I used to stay in the queue. To my despair, in the evening, I used to end up borrowing more food from the villagers and be up the next morning to take my position in the queue again. One day, due to exhaustion and hunger, I fainted while standing in the queue. I was unconscious for hours. On that day, I gave up hope of receiving any relief. My baby was born after a month of that incident. The boy is very weak and usually sick."- Mahotari

Some of the women in urban area had accompanied other community people who had gone to the CDO for food support. The CDO had sent them to the Municipality and from there to Red Cross, but they were not been able to get anything. The women did not understand the reasons why were denied food support.

"I don't know why we were denied food support from these places. People said not having political links was the reason why we didn't get the support."- Nepalgunj Municipality - Banke

4.3 Right to Clean Water and Sanitation

With all the taps in their village drowned in flood water, availability of safe drinking was the primary concern of flood affected people. At such times, collecting rain water became the primary coping strategy. Many women recalled the times when they had no choice but drink the flood water.

"We were so thirsty and we had no choice but drink the water around us. I tried to filter the slimy water with whatever clothes I could lay my hands on. I can clearly remember the foul taste and feel the creepy sensation of the sand particle going down my throat."-Mahottari

Recognizing the acute need for clean drinking water, many development agencies included water guards in their relief package. However, the problem was that these packages reached the affected people very late; one to three months after the flood. Moreover, women were not properly taught to use it.

The shortage of water supply became more acute after each flood. In such circumstances, taps, clogged with sand go dry and women had to bear the severe brunt of fetching water from far away sources. Women did not know if these taps will ever be repaired. As men are usually occupied in repairing culverts and roads damaged by the flood, the responsibility of fetching water from far way distance after standing in a queue for a long time fell on women. None of the women consulted said that they had taken any action to claim their rights for clean drinking water.

"I would have easily walked to fetch water on my own. But three small children back home and one inside me make it very difficult for me to walk that far. Having lost the only bucket during the flood, now I have to carry water in the largest pot available." - Mahottari

Sanitation was severely hampered due to scarcity of water. Women suffered the most and had to bear multiple burdens during this period. The women consulted explained that they were unable to make frequent trips to fetch water owing to the distance, long queue time and other household chores. Thus, one bucket of water had to be saved and sparingly used by the whole family for a long time.

During the floods, when the surrounding areas were inundated, women faced severe health hazards during delivery and menstruation period. As most of the clothes used by women during those times are either wet or soiled with mud water, they are highly vulnerable to infections.

Box No. 2**Infected by Dirty Flood Water**

Ramola Mesthar along with her husband and six children, was displaced when the flood came into their house. The entire village was inundated for many days and they had to take shelter in the school premises for more than 20 days.

Devoid of safe drinking water and basic sanitary conditions, her family had to share the premises with more than 30 families. Defecation was a major problem as it had to be done in a standing position directly into the water. As there were men all around, she had to wait till night to defecate. It was impossible for her to catch more than a few moments of sleep on those nights.

To make life more miserable, she had her menstruation period at the same time. She had to use wet clothes all the time as a result of which she was infected. Not being able to realize the cause of the problem, she was frightened to death. "Is it some kind of venereal disease?" she used to wonder. She could not share this problem with anyone for a long time. After three months of pain and suffering, she went to a female health worker of the village and got some medicines.

Rina says she threw away the water guard distributed by one of the humanitarian organizations without using it. She says ironically "we drank dirty water when we were in need of it; nobody provided a drop of clean drinking water at that time. I didn't even know what was it for and how to use it. Initially, I thought it was some kind of soap. When I found it was something else, I threw it away"

- Banke

"My baby was born when my house was almost half filled with flood water. All the clothes were wet. I washed myself and the baby with flood water and had to wrap the baby with wet clothes. I was worried about infection but what choice did I have? No one dared to go out because of the flood."-Mahottari

During floods, villagers usually take shelter in schools, temples and mosques where toilets are scarce. Even in normal times, households in poor communities do not have toilets. People use open spaces as toilets. As these places were water logged during flood, people had to go to far away places for this purpose. Women said that that they could not venture to far way places during night time for fear of being abused.

4.4 Right to Health

Health services in flood affected areas were either poor or non-existent. About 59% of the women had never made it to the health post or seen a health service provider during these times despite the fact that most of them suffered health problems such as cold, cough, fever and stomach disorders. Women with small babies suffered extreme hardship as babies were more susceptible to pneumonia, fever and eye and skin infection. The situation of women whose husbands had gone away for employment was even worse as they had to bear the burden of taking care of sick children on their own.

As health camps, which were also meant to cover nearby villages, stayed in a particular village for a day or two, women did not have sufficient time to visit them. Many times they found out that the camps had moved on when they went there for treatment.

"When I heard that a health camp had come to the nearby village, I went there with my

two children. When I reached the village, I found out that it had shifted to another village. How can I take care of my sick children when I don't even know where to go?"
-Banke

As majority of the women did not have access to health camps, the only alternative for medical treatment was private clinics. Not being able to afford this, a significant proportion of women, 50% of those consulted, reported that they had to take loans to go to the doctor.

"Only when an epidemic strikes after the flood, we witness mobilization of health workers in a large scale. Otherwise, we have to survive on our own".- Mahottari

Reproductive health of women during and post flood period was largely neglected. There were no specific provisions to address reproductive health problems of women. Health camps, which were usually set up in an open place without privacy for women, seldom had female doctors. The female health worker available in the village was all they could rely on.

Box No. 3

Standing Tall: A Courageous Female Health Worker

Pramila Kumari was married at an early age when she was studying in class eight. After a few years, she found out that her husband was an alcoholic. She also realized that she needed to be independent and stand on her own two feet to support herself and her children. When an opportunity came, she enrolled for a three month village health worker training course despite tending to two little children. After completing the training, she started to work as village health worker. The salary was not very high but she was happy that she was doing something worthwhile and earning a bit also. Later, she also undertook refresher training and also appeared for class ten examinations as a private student.

Pramila was quick to observe the changing course of Rapti River. "Though I was working as health worker, I always took a careful look at the changing geographical scenario of the village. I observed that the Rapti River which was 5 kilometers away from the VDC when I was young was now quite close to the village." Pramila reflects her observation.

Every year, during the monsoon, water seeps into the village damaging many houses, lands and livestock. Villagers had gone to the local leader with the request to facilitate some dialogue with India to open the door of Laxmanpur dam during the rainy season. The local leader said they have taken up the issue to the MP of that district who in turn has taken it up to the council of Ministers. However, nothing has been done up to now and the villagers suffer the same plight every year. Pramila says, "No one is going to do anything for us. We have to do whatever we can for ourselves to mitigate our suffering. , At least from my side, I am trying to provide health service to the villager so that they do not suffer from illness even after a disaster."

She tries to store as many medicines as possible in a safe place and always keeps her CDMA fully charged lest electricity and telephone are disrupted due to the flood. She also realizes that the road can be blocked for many days. Whenever water starts to seep into the village, she informs the district health office so that support service can be arranged as soon as possible. Though other forms of relief hardly come to her village during the time when the entire village is submerged, the villagers are fortunate that due to Pramila at least a health camp is always present to tend to their illness.

-Banke

Similarly, health camps established in the flood affected areas concentrated on one time treatment of injuries caused by the flood. As they kept on moving to new areas, long term treatment was not available. There were no government or non-government agencies that provided assistance towards long term medical care.

"All the lanes were flooded up to waist level. My 15 years old son fell down while trying to cross the lane. He had injury on his back on which, he got first aid treatment by a health camp but his pain did not subside . I took him to a nearest hospital , the doctor said it was a spinal injury and need a long term treatment. I could not afford the treatment, now he can not walk by himself and is in constant pain."

- Nepalgunj Municipality, Banke

In Mahottari district an epidemic was triggered when the people started to eat fish. As the health camps were not available, some people belonging to a NGO reported that they took the initiative to obtain medicine from the health post. The peon of the health post of Dhamaura VDC, who was present said, "The person in charge is not here. You can take the medicine if you wish to. I do not know English and can't say which of them are date expired."

4.5 Right to Education

The children's right to education was denied for a long time during floods. It was a common practice in the villages to establish flood shelters in schools which generally have large space compared to other areas in the village. As shelters lasted five days to two months, schools remained closed for a long time. During this period, no alternatives were managed to carry on with children's education.

Flood exacerbated poverty and took away the poor people's house, all the household materials and even their means of livelihood. As poverty necessitated the use of extra hands to earn money to supplement the basic needs of the family and help with household chores until a semblance of normalcy returned to their lives, many flood affected families found it very difficult to send their children to school immediately after the schools reopened. Some of the women consulted (2%) even reported that their children had to permanently drop out of school on account of the flood. The drop out ratio of girls was twice that of boys as there were 8 girls who had dropped out in comparison to 4 boys.

"How can they go to school when there is no food to eat in the house?"

"Besides earning enough to make two ends meet, we also need money to buy a bucket to fetch water, a pot to cook, a mattress to sleep on and medicines for the sick. We also need money to repair the house. Education for children has become impossible."

"My seven years old son is working in a furniture factory. Though he is too small and can't do much, whatever he can do he will do to feed himself."

(Some excerpts of flood affected women whose children had dropped out of school.)

Some NGOs and INGOs had provided some educational support to the children of flood affected family, These support comprised school uniform, books, note books and pencil.

As most of the organization provided support to children belonging to the dalit families, children from poor non dalit families were largely excluded

4.6 Right to Housing, Ownership of Land and Inheritance

A vast majority of women, 90%, were unaware about their right to shelter after the disaster. Majority of the women consulted, 69%, said that they had to live elsewhere as their house became unlivable after the flood. While 12% managed to find shelter in the house of their friends and relatives, 57% lived in public shelter set up in the open (generally schools, temples, mosques and other public places with large open space). Only 31% of them were able move in to their house right after the flood.

Up to five families had to share the same room while living in the public shelter. Over crowded conditions meant no privacy for women who felt awkward sleeping in the same room with strangers. Women also felt unsecured and vulnerable while sleeping in the half destroyed house with broken walls. Single women with children had become victims of rape and sexual abuse.

Box. No. 4

Raped in an Unsafe House

Gayatri was given away in marriage to a rickshaw at the age of twelve by her ailing father who wanted to discharge his parental responsibility before his death. She was too young to understand the implication of marriage and didn't even know the age of her husband who was much older than her.

Situated in a vulnerable location close to river, Gayatri's house had been affected by flood many times. Her husband used to spend many days of hard work to tend their house during these times in the monsoon season. About four years back, her husband left for India in search of better opportunities. For two years, her husband came back and left some money for their upkeep. However, after that she heard nothing of him. Later, she heard rumors that he married someone else in India.

Two years ago, half the portion of house was washed by flood. Though her neighbors left their dwellings for safer place, poor Gayatri and her two children, aged eight and two and half years, had nowhere to go. As her earning from daily wage labour was hardly enough for survival, she did not have any money to reconstruct the demolished portion of her house. She put up a temporary screen but this arrangement was not safe enough. She was repeatedly raped on two separate occasions by two men who sneaked into her house and over powered her during the night time. She could neither scream nor fight back for fear of the safety of her children who were sleeping close by.

For many days she was too afraid to sleep at night. Due to fear and humiliation, she couldn't go out for work. She had no money and her children used to frequently cry with hunger. She felt like committing suicide and desperately wanted to hand over children to a charity organisation.

Finally, after weeks of suffering, she pulled herself together and decided to fight with the life. She went to one of her acquaintance who was a motivator of a local organization and explained her plight and requested for help. The motivator managed to arrange a loan of Rs.5,000/- from the organization. She was also advised and guided to set up a cart shop in the district head quarter. The cart shop was made of wood with enough space for her family to squeeze in and sleep.

Her life became relatively easier. She was able to earn enough to feed her children. But just as she was feeling more relaxed on account of her new found security, her world came tumbling down once more. One day when she was feeling unwell, she went to the hospital for a check up. Her blood test results showed she was HIV positive. She does not know whether she was transmitted by her husband or from the rape she had to face during the disaster!!

-Mahottari

Among the total women consulted, 54% said that they did not receive any support to repair their houses which were totally or partially destroyed by the flood. The remaining 46% were provided timber, bamboos and tarpaulin sheets. None of the women were aware about the entitlements to be received from the State when houses are damaged or destroyed by floods. Even the NGOs working in disaster preparedness and management sector did not know about the State's provisions in this regard.

When the flood came, Jasmin Iderees and 12 family members had to take shelter in one of the neighbor's house which was in a relatively higher place. The neighbor, who did not want them there, constantly insulted and asked them to leave. As they had no other alternative, they had no choice but stay on bearing all the humiliations. During daytime, all the other family members, except the children, used to go out on search of relief aid and work. Jasmin, who had to stay behind to look after the children, had to bear the humiliation and mental torture all alone throughout the day. What could she do but bear it for one and half months until the water finally receded from their house? Her family has not received any assistance to repair their house. -Banke

The support received from the Red Cross and other development agencies to repair and rebuilt their houses were not adequate. The primary concern of these agencies was to provide immediate relief support and help flood affected people to move away from the open sky to temporary shelters established for this purpose. Most of the houses in the flood affected areas were in dire need of immediate repairs. Some part of the walls had gaping holes. Water dripped down from the roof and the floor was still damp. Poor people living inside were exposed to the harsh elements of nature and women were finding it extremely difficult to manage the day to day requirements of their homes.

"In these conditions, it takes such a long time and lot of blowing to light the kitchen fire. I get exhausted while doing this." - Banke

About 45 % the women consulted said that they were not consulted while their houses were being repaired.

Whenever I tried to make any suggestion, my father- in-law and husband scolded me: "Shut up! Females sneaking in their nose in male's matter will do no good for the family" - Mahottari

The condition of displaced people living in public land by the river bank in restricted areas declared illegal settlement by the Municipality or DDC were in more precarious condition during floods. Despite many of their houses being washed away by the river, they, labeled as illegal settlers by State, were not entitled to receive any support from the State.

Box. No. 5

A Citizen Denied Rights to Public Entitlements

During the Maoist people's war, many people from the adjoining hilly districts had migrated to Dang Valley and were living in slums on the banks of the Gwarko river in Tulsī Nagar Municipality. Being declared as illegal settlers living in restricted areas by the Municipality, they were not entitled to receive any relief support in case of flood.

Ramola, who is 45 years old and does not know the whereabouts of her husband who had gone to India some 16 years back, was also among those who has settled in the river bank. Oblivious to the fact that people cannot enjoy legal ownership to houses built on public land, she was lured by a middleman to expend all her hard earned savings to buy an illegal property in the settlement. As the house was located close to a river, the middleman convinced her by promising her full time employment as a stone crusher. She was happy to be in that community and work as a stone crusher as she did not have to go searching for another work.

It was a winter time when she brought the house. The river looked dry and Ramola never imagined that her house was vulnerable to floods. However, all her dreams were washed away when half of her house was taken away by this year's flash flood. She had gone to seek the State's compensation and support to rebuild what was left of her home. It was then she realized that her property was illegal and she was not entitled to receive any support from the State. "If the state can not protect me from cheaters, how can they penalize me for being cheated?" she argues. "How am I to carry on? The remaining portion will be washed away when the next flash flood arrives. I have no money to seek alternative arrangements."

-Dang

Poor people in rural Nepal have been denied of their land rights from generation to generation. This was also validated by the fact that the families of 65% of the women consulted were either living in public land or in land belonging to their landlord. High prevalence of gender discrimination in land ownership was observed in the families of the remaining 35 % of women who were living in land owned by them. Even after the eleventh amendment of the Country Code (2002), which has accepted daughters as heirs to the family and provided them equal rights to inherit family property and also removed age restriction for married women and widows to receive/claim family property³, only 0.78 % of the women consulted had some land registered in their name. Women opined that this was one of the primary reasons for not being consulted in household decisions including matters relate to repair and rebuilding of their homes.

Some women reported that though their husbands had passed away, land title deeds had not been transferred to them. This normally happened only when it became necessary to sell the land or construct a new house. Women who garnered courage to request transfers after the death of their husband were looked down upon by the community. Poor people experienced a similar plight while transferring land titles from the landlord to themselves. In many instances, the process for land title transfers were initiated only after the payments were completed and houses were constructed in the landlord's name. In some instances husbands had died before the transfer of the land

³ Prior to the amendment of Country Code, only unmarried daughters above the age of 35 years were covered by the definition of family. With the eleventh amendment of the Country Code, daughters by birth have been recognized as coparceners in the family property but still they have to return their share of property to the maternal family after their marriage. Before the 11th amendment, married women and widow had to attain 35 years of age or 15 years of marriage to be entitled to receive a share of their husband's property.

title deeds. Women were subjected to extreme discrimination and injustice when they approached the landlord to transfer the land in their name.

Box No. 6

Violence after Violence!!!

Kalpana Kumari Badahi, a widow, recalls her husband diving in the flood to rescue the children and women of the village. Being a helpful and kind person, he was able to save many children by carrying them to higher places. Ironically, no one could save her husband when he fell seriously ill and died after several days due to high fever and severe chest infection. There was no medical help and she could not get him to the hospital. She wasn't even able to get clean water for her husband to drink. Her husband died after suffering from high fever for 8 days. To her bewilderment, she too developed fever and was on the brink of death herself. Luckily her relatives from India arrived after her husband's death and helped her.

Recounting the horrible fate that befell her after her husband's death, Kalpana says that her whole life then turned upside down. Her husband had bought a small piece of land in which they had built their house. Although her husband had already paid for the land, the land title deed was yet to be transferred. After the death of her husband, the previous owner, a male, started to black mail her. He wanted to have sexual relationship with her in exchange of the transfer. She refused instantly.

One day, when she was alone working in her field, the same man came and raped her. She related this to other people in the community hoping they could help her, but the only punishment they decided was to force the man, who was already married, to marry her. The community people also thought that as she did not have citizenship certificate, she needed a husband to acquire one which was necessary to transfer the land in her name.

Thus, Kalpana found herself living with the 60 year old man who had raped her as his second wife. However, after a week of their marriage, the man returned to his first wife. Kalpana went to the man's house to ask him to register the house in her name. Instead the first wife hit her with an axe and threw her out of the house. The man stopped supporting Kalpana in any matter and threatened to have her removed from the house and kill her children. She does not have a citizenship certificate which is a big impediment in seeking support. She says that people might be surprised why she hasn't yet complained to the police but as the old man is rich, and therefore has power, she is afraid to go to the police. "There is no police for the poor and people like me" she says.

-Banke

4.7 Right to Livelihood

The right to livelihood of women in flood hit areas had been adversely affected as agriculture labor, their primary occupation, was severely hampered with most of the arable land being inundated or cut away by the river. Even those who used to work in their own land were forced to seek employment in farmlands belonging to other people. Most of them became jobless as no other alternative employment opportunities were available nearby. Cultural barrier, responsibility of taking care of the children and illiteracy forbade them to venture outside their village and seek employment.

"We had 4 *Katthas* (14237 sq. ft.) of land of our own but all of it was washed away by the

river in 7 years time span. Consequently, we had to leave the place to search for alternative livelihood options. Now we are dependent on *Adhiya* (labour in landlord's farm and get a portion of the produce in return). As a wife of *Adhiya* farmer, I have to work as *Begari* (free labour) at least twice a week in the landlord's house. If I don't work for free in his household, he will not allow my husband to work in his fields." - Dang

Box. No. 7

Saved by the Use of Indigenous Knowledge

Chitra Chaudhari does not know her age. "I must be about 50 years old as my eldest son is 35 years old." She says. Being the only child who survived the malaria that claimed the lives of all her brothers and sisters, her husband moved into her parents house when she got married. When her parents died, they inherited her parental property which comprised four katha of agricultural land, a small house and some live stock.

"The Gwarko River used to be quite far away from her house. But in some fifteen years time, it has moved in and has claimed most of our land" reminisces Chitra. Without a proper embankment, the river started to cut into her land. In some five to seven years period, 75% of her land was gone. She remembers her husband, along with other villagers, had gone to some places to seek help for building an embankment to save their land. Only a small amount of gabion wire was provided and it was not enough to protect the villagers' land. Two months of free labor provided by her family for the construction of embankment went to waste as the river continued its spree of cutting away agricultural land.

As their agricultural land turned useless into river banks, some of her neighbors began to leave the village. Chitra could not bear the agony of being silent spectator of seeing her property slowly being eroded by the river. Though she did not know about and have access to any State agency and other organizations providing support to prevent this, she remembered her parents saying that planting bamboo along the river side can protect land from erosion. She managed to convince some her neighbors and they planted bamboos along the riverbank. After some years, they could see the positive impact of their small venture. Now their land protected by the embankment of tall bamboo plants is quite safe. Though some water does seep in through the trees, there has been no serious land erosion in the past few years. "I should have utilized the knowledge imparted by my parents instead of waiting for help from the State. Most of my land would have been saved" laments Chitra.

- Dang

Besides those working as agricultural labour, a small proportion of the flood affected women, about 8%, were involved in income generating activities (livestock raising, bangle and cosmetic shop, sweet shop, trading spices and vegetable farming) with the credit support from some NGOs. However, 50 % of them had lost their enterprise due to the flood. Flood had not only destroyed their source of income but burdened them with debt they could no repay.

Box No. 8

Livelihood Washed Away!!

Mala Devi Malli's husband, a poor dalit who made bamboo fences, was hard pressed to support his family of seven which also comprised his mother and four children. When a local NGO initiated the formation of saving and credit women groups in her community, Mala also joined in and started to save 10 rupees a month.

Later, she was able to get a loan of Rs. 10,000/ for raising pigs. It turned out to be a good investment. With her hard work, she was able to save 5000 to 7000 rupees per year after repaying the loan installment. She was proud that she was able to make a significant contribution to the family income. Satisfied that her children were getting enough food to eat, she planned to take up more loan and increase the number of pigs.

But cruel fate, in the form of monsoon torrential rain, had something different in store for Mala. Her dreams of prosperity were washed away along with her house and all the pigs. Too busy saving her family, she helplessly watched her pigs being swept away by the flood water.

Her livelihood means were gone and she still had the outstanding loan to repay. Without a home and no money, her family was in a severe financial crisis never experienced before. Mala wondered why this had to happen to her when all was going on so well. She had requested for waiver of her loan citing disaster induced loss beyond her control. Despite heavy odds, Mala was still hopeful. "If I can get a loan waiver and a little bit of help, I will start afresh and make it like before." said Mala.- Mahottari

Destruction of livelihood had also contributed towards migration of male members of flood affected communities. About 20 % of the female consulted reported that their male family members had gone away for work after the flood. People had either migrated to other parts of Nepal (56%) or India (44%) for employment while only one of the male family members had migrated to a foreign country other than India. In the absence of male members, female headed households were more vulnerable to violence.

Box No. 9

Inhuman Exchange: Body for Food

Binita, whose husband had gone to Malaysia around two years back, is a 22 years old beautiful young woman with two children. The elder child is a son aged six while the younger one is a two year old daughter. Despite the absence of her husband, Binita had a relatively hard but peaceful life getting by with her earning from daily wage labour work. However, this year's monsoon suddenly came pouring down and with it came disaster that changed her life.

After two days of heavy rains, she heard screams and shouting and saw people running away. She grabbed her two children and followed the stream of running people. To avoid the floods, she and her kids were also cramped up with many people on a small piece of high land. Her children were crying with cold, fear and hunger but she was helpless. The next afternoon, when the rain finally stopped, some food was brought by the villagers. As this was not enough to feed 40 people who had assembled there, Binita gave away her share to feed her hungry children. The next day too she and her children had to spend their night underneath the open sky.

When she heard that it was safe to go home on the third day, she was quite relieved that they would at least be away from the cold and have something to eat. To her horror, when she got back home, it was half gone! She spent the whole day trying to clean up the mess and create a makeshift place to sleep by screening the half open space with sari and whatever clothes available. There was no food in the kitchen. Whatever was there had all been washed away by the flood.

She sought help from a nearby undamaged house that belonged to a reasonably well off family. The owner, a 40 years old male, sounded sympathetic and reasonably supporting. He told her not to worry and promised to provide all the support. That day, she got some rice from him and fed herself and the children. Early the next morning, her benefactor came to her and offered unlimited food for her children in exchange of sexual favour. She was shocked and stunned!! How could such a nice person she used to address as “uncle” could even think of such immoral thoughts? Yet she could not share this with any one. Having lost their belongings and their dear ones, people were drowned in their own sorry and could not spare any time to listen to other people’s misery.

She roamed around the village trying to get some support but people in similar condition had nothing to offer. She did not have any money as she had not managed to save anything working as daily wage agriculture labor. Her husband had once sent her 40000/- rupees but most of it was used to pay back the loan he had taken to go to Malaysia. She had kept only two thousand for the family which had already been spent.

After spending two days with hardly anything to eat, she couldn’t bear the anguish of seeing her children cry with hunger. There was no sign of relief from any organization. Some people had come to her village to collect names of the flood affected people but nothing came of it. She did not know why they were they not getting any relief? Finally, after days of starvation, she could no longer bear the agony of seeing her children starve and she was compelled to offer her body in exchange of food for her children.- Mahottari

4.8 Right to Participate in Decision Making

Different kinds of groups/CBOs exist within rural communities. The most common groups formed by social organizations were saving/credit, forest user and agriculture groups. Some of the saving/credit and agriculture groups had only women members. One kind of activity, which has been undertaken by most of the CBOs, is savings-credit and small income generation. In-spite of small investment, income generation seems to be the most popular strategy as it has released women from the need to go to money lenders for small amounts, given access to some income in their hands and increased their self confidence and prepared them for group action. However, these groups, formed with specific purpose, were generally not involved in disaster related activities.

Despite claims made by the MoH and UNDP joint initiative, Community Based Disaster Preparedness Programme, and other relief works implemented by I/NGOs that their programmes, having root at the community level, had high participation of the local people comprising maximum number of female volunteers, none of the women consulted were found to be involved as committee members or volunteers. Apart from the involvement of some women in a Women’s Network formed by a local NGO in 7 VDCs of Mahottari district, comprising 11 women from each VDC, with the objective of raising women’s right issues during disaster period, participation of flood affected women in such programmes was nominal.

Box no. 10

A step forward to achieve better result

The Community Development Project (CDP), a local NGO in Mahottari district of the Central Development Region, specifically works for women rights, children’s education

and disaster preparedness and response in 7 VDCs of the district. Realising the critical role of women during disaster period, the CDP had recently formed a Women's Network comprising committees in each VDC covered by its programme. The VDC level committee, with 11 women as members, and the Central Committee, with 14 members (two from each VDC), was established with the objective of raising and supporting women's right issues during disaster period. The committee members have been provided sensitization on basic women rights by the CDP. Despite being a newly formed network, the committees were mobilized for data collections and relief distribution during the floods in 2007. The CDP officials stated that committee members, having drawn many lessons from relief works provided during this year's flood, would be more effective in the future. As the CDP found that it became easier and more effective to deal with women rights issues during the flood in VDCs where the committee members were mobilized, they have decided to further capacitate the committee members.

5.0 Women's Right to Protection, Security and Bodily Integrity

Disaster brings destructions, not the violence and discrimination against women along with it. Yet women have experienced increase in violence against them during and post disaster period. Houses, land and infrastructure can be washed away by the flood but the rights of women were washed away by family, community and the state through violence, differential behavior, discriminatory practices and absence of proper policies. All women consulted were of the same opinion that violence, discrimination and harassment against women in the aftermath of floods are often overlooked or receive negligible attention.

Women consulted across the three districts stated that though violence against women (such as beatings, sexual abuse and mental harassment) was a common phenomenon even in normal times, a significant portion of them reported that the incidence of violence (emotional, physical, structural and sexual) against women had increased after the flood. This was validated by 45% of the women who cited increase in emotional violence and 35% who mentioned increase in physical violence. Likewise, 4% of the women stated increase in sexual violence.

Physical Violence

Alcohol and drug abuse, often linked to depression and stress which are prevalent during the time of disaster, have resulted in violent behavior within families and communities. In the aftermath of flood, desperate men, who were unable to resurrect their lost homes and livelihood, often took refuge in alcohol with the misguided notion that it eases their frustration and dented egos. Out of the total women consulted, 42% reported that most of the physical violence on women occurred in their homes and was frequently committed by their drunken husbands, who often released their frustration by beating up their wives on flimsy grounds such as being reminded about the family's food needs. In some instances, landlords had also beaten up women who were unable to pay back their loan. Apart from being beaten up, women were also quietly bearing tremendous increase in their drudgery as another form unrelenting physical violence.

Women could not grasp why they were subjected to such extreme injustice. They were blamed for inadequate or bad food and beaten up mercilessly. "You brought no dowry when we got married. Why don't you go to your parents and ask for it now to support the family?" This was a common accusation made by the in-laws and husbands of helpless women before being beaten up. Women also reported they were totally under the control of their husband and their in-laws. Any small mistakes or a flimsy pretext could lead to beatings and mental abuse. They cited that financial dependency on their husbands and traditional male dominated societal outlook, which perpetrated violence even in normal times, were significant factors that increased the level of violence after the flood.

"We are traditionally confined to the four walls of our homes. We are not allowed to go outside without permission of the elderly folks. We have been beaten up for not seeking permission. With mounting tension on account of the flood, I was beaten up for gazing outside the window." Banke.

The condition of first or previous wives in polygamy cases were even more pathetic during and post flood period. Women reported that these defenseless females experienced increased level of violence as they were constantly accused for wrong doings and blamed for anything amiss by their husband. It was reported that women of

all age, girls as young as thirteen to elderly women beyond the age of fifty, were subjected to violence.

Emotional Violence

Emotional violence cut across all other forms violence. All kinds of physical and sexual violence against women have direct consequence on their emotional and mental well being. Women reported that escalation in emotional violence occurred due to the disruptions in the family and community structure, loss of property and family members and increased pressure on married women to bring financial support from their parents. It was reported that women of all age, young girls aged thirteen to elderly women beyond fifty, experienced mental violence.

"After the flood swept away our house my husband started to abuse me physically. He developed psychological problems and is always very tense. Before the flood shattered our lives, even though we were poor, we used to have a happy married life. Now there is always strife and tension in the family. I am not being able to give attention to my children. It makes me feel bad. Along with the house and its belongings, my confidence has also gone" - Dang

Restriction of mobility was one of the primary reasons for mental violence on women. Women had been accused of loose character and even extra marital affairs when they went out to search for food. As they became old, humiliation, loneliness and disrespect by the younger generation, especially males, made them even more vulnerable to violence more so in times of disaster when males felt helpless and were unable to take care of the basic needs of the family.

Sexual Violence

Most of the women had to live in insecure shelters after the flood. Living in wall less homes, sleeping in the open, sharing a single room with many people and going to the toilet in the open were some of the common harsh living conditions they had to bear. In these situations that lacked privacy and security, women consulted reported cases of rapes, molestation and other forms of sexual abuse.

Demand for sexual favors in return of food and molestation by rescue and relief workers were other incidents women faced during the disaster period. They also had to bear the humiliation of intentional pushing, pinching and touching of their private parts while standing in the queue with males

Twenty years old Kiran had been living with her parents since her husband left her some two years back for not bringing adequate dowry." I was on top of the tree for five days with no food, no water. When the people from an organization came with relief materials, one of them asked me to come into the vehicle and take my package. When I got in, he started to run his hands all over my body. I ran away without the relief package." Kiran still felt humiliated while talking about this incident. When she talked about this incident with her parents and villagers, she got no support. "Why did you have to go inside his vehicle? You must have led him on." They accused her. "I have done nothing wrong. If my husband comes back and hears about this, he will never take me back" lamented Kiran - Banke.

Patriarchy that cultivates male attitudes of looking down upon women was primarily instrumental in causing incidents of sexual violence against women. This was also applicable in disaster period when some men look upon unaccompanied women and girls as opportunity to have sexual favor. As usual, single women (widow, divorcee, abandoned, separated or unmarried) were the most vulnerable during these periods. Women reported instances of rapes and sexual abuse on single women by their father/brother-in-laws. Single women were also looked upon as easy prey by prospective violators.

6.0 Structural Violence

Structural violence has no age bar. Discrimination starts the moment a female is born in the son-preferring Nepalese society. "The birth of a daughter is a fatality" is a common saying that a girl hears while growing up. The birth of a son is mostly celebrated even in a poor family while a daughter is sometimes perceived as a curse. Even if girls survive their infancy and childhood, they are married off at an early age. In a patriarchal system of marriage, daughters are generally not considered a full-fledged member of the family they are born into. Even after the marriage, a girl can lose self-esteem and human rights if she does not bring enough wealth in the form of dowry

Even though polygamy is illegal, it is socially accepted. Women neither have the freedom of marital choice nor do they have the choice to fertility. Many women still go through unwanted pregnancy and child birth due to lack of choice and decision making.

Flood affected women cited that long standing structural discriminations against women (such as dowry system, accusation of practicing witchcraft, negligible access to family decision making process and property, traditional male dominated traditions, rituals and customs and legal provisions) were primarily responsible for perpetuating violence during disaster period.

Widows were accused of practicing witchcraft for the death of little babies who had succumbed to flood induced pneumonia. New wed wives were accused of being responsible for bringing in bad fate to their husband and the subsequent flood.

Fifty five years old Janaki was cramped up in one room with other family members in a temporary shelter in Mahottari district. A small child from some other family, who was suffering from pneumonia, died after few days. Janaki was accused of witchcraft and casting evil eyes on the child. "I was beaten by the child's family member. They were even ready to make me eat human feces but my neighbor with the support of local NGO saved me." was how poor Janaki recounted her experience.

Women were accused of being lazy and made solely responsible for not being able to save precious belongings.

Box No 11 Life is More Important than Pots and Pans

Uma, a mother of 5 children, lives in a small house close to the Rapti River. To support their family, she works as a daily wage agriculture labor while her husband is a boatman. During the monsoon, Uma and her family always live in fear not knowing when their house will be submerged by the flood water. To save as much food, water and other valuables as possible, almost all the houses in their village have constructed an Attia⁴. This monsoon, their fear turned into reality. When the water came in, Uma was in her house with the children. Carrying her youngest daughter on her back, she started to put as many things (grains, water, utensils, clothes and mattress) on top of the Attia. But the water, which came in fast, quickly moved up to her knee. Though she wanted to put a lot of things on top of the Attia, she was slowed down by the water and her children who also needed to be constantly watched. As the water level began to move higher, she took her children with her and all of them climbed up a nearby tree with a bottle of water

⁴ A high table like place of bricks and mud to place things during the flood

and some beaten rice.

The water level was still moving up and she was worried about the safety of her husband. After about an hour later, her husband arrived and joined them on the tree. The first thing he enquired was what she had placed on the Attia. She explained her condition and told him that though she did her best, she could not save as much as she had wanted. Realizing some of their belongings would now go to waste; he started to get angry and began to scold her. She pleaded that she had done everything possible. He wouldn't listen and started beating her for wasting his hard earned money. She nearly fell down from the tree.

They spent three days on the tree top. Their small bag of beaten rice and the bottle of water just lasted the first day. For two days they had to mangle without food and water. But for poor Uma, the ordeal was even worse. She was frequently beaten by her husband for not saving their belongings. She lamented, "It was not only his earning. I also worked as an agriculture labor to earn a living for the family. I tried up to the last minute I could stay in the water and saved whatever I could. Just because I am a woman, how can my life be less important than some pots and mattress??"

- Banke

A vast majority of the women consulted (89%) reported that they knew that early marriage is against the law and legal age of marriage for girls is 20 years. However, early marriage, which is a common practice, increased even more due to the flood. With their houses destroyed, parents of displaced people felt unsafe to keep unmarried girl owing to greater risk of sexual abuse and trafficking. As a result, girls were married off at an early age. Exacerbation of poverty by the flood was also reported as another reason for early marriage of girls. The prevalence of the attitude of dispensing young daughters to a groom in times of financial crisis brought about by the flood was also reported as another form of structural violence.

Consequences of Violence

Consequences of violence borne by women, in the aftermath of floods, were assorted resulting not only in physical injuries but also in emotional and social suffering. Besides the pain, bruises, cuts and swellings were among the common physical agony inflicted on women. In some extreme cases, they were also callously beaten up resulting in broken bones and fractures and permanent damages to their eye sight and hearing. They felt weak, lost appetite and developed insomnia.

Violence had also left a deep psychological scar on women. In despair and having lost self esteem, many of them were frightened and had no self confidence. As they had no one to confide and unload the psychological burden off their mind, many of them even contemplated suicide. Many of them had to bear the humiliation of forced sex by their husband resulting in loss of sexual desire. Despite their fragile psychological condition that needed understanding and care, they were unable to share their feelings with their husbands due to fear of further violence. Women consulted expressed that, even during these times, some of them had to bear the most humiliating accusation of bearing someone else's child when they became pregnant.

Violence itself served to increase women's vulnerability to disaster:

Unable to bear the unabated beatings of her alcoholic husband for over a decade, Bimala Shrestha had been compelled to leave her husband's house. She now lives in

small hut located on the dried sandy bank of the Pattur river, which is highly vulnerable to flash floods during the monsoon season. "As flash floods are quite common when there is continuous heavy rain for many days, I am sure my little hut will be washed away some day. This year's heavy rains nearly did so. I may not be lucky the next time. What can I do? I have no other place to go. The river gives me employment as a stone crusher. At least, I earn something to feed my two children and there is no pain. I just hope my eldest son is doing well in India. I would rather die than go back and bear the daily beatings." This was how Bimala described her precarious condition.- Dang

Women consulted expressed that insecure environment made them more at risk of sexual violence in the aftermath of flood. Survivors of violence were stigmatized by the society and their own family due to discriminatory attitude and practice. Severe humiliation and disgrace befall on them. They were blamed for tarnishing the family's name. In many instances, the survivors were also accused of encouraging the perpetrators.

Structural violence further marginalized women from access to adequate food, health service, education and employment opportunities. As a consequence, it contributed towards pushing them further into the vicious circle of violence making them vulnerable to more violence in the future.

Culture of Silence

Some of the women consulted said that they tried to run away to escape physical violence that generally occurred in their homes or made frantic call to their neighbors and relatives to save them. However, majority of the women were submissive to violence accepting it as part of their fate.

The culture of silence and submission were the basic coping strategy of women towards violence. Women gave the following reason for silently and submissively bearing the violence meted out by their husbands:

- a) Traditional religious belief of equating the husband to God
Some of the women consulted said: "It is a sin to say bad things about my husband. I will become an animal in my next birth if I go against him." "I must be getting punished for my misdeeds in my previous life."
- b) Patriarchal upbringing that inculcates the culture of docility and obedience in wives.
One of the women consulted said: "He beats me because of frustration created by the disaster. He does not to beat me more than what my body can stand"
- c) For the sake of their children's welfare.
Some of the women consulted said: "Where will I go and how will I feed my children if I am thrown out of the house? I don't earn enough to support for children."
- d) Family's and parent's prestige
Some of the women consulted said: "I was given to this house by my parents. When I shared my plight with them, they told me not to leave the husband's house to save family prestige."

There are cases when women groups and community people had gathered together to take actions against perpetrators who were outsiders. In cases, when women were

beaten in their own house or by their family members, community people or groups hesitated to interfere on the grounds of "personal " or "family" matter.

Women rarely talked about sexual violence such as rape or attempted rapes because of stigma related to the incident. Many of them could not even share the incident with their husband fearing he might blame her for what had happened. Women reported that usually no action had been taken on the perpetrators when such cases were reported so they do not see any point reporting it to police or the administration. During the Maoist people's war, some incidences were referred to the people's court at the VDC level. But this was not prevalent anymore.

Women were unable to speak for their rights mostly because they were unaware about it. Many rural women, born in poverty, grow without education and get married at an early age. Sometimes without even knowing their own age, they give birth to many children. "What can I do? I have to give in to his desire." is the common question of all women who are subjected to multiple pregnancies.

Another factor, hindering women's fight for their right is that they lacked organisational back up. As they were engulfed by their own responsibility, work and problems, they rarely have the time to come together to talk about getting organized and supporting each other. Majority of the women consulted acknowledged that they lacked organizational strength. They were of the opinion that if they themselves were more organized, and equipped with more knowledge and skill they would have better ability to cope with violence and discrimination more effectively.

7.1 Conclusion

Violence against women, during and the aftermath of floods, cuts across all class, caste and geographical boundaries and encompasses a wide range of rights violations. In spite of some positive policies, Acts and interventions brought about by national and international commitments made by the State and decades of long debates and advocacy for gender equality, violence against women in the time of emergency and disaster still remains unspoken and suppressed in the psyche of the sufferer. No specific policy and interventions have been made to address this issue. The Natural Disaster (Relief) Act and related policies were formulated without taking into consideration the asymmetrical power relations based on gender. The efforts of government agencies for disaster management are limited to response works.

Women representation in disaster relief committees from the center to local level is almost nonexistence. Addressing gender issues during disaster situations is further hampered by the low level of gender sensitivity and awareness of key actors associated in disaster management. Most of the key relief actors, who plan, implement and monitor disaster response and rehabilitation works, are not adequately aware about gender issues. Even organizations who advocate women's rights and regard gender as a cross cutting issue in programme interventions have not developed gender sensitive norms and procedures for relief efforts. Though some national and international non government agencies have initiated efforts to address women's specific needs, these efforts, besides being too small in comparison to the demand of the affected area, have not addressed the issue of violence against women owing to haphazard approaches that are highly influenced by individual organization's judgment, perception, budget and the scope of work.

Nonexistence of appropriate mechanisms for dissemination of relevant information on relief assistance and entitlements and lack of transparent distribution processes are the primary reasons for women being unable to claim their rights from the State. This is further aggravated by discriminatory behavior and malpractices by relief workers, volunteers and political leaders.

Ground realities indicate that emergency food support do not reach a significant portion of affected families for months despite claims made by aid agencies that they are made available to the entire affected households within a couple of days. Women, who manage emergency food supplies in times of floods that are beset with the non-availability or inadequacy of food supply, cope with the responsibility of providing food, fetching water, taking care of children and tending to the daily needs of the family. While making these significant contributions to their family, women face reproductive and other health hazards due to lack of appropriate support and have given birth to children without any medical assistance putting both maternal and child health at risk.

While floods had adversely curtailed children's right to education, the State has been a mere spectator unable to provide educational support. Children's education is hampered temporarily due to practice of establishing shelters in schools and permanently due to flood exacerbated poverty. The drop out ratio of girls being twice that of boys in affected areas, in the aftermath of floods, validates gender based discrimination in education.

Owing to discriminatory property inheritance laws along with ineffective and slow pace of implementation of legal provisions related to inheritance and property rights of women, majority of women still do not own any property and face strong socio-cultural resistance

and discrimination in the implementation process of existing laws which men control. This is one of the primary reasons why flood affected women are not consulted in household decisions including matters related to repair and rebuilding of their homes. Assistance to livelihood means has not reached flood affected women despite their livelihood options, primarily agriculture labor, being severely hampered with most of the arable land being inundated or cut away by the river.

Due to socio cultural practice and norms coupled with the lack of proper policy, women lag behind in taking up decision-making positions in community rebuilding efforts. Thus, women's involvement in community based disaster related committees and groups is negligible. Isolation of women within the private sphere not only hold back their participation in community rebuilding and rehabilitation processes but also prevent them to acquire their right to entitlements.

As discrimination and harassment against women are often overlooked or receive negligible attention during floods, violence against women, who silently observe the shock and stay back home to take care of their children and other family members, increased after the flood. Violent behavior of male members, owing to alcohol and drug abuse often linked to depression and stress which are prevalent during the time of disaster, is also responsible further aggravating this situation. Long standing structural discriminations against women such as dowry system, accusation of practicing witchcraft, negligible access to family decision making process, male dominated traditions, rituals and customs and discriminatory legal provisions are primarily responsible for perpetuating violence during disaster period.

With the State failing to ensure women's right to protection, security and bodily integrity, women face increased risk of rape and other forms of sexual abuse while living in wall less homes and insecure shelters. As a result, they also face severe humiliations such as demand for sexual favors in return of food, molestation by rescue and relief workers and sexual harassment in distribution centers during the disaster period. Due to lack of appropriate policy, legal provisions and other supporting mechanism of the State, women have to bear violence against them in silence. Sexual violence such as rape or attempted rapes are rarely brought to the open by the survivors because of stigma related to the incident. Women have lost their faith in the police and administration as no actions are generally taken on the perpetrators when such cases were reported.

Flood situations, which are characterized by denials of many basic human rights, impose severe pain, anguish and suffering on the affected population. But it is women who suffer much more than men despite their enormous contribution in managing the daily needs of their family. Violence against women during these times has been observed to have increased but the State and other development actors appear insensitive to this critical issue. Thus, it was not surprising that majority of the flood affected women were of the opinion that if they themselves were organized and equipped with more knowledge and skill, they would have better ability to fight violence and discrimination more effectively

7.2 Recommendations:

"We will continue to be disproportionately affected by the flood and other disaster unless the state recognizes and fulfill our right"

Recommendations provided by flood affected women:

- Establish effective mechanism that provides women easy access to information regarding their entitlements and rights. Effective channels for the dissemination of information could be local NGOs, Red Cross Units, community based women groups, local FM radio, hoarding boards in schools, health post, local market and VDC office
- Decentralize distribution centers to the VDC level and make distribution system transparent.
- Ensure women's rights to food, clean drinking water and sanitation taking into consideration adequacy and timely support.
- Give special attention to pregnant, lactating and single women's access and requirements
- Ensure adequate and timely health service to flood affected area with special provision of reproductive health facilities.
- Arrange for the continuity of children's educations with special focus on girl child to prevent the drop-out arising from flood situations
- Recognize women's economic right as co-heads of households and contributor to family income
- Support the livelihood means of women through an assessment of agricultural activities and micro enterprise and other informal areas where women are mostly engaged.
- Initiate affirmative action for single women, women with disabilities and older women regarding space allocation in temporary shelter taking into consideration their specific needs.
- Ensure women's right to decision making through the appointment of women in all decision making committees from the community to the national level
- Ensure adequate representation of women in policy formulation and programme design for relief activities, management of temporary shelters, needs assessments and rebuilding of livelihoods
- Take action against perpetrators of violence against women in disaster or any other situation.
- Denounce violence against women occurring in the family or in the community in public.
- Review legal provisions and policies on violence against women for effective implementation or enforcement
- Support women to be organized for collective actions

As women's human rights are ignored during and post disaster situations, it is imperative that women's status during and post disaster be evaluated from a women's human rights perspective. This necessitates gender-based analysis in disaster management in order to develop policy and strategy that can address the VAW in disaster. The fundamental requirement to address violence and discrimination against women is to empower them by supporting their agency and putting an end to the culture of silence. This calls for the adoption of effective policies, regulations and disaster management measures that takes into consideration ground realities and addresses existing gaps in current provisions.

Thus, based on ground realities, the voice of flood affected women and the opinion of key stakeholders, the study has come up with the following recommendation:

1. Recommendation to ActionAid Nepal

Policy reform

Gender strategy

AAN should formulate a separate comprehensive gender strategy, covering all aspect of the disaster cycle, to address women's specific needs in disaster management in alignment with the organizational gender strategy, giving special emphasis to address violence against women.

As gender is a cross cutting theme, coordination between the gender theme and all other themes need to substantially enhanced to properly streamline sharing of documents and obtaining suggestions and feedbacks from the gender theme.

Mechanisms for implementation

i) Advocacy

An advocacy campaign should be launched to develop and maintain a common understanding among aid agencies (government as well as non-government) to address gender issues in disaster situation.

ii) Awareness raising and capacity development

As violence and denial of women's rights during disaster has not been highlighted in wider public arena, ActionAid should conduct a massive awareness campaign to make it the concern of all stakeholders. The campaign should be initiated at three levels:

- Raise awareness of women of flood prone area focusing on what their rights are and how and where they can claim their rights. Support capacity development of women to be informed and become organized.
- Inform local NGOs about the State's provisions and procedures on entitlement and compensation, and enhance their capacity to conduct gender analysis to enable them to identify vulnerability and contribution of women in disaster situation.
- Sensitize key government actors involved in disaster management about gender issues that need to be addressed in disaster management.

iii) Knowledge Management and Dissemination

- Detail mapping of vulnerable areas with gender sensitive indicators. Greater efforts must be given to map discrimination in crisis.
- Support for research related to violence against women during disaster.
- Partnering with government agencies for dissemination of information to stakeholders at the national, district and local level.

2. Recommendation to the State

Policy Reform

- i) **Review Natural Disaster Act:** Natural Disaster (Relief) Act as well as the National Action Plan on Disaster Management are documents that date back to more than a decade when gender considerations and issues were not accorded much priority by the Government. In this context, there arises a need for a comprehensive review of these documents taking into consideration ground realities, international commitments of the State and gender issues that need to be addressed.
- ii) **Ensure Women's Representation:** A minimum 33% participation of women at all levels of disaster management committees in line with the provision in the interim constitution. Being a district level gender focal point, the Women Development Office should be made a member of the District Disaster Relief Committee in order to utilize its expertise and network.

Mechanisms for implementation

- i) **Ensure Coordination:** Develop and implement mechanism that ensures uniformity and coordination among aid agencies working in disaster with a common understanding of gender issues that need to be addressed. Support and encourage the work of civil society organizations combating violence against women in disaster.
- ii) **Decentralization of disaster preparedness, response and rehabilitation activities with capacity development of local authorities to address gender issues:** Disseminate information on entitlements and compensation for disaster affected citizens in partnership with the civil society through local FMs, notices in local language at health posts, VDCs and community buildings and also incorporate related provisions in the Citizen Charter of DDCs, Municipalities and line agencies.
- iii) **Effective Monitoring with Gender Perspective:** Periodically monitor and evaluate all national acts, policies and disaster management measures. Ensure the systematic collection of statistical data disaggregated by sex and by type of violence.

3. Recommendation for Regional Policy Advocacy

- i) **Regional Interaction Programme:** Organize regional interaction programmes among countries in South Asia at regular intervals to share issues, experiences, challenges and success stories in addressing violence against women in disaster.
- ii) **Regional Networks:** Join hands with South Asian countries by forming and using a regional network of civil society organizations working in disaster management to:
 - a. Initiate a regional campaign and advocacy for review, enactment and subsequent enforcement of national policies and laws in alignment with CEDAW for the elimination of VAW in disaster situations
 - b. Make campaigns and advocacy works more effective through regular interactions and consultations and the use of media at the national and regional level.

- c. Make incidences/cases of violence and the contribution of women in the face of disaster more visible at the regional level.

iii) Knowledge Management and Human Resource Development

- a. Develop a South Asian website to highlight incidence of VAW in disaster and share initiatives taken to address them.
- b. Prepare and update a roster of gender experts and aid agencies
- c. Share training manuals, hand-books, teaching aids and methods
- d. Conduct regional studies on issues of common interest such as reconstruction, disaster management / disaster risk reduction.