

Interview 11: NEPAL: Sabitri Pokhrel

Mrs. Sabitri Pokhrel is a Nepalese human rights activist working as a coordinator in the National Secretariat of the National Women's Rights Forum (WRF), an NGO working for the advancement of the rights of rural women. Her organization started its work in the Parsa district, in the eastern part of the country, in 2004 and has since expanded its base across 32 districts. It has over 48,000 members. The Women's Rights Forum acts as a watch mechanism, monitoring the use of resources allocated by the state to rural women.

They advocate in favor of the rights of women and have recently raised issues such as access to land and property rights. They also lobby on behalf of women when cases of violence against women are filed and they work to assist these women in seeking justice. Finally, Sabitri Pokhrel is involved in Nepal's national network of women's organisations.

What do you think of the policing system of your country?

On one hand, the policing system nowadays is far better in comparison to what it used to be. On the other hand, the policing system still has a long way to go. When we go to a police station to file a case of violation of women's rights for example, the police officers often deny registering a case. Moreover, rather than protecting women, the police often pose a risk to them. We have lots of cases illustrating this in Nepal. For instance, we have found that women are often raped by policemen. Women still do not dare to move around freely in their communities. They still do not enjoy the benefits of human rights.

So, in your view, what can be done to make things better?

The main thing is that there are so many ups and downs in our government and our country is structured in such a way that crime rates are increasing and criminals are hardly ever punished. Coming back to the situation of women, their security is not guaranteed. This issue needs to receive significant attention. A strong mechanism should be established which should promptly punish the perpetrators of violations. In our country, if any incident occurs, it usually takes a week, and sometimes even more than that, to simply to register a case. For instance, when a woman is raped, if the police take such a long time to register the case it is harder to get evidence of the crime. Moreover, the police often act in favour of the perpetrators, not punishing them but allowing their release. We have documented numerous cases on this issue. High-ranking officers or political leaders have been found giving orders not to punish the culprits and, if caught, to release them. When people are not punished for their crimes because influential people in power safeguard them, it encourages other people with criminal sentiments to commit crimes. Because of this, Nepalese women are not safe from any angle, and we feel unsafe.

What do you think of the use of torture?

The practice of torture by the police is not good in any way. To use torture to extract information for investigation purposes is totally wrong. Human rights laws assert that torture should not be inflicted on anyone, even when there is strong evidence of a person's involvement in criminal activities. Women are threatened with torture too. In court, they are asked questions in open sessions, not in closed sessions. This way of extracting information from women is totally wrong, but unfortunately that is what has been happening in our country. Due to fear, some women accept a crime even if

they have not been involved in the crime. Most of the time, the police pose unnecessary questions to women who go to register a case, mostly in cases of domestic violence. They ask questions like: Why were you beaten? How were you beaten? When were you beaten? This is an insensitive way of enquiring about incidents of violence, and such questions make women feel more harassed. The way that the police speak to women makes them feel like victims all over again.

Do you have any cases that you can share?

Yes I do. Last year in Nepalgunj, the western part of the country, when Rekha Tamauli was poisoned to death [by her husband,] we held a hunger strike in front of the Chief District Officer (CDO). The police came and chased us. Some of us were mishandled and we had to run, hiding our bodies in public. (Women's bodies were exposed in the scuffle.) One might think that this behaviour on the part of the police is the optimum level of police torture. But the administration does not arrest people involved in these sorts of incidents which we have frequently faced. The other case is from Kanchanpur district where a married woman was poisoned to death by her mother in law and husband. As the government did not arrest and punish the culprits, we organised a nationwide peaceful stick rally. The police beat us using the same sticks that we carried during the protest. Often, when we go to register a case, the police use abusive words with us and will harass us mentally and physically.

What is your idea of a good relationship between the police and the Nepali citizens?

When we talk about the relationship between the police and the citizens, we cannot say that the relationship is totally bad, neither is it totally good. This is because the police are working under the influence of either the government or of senior police officers. The police should be working to help common citizens in trouble and assist them in a timely fashion. Instead, the police in Nepal are working to fulfill the demands of highranking officers as well as that of political party leaders. Nevertheless, in some cases, due to immense pressure from the people, the police have also worked for the benefit of the common people. So we have a 50-50 ratio.

So now let's come to you then. If you have a problem, would you consider it safe to go alone to the police station to register a case?

Even when I go there as an officer from my organisation, the officers on duty find excuses to deny registering the case and try to harass me, so how can I think about going alone? If I go alone to the police station to register a case then my security is not guaranteed. Anything can happen there, from mental to physical torture. If it is a small police station, I may consider going alone but if it is a high level police station in which a Senior Superintendent of Police or a Deputy Superintendent of Police is stationed, I would never ever go there alone.

So if you are in trouble, you would not consider it safe to go to the police station to complain?

No, because in a country in which policemen have raped policewomen we believe that it will not be any problem for them to rape us as well. Last year in Accham district, Policewoman Suntali Dhami was raped by her male colleagues in the police station itself. Three of the policemen were arrested in the case, but they were not given any concrete punishment. Because of this, Suntali Dhami resigned from her job and is currently living in Kathmandu because of security reasons.

From a wider perspective, the government has opened 15 safe houses [shelters for women victims of abuse] in the country. But the problem is that women are not safe, and are at risk of being raped, even in these houses. The case of Nirmala Kurmi from Nepalgunj district is similar. Constituent Assembly (CA) member Badshah Kurmi from the Nepali Congress killed her husband and murdered her two sons after they were admitted in the hospital using slow poison. He then stole her citizenship and property ownership certificates. After nationwide protests from our organization and other organizations within our network, Badshah Kurmi returned the citizenship and property ownership certificates to her. We have put her in a safe house located at Nepalgunj but she is still receiving threats even inside the safe house. The government is keeping quiet about this incident and has not initiated any further steps.

Is there a law against domestic violence in your country?

Yes, Nepal has a Domestic Violence Act which was made into law in 2009. The government has slowly been starting to use it. But the main problem is that Nepalese women are not aware of the issue of domestic violence. Firstly, they do not consider what they face in their domestic life to be violence and secondly, they do not know where to report a case of domestic violence. This year, we have started raising the issue of domestic violence to increase public awareness on this issue. Among the 80 countries which have domestic violence laws, including Hong Kong, China, India, Malaysia, Thailand and Nepal, there has been some progress regarding domestic violence. But in Nepal, we still need to raise public awareness about the Domestic Violence Act. I believe that once people become aware of these laws, women will slowly start making more complaints against domestic violence. The good thing is that women have already started coming out of their homes and speaking out and taking the initiative to end domestic violence.

What about the implementation of the domestic violence law?

There is a deficiency in the complaint mechanism. The law states that the case should be registered preferably within 24 hours at the local police station. But we need to keep in mind that there are places in Nepal that are very far from a police station, and women might not be able to arrive at a police station within 24 hours of the crime. There is no guarantee that the police can arrest the culprits within 24 hours. You can take up to 90 days to register a case but in that time the case will lose its significance.

The problem is that first, hardly anyone files a case on domestic violence and secondly, the police do not work to arrest the alleged culprits within 24 hours. If the police do not arrest the perpetrators within 24 hours, the complainant must file their case again, which is difficult to do. Also, we should not forget that not all of the villages in Nepal have police stations. Moreover, many citizens do not believe that they will get justice, even when the complaint has been filed. In Jumla district, you need to walk for three days to reach a police station. How can a woman think of walking to the police station when she is not assured that she will get justice once she has complained? The National Women's Commission is in Kathmandu; how can a woman from a remote part of the country come there to make a complaint? Women do not have property in their names so they do not have the money necessary to go to these places. You can also register a case at the local administration, but the issue is that it is more or less run under the influence of the local political party. Therefore, if the perpetrators of domestic violence are involved in one of these political parties, it is highly unlikely that they will be arrested.

These are the issues regarding domestic violence in Nepal. The issues and problems with the system are slowly gaining attention as women learn about women's organizations who will listen to them. But the main concern is that women are afraid to come out and register a case because they wonder how they will be able to go back to the same house if they are not successful in getting justice.