


Witchcraft allegations and untouchability as forms of violence upon women in Nepal: A 7-year study

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Abstract

The Nepalese constitution guarantees equal rights to both men and women regardless of caste, race, or ethnicity. However, the centuries-old superstitious practice of caste-based hierarchy in Hindu community and discrimination against people of lower caste are still prevalent. Furthermore, witchcraft allegation is also not uncommon. Both these practices are derogatory and humiliating and violate human rights and the law can penalise them in both instances. Due to the intersection of gender and caste, women often face multiple forms of discrimination and violence as the patriarchal society considers them a weaker gender. The present study aimed to see the trend of crimes upon women reported by Nepal Police in the form of witchcraft allegation and untouchability between the fiscal years 2013/14 and 2019/20.

Keywords

Witchcraft, violence against women, untouchability, Nepal

Introduction

Nepal struggles with many forms of violence against women arising from cultural and social constructs and misbeliefs. Of the various forms of violence against women in Nepal, untouchability and accusations of witchcraft are common. Majority of the Hindu communities throughout the country still practise caste-based untouchability.^{1–3} Accusations of witchcraft are prevalent in the Terai region (low plains) and rural hilly regions of the country.⁴ Witch-bashing is a form of gender-based violence and violation of human rights where an individual is branded a witch (*Bokshy*).¹ The alleged woman is blamed for using her magical powers and causing misfortunes and incidents such as premature death, physical illness, mental illness, death of livestock, and natural calamities.¹ The frequent targets are usually a widow, a single, elderly woman, or a woman from a low-caste community. The alleged witch is verbally abused and in extreme cases, severely battered, head-shaven, garlanded with shoes, paraded naked, force-fed human excreta, and even killed.¹

The Nepalese constitution guarantees equal rights to both men and women. The government of Nepal declared the year 2010 as the year against gender-based

violence upon women. “Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068” came into action in 2011. Those who discriminated against individuals based on caste rendering them untouchables, would be punished with imprisonment ranging from three months to three years and/or fine starting from 50,000 to 200,000 Nepalese rupees (NPR).⁵ In 2014, a separate law was passed entitled “Witchcraft Allegation (Offence and Punishment) Act, 2072”, which ensured imprisonment of the perpetrator up to eight years and fine up to 100,000 NPR.⁶

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The punishment is doubled for the same offender on a subsequent offence. In addition to this, perpetrators can be prosecuted for other charges related to the incident, such as torture, assault, and murder.⁶

This study explores the trend of reported crimes on untouchability and caste-based discrimination of women in Nepal after the amendment of caste-based discrimination and untouchability act in 2011. We also compared the trend of witchcraft allegations during the same period.

Methods

This was a descriptive study assessing the trend of untouchability and caste-based discrimination cases reported in Nepal for the last seven years during the fiscal years between 2070/71 (2013/14) and 2076/77 (2019/20) of the Nepalese calendar. The official Nepalese calendar is a Hindu calendar known as “Bikram Sambat” (BS) which is 56.7 years ahead of the Gregorian calendar, e.g. 2021/1/1 AD is 2077/9/17 BS. The Nepalese fiscal year usually ends on the 15th of July every year. Reported cases of witchcraft allegations during the same period are also included and are based on the crime data related to women and children obtained from Nepal police which is publicly available on their official webpage “www.nepalpolice.gov.np”. As we considered only published data, this research project was exempt from institutional review board approval. However, written permission from Nepal Police was obtained before the data analysis.

Result

The number of offences of untouchability registered by Nepal police averaged 21.57 ± 11.27 per year, with the

highest case ($n = 43$ reported) reported during 2018/19 and the lowest during 2014/15. Likewise, there was a similar trend seen in the number of reported cases for witchcraft accusations (Figure 1). There were 37.43 ± 9.13 cases reported on average per year with a maximum of 48 cases in 2017/18 and lowest in 2016/17 ($n = 24$). The graph showed a decline in the number of reported cases during the fiscal years 2015/16 and 2016/17, whereas the offenses increased and were nearly equal for both the crimes in the fiscal year 2018/19.

Discussion

This study showed a similar trend of reporting witchcraft allegations and untouchability. There was a slight decline in the number of cases of violence upon women during the years 2015 and 2016 which can be attributed to the fact that a mega-earthquake of 7.8 magnitude hit the country on 25 April 2015. This earthquake was followed by hundreds of aftershocks and a second major temblor of 7.3 magnitudes 17 days later. There were 8860 reported deaths, 22,307 injured, and 198 missing as per the Nepal police data released 100 days after the quake.⁷ The earthquake directly affected one-third of Nepal’s population (8 million), demolishing 600,000 homes, damaging 288,000 homes, and leaving hundreds of thousands in extreme poverty.⁸ The earthquake had a bigger impact on women as there were more incidences of violence against them.^{9,10} However, the complaints registered by the Nepal Police showed a decline, which can be attributed to under-reporting.

The National Women Commission (NWC) provides a 24-h helpline service (number “1145”) to women. During the fiscal year 2018/19, the online case management system reported having received 1318 complaints

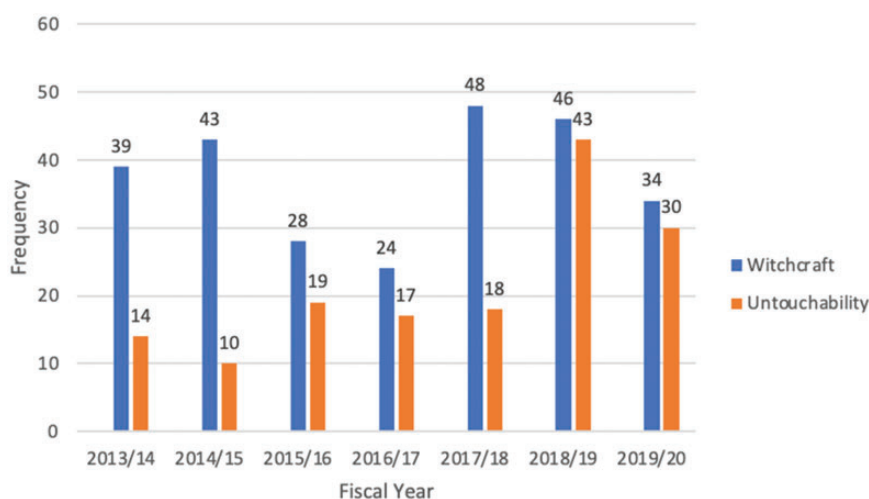


Figure 1. Crime data related to women and children in the form of witchcraft and untouchability for the last seven years.

of domestic violence and 156 complaints of violence against women.¹¹ It is estimated that 90 women die annually due to witchcraft allegations and hundreds due to cases of extreme violence;¹² however, Nepal police data showed only 37 cases registered annually on average. This shows the under-reporting of cases of gender-based violence. In the patriarchal Nepalese society, once a woman is called a witch, the label will stick to her forever. One reason for not reporting the allegations is to prevent the further spread of rumour. The local shamans or faith healers are the ones who usually brand a woman witch. People from rural communities go to shaman or faith healers if a family member is ill. There is a strong belief that these shamans have divine power to witch-hunt and free anyone from a witch's spell. The shamans prescribe a *pooja* (worship) to keep witches' magic spell at bay. The superstitious people blindly believe them and do not question his/her allegations.

Although the law can fine or imprison perpetrators or both, the skilled operators usually leave no physical evidence of discrimination, verbal abuse, and humiliation. The lack of physical evidence may go against the victims, and the perpetrator is either acquitted by the court or freed with a minimum fine.⁶ The woman has to live with the trauma of humiliation and mental torture for the rest of her life. NWC has reported many cases where women have left their ancestral houses and have settled in rented rooms with their families in urban cities.¹²

Due to the intersection of gender and caste, women may face multiple forms of discrimination. The deeply rooted superstitions are hard to address despite the stringent law. The law only comes into action when there are a grave human rights violation, or deaths. Illiteracy, strong belief in superstitions, animosity and rivalry, and caste-based discrimination are some of the reasons for violence upon women. Furthermore, the attitude of speculating violence against women as a women's issue by society needs to change.¹³ If the bystander approach is practised by educated people in the community, as in sexual abuse cases, violence upon women in form of untouchability and practising witchcraft will surely decline.

Declaration of conflicting interests

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