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SAFERWORLD
PREVENTING VIOLENT CONFLICT. BUILDING SAFER LIVES

“I CAN SPEAK”:

Navigating masculine spaces
in federal Nepal

FEDERALISM IN NEPAL – VOLUME 5



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About Sundar Santa Nepal

This project aims to support the implementation of federalism and inclusive peace in Nepal by building understanding around evolving forms of marginalisation in the present context. It collaborates with provincial and local government representatives, civil society and the media, to draw lessons and best practices. The project is managed by International Alert and implemented through a consortium of Saferworld, BBC Media Action and local partners Samagra Jana Utthan Kendra, Jan Jagaran Club, Support-Nepal, United Youth Community Nepal, Mahuri Home and Nepal Madesh Foundation. It is funded by the Government of the United Kingdom through the Conflict Stability and Security Fund (CSSF).

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EXECUTIVE SUMMARY

Nepal's journey as the newest federal republic in South Asia has been far from smooth. Slow recovery from the decade-long armed conflict and political instability followed by a contested transitional justice process, one of the crucial pillars of the Comprehensive Peace Accord, have largely excluded the needs and concerns of minorities and marginalised communities in Nepal.

A review of Nepal's journey towards achieving gender equality in the 25 years since the 1995 Beijing Platform for Action presents a promising picture. A 2015 report published by UN Women has identified five areas of progress that Nepal has made towards achieving gender equality: a more gender-friendly constitutional and legal framework; substantial improvement in women's representation in the public sphere; increased access to education and higher educational achievement; significant improvements in maternal and child health; and increased access to economic resources.¹ In addition, social and legal rights gained by sexual minorities has led to Nepal being hailed as a global beacon of LGBTI rights.² Despite these visible positive changes, considerable challenges still lie ahead for Nepal to achieve gender justice. Weak political commitment and a lack of implementation strategy has limited gender-friendly legal policies and provisions to paper only.³ Similarly, women's limited ownership of property and assets, wage discrimination and social barriers to work outside the home have persisted despite collaborative efforts to facilitate their economic empowerment. The increasing incidence of violence against women in both the public and private sphere has necessitated more nuanced and collaborative efforts from all members of society to deal with it. In addition, implementation of affirmative action policies has resulted largely in token representations rather than addressing the gender-related power imbalances in Nepali society.⁴

Despite these challenges, it cannot be denied that newly introduced federalism has brought a new sense of euphoria and hope among the people of Nepal. Federalism has also widened marginalised groups' access to and increased their participation in the state services and decision-making processes.⁵ The current research explores experiences of women and sexual minorities in accessing public spaces and justice mechanisms in the post-federal contexts of Nepal. This research is of a formative nature and does not claim absolute generalisation in representing the experiences of all marginalised groups, including women. However, by delving deeper into the personal experiences and stories of different categories of women and sexual minorities, it offers insights and nuances to enable policy-makers and practitioners to understand the undercurrents of the gendered nature of social change and also to identify behaviours, norms and social practices that have perpetuated marginalisation.

The broader aim of the research was to understand the change in gender relations in the context of Nepal's transition from centralised government to federalism through the microscopic lens of the personal experiences of women and sexual minorities. The research was informed by the following objectives:

1. What are the family and institutional dynamics that shape experiences and performance of elected local women representatives and women active in public spaces?

1 UN Women, Substantive equality: Non-negotiable, progress of women in Nepal (1995–2015), Nepal: UN Women, 2015, <https://asiapacific.unwomen.org/en/digital-library/publications/2015/12/substantive-equality-non-negotiable#view>

2 K. Knight, Bridges to justice: Case study of LGBTI rights in Nepal, New York: Astraea Lesbian Foundation for Justice, <http://www.astraeafoundation.org/uploads/files/Astraea%20Nepal%20Case%20Study.pdf>

3 National Judicial Academy (NJA), Research report on women's access to justice through the Nepali judicial system, Supreme Court and the NJA with support from UN Women, Nepali version, 2016, <https://asiapacific.unwomen.org/en/digital-library/publications/2016/09/research-report-on-womens-access-to-justice>

4 G. Shrestha, B.R. Upreti and Å. Kolås, Women, peace and security: The case of Nepal, in Å. Kolås (ed.), Women, peace and security in Nepal, Oxford: Routledge, 2017, pp.113–136

5 J. Rai, Deepening federalism: Post-federal analysis on marginalized communities in Nepal's Tarai region, London: International Alert, 2019, <https://www.international-alert.org/publications/deepening-federalism>

2. What are the familial and social barriers faced by marginalised women and sexual minorities to access public spaces and services?

The findings of this report are derived from 25 semi-structured interviews conducted with two broad categories of participants: first, women active in the public sphere, which included local elected women representatives (8), female community health volunteers (3), a teacher (1) and a forest user group member (1); and, second, members of marginalised communities, namely sexual minorities (3) and women belonging to different marginalised groups (9). The fieldwork covered five districts within three provinces. The details of participants are discussed in the Methodology section.

1. KEY FINDINGS

The report presents an understanding of gendered relations embedded in family, political parties and government bodies through individuals' experiences and stories.

- Federalism has opened new spaces and widened the available spaces for different groups, including women, to be engaged in politics and public spaces.
- Social institutions in Nepal, family, community and state, continue to be masculine spaces imbued with masculine culture. Women, whether those active in public spaces or those from marginalised communities, continue to struggle for their identity and position within such spaces.
- Women are learning to negotiate and contest these masculine spaces in a range of different ways.
- Family support for elected women representatives is not necessarily about getting practical substantial support to undertake their responsibilities. It is more about women gaining permission or approval from their husband. This approval is often dependent upon women continuing to take responsibility for their household.
- Social networks are important. Women with better access to social and political networks also had better access to public spaces and were more successful in undertaking their responsibilities.
- Marginalised women's access to justice and public spaces has increased, which is evident through their comparatively easier access to social protections and allowances.
- However, marginalised women's access to justice has been compromised by the use of political influence by the perpetrators of crimes against them.

2. METHODOLOGY

This is a qualitative research focusing on women's individual experience with the family, community and state in the context of federalism in Nepal. The selection of participants was carried out through consultation with International Alert field staff and women's rights activists actively working in the provinces. Interviews were conducted in a relaxed manner, ensuring the comfort level of participants. They were undertaken in Nepali with most of the participants who felt comfortable with the language. In Province 2, most of the interviews were conducted in Maithili and Bhojpuri with the help of the local translator.

Two field visits were conducted for data collection: the first field visit in the last week of September 2019 in Province 5, and the second in the second week of November 2019 in Province 2 and Sudurpaschim. These two fieldworks involved 25 participants living in five different districts in Nepal. Details of the participants included in the research are presented in Annex 1.

The time and place of interview was set up based on the convenience of participants, ensuring their privacy and comfort. Interviews were conducted in private spaces where participants felt comfortable to share their experiences without interference. Researchers were cautious not to cause further trauma and pain to participants by talking about their experiences of violence.⁶ As most research participants, including elected women representatives, have shared the very private and personal experiences of their lives, care has been taken to protect their right to privacy and anonymity.

The findings of the study are discussed broadly in six themes, identifying both commonalities and differences of experiences of the participants involved in the study.

6 A researcher met with an 18-year-old survivor of gang rape. As the research team had prior information about the attack and its aftermath, the interview with the survivor focused on her daily life rather than her traumatic experience of violence.

3. THE POWER OF VOICE

Despite the challenges discussed above, the experiences of women and sexual minorities show the power of the voice and the possibilities of positive change that it can bring. The ability to speak up and express one's opinion, regardless of whether or not those in positions of power will necessarily listen, was crucial. The act of speaking itself was an important one for elected women representatives who are present in masculine spaces such as local government institutions in Nepal. Although all women leaders expressed that they had the confidence to speak up, having the power of voice, this confidence to speak up, was far more important for Dalit women leaders who did not have a formal education. A 60-year-old Dalit women shared:

"They know I can speak up. They say, I am 'Batho'. And I am not afraid to talk to anybody."

Madhesi Dalit ward member, Province 2

While, in the case of Dalit women leaders, having the power of voice facilitated their entry into politics, higher-caste Madhesi women leaders without prior experience in politics had different experiences as presented in the box below.

Finding a voice

Ramdevi (a pseudonym) was a 50-year-old homemaker. Her father, a renowned politician, arranged her marriage to a man belonging to the same party. When her husband did not receive the nomination for the position of mayor for the local election in 2017, he managed to convince the party to nominate her for the position of deputy mayor. Although Ramdevi won the election, all her responsibilities as deputy mayor are now handled by her husband, who sits in a chair next to hers in the deputy mayor's office. On the surface, she might be seen as someone controlled by her husband; however, compared to her former experiences of being limited within the household, a clearly visible change has occurred. Previously, she was shy and could not express her opinions or talk to people outside of her family members. Now, she feels confident and says, "What if I cannot understand and read Nepali? I can understand Bhojpuri. I can understand women's issues." Her husband might seem to be in the driving seat of her job; however, she has started to question him as well as participate more broadly in the discussions and other decision-making processes.

Ramdevi's experience shows how affirmative action policies, such as reservation on political participation, can enable women to have a voice. Her participation in politics, which started in the form of token representation, has shifted the power dynamics and her identity not only inside her home but also in the public space.

Other women active in public spaces and marginalised groups had similar experiences. A female community health volunteer in Province 2 said:

"I am not scared of anyone anymore. Earlier, I used to hesitate to enter the government buildings and talk to the officials. Now, I can speak. They are people I know."

These experiences from diverse groups of women show how women themselves are recognising the importance of finding their voice and the way they can use it to challenge the status quo.

4. NAVIGATING MASCULINE SPACE AND CULTURE

Nepali women make up more than half of the nation's population, yet Nepali society is governed by social relations of male power. This power extends from the personal domain of family to the public domain of economy and politics. Indicative of the continuity of historical inequalities, high-caste Hindu men predominantly hold the positions of leadership and control in powerful organisations of political structure and economy. This, in turn, has established and strengthened these private and public institutions as masculine spaces.

Prem Chowdhry defines masculine space and explains how it operates at the intersections of class, caste and gender inequalities:

"Masculinisation of space means an access to and control over resources of various kinds – material, sociocultural, political and ideological. Signifying both the symbolic and the material dimension of male power, these spaces validate men's control at home, in the village, community, and wider society while asserting the caste and class hierarchies."⁷

With the growth of women's participation in economic, social and political activities, women are inhabiting the spaces traditionally viewed as the exclusive domain of men. As of 2017, Nepali women held 30% of parliamentary seats and 40.9% of seats in local government at the provincial level. Similarly, 68% of Nepali women are employed and more than a quarter (31.3%) of households are headed by women.⁸ These shifts are indicative of Nepali women's increasing access to and participation in both private and public institutions. However, women continue to face complex challenges to navigate their identities and positions in these spaces that are imbued with masculine culture. This is discussed in more detail below in the stories of elected women representatives included in the research.

The growing body of research on women politicians in South Asian countries such as Nepal shows that women's participation in politics is often reduced to symbolic representation. Examination of the history of women political leaders within South Asia and Nepal shows that the majority of leading women politicians were either hereditary politicians or were put forward in elections as bereaved wives and daughters to gain sympathy votes. The results of the 2017 local election in Nepal need to be analysed taking into account these contexts.

Successful completion of the elections in three spheres of government at the local, provincial and federal level in 2017 is recognised as an important milestone to institutionalise federalism in Nepal. The local election not only filled the power vacuum at the local level caused by the absence of elected representatives for nearly two decades⁹ but also became an important mechanism to enable the foray of women leaders into the centre of political power. The presence of 14,352 (40.9%) elected women representatives among 35,041 local representatives, across 753 local positions¹⁰ has changed the landscape of political leadership of Nepal.

7 P. Chowdhry, Masculine spaces: Rural male culture in North India, *Economic and Political Weekly*, 49(47), 2014, pp.41–49

8 Central Bureau of Statistics, National population and housing census 2011: National Report, Government of Nepal, National Planning Commission Secretariat, <https://unstats.un.org/unsd/demographic-social/census/documents/Nepal/Nepal-Census-2011-Vol1.pdf>

9 The previous local election was held in 1999. Growing political instability and lack of security due to increasing Maoist influence made it challenging to hold further local elections.

10 This comprises six metropolitan cities, 11 sub-metropolitan cities, 276 municipalities and 460 rural municipalities.

On the surface, the presence of a growing number of elected women representatives at the local level is an important milestone. However, this needs a detailed examination of policies on affirmative action and the gendered nature of politics and political parties in Nepal. The Local Election Act (2073 VS) stipulates that, among four members at the ward level, two must be women, including one Dalit woman. Similarly, to ensure that at least 40.4% of the nominees are female, the act also mandated that political parties nominate at least one candidate for the position of either mayor or deputy mayor of the municipality, or chair or deputy chair of the rural municipality. Interestingly, as political parties prioritised the nomination of male candidates as mayor/chair, the position of deputy mayor/chair began to be seen as reserved for women candidates. The results of the local election show this glaring reality. At present, 92% of deputy positions are held by women (700 out of 753 urban and rural municipalities),¹¹ whereas only seven mayors and 11 chairs are women. At the ward level, all positions were filled as required, with a total of 6,742 women and 6,567 Dalit women as ward members. However, only 265 women are now working as ward chairs out of 13,484 positions.

There have been a few studies that have examined elected women representatives. The 2018 study conducted by The Asia Foundation¹² explored the needs and capacities of women representatives across 20 rural/urban municipalities in seven provinces. The study reported that more than half (53%) of elected women representatives reported experiencing challenges in fulfilling their responsibilities. Research participants also identified the need for a series of training on leadership, empowerment, constitution, law and government policies. Similarly, Seira Tamang argues that there is a misguided presumption that elected women representatives are facing similar obstacles to their male counterparts. She argues that a gendered analysis of both formal and informal rules, norms and processes of the political institutions in federalisation is required.¹³

Examining the experiences of elected women representatives shows that women politicians are not a priority within the political parties. Party nominations for women candidates for the 2017 local election was left until the last minute. The deputy mayor of one of the sub-metropolitan cities of Province 5 said:

"When it was finalised that I was to be nominated, it was barely two weeks before election. And I had to go to Kathmandu to collect the paperwork for the nomination. But the whole party office was abuzz with the nomination of the mayor that they wouldn't issue me the paper in time. I was really stressed. When I finally got a paper, I barely had one week for the preparation of the election."

She revealed during our conversation that, without the strong social network she had built through years of social work and engagement in journalism, she would have lost the election given the short period of preparation for it. She also shared that there was discrimination during the counting of votes as well. The vote-counting area was filled with men, who prioritised the counting of votes for the mayor. As soon as the winner was declared, the counting area was empty. The deputy mayor had to call several people, mainly her senior male politicians and journalists, to exert pressure to resume the counting process. These scenarios indicate how women politicians struggle to navigate complex challenges in spaces that are predominantly masculine: inhabited by men and where masculine culture is valued.

11 Among 293 urban municipalities (including six metropolitan cities, 11 sub-metropolitan cities and 276 municipalities), 276 deputy chairs are women. Similarly, within 460 village municipalities, 424 women are vice-chairs.

12 Australian Government, Department of Foreign Affairs and Trade (DFAT) and The Asia Foundation (TAF) Partnership on Subnational Governance in Nepal, Nepal's locally elected women representatives exploratory study of needs and capacity, study conducted by DFAT and TAF, 2018, <https://asiafoundation.org/wp-content/uploads/2018/07/Nepals-Locally-Elected-Women-RepresentativesExploratory-Study-of-Needs-and-Capacity-Assessment.pdf>

13 S. Tamang, "They've given us the chair, but bound our hands and feet": Embedding elected female representatives in institutions in Nepal, *Studies in Nepali History and Society*, 23(2), 2018, pp.309–352

In addition, women are routinely judged and regarded as 'unskilled' and 'incapable' of carrying out their responsibilities. These discourses have been particularly predominant since the first Constituent Assembly in 2008, a historic milestone to bring 32.8% of women into mainstream politics through affirmative action policies.¹⁴ The Constituent Assembly also set a precedent for the inclusion of marginalised women, who were merely seen as a vote bank by politicians.

Discourse on skills of women politicians and collective responsibility

Participants felt a strong sense of being judged as women politicians, particularly among educated political leaders. These women leaders expressed that one way or another they are seen as representative of all women political leaders and that their appointment was a test of their merit and skill as a politician. Women were also fearful that, if they do not succeed, this would create a negative opinion about women politicians as a whole and the current opportunity created by the reservations may be lost.

The experiences of marginalised women are even more complex in comparison to women political leaders who belong to traditionally influential castes/ethnicities, are comparatively empowered and have wider social and political networks. The experience of a 45-year-old Muslim street vendor in Lahan (Province 2) shows how marginalised women struggle even more in public spaces shaped by masculine culture. She shared how police would often target her first by seizing fruits from her stall,¹⁵ which prompted other fruit vendors to quickly pack their goods and run away. A local women's rights activist, who also helped to translate the interview, added:

"It is because they know she is a woman, a Muslim woman. They know she is a divorcee. She has no male member in her family to speak up for her."

Women who find themselves in masculine spaces have to learn how to navigate their identities and positions. These navigations take different forms of negotiations and contestations. For example, the street vendor often had to visit the police station to retrieve her seized goods. Understanding the value of a social network, she would immediately call a women human rights defender she knew well. Often, they would visit the police station together, which created a pressure on police officials to release her seized goods without much delay.

The following section explores the various forms of negotiations and contestations that Nepali women use to navigate masculine spaces based on the experiences of elected women leaders.

14 Before 2008, Nepali women's participation in parliament was below 10% and only women belonging to a high caste and elites with access to the nexus of political power were able to participate.

15 The local authorities attempt to regulate the street vendors by patrolling the city area and seizing their goods. Most vendors belong to marginalised communities, who have limited options for their livelihoods.

5. NEGOTIATIONS AND CONTESTATIONS

All women political leaders interviewed were working together with either male mayors or male ward chairs. Their experiences reveal that elected women leaders are often patronised and are viewed merely as someone who would sign a register to agree with all the decisions made by the head, who is most likely to be male. This phenomenon was particularly predominant at the ward level, especially for Dalit women members who had little or no formal education.

Two Dalit women ward members of Lahan Municipality (Province 2) reported that their male ward chair wanted them to sign the meeting minutes book to carry on with the planned development work. So, the majority of the budget would be spent on the infrastructure in the area where the ward chair's house was located. Both Dalit women members resisted and wanted to bring the budget to the area where they lived. One of the Dalit ward members said:

"I cannot forever refuse to sign the meeting minutes book. People would see me as an obstacle to development. So, I would have to sign it. What can I do?"

A major area of confrontation between ward members and the ward chair was the development budget. Women leaders naturally were keen to allocate some of the budget for skill-based training for women. Among five ward members, three women reported being able to allocate a small amount of the budget for those trainings. However, most of the time, they were told by male ward chairs and other male members of the government bodies:

"Why do you need a separate budget for the women? We are building the roads, making the drains. So, aren't women going to walk through those roads?"

The ward chair's insistence on prioritising infrastructure development shows not only how the needs of different groups of marginalised women are ignored, but also the nexus between businessmen and contractors, which means that corruption has spread widely at the local level.

However, these experiences do not mean that women political leaders are not confronting these biases and navigating these challenges. They are. Two deputy mayors of Province 5 and 2 are negotiating these challenges in a very different way. The deputy mayor of Province 5 shared that:

"The mayor of our city is an experienced politician. So, he told me, 'Don't worry, bahini, I will teach you how to work, as I was elected before.' Then, I said, 'Look, Mayor saab, your experience would have worked if this was the old system. But now, the system has changed. You and I are the same. We both have to learn from scratch, how this works.'"

During the interview, she revealed that the mayor now recognises her knowledge and skill in drafting the law and the budget. She has made herself indispensable through her skill and experience and also her confidence, which has helped to minimise the conflict between herself and the mayor. The deputy mayor of Province 2 described how elected women representatives are learning through their experience and are now being respected for their work. She said:

"The first year after the election was chaos. No one was really clear what to do. I knew it was my responsibility to manage the justice committee. And I knew very little about it. So, without hesitation, I started asking people who knew. I started reading. Now, see I have put all the information together. I now get calls from other deputy mayors, who are confused and I try to help them."

6. UNPACKING THE NOTION OF 'FAMILY SUPPORT'

Despite ongoing social transformation, Nepal remains a predominantly collectivistic society formed through a complex nexus of individuals and family and the community. Thus, any individual's position and relationship with other family members is linked with a person's physical and emotional well-being. This also largely shapes access to justice and public spaces and services, particularly for women and sexual minorities. Recognising this importance, the research focused on the ways in which family dynamics shaped participants' life trajectories.

The findings show that the support of family played a fundamental role in whether or not women and sexual minorities would actively engage in public spaces. All elected women representatives unanimously expressed that family support played a big role in ensuring both their entry and continued engagement as political leaders. Deeper analysis of the narratives of married women politicians shows that the notion of 'family support' needs unpacking, taking account of how unequal gender relations within the family manifests in the women's engagement with political institutions.

The narratives of family support as shared by married women politicians mainly centred around their husband. All women said that their husband was very supportive. One woman leader even said, "*Mero sriman ta deutai bhaneni ni huncha*" (my husband is almost like a god). When asked to explain more about the nature of the support she received from her husband, she did not mention anything specific in terms of practical and emotional support. Only one Dalit woman ward member shared how her husband encouraged her to participate in political programmes by his taking care of the home:

"I had to travel a lot to attend party conventions, meetings. Sometimes, I had to go to Kathmandu and other cities. My husband would say 'go'. I used to worry. But he cooked meals for the children. And when I came back home at night, the children would be sleeping already in a bed lying together side by side."

For the other political leaders, support essentially meant gaining either approval or acceptance from their husband, shaped by the power dynamics embedded within their personal relationship. The process of securing such approval and acceptance was often ongoing and also took the form of bargaining for elected women representatives. A 46-year-old Chhetri woman elected as a ward member in Province 5 shared how she convinced her husband to let her contest the election:

"Local people knew my dedication. They knew I was honest. When I was offered a ticket by the party, I was interested. But my husband was not. I told him that entering the election will be like a test, whether or not people liked my work. I promised that I will take care of home as usual. And if I lose, I will never be active in the social sector again."

Her husband who worked as a school teacher was concerned that his wife's political engagement would create disruption in the household. So, she tried to convince him by assuring him that this would not be the case. Her narrative shows that women political leaders' entry into and continued engagement in politics is often only possible through a commitment to their families to take care of household affairs as usual. In this narrative, the way the woman leader bargained with her husband and family by agreeing to cease her active social engagement if she lost the election points towards the personal and social risks that women are likely to bear as the price for entering into politics.

Women who were active in public spaces either as elected representatives, social workers, female community volunteers or teachers continued to face the dual burden of work: at home and at their workspace. It was accepted by women who are relatively empowered, but who are also likely to be aware of the social discourses of the gendered division of labour, that household work is ultimately women's responsibility. A deputy mayor, who entered into politics with an active background of working as a women's rights activist for more than two decades, said:

"We women, no matter what position we are in, we need to take care of our home. And I always make sure my home is in order. My family members are happy. I wake up early, cook the meals. Even today, I came to the office this morning after washing one big load of laundry."

Tharu deputy mayor, Province 2

Despite these challenges, elected women representatives had a relatively better position within their family owing to their access to political and social networks. Marginalised women and sexual minorities experienced higher levels of discrimination and violence within their family. Similarly, the members of sexual minorities interviewed also reported experiencing various forms of discrimination within their family. In this regard, the experiences of transwomen and transmen were different also because of their ethnic/caste identity. A Gurung transman shared:

"I belong to a Lahure family. In my family, everyone dressed like a man. I was born as a youngest daughter. But my parents were okay for me to dress like a man."

For him, the experience of discrimination came from other members of his extended family and neighbours. In the case of the transwoman, the magnitude of discrimination experienced within her family was greater. She reflected:

"It's easier if you want to become a woman to man. But so much harder if you were born as a man but want to live your life as a woman."

The family acceptance came gradually after she started to be economically independent. Contrary to the experience of these two transgender participants who are currently employed, a 55-year-old Tharu transwoman has not found such acceptance. We met her in the afternoon at her home after she returned from working in the field. She was dressed in a simple white dhoti and shirt. During the interview, she shared that it is not possible for her to be her true self and lead a life as a woman while her mother is alive. She said:

"After my mother dies, I won't stay in this house and village anymore. I will leave for India. I will work there. Earn money. Get the kind of women's dresses I want to wear. Be the person I want."

This narrative indicates that transgender people belonging to marginalised communities, who do not have education and income opportunities, are forced to suppress their true identity. It is challenging for them to pursue their true identity due to their fear of hurting their family members' feelings, who, in turn, are fearful of being rejected by the extended family, neighbourhood and community.

7. IMPORTANCE OF SOCIAL NETWORKS

In exploring the commonalities of the experiences of different groups of women and sexual minorities, it becomes evident that those who had better social networks had relatively better access to positions of power, public spaces and services. For elected women representatives, particularly those who came from non-political families, creating social networks was important to build their constituencies, which increased their likelihood of winning elections. A 46-year-old Chhetri woman who had experience in social work as a Red Cross volunteer was approached in a similar way by her neighbourhood male politicians.

Often, women's journey into politics is facilitated by a development organisation's engagement with marginalised communities. A 52-year-old Madhesi Dalit woman (currently a ward member of Province 2) is one such example. Nearly two decades ago, a development organisation formed a group in her community to undertake its development project. This phenomenon can be viewed as the unintended impact of development practice that has enabled women to be engaged within politics. This brought her gradually into the public sphere, where she learned to speak up and started to engage in various social activities. This eventually led her to become a member of a political party, and reservation for a Dalit women member at ward level created a space for her political engagement, which otherwise would have been inaccessible to her.

Similarly, two women leaders (Province 2) had more than a decade's experience of social engagement as women's rights activists, known as women human rights defenders. Their experience of being engaged in activism brought them into contact with political leaders and government and security officials, which, in turn, strengthened their social network as well as their confidence to enter the political arena. An analysis of narratives of these women shows that women who were active in both the social and political sector fared better in their elected positions than women who came from a social services background without strong political connections and experience.

During fieldwork, the research team met with two sisters belonging to the Kahar community in Province 5. Kahar is a minority Madhesi caste, who are predominantly Hindu and comprise 0.20% of the population of Nepal. The 2012 Social Inclusion Survey showed that Kahar women ranked lowest in the gender inclusion index owing to their lack of access to reproductive health decisions and a higher prevalence of domestic violence.¹⁶ The younger sister was disabled and their parents married them off in the same family to ensure that the older sister would look after the younger woman. However, the disabled woman's husband married another wife, who is the sole earning person in the family. The husband is unable to work due to mental health problems. The able-bodied older sister also has a strained relationship with her husband and the whole family is struggling to make ends meet.

When we started our interview, both sisters were reluctant to talk with us. At that point during our meeting, they were frustrated at making the rounds of government offices and civil society organisations to obtain the disability identity card (ID) to claim the disability allowance. The government of Nepal issues different categories of disability ID based on the severity of the disability.¹⁷ The family wanted the blue-coloured ID, indicating a severe disability, which ensured that they would receive the allowance, but the disabled sister received the yellow ID, signifying a mild disability, which was not eligible for any form of allowance. The family viewed the disability allowance as the

16 Central Department of Sociology/Anthropology (CDSA), The Nepal multidimensional social inclusion index: Diversity and agenda for inclusive development, Kathmandu, Nepal: CDSA, Tribhuvan University, 2014, <https://idsn.org/wp-content/uploads/2014/12/Nepal-Inclusion-Index-Tribuvan.pdf>

17 G. Budhathoki, Disability sensitive concept of local government, sarokar.com, 13 July 2017, <http://www.sarokar.com.np/?tag=status-of-disability-in-nepal>

only form of regular monetary income in the absence of other livelihood opportunities. The elder sister expressed her frustration, saying:

"Why are you here, sister, what will you do for us? Lots of people come here, ask us lots of questions, promise to do things for us. But no one ever comes back with anything. We are not even able to send children to school. How can we? We do not have enough money even to buy copy and pencils for them. Can you see the roof? It's leaking, the winter is coming and we don't know what will happen to us."

These sisters live in a small community of Kahars, surrounded by a Muslim community. When asked further about their social connections to politicians and social activists, they did not have any. The Kahars also did not have any identity-based organisations or activities that brought them together as a group to bargain with the state for their rights. The sisters, as members of an excluded community without any social and political networks, were also frustrated with local elites, development workers and social workers who would raise their expectations with big promises, but would not fulfil their commitments.

Social networks, particularly access to organisations working for the advocacy of rights, was especially important for sexual minorities. Among three transgender participants interviewed, two from Province 5 were active members of the Blue Diamond Society (BDS), organisations working for the rights of the LGBTQ community in Nepal. They were also employed and had connections with political organisations and were confident to speak not only about themselves but also as representatives of a community advocating for the social change needed for acceptance of transgender people in Nepali society. In contrast, a 55-year-old Tharu transwoman, who was not an active member of any social organisation, including BDS, was in a state of limbo between her socially accepted gender (man) and her self-identified gender (woman).

8. ACCESS TO JUSTICE AND IMPUNITY

The current research conceptualises justice beyond the formal and traditional justice mechanisms and focuses broadly on social justice, which incorporates the principles of human dignity, equity, access and participation in public services.

Both formal and traditional justice mechanisms within Nepali society are masculine. Regardless of their forms, both mechanisms are led by men who have the power to make decisions. For example, a study on formal justice mechanisms in Nepal showed that the judiciary is dominated by men (86.1%) and Brahmin/Chhetri (77.6%), while women and other marginalised groups are underrepresented.¹⁸ Beyond the lack of representation of women and the marginalised population, discriminatory behaviour of service providers and fear of losing their family's prestige and honour limits people's access to these services.¹⁹

The experiences of sexual minorities show that affirmative action policies have not been able to include them. A Gurung transman, who was also politically active and aspired to stand in an election, felt excluded as he did not fit the right categorical boxes of affirmative action:

"I do not fit into any category that is open for reservation. They don't see me as a woman. I am also not considered fit for quota for Janajati. It is necessary that political parties have reservation for LGBTQ, without that we won't get an opportunity in politics."

Affirmative action policies are predominantly informed by gender binaries – men and women – and do not include transgender people who do not fall into either category. This is also reflected in the health services of developing countries such as Nepal, where the current framework of the health service does not recognise the needs of transgender people. While transgender people belonging to affluent families who have access to information and financial resources can have easier access to health services (including hormonal treatments and surgeries) to enable them to realise their inner self identities, these services are beyond the reach of transgender people such as the 55-year-old Tharu transwoman in Province 2.

In addition to these broader concerns of social justice, access to formal mechanisms of justice is challenging for women belonging to a marginalised community. The study team met with an 18-year-old survivor of a gang rape. She was living with her mother and her father had recently died. Both mother and daughter were very traumatised due to this loss. The daughter also had a mild speech disability.²⁰ Three years ago, four men from her neighbourhood raped her. As she belonged to a poor family, without social and political connections, the perpetrators escaped easily.²¹ Only two were arrested, but they were out of jail within three months. Local women's rights activists who supported the survivor in this case said that the perpetrators escaped due to their political connections. A year after this traumatic incident, the survivor was married off by her parents. During the interview, she revealed that her husband physically violates her, and she faces emotional abuse from her mother-in-law. At the time of the interview, she was staying with her mother; however, she was waiting for her husband to come and

18 R. Ghimire, Improving access to justice through embracing a legal pluralistic approach: A case study of Nepal, Doctor of Philosophy thesis, School of Law, University of Wollongong, 2018, <https://ro.uow.edu.au/theses1/467>

19 NJA, 2016, Op. cit.

20 Her disability was identified by the local women's rights activist working in the area. However, the survivor does not have a disability identity card yet.

21 Conversations about her experience of violence was not a part of the interview with the survivor. Her experience was shared by local women's rights activists who were engaged to ensure justice for her.

take her back home. Her experience shows how Nepali women's identity is viewed in relation to her husband. This extension of masculine culture and space within the family makes survivors of violence belonging to marginalised communities even more vulnerable to the continuation of the cycle of violence.

As well as showing the cycle of violence that women from marginalised communities face, this story also indicates how families of survivors are concerned with notions of the honour and prestige of the family, which forces them to make survivors more vulnerable to a cycle of domestic violence. More importantly, this points to a serious need to understand how growing politicisation of crime in Nepal has increased impunity and denied justice to survivors of violence.

The research also found that one of the most visible and impactful experiences of federalism in the everyday life of marginalised groups such as disabled and single women was receiving social security allowance from the nearest government office. The family of a seven-year-old disabled girl and a 45-year-old conflict victim were happy that they no longer have to travel for hours to the district centre to receive their allowance.

9. CONCLUSION

The study broadly aimed to understand the experiences of women and sexual minorities in federal Nepal. The research is based on the 25 semi-structured interviews conducted with different groups of participants in five districts covering three provinces in Nepal. The study is formative and offers insights and understandings of the broader social, political and gendered social changes through the microscopic lens of individual life experiences and stories.

The study concludes that the 2017 local election has brought a promising increase in women's participation in politics, which is predominantly a masculine space inhabited by men where masculine behaviour is considered the standard and the norm. In this scenario, women are often questioned and judged personally and collectively about their abilities and skills as politicians. Women politicians face additional challenges compared to men to navigate this masculine space. Crucially, the experiences of elected women representatives indicate that women are not prioritised as candidates, as evidenced by the way in which nominations for women candidates were decided almost at the last minute. Despite these challenges, women leaders continue to navigate these spaces by negotiating and contesting in different ways. Women with better social networks and education are relatively better equipped to handle such challenges.

Social networks were important for all groups of participants. Their access to these networks largely determined their access to public spaces and justice mechanisms. Marginalised women were more vulnerable to different forms of violence and faced tremendous challenges to access justice due to political influence and impunity.

A voice, the ability to speak up, was the most important power that women and sexual minorities had to express their grievances. For marginalised women belonging to the Dalit community in Nepali society with its hierarchy of caste system, just being able to speak itself was an important act of courage.

10. WAY FORWARD

Based on the conclusion discussed above, the study identifies the following issues as a way forward for policy-makers and practitioners:

- There needs to be broader research on the masculine nature of the private and public institutions of Nepal to understand the structural dynamics of gender inequalities in Nepal.
- There is a need for multi-sectoral engagement to address and promote the participation of women and marginalised groups in public spaces. It is important that marginalised women and sexual minorities' access to social networks be widened. In addition, there should be greater discussion on how existing social networks in the form of political and social organisations can be more supportive of and responsive to the needs of women and sexual minorities.
- Affirmative actions enable women and marginalised groups to participate in these spaces but do not necessarily support them to succeed unless the masculine culture within them transforms. Therefore, affirmative actions need to be reviewed, identifying what works best to make them more effective, and can be further accelerated to promote inclusive and participatory public and private spaces.
- There needs to be broader engagement of policy-makers, practitioners and intellectuals to understand gender dynamics of politics and power, including the gendered division of labour and its impact on women and marginalised groups, enabling them to recognise and adopt gender-responsive needs and priorities.
- There needs to be greater civic engagement of social and community-based organisations to facilitate dialogue among people to demand accountability from political leaders regarding survivors' access to justice. This should also involve greater dialogues and social movements against the politicisation of crimes, especially sexual and gender-based violence, to reduce the impunity of the perpetrators and enhance the access to justice for the survivors.
- Policy-makers and practitioners need to work together to bring more voices from the margin. Some of these voices are dormant and have been largely silent, whereas some are small and still unheard. There needs to be a collective effort to amplify the voices and develop a culture of listening to understand the experiences of those who are at the margins of society.

ANNEX 1. PARTICIPANT DETAILS

Serial No.	Categories	Details	Number
1	Elected women representatives (8)	Deputy mayor	3
		Dalit woman ward member	4
		Woman ward member	1
2	Women active in public spaces (5)	Female community health volunteer	3
		Teacher	1
		Forest user group member	1
3	Marginalised women (9)	Disabled girl	1
		Disabled woman	1
		Muslim	2
		Madhesi Dalit (Dom)	1
		Ethnic minority (Kahar)	1
		Conflict victim	1
		Survivor of gang rape	1
Single woman	1		
4	Sexual minorities (3)	Transwoman	2
		Transman	1
Total			25

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