



**NATIONAL INDIGENOUS DISABLED WOMEN ASSOCIATION
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Report on Environmental Violence Against Indigenous Women and Girls

Submitted

To

**Special Rapporteur on violence against women and girls in the context of the
climate crisis**

Submitted by

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Report on violence against Indigenous women and Indigenous Women with disabilities in the context of the climate crisis in Nepal

I. Introduction

Climate change is recognized as a serious aggravator of gender-based violence.¹ Climate change and slow environmental degradation exacerbate the risks of violence against women and girls due to displacement, resource scarcity and food insecurity and disruption to service provision to survivors. The CARE 2020 reports highlighted that all forms of gender-based violence against women and girls rise during disaster and conflict and climate extremes exacerbate existing inequalities, vulnerabilities and negative gender norms². According to a 2011 joint study by the United Nations Environment Programme (UNEP), the International Centre for Integrated Mountain Development (ICIMOD), and the Centre for International Climate and Environmental Research (CICERO), trafficking of girls and women, as well as other forms of sexual and gender-based violence (SGBV), has increased significantly due to disasters in South Asia, particularly in Nepal. For example, human trafficking is prevalent, particularly among Tamang from Nuwakot, Makwanpur, and Sindhupalchok. Thami Women and Sita Rai (NIWForum, KII 2021) are two examples of Indigenous women who were trafficked and exploited by force, deception, and fraud.

Similarly, the increasing resource constraint increased domestic and community-level violence against women. The greatest indicators were found to be increased drought, desertification, and the drying up of wells - as fetching water is generally a woman's work. As a result, resource frustrations can not only lead to domestic violence, but walking farther for water increases the chance of unsafe environment, abuse, sexual assault, attempt to rape, rape and killings.

Poor and marginalized women particularly Indigenous Women and Indigenous Women with Disabilities have less adaptive capacities due to a lack of resources, accessible format and flow of information and limited access to law, policy, and decision-making process as well as in justice mechanisms. Hence, Indigenous Women and Indigenous Women suffer more and easily get exposed to sexual and gender-based violence. In addition, patriarchy, historical, systematic, indirect discrimination exist in society at all single identity and when added to multiple and intersectional identities and this has further added additional impact by the climate change and environmental problems. Furthermore, the climate crisis and weather disasters further negatively impact rising rates of violence and conditions of vulnerability faced by women especially Indigenous Women and Indigenous Women with Disabilities.

Likewise, disasters, such as flooding, landslides, cyclones, melting of glaciers and other disasters, not only displace communities but also aggravate marginalization, poverty, and vulnerability. In particular, Indigenous Women and Indigenous Women with Disabilities face measurably greater differential impacts at all stages: pre-disaster, disaster, and post-disaster, mainly because of lack of preparedness, physiological vulnerabilities, socio-cultural and economic marginalization, and

¹ Source: <https://www.recordnepal.com/climate-change-policies-must-also-address-gender-based-violence#:~:text=Climate%20change%20is%20recognized%20by,number%20of%20convincing%20causal%20links>

² Environmental Policy and Law: Role of climate change in exacerbating sexual and gender-based violence against women: a new challenge for International Law (2021). https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/10/report/role-of-climate-change-in-exacerbating-sexual-and-gender-based-violence-against-women-a-new-challenge-for-international-law/ep1_2021_51-3_epl-51-3-epl210055_epl-51-epl210055.pdf



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gender and disability stereotypes. For example, pandemic, lockdowns have also led to situations of isolation and risk for violence against Indigenous Women and Girls with disabilities.

The United Nations Framework Convention on Climate Change (UNFCCC) and the Glasgow Climate Pact both recognize the importance of gender equality and women's empowerment, but neither of them specifically addresses Violence Against Women and Girls and same in the case of Indigenous Women and Girls³. There are still significant gaps in linking climate change and Violence Against Indigenous Women and Girls in research, policies, and programs, as well as in forming cross-sectoral partnerships across the climate change⁴. The lack of data and research to better understand the severity and scope of the problem, risk and protective variables, and how Violence Against Indigenous Women and Girls interacts with resilience and recovery efforts is exacerbating the situation. Likewise, Indigenous Women with Disabilities face additional exclusions and discrimination in terms of service availability and quality, as well as other aspects, when compared to people who identify with only one marginalized group, and their intersectionality is not specifically addressed in the UNDRIP, CEDAW, or UNCRPD⁵. This submission will focus on the intersections of indigenous ethnicity, disability, and gender as it relates to environmental violence, with a particular focus on the situation of Indigenous women and Indigenous with disabilities in Nepal.

II. Background

Nepal is ranked in 4th country in the world most vulnerable to climate crisis⁶ and 11th in terms of global risk for earthquake occurrence and impact⁷, with more than 80% of the population exposed to the risk of natural hazards such as earthquakes, droughts, floods, landslides, extreme temperature, and glacier lake outburst floods.⁸ An increase in these climate impacts threatens Nepal's lives and livelihoods, particularly those of Indigenous Women and Indigenous Women with Disabilities who live close to nature and forest. This has driven many Indigenous men to migrate abroad in search of work, leaving Indigenous women as default stewards of natural resources like water, forest and firewood which have been harder to come by due to the changing crisis.

Nepal has deep patriarchal roots and climate change is having a disproportionately greater effect on women because of inequitable distribution of rights, assets, resources and power – as well as repressive cultural rules and norms, and greater responsibilities, making them often poorer and less educated than men and often excluded from political and household decision-making

³GBV AoR HELPDESK: Gender Based Violence in Emergencies (2021). <https://gbvaor.net/sites/default/files/2021-03/gbv-aor-helpdesk-climate-change-gbv-19032021.pdf>

⁴Owren, C. (2021). Understanding and addressing gender-based violence as part of the climate emergency. CSW66 Expert Group Meeting Paper. UN Women

⁵Asia Regional Report to HLPF (2021). https://fimi-iiwf.org/wp-content/uploads/2021/07/EN_HLPF-Asia-Regional-Report-FIMI_26May-20211-with-translators-edits.pdf

⁶https://www.adrc.asia/countryreport/NPL/2011/FY2011B_NPL_CR.pdf

⁷Disaster Risk Reduction in Nepal, Status Report (2019). <https://reliefweb.int/report/nepal/disaster-risk-reduction-nepal-status-report-july-2019>

⁸GAGGA blog 2021: Indigenous Women with Disabilities are not just victims but we are key to climate solutions. <https://gaggaalliance.org/indigenous-women-with-disabilities-are-not-just-victims-but-we-are-key-to-climate-solutions/>



processes that affect their lives. Climate change along with socio-economic changes and processes in impacts is having detrimental effects on gender divisions of labor and access to and control over resources and intensify the existing gender vulnerabilities. Furthermore, different drivers of change are also creating new dynamics or exacerbating existing ones. Indigenous Women face serious violation of their individual and collective rights as Indigenous Women and Indigenous Peoples and lack access to both State and Indigenous Customary justice System.

Nepal's Constitution guarantees the fundamental rights of women and girls, including the rights of sexual minorities. However, the Constitution of Nepal perceives women as a homogenous group where women's', Indigenous and intersecting identities not reflected. Indigenous women issues are not visible and are excluded from laws, policies, plans, budget and programs. Environmental theme policy documents in Nepal were found to be gender-blind and general. Environment Protection Regulation (2020) is gender-blind in that it has no regulations pertaining to gender dynamics.⁹ Interlinkage of the policies and effective implementation to address the Violence against Indigenous Women and Indigenous Women with Disabilities is negligible. Hence, redressal process based on basket policies and systems fail to serve Indigenous Women and Indigenous Women with Disabilities. The circumstances and strength of Indigenous Women and Indigenous Women with Disabilities must be analyzed and taken into account to redressal of their issues so that their change maker roles are visible for establishing fair, just and equal society.

III. Violence against Indigenous Women and Indigenous Women with Disabilities in the context of climate crisis

Indigenous Women and Indigenous Women with Disabilities who have multiple and intersectional identities experience adverse effects of climate change because they often live in the areas near the forest, mountains, snow, hilly areas, rivers, and their traditional lands are forcibly used by the extractive industries and developmental projects like roads, hydro project, dams, landfill and factories and they are at higher risks of having faced environmental violence and vulnerability. A Father of 12 Years hearing impaired boy, Dordi, Lamjung shared

" The glaciers and mountains are melting from the high Himalayas and the dams are opened in the without any information and safety the peoples which has flooded the indigenous peoples who rely their livelihood collecting sand and fishes near rivers. They have lost their lives and become disabled for the first time. When such activities happen, they are in more vulnerable stage and there are more chances to be in risk and unsafe environment. (NIDWAN Climate Change Policy, 2020)

The prevalence rate of being disability in different forms is increasing and the Indigenous Women and Indigenous Women with Disabilities are not consulted or represented while these developmental projects are made and these are the missing gap in climate change debate. They further face patriarchal oppression and disempowerment externally with in the family and society and also the different policies and structures imposed by the State. Indigenous women are often not included in decision-making processes related to the impacts of climate change and environmental violence at many levels. This has resulted in negative consequences with dire implications for indigenous women and indigenous knowledge. A large number of Indigenous communities were evicted from their ancestral lands during the establishment of national parks.

⁹Policy Design and Practice: On the realities of gender inclusion in climate change policies in Nepal (2021). <https://www.tandfonline.com/doi/full/10.1080/25741292.2021.1935643>



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However, Indigenous women continue to go back to their ancestral land to collect wild vegetables, firewood, fodder, and medicinal plants for their traditional livelihoods and cultural survival that are based on natural resources. As a result of their actions, they face abuse, threats, harassment, and violence from security forces, stationed in the protected areas and other peoples.

For example, with the establishment of Chitwan National Park in southern Nepal that displaced many indigenous groups, including Tharu, Bote, Majhi, Kumal and others, from their traditional lands and resources in the name of conservation, Indigenous women have been subjected to rape, killings, detention, torture, mistreatment and harassment at the hands of Nepali army and forest personnel until now.¹⁰

‘A 13 years intellectual disable Indigenous girl was raped by unidentified perpetrator and gave birth to child. The child is now old enough to go to school but can’t go to school because father is not identified, she does not have her citizenship and child doesn’t have birth certificated (FGD, Lalitpur 2021).

In Chitwan around the national park, 177 children don’t have birth certificate and are stateless as they are born out of sexual exploitation of Indigenous Women. The extremes situation arises when Indigenous Women are raped during collecting natural resources, and give a birth’ (NIWF, KII 2021).

More recently, in the midst of Covid-19 lockdown and monsoon rain, Park authorities set two houses on fire and destroyed eight others to evict Chepang families who have been living in Kusumkhola, under the park's territories¹¹, while a young Chepang man was detained and thrashed by an army officer, resulting in his death in another incident.

Similarly, the road widening project across Kathmandu valley demolished around 15,000 houses and risked another 15,000 houses – predominantly of indigenous Newars leading to their mass forced evictions in the name of development. The evictions greatly and specifically impacted Newar women and children in the context of loss of residence or property, livelihood/occupation, adequate standard of living and life with dignity in the overall. The affected Newar women have had to face greater hardships in fulfilling their traditional roles as caretakers as well as assume additional roles to provide for the family. Similarly, their social roles as guardians of their cultures have been diminished while the wider community has lost their cultural sites for the road. Likewise, there are indigenous Newar communities in historical towns of Khokana and Bungamati threatened by Kathmandu-Terai/Madhesh Fast Track Expressway and other infrastructure projects facing risks of large-scale displacement, whereby most Indigenous women are still dependent on farming and traditional livelihoods and they will suffer greater impacts if such displacement occurs.¹²

Trend of violence against Indigenous Women and Indigenous Women with Disabilities is surging. It elevated further more during the Covid 19 period. The NIDWAN's VAIW study 2021 reveals

¹⁰ Nepal: Violations in the name of conservation (2021). <https://www.amnesty.org/en/documents/asa31/4536/2021/en/>

¹¹ The Kathmandu Post: Amnesty condemns enforced eviction of indigenous Chepang families by Chitwan National Park (2021). <https://kathmandupost.com/province-no-3/2020/07/21/amnesty-condemns-enforced-eviction-of-indigenous-chepang-families-by-chitwan-national-park-authority>

¹² See Special Rapporteur on the rights of indigenous peoples et al communication to Nepal, 2017, UA NPL 3/2017. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23122>



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that the cases of violence existed in the past as well but mostly went unreported. There are cases of violence which took place formerly without any actions against them. Nevertheless, not all the cases of violence are reported nowadays and still there are many unreported cases. With the changing context, number of reported cases are increasing but still discomfort exist in sharing, reporting and seeking justice is beyond imagination.

Moreover, in the case of Indigenous Women with Disabilities, the impact of the climate crisis is even more adverse, as extreme weather events and their effects on agriculture, forest and water availability affect them and their families. They face multiple discriminations and barriers to participate in society due to their indigeneity, gender, disabilities, and intersecting identities including geography, education, socioeconomic, employment, age, and so on. Hence, Indigenous Women with Disabilities are overrepresented among those living in absolute poverty and continue to exist as one of the world's most at-risk populations. Indigenous Women with Disabilities are more at risk from the effects of climate change, natural disasters, during emergencies, related to infectious diseases including sexual and reproductive health, regular medical challenges and so on. Following the mega earthquake in Nepal in 2015, many Indigenous Women with Disabilities were left despondent and with a permanent scar of sexual abuse, which was replicated with the Covid 19 effect. The pandemic not only exacerbated social, economic, and physiological problems, but it also had a significant influence on their mental health. NIDWAN's Climate Change Policy 2020¹³ highlighted that Indigenous Women with Disabilities have experienced environmental, institutional, programmatic, psychological, and multiple identity barriers as a consequence of climate change. They are facing the impacts of climate change in their daily lives however they are unaware of the health, mental, socio-economic systematic discrimination that is happening in their day-to-day life and making their lives in difficulties. Increasing vulnerability due to climate change puts exhausting pressure on Indigenous women with Disabilities and their families. In many rural places of Nepal, they need to walk hours at a time to fetch water, and they bear the physical and psychological burden of fallow farmland.

A study conducted by NIDWAN on the "*Impact of Climate Change on Indigenous Women with Disabilities*" at Kavre district, Nepal highlighted the cases of a mother of intellectual disability who faced difficulty in providing her daughter regular, nutritious food and sufficient water that is required for her daughter's health, hygiene and WASH needs.¹⁴ She was sole caretaker and breadwinner of her family. Increased temperatures during summer and severe winter makes her daughter urinate more and dirties his clothes requiring frequent change of clothes. Moreover, during winter the days are shorter which makes it hard for her to make time to go to the river to wash clothes. Last year she lost all her maize to aggressive varieties of pests - *Ghun Kira* (Wheat Weevil), which also attacks the stored maize. She says, since she is not part of any groups or committees, she did not receive the disinfected double storage bags to store her maize seeds distributed by some organizations. Her maize got badly destroyed by these pests that it is not even good to feed her livestock too. She recalled that the forest resources have been slowly decreasing

¹³ NIDWAN Climate Change Policy (2020). https://nidwan.org.np/development-delivery/environmental-justice/climate-change-policy-nidwan-2020/?doing_wp_cron=1648746257.3370270729064941406250

¹⁴NIDWAN: Impact of Climate Change on Indigenous Women with Disabilities (2021). <https://nidwan.org.np/development-delivery/environmental-justice/>



in the past years. Due to extreme weather events, the forest is filled with new invasive species of grass, there is a rise in pests and fungal infections like *Khumre Kira* (White Grub), *Kalo Dhudi* (Black Fungus), and *Ghun Kira* (Wheat Weevil). Though she is members of the community forest users' group, she is unable to utilize her membership as the community forest is far from her house. The community forest policies do not allow frequent and adequate use of the resources like firewood and fodder as per the requirements of her family.

Similarly, the case study of mother of an Indigenous girl with Disability who has to travel two hours each day to collect and bring water home while feeling fearful that something might happen to her daughter while she is away. The lack of access to water and forest resources also makes it difficult for her to make and sell traditional liquor for income so she can financially support her daughter and family. This has made her daughter and her life experiencing several forms of challenges in her day to day life

IV. Good practices of Indigenous Women and Indigenous Women with Disabilities to mitigate the climate crisis in Nepal

As in other parts of the world, Indigenous Women and Indigenous Women with Disabilities try to mitigate the effects of food shortages by reducing the number of meals, eating wild fruits, practicing starvation, selling labor, looking for work, enlisting the help of relatives and friends, selling livestock, keeping poultry, engaging in other non-farm production activities, and planting high yield crops with chemical fertilizers¹⁵.

As springs dry up and water becomes scarcer, Indigenous Women are learning to conserve water by cultivating vegetables and crops with drip irrigation systems. For example, Indigenous communities with more resources, such as the Tharus of the Terai and the Newars of the middle valleys, including Kathmandu, are increasingly resorting to drilling deeper wells.

V. Recommendation

1. Violence should be monitored and recorded, and a disaggregated data by (age, gender, disability, caste/ethnicity) is crucial and system should be promoted. Similarly, particular study on the linkage between Indigenous Women's violence and collective rights should be conducted in collaboration with Indigenous Women's or Indigenous Women with Disabilities organizations.
2. Educate indigenous women and girls and those with disabilities and making them aware about their rights and justice mechanisms. Need to build their leadership and capacities to file complaints and seek justice when violence occurs.

¹⁵ Climate Change and Indigenous Peoples (2016). <https://www.iwgia.org/es/documents-and-publications/documents/publications-pdfs/english-publications/313-climate-change-and-ips-policies-and-practices-in-nepal-pdf/file.html>



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3. Conduct evidence-based ground investigations and research with proper documentation procedure and translate Climate change related informative resources (basic information of local, national, regional and international policies) in sign, braille, easy, simple and local/indigenous languages. Specify dedicated climate fund for these groups and advocate and promote disability budget to government and development partners on climate change.
4. Integrate gender, disability and culture sensitive intersectional approach in environmental related strategies and action plans including the identified themes of agriculture and food security, forest and biodiversity and water resources and energy, rural and urban settlements, industry, transport and physical infrastructure, tourism and natural and cultural heritage, health, drinking water and sanitation, disaster risk reduction and management.
5. Support research and analysis to better understand the issues of different indigenous women with Disabilities, including the poor and marginalized indigenous women and their linkages with climate change impacts.
6. The impact of the climate crisis on indigenous women and indigenous women and girls with disabilities is extremely adverse. Therefore, the governments should promulgate the policies that safeguard them in an accessible and affordable manner with targeted programs.
7. There are no adequate research studies being undertaken by the Government of Nepal to analyze the impact of climate crisis from an intersectional lens. Therefore, the Government of Nepal should undertake adequate studies in this regard directly collaborating with rights holders like organizations of Indigenous Women with disabilities.
8. Government should create an enabling policy environment for the elimination of violence against Indigenous Women and Women with Disabilities in the context of climate crisis and Disaster.
9. Collaborate with local organizations of women and girls with disabilities to assess the risks to specific, structurally excluded groups during climate-related disasters.
10. Collaborate with the women and girls to devise new strategies including using of the technology to address GBV.
11. Enhance the capacity of the women and girls with disabilities including other organizations of the women with disabilities so as to raise and amplify the voices about the violence against women and girls with disabilities.
12. Produce Information and communication materials about the climate issues, risks and mitigation ways and generate awareness amongst the general public using the traditional groups/organizations of indigenous people.
13. Establish/make functional complain mechanisms and support indigenous women and women with disabilities to report the violence during climate crisis.



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14. Promote inclusion of indigenous women and girls with disabilities in the climate change and disasters related structures at local, province and federal level and invest on them for reducing inequalities.
15. Efforts should be made in climate adaptation finance in order to ensure gender-just climate solutions, increase women' leadership in the green economy, and build women' and girls' resilience to climate impacts and disasters.