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Increasing Trend of Sexual Assault Cases in Nepal

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Abstract

Rape and sexual violence is a deep-rooted issue in Nepal, as it is around the world. The number of reported rape cases continues to rise despite strict laws in Nepal. The topic is framed as part of women issue of gender based violence. This article tries to highlight the trend and situation of sexual assault (rape) analyzing the existing rape cases. The study is based on descriptive as well as analytical in nature. Sources of information in this study are secondary data like published and un-published research papers, journal articles and survey reports with desk review method. Although most countries have laws prohibiting sexual assault and violence. While the number of rape cases and sexual violence has increased in several nations in recent years, there are still countries where no rape incidents have been documented. The Nepal Police in 2021 reported that up to seven women and girls are raped every day in the country, most of them by neighbors, relatives and acquaintances. Therefore, the state should not fail to protect the rights of the victims." The incidents of murder and murder after rape have increased drastically in the recent times. According to statistics, 17 women were murdered after rape in the past four years. One point that has come under intense scrutiny is that law in Nepal specifies women and girls as the victim in case of rape. Despite the Constitution and law guarantees, instances of rape are increasing in Nepal. In the other, sexual violence by intimate partner is largely unreported due to social stigma as well as the belief that forced sexual relation by a husband without the consent of the wife doesn't constitute violence. Many cases of rape and sexual violence go unreported to police because of social stigma, lack of trust in the justice system and lack of protection of victims.

Keywords: Sexual assault, social stigma, rape law, policy, & justice system.

Introduction

Sexual harassment, violence or unwanted sexual acts are known as rape. Involving odd assaults, which is initiated by one or more persons against another person without her/his

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permission is also known as rape case. The act may cause by physical & mental forces or with a person without consent due to his/her incapability, legal age of law. Rape is defined as “copulation resisted to the best of the victim’s ability unless such resistance would probably result in death or serious injury to the victim or in death or injury to individuals the victim commonly protects (Thornhill & Palmer, 2000).” More specifically, Minnesota state law defines rape as sexual contact achieved: without consent; with use of physical force, coercion, deception, threat. When the victim is: - mentally incapacitated or impaired; - physically impaired; and/or - asleep or unconscious. Sexual assault is a broader legal term used to indicate any sexual activity with another person who cannot or does not consent (Rape, Abuse & Incest National Network, 2001).

Rape is defined in the laws of Massachusetts as “sexual intercourse or unnatural sexual intercourse by a person with another person who is compelled to submit by force and against his will or by threat of bodily injury”. Although traditional definitions of rape have been that only a female can be raped and only a male can rape, “courts have held that the rape statutes in their jurisdictions are gender-neutral and apply equally to perpetrators of either sex”. Still, since male on female rape is more prevalent (Livoti, 2009).

Rape is one of the worst and most heinous forms of assault that can be afflicted on a human by another. It is abhorred by all societies and cultures. Yet rapes keep on happening with alarming frequency in the society across all countries and cultures. Although some countries and cultures are the worst offenders. There are enough reports and evidence that even the most developed countries are suffering from this criminal act which affects the dignity of an individual so adversely (Abayomi, 2022).

Another problem with rape as a crime that it is not reported. It is estimated that only 12 percent or fewer cases are reported. There is a social stigma attached to rape and the victims prefer to keep silent. The situation is worse in Islamic countries where the testimony of women has less value and the women are often accused of being the cause of rape. Moreover, the criminal justice system in such countries is so weak and faulty that it is difficult to get a rapist punished for his crime. It is only in developed countries that women dare to report rapes. This is perhaps one of the reasons that more developed countries are also on the list of countries where highest numbers of rapes take place. On the other marital rape laws in global context, noting that most countries around the world do not criminalize marital rape and these countries are home to 2.6 billion women. Only in the developed regions of the world is marital rape more criminal than not (World Health Organization, 2021).

The issue of marital rape is a new and to a great extent still undigested concept in a patriarchal society like Nepal where marriage is seen as a prerogative to have sexual

intercourse with one's wife with or without consent. In Nepal, sexual violence by intimate partner, including marital rape, may be occurring but is largely unreported due to social stigma of discussing one's sex life as well as the uninformed belief (on the part of both spouses) that forced sexual relation by a husband without the consent of the wife doesn't constitute violence/rape (Giri, 2021).

Objectives

The overall objective of this study is to review the international and national situation of rape cases and national rape policy analysis. The specific objectives of this studies are to review national scenario of rape cases and policy acts enacted by the Muluki Ain of Nepal.

Methodology

This study increasing trend of rape cases in Nepal is based on descriptive as well as analytical in nature. Sources of information in this study are secondary data source, which that tries to frame out different situation like scenario analysis. Desk review like publish and un-published research papers, journal articles, internet website and survey reports, especially Women, Children and Senior Citizen Service Center of Nepal data and reports were reviewed with desk review method.

Rape Cases in the World

Rape is an unlawful sexual activity, typically committed forcibly or under threat of injury, against a person's will. It is estimated that approximately 35 percent of women worldwide have experienced sexual harassment in their life, according to World Population Review data of "Rape Statistics by Country 2020."

Because many women who experience sexual violence seldom report or come forward about their incidences, exact rape numbers are challenging to report. United Nations statistical report compiled from government sources showed that more than 250,000 cases of rape or attempted rape were recorded by police annually. The reported data covered around 65 countries. In a survey by United Nations, for 100 women that suffered sexual violence in their lifetimes, 14percent had experienced attempted rape and 2.3 percent had experienced rape.

It does not specify whether recorded means reported, brought to trial, or convicted. Each entry is based on that country's definition of rape, which varies widely throughout the world. The list does not include the estimated rape statistics of the countries per year,

such as South Africa having 500,000 rapes per year, China having 31,833 rapes a year, Egypt having more than 200,000 rapes a year and the United Kingdom at 85,000 rapes a year (World Population Review, 2020).

The rape statistics of USA are very deplorable for the topmost and powerful country in the world. The figures per 100,000 populations were more than 30 rapes. In the United States, significantly more women than men are sexually assaulted. In 2020, about 298,628 women were raped or sexually assaulted in the U.S. - a significant decrease from the 406,970 victims reported in the previous year. In that same year, 21,320 men were raped or sexually assaulted (Statista, 2021). However, this figure has now decreased in recent years to 27.4 per 100,000. A 1997 study by the U.S. Bureau of Justice Statistics found that 91 percent of reported rape victims were female and 9 percent were male.

In United Kingdom (UK) Nearly one in four rape victims are girls under 16, ‘unacceptable’ new figures reveal Analysis often overlooks the fact that a large proportion of victims are children, experts say Girls under 16 were the victims in nearly a quarter of rape cases, according to Home Office data seen by *The Independent*. The data shows that in around 60,000 of the 271,000 rapes recorded by police in the five years up to last spring, the victims were young girls. Roughly 26,200 of these girls – nearly one in 10 – were under 13 years old, according to the data, which was requested by the Liberal Democrats Charities said that the figures for England and Wales were “unacceptable” and that the true toll was likely to be higher due to the under-reporting of this crime. Lisa McCrindle, from the Centre of Expertise on Child Sexual Abuse, told *The Independent* it is “often overlooked” in analysis of rape and sexual assault data that “a large proportion of victims of these sexual offences are children”. Most sexual assault offences – reports of which saw an increase of more than 20 per cent between 2020 and 2021 – were against children, including those classified as sexual assault on a female child under 13 and rape of a female child under 16 years. About 60 percent of crime victims do not report and a third drop out of prosecution in England (Independent, 2021).

South Africa has the highest rape rate in the world of 132.4. Some 66,196 incidents in per 100,000 people. According to a survey conducted by the South African Medical Research Council, approximately one in four men surveyed admitted to committing rape, according to World Population Review data 2022. Botswana is the second with a rate of rape - 92.90 and 1,865 incidents in per 100,000 people. Lesotho has 82.70 rape rate and around 1,777 incidents in per 100,000 people. Swaziland recorded 849 incidents in per 100,000 people with 77.50 rape rate. Bermuda is the fifth country with 67.30 rate of rape and 43 incidents in per 100,000 people. Sweden has 63.50 rape rate and around 5,960 incidents

in per 100,000 people. Suriname recorded 223 incidents in per 100,000 people with 45.20 rate of rape. Costa Rica has 36.70 rape rate and around 1,685 incidents in per 100,000 people. Nicaragua recorded 1,829 incidents in per 100,000 people with 31.60 rate of rape. Grenada with 30.60 rate of rape, has 32 incidents in per 100,000 people (World Population Review, 2022).

Bangladesh has 11,682 incidents per 100,000 people among the total population with 9.82 rape rate. According to the local human rights organization Ain-o-Salish Kendra (ASK), between January and September 2020, at least 975 rape cases were reported in Bangladesh, including 208 gang-rapes. The number of rape incidents in India in per 100,000 citizens was 22,172 as of 2020 with 1.80 rape rate. According to World Population Review data, India recorded an average of 87 rape cases daily in 2019. The NGO Sahil reported 3,832 cases of child abuse in 2018 which was 11 percent increase from 2017 (3,445 cases). Among states, Uttar Pradesh reported the maximum of 3,779 murder cases in 2020 followed by Bihar with 3,150 cases, in Maharashtra 2,163 cases were registered, 2,101 cases in Madhya Pradesh and West Bengal lodged 1,948 murder cases. Liechtenstein tops the list of countries that have reported minor rape cases. Liechtenstein has a population of 38,137, and no cases of rape were reported in 2020 (World Population Review, 2022).

A report conducted by the All-China Women's federation estimated that close to forty percent of Chinese women who are involved in a relationship or married experience physical or sexual violence. The number of rape incidents in Japan per 100,000 citizens is 1,289 as of 2020, according to Nation Master's Crime > Rape rate: Countries Compared data. The United States (US) has a rape rate of 27.3. As in many other countries with 84,767 reported rape incidents. According to World Population Review data, only 9 percent of rapists in the US get prosecuted, and only 3 percent of rapists will spend a day in prison, while 97 percent of rapists in the United States walk free in street (World Population Review, 2022).

Russia has the rape rate of 3.40 with a number of 2,907 cases reported in 2021. In 2019, approximately 32 thousand rape and attempted rape crimes were registered in Russia, marking a decrease in number compared to the previous year (World Population Review, 2022). While most countries have laws prohibiting sexual assault and violence, many are weak inconsistent and ineffective. Although most people hear about rape and sexual assault against women, men worldwide are subjected to sexual harassment, assault, and rape on a daily basis.

According to a study, women between the ages of 16 and 19 are four times more likely to be victims of rape or sexual assault, while female college students between 18 and 24 are three times more likely. Sexual assault and rape are twice as common among transgender

individuals and people with disabilities. Although most countries have laws prohibiting sexual assault and violence, many are ineffective, inconsistent and poorly implemented. While the number of rape cases and sexual violence has increased in several nations in recent years, there are still countries where no rape incidents have been documented. The rape incidence rate in Yemen, Nepal and Syria were 0.80, whereas the rape incident rate in Japan and Guinea was 1. According to the World Population Review, Bangladesh's rape case occurrence reported per 100,000 is 9.82, with 11,682 rape incidents documented from 2020 to now (World Population Review, 2022).

The latest available estimate on intimate partner violence from the World Health Organization (WHO) is that "globally about 1 in 3 (30%) of women worldwide have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime". Further, a multi-country study found that in 10 countries sexual VAW of age 15–49 years from an intimate partner varied from 6 percent to 59 percent (WHO, 2021).

Situation of Rape Cases in Nepal

The country Nepal has recorded According to the data maintained by Nepal Police Headquarters, the incidents of forceful rape increased by 18 percent this year compared to last year. The Nepal Police data suggested that 1623 rape cases were registered across the country in the first eight months of the Fiscal Year 2018/19. Likewise, approximately per day six and per month 185 rape cases were registered in the Nepal Police. The latest data from Women, Children and Senior Citizen Service Center of Nepal stated that about 2321rape cases were recorded in fiscal year 2077/078 in Nepal. Nepal Police said that the incidents of rape were found sharply increased over the past year. Nepal Police dealt with 2,534 cases of rape in 2020-21 against 2,144 of previous fiscal year, an increase by 18.19 percent. Similarly, as many as 735 incidents of attempt-to-rape were reported in 2020-21 compared to 687 in 2019-20. It accounts for an increase of 6.99 per cent. According to the data of Women, Children and Senior Citizen Service Center of Nepal shows that about 2321rape cases were recorded in fiscal year 2077/078 in Nepal (Nepal police Headquarters, 2079).

Nepal Police headquarters said that 17,000 cases of rape and 5,000 attempted cases were reported to the police in the past 25 years. According to statistics, 16,986 cases of rape and 5,000 cases of attempted rape were reported to the police from the Fiscal Year 2053/54 to Fiscal Year 2077/78. The statistics shows that the cases of rape have been increasing every year. Nepal Police said that the rape cases have increased by 20 fold in the past 25 years (Bhul, 2021).

Meanwhile, the Criminal (Code) Bill, 2074 (2017) in Nepal, criminalizes rape under Chapter 18, article 219 which states that no one is allowed to commit rape. The Bill states that if a person rapes a woman without her consent or any girl under 18 years of age with or without her consent by using force or showing threat shall be considered a rape. Defining the forced sexual relation as a serious crime against humanity, the Supreme Court had said, “Such a crime is an act of embarrassment to the entire human civilization.

The Nepal Police in 2021 reported that up to seven women and girls were raped every day in the country, most of them by neighbors, relatives and acquaintances. Meanwhile, the Criminal (Code) Bill, 2074 (2017) criminalizes rape under Chapter 18, article 219 which states that no one is allowed to commit rape. Criminal Code 2074 guides the rape law in Nepal. According to Muluki Criminal Code 2074, whoever has sexual intercourse with a woman without her consent or, in the case of a woman below eighteen years of age even with her consent, shall be deemed to have committed rape (Dahal, 2022).

The issue of marital rape is a new and to a great extent still undigested concept in a patriarchal society like Nepal where marriage is seen as a prerogative to have sexual intercourse with one’s wife with or without consent. In Nepal, sexual violence by intimate partner, including marital rape, may be occurring but is largely unreported due to social stigma of discussing one’s sex life as well as the uninformed belief (on the part of both spouses) that forced sexual relation by a husband without the consent of the wife doesn’t constitute violence/rape (Giri, 2021).

Table 1: Distribution of incidents of rape and attempted rape in Nepal from 2074/075 to 2077/078.

Fiscal Years	2074/075		2075/076		2076/077		2077/078		Total	
	Rape	Attempted Rape	Rape	Attempted Rape	Rape	Attempted Rape	Rape	Attempted Rape	Rape	Attempted rape
Province-1	384	186	544	237	485	160	557	151	1970	734
Province-2	175	105	300	103	288	96	339	107	1102	411
Bagmati	191	98	230	58	256	86	271	80	948	322
Gandaki	119	60	181	79	161	62	190	54	651	255
Limbini	270	131	369	127	384	99	399	116	1422	473
Karnali	59	33	140	45	139	57	143	43	481	178
Far-Western	93	51	170	76	200	67	213	82	676	276
Total	1291	664	1934	725	2113	627	2112	633	7250	2648
Kathmandu Valley	188	63	296	61	266	52	209	33	959	209

Source: Women, Children and Senior Citizen Service Center of Nepal, 2078.

Above data shows that the rape cases are increasing trend in Nepal. Total 2321 rape cases were reported in fiscal year 2077/2078 in Nepal. Among the province and Kathmandu valley was highest rape 557 cases were recorded in province 1 followed by 339 cases in province 2. Similarly attempted rape cases were highest in province one (15) followed by province (2) 107 were reported in 2078 B.S.

Rape Cases Spike during Lockdown

Police said that 4,448 cases of four types of violence against women were reported in the three months of first Covid-19 lockdown. A total of 717 that means 16 percent of rape cases were reported to the police. Of them, 169 cases of rape were reported in Province 1, 98 in Province 2, 86 in Bagmati, 53 in Gandaki, 123 in Lumbini, 45 in Karnali, 79 in Far-West and 64 in Kathmandu Valley. According to the statistics of police, 199 cases of attempted rape were reported in all the seven provinces. Of them, 53 cases were reported in Province 1, 20 in Province 2, 25 in Bagmati, 15 in Gandaki, 34 in Lumbini, 14 in Karnali, 25 in Far-Western and 13 in Kathmandu Valley (NWC, 2020).

Defining the forced sexual relation as a serious crime against humanity, the Supreme Court had said, "Such a crime is an act of embarrassment to the entire human civilization. Therefore, the state should not fail to protect the rights of the victims." The Supreme Court had then issued a special order addressing the government to work towards providing easy judiciary access to the victims, social rehabilitation and the right to justice, refund of the loss property and compensation from the state's side (CIJ, 2018).

On September 23, a 12-year-old girl from Masta Rural Municipality in Bajhang was murdered after being raped. On September 15, a teenage rape victim took her own life in Saptari district after village elders forced her into an out-of-court settlement. Rewind to September 2009. Suntali Dhama, a constable was raped by six policemen in Achham. "It was the National Women Commission's efforts that provided justice to Suntali Dhama," said Mohana Ansari, then a member of the commission. With no office bearers despite its legal elevation, the commission is as if non-existent. Public outrage over Nirmala's rape and murder is helping to shine a light on the structural issues that so often prevent justice from being done (Bhattarai, 2018).

They are especially riled by the provision that any person, whether a man or woman, can now be considered to have been raped after the ordinance replaced the clause "woman or girl child" in Clause 221 of the Criminal Code 2017 by "person". Despite the Constitutional guarantees, instances of rape are increasing in Nepal. Many cases of rape and sexual violence go unreported to police because of social stigma, lack of trust in the

justice system, and lack of protection of victims.

Muluki Criminal Code 2074 guides the rape law in Nepal. According to Muluki Criminal Code 2074, whoever has sexual intercourse with a woman without her consent or, in the case of a woman below eighteen years of age even with her consent, shall be deemed to have committed rape. A person committing rape shall be liable to punishment, having regard to the circumstances of the commission of rape and the age of woman, with the following imprisonment and fine: From 16 years to 20 years, if the minor is below ten years. From 14 years to 16 years, if the minor is above ten years but below fourteen years. From 12 years to 14 years, if the minor is above fourteen years but below sixteen years. From 10 years to 12 years, if the woman is above sixteen years but below 18 years. From 7 years to 10 years, if the woman is above 18 years. But numerous more rape cases go unreported. Ladies and young ladies are not sheltered whether they are at home; school, road, open transport or the workplace. The casualties of assault normally keep the episode a mystery for reasons of glory, respect and their future (Dahal, 2022).

There was an event by newspaper report that four people ganged rape up on the girl in Saptari. A panchayati was held in the village after stopping the victim's family, who were preparing to file a complaint. The victim committed suicide after Panchas tried to settle the matter by taking 55,000. The girl commits suicide when the family and the panchayati did not let her file a complaint about the rape incident.

A few years ago in Kavre, when she told the story of her father's actions in the hope of getting justice from his father, whether it was rape by his own father or, brother, brother-in-law, father-in-law for months and years in many places, even if information comes out loosely. It only becomes news from time to time. Unsafe from teachers while going to school, coaching classes, unsafe from doctors, unsafe from drivers in transportation, unsafe from orphanages and nursing homes, raped by many gurus and saints who consider God and father and unsafe from husband also. Marriage is a license to rape for husband. Forced sexual relation by a husband without the consent of the wife doesn't constitute violence/rape in our society.

Conclusion

This study finds that violence against women especially rape cases have significantly gone up in recent days. Another problem with rape as a crime is that it is not reported. According to world report, it is estimated that only 12 percent or fewer cases are reported. There is a social stigma attached to rape, and the victims prefer to keep silent. The situation is worse in Islamic countries where the testimony of women has less value and

the women are often accused of being the cause of rape. Moreover, the criminal justice system in such countries is so weak and faulty that it is difficult to get a rapist punished for his crime. It is only in developed countries that women dare to report rapes. This is perhaps one of the reasons that more developed countries are also on the list of countries where highest numbers of rapes take place.

Looking at the trend of Nepal government, Women Commission, NGOs and INGOs working in the field are trying their best in making the most out of it but every day the newspaper headlines are charged with one or the other story of a woman being obliterated of her respect and dignity. Despite the Constitution and laws guarantees, instances of rape are increasing in Nepal. There are so many challenges to stop the rape cases in Nepal. Many cases of rape and sexual violence go unreported to police because of social stigma, lack of trust in the justice system, and lack of protection of victims. Numerous more rape cases go unreported practice of so called compromise.

Ladies and young ladies are not sheltered whether they are at home; school, road, open transport or the workplace. The casualties of assault normally keep the episode a mystery for reasons of glory, respect and their future. Existing legal framework for sexual offences in Nepal is outdated. There is a lack of provisions for the adequate protection of the victims. Victims are often reluctant to report the cases of sexual assault owing to social stigma and lack of legal assistance. An elaboration on definition of rape and sexual assaults in law and reframing of legal procedures for effective handling of these cases is the need of the time. It is necessary to strong law efficient law enforcing agencies, the no culture of silence and the practice of no so-called 'compromise'. Impunity for Nepali laws, doesn't include marital rape or domestic violence due to the private status of the perpetrator.

References

- Abayomi, J. A. (2022). *Countries with highest rape crime rate in the world*. <https://www.trendrr.net/13049/countries-with-highest-rape-crime-famous-global-statistics/>
- Bhattarai, K. (2018). *The rape case that shook Nepal*. <https://thedi diplomat.com/2018/12/the-rape-case-that-shook-nepal/>
- Centre for Investigative Journalism (CIJ). (2018). *Justice far-off for victims of rape and sexual abuse*. <https://cijnepal.org.np › justice-far-off-for-victims-of-ra>.
- Tidman, Z. (2022, April 16). *Independent: Nearly one in four rape victims are girls under 16, unacceptable new figures reveal*. <https://www.independent.co.uk>
- Giri, R. (2021). *Marriage is no license to rape*. <https://myrepublica.nagariknetwork.com/news/marriage-is-no-license-to-rape/?categoryId=opinion>

- Bhul, K. (2021). *20-fold increase of rape cases in 25 years in Nepal*. Nepal Press. <https://english.nepalpress.com/2021/07/24/20-fold-increase-of-rape-cases-in-25-years-in-nepal/>
- Nepal Police Headquarter (NPH). (2019). *Nepal police registers 856 rape cases in the last seven months*. Nepal Police Headquarter, Kathmandu. World Places. www.nepalpolice.gov.np.
- Ghimire, B. (2020). *National women commission remains defunct as the cases of violence against women continues*. <https://kathmandupost.com>
- Rape, Abuse, and Incest National Network (RAINN). (2001). *Seven out of 10 sexual assaults are committed by someone who knows the victim*. RAINN Statistics. <https://www.rainn.org> ›
- Rape, Abuse, and Incest National Network (RAINN). (2019). *Sexual violence affects millions of Americans*. <https://www.rainn.org/statistics/victims-sexual-violence>.
- Thornhill, R., & Palmer, C. T. (2000). *A natural history of rape: Biological bases of sexual coercion*. Massachusetts: MIT Press. DOI:10.5860/choice.37-5737. <https://www.semanticscholar.org/paper/A-Natural-History-of-Rape%3A-Biological-Bases-of-Thornhill>.
- Statista Research Department (SRD). (2021). *U. S: number of rape/sexual assault victims, by sex 2020*. <https://www.statista.com>
- World Population Review (WPR). (2022). *Rape statistics by country 2022: World population review*. <https://www.google.com/>
- World Health Organization (WHO). (2021). *Multi-country study on women's health and domestic violence against women: Initial results on prevalence, health outcomes and women's responses*. <https://www.cabdirect.org/cabdirect/abstract/20063002089>.
- Livoti, S. (2009). *The sociological theories of rape: Rape as a social control*. <https://www.coursehero.com> ›
- Dahal, K. B. (2022, May 17). *Rape law in Nepal – Everything you need to know*. <https://meroadalat.com/rape-law-in>
- National Women Commission (NWC). (2020). *National women commission's initiatives in responding to and reducing gender-based violence during lockdown*. National Women Commission, Kathmandu, Nepal.