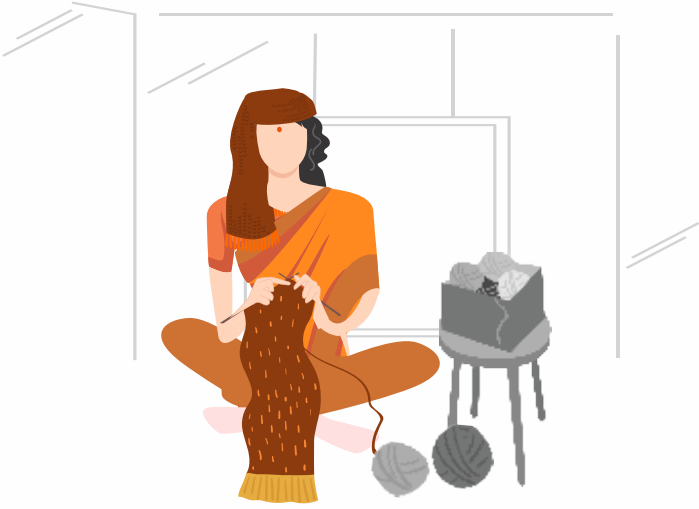
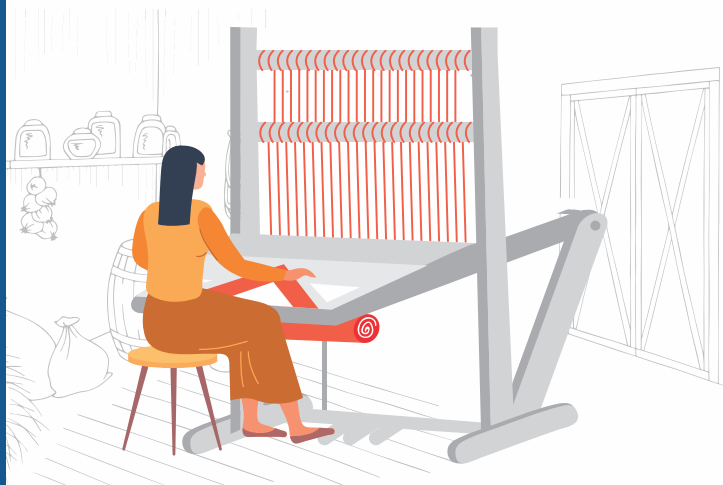
RESEARCH ON VIOLENCE AGAINST WOMEN IN THE CONTEXT OF HOME-BASED WORK IN NEPAL





HOMENET SOUTH ASIA
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Research By
Pinky Singh Rana

Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSO	Civil Society Organisation
FGDs	Focus Group Discussions
GoN	Government of Nepal
HBWs	Home-Based Workers
HNSA	HomeNet South Asia
KIIs	Key Informant Interviews
MoHA	Ministry of Home Affairs
MoHP	Ministry of Health and Population
NPR	Nepalese Rupees
NWC	National Women Commission
OCMCs	One-stop Crisis Management Centres
VAW	Violence Against Women

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1. STUDY CONTENT AND JUSTIFICATION

The aim of this study is to explore the nature, scope and context of violence committed against women home-based workers (HBWs) in urban and semi-urban areas of Kathmandu, Nepal. This study will contribute to understanding the violence committed against women HBWs, whether by family or agents/contractors. It will explore the impact of violence on women HBWs and determine immediate and long-term multi-sectoral prevention and response mechanisms to address such experiences. It will address the efforts of various stakeholders to prevent violence and support women HBWs facing violence.

This is not a prevalence study, and therefore the results should not be generalised to all women HBWs in Nepal. It instead endeavours to provide insight into how agency, including decision-making power, safety and health of women HBWs is affected, and deliver contextual information for stakeholders so that the emotional, mental, physical and sexual violence that women HBWs encounter can be successfully addressed.

HomeNet South Asia (HNSA) has committed financial and human resources to support this study to determine whether HBWs encounter any form of violence from family members as well as agents/contractors, and for future interventions. A purposeful decision was made to reach out to HBWs through chosen civil society organisations (CSO) supported by HNSA over the past several years.

The study prioritises the following elements within its design and implementation:

» The data was collected for the explicit purpose of understanding the extent of violence inflicted on HBWs and highlighting the need to address it.

» The safety of HBWs was prioritised – no data was collected at the risk of the sampled HBWs.

» The study provides a vehicle and a sound basis for further work to develop and design strategies and services that address the HBWs' needs pertaining to violence they encounter.

1.2 Objectives

Objective 1

To access HBWs voices and generate data on the nature of violence, harassment and discrimination faced by women in home-based work.

Objective 2

To analyse the gaps in existing laws and policies and their mechanisms that seek to protect women from violence, harassment and discrimination, both as women and as workers.

Objective 3

To develop a strategy, including an advocacy strategy, to include the voices and concerns of HBWs in addressing discrimination, violence and harassment of women HBWs.

1.3 Expected outcomes of the study

1. Increased understanding of the nature of violence faced by women HBWs.

2. Increased understanding of the impact of violence on work and life of HBWs, as workers and as women.

3. Complaint redressal models for HBWs will be documented and further developed.

4. An understanding of violence-free work zones from the perspective of women HBWs.

2. METHODOLOGY

Both qualitative and quantitative methods were used to fulfil the study's objectives. The evidence-based results presented in the analysis are derived from both individual-survey data, community-level focus group discussions (FGDs) and key informant interviews (KIIs).

2.1 Levels and methods of data collection

Three methods to collect data were used at three different levels:

- Level 1, individual level: Data collectors conducted semi-structured surveys with women HBWs regarding their work and the violence they may have experienced.
- Level 2, community level: Focus group discussions were facilitated with women HBWs, who shared their experiences of violence. Those interviewed at the individual level were not included in this group discussion.
- Level 3, Kathmandu and community level, key informant interviews (KIIs): Those directly engaged with HBWs, via NGOs, advocates and trade unions, were invited to comment on services – both formal and informal – and the response mechanisms in place within target locations to address HBW-related violence.

2.2 Location selection process

Locations were identified based on where HomeNet South Asia (HNSA) had provided prior support in collaboration with its partner organisations in Nepal, namely SABAH Nepal, Saathi, Home-Based Workers Concern Society Nepal (HBWCSN) and Women for Human Rights (WHR). The locations were both urban and peri-urban.

Table 1: Sample locations

No.		Urban	Peri-urban	Coordinating organisation
1	Godavari, Lalitpur			Saathi
2	Macchegaun, Chandragiri	-	√	Women for Human Rights, Single Women's Group
3	Khokana, Lalitpur	√	-	SABAH Nepal
4	Manohara, Bhaktapur	√	-	Saathi
5	Bungmati, Lalitpur	-	√	SABAH Nepal; HBW Concern Society Nepal
6	Boudha, Kathmandu	-	-	HBW Concern Society Nepal
7	Jagritinagar, Kathmandu	√	-	Saathi

2.2 Sample size for study

The study drew from a predetermined sample of 50 respondents identified from target groups based in various locations across Kathmandu, Lalitpur and Bhaktapur districts, Bagmati province (Table 1). Organisations' coordinators helped select the respondents. Efforts were made to ensure diversity of HBWs in type of work undertaken. A total of eight FGDs with HBWs and 12 KIIs with representatives of NGOs/organisations working with HBWs, trade union representatives and HBW networks were also conducted.

2.3 Data management and analysis

All completed questionnaires were manually edited and coded, and data entered into the CSPro 7.1 software program. Before transferring the data to the SPSS software for analysis, consistency and range checks were carried out for all the questionnaires. Selection of analytical techniques depended on the descriptive analysis of indicators. Frequency and cross tabulations were the main output for the analysis.

2.4 Ethical safeguarding

Ethical safeguarding of respondents was a priority during data collection phase. The questionnaire and the data collection processes, as well as the training of team members, ensured respondents were not compelled to respond against their wishes and could withdraw from an interview at any point. Data collectors ensured information collection processes did not in any way cause discomfort to respondents. Respondents were not provided compensation that could alter responses, in either cash or kind.

2.5 Limitations of the study

Some limitations of the study are as below:

- In some locations, it was challenging to find HBWs as there was a gap between the organisation's work in the locality and the current study. This meant having to visit the same places repeatedly.
- Some HBWs found it difficult to spare time for interviews as it clashed with their work schedules.
- HBWs hesitated to share sensitive information and experiences related to violence during FGDs, fearing that perpetrators could access the information. In some cases, sharing instances of abuse by contractors/agents meant they ran the risk of not receiving further work.

3. LITERATURE REVIEW

3.1 Introduction

Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) explicitly defines discrimination as including "any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying women's enjoyment of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. This is irrespective of their marital status, on a basis of equality of men and women."[1] CEDAW calls for state parties to take appropriate measures to eliminate all forms of trafficking and exploitation, and prevent discrimination against women in employment, while ensuring safe and healthy working conditions. The 1995 Beijing Platform for Action further calls for legal reforms to address gender discrimination.[2] More recently, the 2030 Agenda for Sustainable Development [Sustainable Development Goals (SDGs), including Goal 5: Achieve gender equality and empower all women and girls; and Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all] urges states to urgently tackle violence and exploitation, and ensure economic growth of all.[3]

Discounting discrimination against women leads to diverse forms of violence and harassment, and negates women's human rights and the right to work with dignity. While these elements have been gradually recognised across the world, efforts to address them within the work environment have been sporadic. In this 'world of work', millions of workers from the informal sector, such as HBWs and domestic workers, often invisible and ignorant of their rights, endure exploitative working conditions and silently tolerate violence for fear of losing the little work they have.

As a signatory of CEDAW, Nepal is committed to eliminating all forms of discrimination against women and has made significant headway in realising social and political transformations aimed at improving gender equality and inclusion. Nepal's women's rights movement is vibrant: Non-governmental organisations (NGOs) working with women's rights, gender advocates and activists, as well as women's organisations affiliated to political parties have all unwaveringly campaigned for improved legal, economic and social rights for women and marginalised groups. Both government and non-government entities have made progress in addressing discrimination, harassment and violence against women (VAW). Promulgation of laws, adoption of rules and regulations, and implementation of policies and programmes have served as preventive, protective and empowering measures. Nonetheless, transformative change has been slow; duty-bearers and right-holders alike remain ignorant of existing laws and regulations, ambiguities in legislative and procedural processes create obstructions, and implementation

[1] https://www.gov.uk/government/publications/convention-on-the-elimination-of-all-forms-of-discrimination-against-women-cedaw-articles
[2] https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf
[3] https://sustainabledevelopment.un.org/post2015/transformingourworld

mechanisms remain ineffective and un-monitored. Additionally, impunity of perpetrators deters survivors from speaking out. In the 'world of work', addressing violence, harassment and discrimination is rare. Except for civil society organisations (CSOs) addressing it in their areas of work, and occasional individual or organisational[4] endeavours in the private sector, no initiative in the informal sector is evident. The following sections attempt to review existing laws and policies and their mechanisms that seek to protect women from discrimination, violence and harassment, both as women and workers.

3.2 Legal scenario in Nepal: Recognising violence, harassment and discrimination

Nepal has signed, ratified or acceded to international commitments such as CEDAW, 1979; International Covenant on Economic, Social and Cultural Rights, 1966; and Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956. The Constitution of Nepal adopted in 2015 guarantees its citizens all fundamental rights. Article 38 of the Constitution recognises specific rights of women and ensures non-discrimination and non-violence against women.[5] Legislative strides over the past decades have enabled women to claim their rights, particularly when facing discrimination, violence and harassment. Such legislation includes the National Human Rights Commission Act, 2053 [1997]; Compensation Relating to Torture Act, 2053 [1996]; National Woman Commission Act, 2063 [2006]; Foreign Employment Act, 2064 [2007]; Domestic Violence (Offense and Punishment) Act, 2066 [2009]; Sexual Violence at Workplace Prevention Act, 2071 [2015]; the Act Amending Some Nepal Acts to Maintain Gender Equality and End Gender-based Violence, 2072 [2015]; and the Right to Safe Motherhood and Reproductive Health Act, 2075 [2018]. The Constitution prohibits discrimination in remuneration and social security based on gender. The recent Labour Act, 2074 [2017][6] ensures women's participation in the Central Labour Advisory Council, has special provisions for pregnant women and requires employers to provide female employees transportation outside of office hours. These legislations have been significant in preventing exploitation and abuse, protecting and promoting women's rights and strengthening the position of women in society. Table 2 presents a detailed picture of relevant constitutional and legislative measures.

Table 2: Laws on discrimination, violence and harassment

Constitution of Nepal, 2015	• Ensures non-discrimination based on sex, guarantees equality before law and provides equal protection of law [Article 18(1)]. • Scope of non-discrimination extends to physical condition, disability, health, marital status, pregnancy and economic condition [Article 18(2)]. • Recognises the rights of women, including that of every woman to have 'equal lineage right without gender-based discrimination' [Article 38 (1)].

[4] For instance, initiatives to train government health service providers (doctors and nurses); private sector such as Hotel Shambala, Kathmandu conducted awareness to all its staff members.
[5] http://www.lawcommission.gov.np/en/archives/981
[6] https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=105434

Police Act, 2012 [1955]	• Police are obliged to treat women and children with respect and politeness.[7]
Some Public (Crime and Punishment) Act, 2027 [1970]	• Prohibits insulting, threatening, scolding, teasing, or carrying out any unwanted act against women in public.[8]
Social Practices (Reform) Act, 2023 [1976]	• Seeks to eliminate harmful social practices such as dowry.[9]
Children's Act, 2048 [1992]	• Involving a child in an immoral profession and employing a child in work that may adversely impact their life or health are prohibited and punishable.[10]
Gender Equality Act, 2063 [2006]	• Over 60 gender discriminatory laws were amended simultaneously.[11]
National Woman Commission Act, 2063 [2007]	• Established the Commission as a statutory body to keep vigilance on gender-based violence (GBV) and investigate and recommend cases to law enforcement agencies.[12]
Domestic Violence (Offense and Punishment) Act, 2066 [2009]	• Defines domestic violence as "any form of physical, mental, sexual and economic harm perpetrated by person to a person with whom he/she has a family relationship and this word also includes any acts of reprimand or emotional harm".[13] • Any person who "has knowledge of an act of domestic violence that has been committed, or is being committed, or is likely to be committed, may lodge a written or oral complaint with the police office, National Women Commission or local body".
Sexual Harassment at Workplace Prevention Act, 2071 [2015]	• Defines sexual harassment as unsolicited acts committed by, or caused to be committed by, any person in abuse of his/her position, power or by imposition of any type of coercion, undue influence or enticement.[14] • Includes "physical contact and advances; showing or displaying of pornographic material; expressing sexual motives by way of written, verbal or non-verbal means; demand or proposal for sexual favours; and flirting or harassing with sexual motive". • Workplace' includes any place used by (a) government entities (b) entities owned (fully or partly) by government (c) corporate bodies or institutions established in

[11] https://evaw-global-database.unwomen.org/en/countries/asia/nepal/2006/gender-equality-act-2006
[12] https://nepal.ohchr.org/en/resources/Documents/English/other/2009/March%2009/3.NWC%20ACT%202007.pdf
[13] http://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/domestic-violence-crime-and-punishment-act-2066-2009.pdf
[14] http://www.pioneerlaw.com/news/nepal-introduces-legislation-to-address-sexual-harassment-at-workplace

	accordance with the prevailing laws and (d) any firm, institution or corporate body registered or licensed to carry out any business, trade or provide services (together the 'Entities'), in the course of conducting their business. • Affords protection to employees and workers (including contract workers), as also to customers (and persons accompanying such customers) who may visit the workplace to avail themselves of any services. • Act limits the definition only to the organised sector and appears to exclude entities operating in the informal sector. • Envisages two complaint mechanisms: Under the internal complaint-handling mechanism, the employer or a manager/head of department for administrative matters (such as HR) handles complaints. Under the external complaint handling mechanism, the Chief District Officer of the district concerned is the initial complaint handling authority. • Provision for imprisonment of up to six months and/or fine of up to Nepalese rupees (NPR) 50,000. Any employer failing to comply with the duties and responsibilities imposed by the Act may be punished with fine of up to NPR 25,000.
Human Trafficking and Transportation (Control) Act, 2064 [2007] (HTTCA)	• Defines human trafficking as: "(a) To sell or purchase a person for any purpose (b) To use someone into prostitution, with or without any benefit (c) To extract human organ except otherwise determined by law (d) To go for in prostitution". It defines human transportation as "(a) To take a person out of the country for the purpose of buying and selling (b) To take anyone from his/her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurement, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into one's custody or take to any place within Nepal or abroad or hand over him/her to somebody else for the purpose of prostitution and exploitation".[15] • Any person who is aware of such acts being committed or that may be committed may report it to the police. • Allows informant to request for anonymity, following which the police are required to maintain this confidentiality.

[15] http://www.lawcommission.gov.np/en/archives/category/documents/prevailing-law/statutes-acts/human-trafficking-and-transportation-control-act-2064

	• Stipulates that GoN establish rehabilitation centres for "physical and mental treatment, social rehabilitation and family reconciliation of the victim". • Punishment varies according to the nature of the crime, ranging from a maximum of 20 years imprisonment and a fine of NPR 200,000 for selling or buying a human being, to one to three months imprisonment and fine of NPR 2000-5000 for a person engaged in prostitution.
Right to Safe Motherhood and Reproductive Health Act, 2075 [2018]	• Safeguards and guarantees the safe motherhood and reproductive rights provided to women by the Constitution of Nepal.[16] • Mandates for maternity, emergency obstetric and newborn services, and the right to a safe abortion. • Makes an offence of forceful family planning, depriving anyone of pregnancy services and non-issuance of a birth certificate. • Offenders may be imprisoned for up to six months or fined up to NPR 50,000 or both.
Country Codes 2074 [2017]: Provisions pertaining to violence	
Provisions against marital rape	• Marital rape is a criminal offence; as per the Provisions Relating to Divorce (Chapter 3), the wife may effect divorce if the husband is proved to have raped the wife.[17] • Under such circumstances, the law also provides for security for the wife, which includes allowing her to stay in the same house where she resided, and ensuring basic maintenance and reasonable health costs; separate living provisions is to be borne by the husband if living in the same residence is not possible. • The husband is liable to be imprisoned for a term not exceeding five years.
Provisions against rape	• Rape is defined as a "man having sexual intercourse with a woman without her consent or with a girl child below the age of 18 years even with her consent". Consent obtained through coercion, undue influence, intimidation, threat, misrepresentation, abduction or hostage-taking is disregarded. • Rape may involve penetration of the penis or any other object into the vagina, anus or mouth. • Imprisonment for perpetrator varies depending on the age of the girl/woman, ranging from 16-20 years for a girl child below 10 years, to 7-10 years if the woman is 18 years or above.

[16] http://www.lawcommission.gov.np/en/archives/category/documents/prevailing-law/statutes-acts/the-right-to-safe-motherhood-and-reproductive-health-act-2075-2018
[17] The National Civil (Code) Act, 2017 (2074

	• Additional sentencing for rape committed by a perpetrator in spite of knowing he has HIV AIDS or other sexually transmitted disease, and for cases of gang rape, rape against a pregnant woman (over six months pregnant), a mentally or physically challenged woman, or rape committed by showing arms. • If a victim retaliates in defence and causes the death of her assailant, it will not be considered an offence. • Provision for in-camera hearing.
Provisions related to marriage	• Marriage taking place without the consent of the person(s) involved is considered invalid. • Consent by person(s) under the age of 20 is considered invalid. • Those engaged in settling a marriage that should not be concluded are liable to imprisonment of up to two years and a fine of up to NPR 20,000.
Provisions related to bigamy	• A married man is prohibited from marrying again; the law prevents a woman from knowingly marrying a married man. • A person committing such an offence may be imprisoned from one to five years and fined NPR 10,000-50,000.
Provisions related to child marriage	• Marriage involving parties aged below 20 is considered invalid. • Punishment is imprisonment for up to three years and a fine of up to NPR 30,000. • Complaint to be made within three months from the date of knowledge of the offence.
Provisions against dowry	• Prohibits any marriage based on the demand for or on the condition of providing movable or immovable property, except such ordinary gifts, donation, money or one set of jewellery worn on the body as per custom. • No demand, harassment and abuse to be made of the bride or her family after marriage. • Punishment for demanding dowry is imprisonment of up to three years or fine of NPR 30,000 or both.
Provisions against dowry	• A woman has the right to safely terminate her pregnancy for up to 12 weeks of gestation.[18] • A woman may opt for abortion for up to 28 weeks if a licensed doctor declares that her life is at risk or the child may be born with disabilities; a similar time period holds

[18] http://www.lawcommission.gov.np/en/archives/20858

	true if the pregnant woman has an incurable disease such as HIV. • Abortion is allowed for up to 28 weeks in cases where pregnancy is a result of rape or incest. • Sex selective abortion is prohibited and punishable. Offenders can get three to six months imprisonment for identifying or causing to identify sex with intention of abortion, in addition to sentences specified for related offences. • No person shall forcefully get a pregnant woman to abort.
Provisions against degrading or inhuman treatment	• Individuals are prohibited from committing or causing anyone to commit an act that is degrading or treats another inhumanely. • Imprisonment of up to five years and a fine up to NPR 50,000. • The law requires the victim to be reasonably compensated by the offender. Two core elements pertain to women: 1. Accusation of witchcraft • Mistreating or ostracising a person or compelling them to leave their place of residence because they are considered a witch is an offence. • Punishment is up to three months imprisonment or fine of up to NPR 3000 or both. 2. Chhaupadi • Banishing a woman to a shed (chhaupadi) during menstruation or delivery, or any "similar other form of discrimination, untouchability or inhuman treatment" is an offence. • Punishment is up to three months imprisonment or a fine not exceeding NPR 3000 or both.
Provisions against causing disfigurement / deformity by use of acid or other chemical, biological or toxin substance	• Use of acid and other chemicals to burn or disfigure a person is an offence. • An offender may face eight years imprisonment and a fine of NPR 100,000-500,000 in case of disfigurement of face or three to five years in prison and a fine of NPR 50,000 for disfigurement of any other body part or organ. • Collected fine to be paid in whole to victim as compensation.

Country Codes, 2074 [2017]: Provisions pertaining to discrimination	
Provisions against discriminatory treatment	• No authority exercising power shall discriminate against any citizen based on "origin, religion, colour, race, caste/ethnicity, tribe, sex, physical condition, disability, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds". • An offender may face imprisonment up to three years or fine up to NPR 30,000 or both.
Purchasing, selling or distribution of goods or services	• No discrimination allowed when buying, selling or distributing goods and services to persons from any particular caste, tribe or community. • The law provides for exceptions in the interest or protection of economically, socially or educationally backward persons. • he offence is punishable by imprisonment of up to one year or fine up to NPR 10,000 or both.
Serfdom or debt bonded labour	• No person to be subjected to or hold anyone in serfdom or bonded labour, or employ anyone in the status of serfdom or bonded labour or cause for a person to be subjected to treatment or practice that is similar to it. • Imprisonment ranges from three to seven years and a fine of NPR 30,000-100,000.
Prohibition of untouchability or discriminatory treatment	• The law kicks in if a person is treated as untouchable; or shown any form of discrimination; or disallowed from entering a public place or a religious site of public nature; or prevented from using any private or public utilities or convenience on the grounds of custom, tradition, religion, culture, rites or rituals, caste, tribe/race, community, profession, occupation, physical condition or origin of social community. • Penalty is imprisonment not beyond three years or a fine not exceeding NPR 30,000 or both; a public servant is liable to an additional imprisonment term not exceeding three months.

The Government of Nepal (GoN) has adopted numerous policies and national actions plans to implement these laws. Some noteworthy efforts are: the national action plan against gender-based violence (2011), the national action plan for the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, the one for Gender Equality and Empowerment of Women, the fourth Five-year Human Rights National Action Plan, the Human Trafficking and Smuggling Control National Action Plan, 2068, Implementation Plan 2071 and National Action Plan on UNSCRs 1325 and 1820. The periodic Ninth Plan (1997-2002) and Tenth

Plan (2002-07) accentuated gender equality and women's empowerment, while the Tenth Plan focused on increased employment opportunities. The subsequent Three Year Interim Plan (FY 2007/08-2009/10) changed gender equality from a strategy to a major objective. The Gender and Social Inclusion (GESI) policy offers a framework for all local development and major sector programmes, while Gender-responsive Budgeting, which began in the 2007/08 fiscal year, aims to bring in women's empowerment, equality and inclusion in all steps. Recently, the Nepal Demographic Health Survey started collecting data on the prevalence of violence against women, underlining women's vulnerability within and outside the home. The government has implemented affirmative action policies to ensure equal access to women and their full participation in power structures and decision-making at all levels to overcome gaps and inequalities in representative numbers of women and marginalised groups in these roles. Additionally, some government institutions are tasked with initiating and implementing VAWG related policies and plans. These include the Ministry of Women, Children and Senior Citizens, the Ministry of Home Affairs (MoHA), the Ministry of Labour, Employment and Social Security, the Ministry for Health and Population (MoHP), law enforcement agencies, the National Human Rights Commission and the National Women Commission (NWC).[19]

3.3 Gaps in laws, policies and mechanisms

Laws become meaningless without effective implementation. They require well-defined mandates for duty-bearers and service providers, and mechanisms and institutions to monitor and ensure accountability. Awareness of and access to legal mechanisms is essential for democratic rights. Gaps within laws, policies and implementation mechanisms can lead to an unresponsive system that discourage litigators and corrodes trust in the system.

Earlier paragraphs and Table 2 demonstrate the progressive legal reforms and policies adopted in the context of discrimination, violence and harassment. However, gaps and loopholes have rendered them weak, while institutional and social barriers make them further ineffective. The Constitution has provisions for non-discrimination against women, but the definition of discrimination against women is not in line with the definition in CEDAW Article 1;[20] this is reinforced by a lack of recognition of intersectionality and multiple discriminations. The Constitution provides for women's equal status, but laws to implement women's rights (Article 38) and special opportunity provisions [Article 38(5)] are yet to be enacted. Besides, intersecting vulnerabilities of marginalised groups of women, for instance those belonging to poor, rural, disabled, Dalit or Madhesi communities and religious minorities are not taken into consideration.

Another prominent discrimination is around citizenship and nationality. With Nepali mothers not able to easily pass on citizenship to their children in cases where the father is unknown or a foreign national, and single mothers facing difficulty in registering the birth of their child, many women and children are marginalised and rendered stateless.

Nepal is yet to ratify the UNTIP Protocol (Palermo) and integrate its provisions in human trafficking legislations. Consequently, the human trafficking laws fail to define many forms of exploitation as trafficking.[21] Discrepancies in the Civil and Criminal Code about child marriage need to be

[19] Adapted from: Sahavagi/DidiBahini/FEDO (2015). Progress of Women in Nepal (1995-2015) Substantive Equality: Non-negotiable. Supported by UN Women Nepal.

examined. Additionally, despite the Supreme Court's Guideline for Prevention of Abuse and Harassment in the Entertainment Sector and the enactment of a law, there has been no effective implementation. The absence of a rescue and repatriation policy for inter-country trafficking survivors continues to greatly disadvantage women. The absence of victim and witness protection provisions related to GBV and trafficking[22] hinders the effective implantation of laws and policies

Mechanisms, structures and services such as hospital-based One-stop Crisis Management Centres (OCMCs), Nepal police's Women and Children Service Centres, rehabilitations centres for victims and survivors of trafficking, the development of the national minimum standards and standard operating procedures (SOP) for shelter homes and caregivers for victims of trafficking, the preparation of SOP for investigation, prosecution and adjudication, the rescue and raid guidelines, special funds for free paralegal services, 24-hour hotline services for survivors of violence, and safe homes in countries with high migrant labour are notable examples. However, these efforts are challenged by inadequate enforcement of laws and policies, ineffective implementation of rules and procedures, low and cosmetic budgetary allocation, and service providers who are ill-equipped or indifferent to responsibilities. Moreover, poor investigation, hurried prosecution and delayed trials demotivate justice seekers. These result in an unresponsive and dysfunctional justice chain; consequently, women are hesitant, even unwilling, to navigate through it.

These challenges are fuelled by rigid mindsets that continue to view female survivors of violence and harassment as inconsequential. The NWC, the body tasked with strengthening women's rights, has inadequate human and financial resources to function effectively. Inadequate gender-disaggregated database is a cross-cutting challenge, be it data on survivors of trafficking, domestic violence, child marriage, rape or number of HBWs. A similar shortcoming with regards to women affected by natural and man-made disasters underscores an inability to reach women with specific needs – such as sexual and gender-based violence survivors during natural disasters and conflict-related sexual violence (CRSV) survivors, who have till date not received any relief package. Studies highlight this discrimination (by officials, communities and families) in women's access to relief, reconstruction funds and property rights following natural calamities. Besides, despite the Supreme Court decision to amend the amnesty provisions for CRSV crimes, de facto amnesty prevails in the Draft Transitional Bill,[23] while the National Action Plan on the Implementation of UNSCRs 1325 and 1820 Phase II, which specifically addresses CRSV needs, remains in limbo without a hosting ministry. Social transformation to prevent discrimination, violence and harassment lags behind because of rigid mindsets and practices around menstrual seclusion (chhaupadi), witchcraft, bonded labour and triple talak. These are reinforced by the unsatisfactory response of security personnel in registering VAW cases and a political environment that favours and protects perpetrators. Moreover, without efficient and consistent monitoring of relevant policies and programmes, necessary revisions are held back.

The Constitution guarantees women social and economic rights; however, there is lack of awareness, while ineffective implementation prevents those who are aware from exercising their rights. The Constitution adopts a policy that affords allowances to particular social groups such as Dalits, single women and inhabitants of Karnali. In the world of work, only some employees in the

20 SRPC/FWLD/HRTMCC/CEDAW Committee (2018) Shadow report on Sixth Periodic Report of Nepal on CEDAW. 2018 October. Submitted by CEDAW Shadow Report Preparation Committee (SRPC)
21 Ibid
22 Ibid
23 SRPC/FWLD/HRTMCC/CEDAW Committee (2018) Shadow report on Sixth Periodic Report of Nepal on CEDAW. 2018 October. Submitted by CEDAW Shadow Report Preparation Committee (SRPC)

formal sector, private and government, enjoy some benefits. The majority of women are engaged in the informal sector, in subsistence agriculture, lower rungs of the formal sector, home-based work and domestic work, and continue to face marginalisation. For women in the informal sector, the multiple levels of discrimination, including economic and social marginalisation, means their contributions remain invisible and unrecognised, leading to further violence and exploitation. Despite legal provisions, in practice, women continue to be discriminated against in employment and wages; for those in the informal sector, precarity ensures low bargaining power. The Constitution has adopted a policy to evaluate the work and contribution of women in care work; how this will positively impact women's lives is yet to be seen. In addition, the Sexual Harassment at Workplace (Elimination) Act 2014 aimed to address violence faced by women at their workplaces, but the delay in formulating a regulation against sexual harassment at the workplace is preventing the effective implementation of the Act. The Labour Law pushes for the rights of workers; however, the categorisation of employment in the formal sector and the removal of the informal sector as a whole is a concern. Where workers such as HBWs (e.g. piece rate workers) stand and how they will be able to obtain social security and other facilities provisioned by the law are ambiguous. The middleperson who plays a key role between organisations and HBWs remains unaddressed.

The number of women migrating for work has steadily increased post insurgency. However, since 2012, women below 30 who are seeking to migrate internationally have been barred from taking up domestic work. Hence, many opt to go via India, and often fall victim to exploitation and trafficking. Female migrant workers are vulnerable to gender-based violence, and mechanisms to prevent and support survivors remain insufficient.

Within the health sector, the GoN has pursued positive initiatives such as OCMCs to counter gender-based violence and provide holistic support to survivors. However, limited infrastructure, dearth of information on facilities, and gaps in knowledge and capacity of service providers to identify and support survivors prevent the effective implementation of Constitutional and legal provisions. Discriminatory behaviour perpetuates harassment and violence against patients within the healthcare sector. An absence of mechanisms to enhance, make aware and monitor effective implementation of rights, as well as hold accountable duty-bearers, continues to obstruct women's entitlements.

4. FINDINGS

The total sample size of the study was 50, comprising individual interview respondents from Kathmandu, Bhaktapur and Lalitpur districts. As previously stated, all respondents were female, from the ages of 25 to 45. Findings from FGDs and KIIs are also presented below.

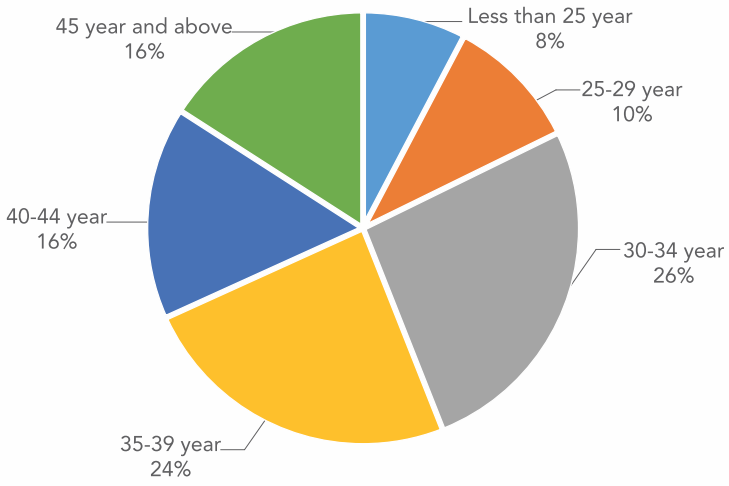
In the following sub-sections, socio-demographic data is presented to provide an overview and background followed by occupational engagement (type of home-based work) of the respondents. Additional indicators describe the forms of violence, harassment and discrimination they face and suggest linkages between workers, type of work and the violence they face. Results from FGDs and KIIs have been incorporated and triangulated to reach key findings.

It is important to recognise that these findings cannot be generalised nor attributed to all women HBWs from Nepal or even the districts of Kathmandu, Bhaktapur and Lalitpur. However, the information can be used to understand how violence, harassment and discrimination may or may not impact HBWs' personal and work lives.

4.1 Socio-demographic characteristics of study population

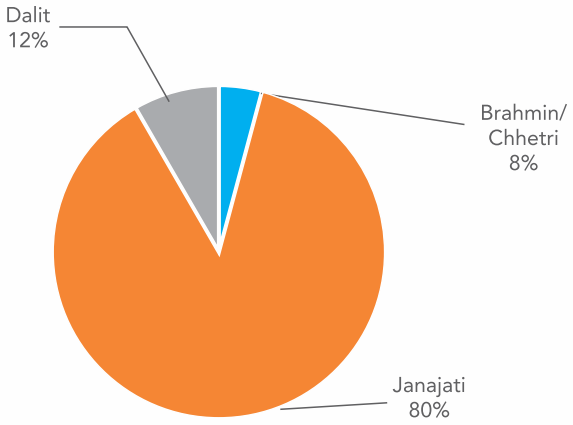
Age: The mean age of the respondents was 35.9 years. Age was stratified into six categories and the percentage of respondents by age category calculated. The data shows that half the respondents were aged between 30 and 39.

Graph 1 : Age of HBWs



Caste: Majority of respondents belonged to the most marginalised communities (92 per cent), namely Janajati (80 per cent) and Dalits (12 per cent). Only 8 per cent were from Brahmin and Chhetri castes.

Graph 2: Caste of HBWs



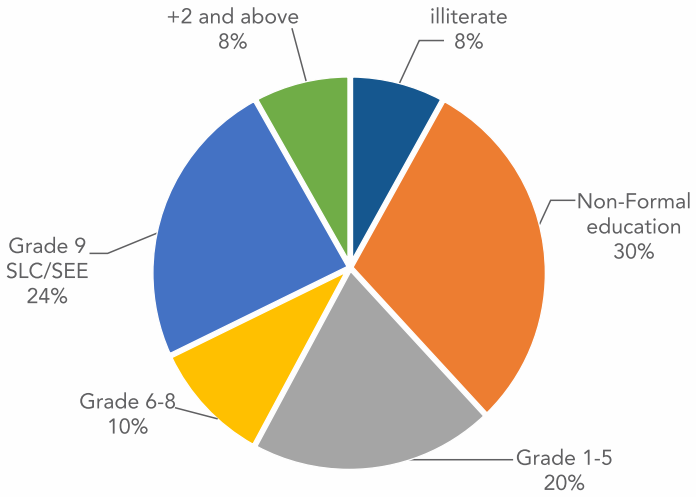
Religion: Of the total respondents, 86 per cent practiced Hinduism, 10 per cent Buddhism and 4 per cent Christianity.

Language: Newari was the primary language for 48 per cent of the respondents. A further 42 per cent spoke Nepali. Tamang (8 per cent) and Magar (2 per cent) were also identified as primary languages.

Marital status: In all, 92 per cent reported being married, 2 per cent as widowed and 6 per cent as single.

Education: The respondents were a mixed group of literate and illiterate people. Thirty per cent had only non-formal education and 8 per cent reported illiteracy. The rest had various levels of primary, secondary and higher-secondary education.

Graph 3 : Level of Education of Interviewed HBWs



Location: Respondents were either from urban (46 per cent) or semi-urban (54 per cent) locations. Respondents in urban areas included those in informal settlements as well as internal migrants who have lived in Kathmandu for several years. Respondents from semi-urban areas were primarily locals from sampled localities.

Family structure: The majority of respondents (68 per cent) came from nuclear families; the remaining 32 per cent lived in joint families. As many as 58 per cent reported having 2-4 family members, followed by 30 per cent reporting 5-7 family members; 10 per cent had 8-10 and only 2 per cent had more than 10 family members living together. Even data collected from the FGDs indicated that HBWs came from families with 2-8 members.

Key findings: Social demography

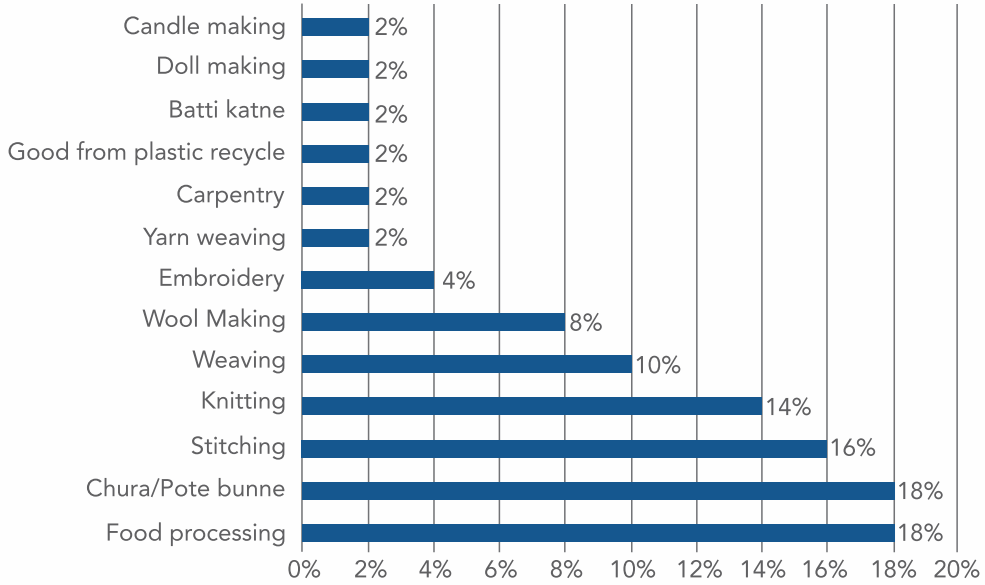
- Most respondents were within the age group of 30-34 (26 per cent), followed by the age group 35-39 years (24 per cent). The mean age of sampled respondents was 35.9.
- Most respondents (92 per cent) were from the most marginalised communities, namely Janajati and Dalit.
- Most respondents (92 per cent) were married.
- Of the respondents, 62 per cent received formal education, 30 per cent received only non-formal education and 8 per cent were illiterate.
- Some 68 per cent lived in a nuclear family, while 32 per cent were found living in joint families.

4.2 Home-based work: Categories of work, types of contract and family support

Categories of home-based work

According to the study, the majority of respondents were engaged in food processing (18 per cent), bangle and bead making (18 per cent), tailoring (16 per cent) and knitting (14 per cent). Comparatively fewer respondents pursued other categories of home-based work. However, during the interviews it was observed that HBWs take up work according to availability and are at times engaged in more than one category.

Graph 4: HBWs' category of work



The above findings were reinforced by FGDs, which indicated that HBWs took on a variety of home-based work across the sample locations. Examples of activities include regular agro-based engagements, which vary according to seasonal vegetable production, and animal husbandry in semi-urban areas, and wood carving in some locations (Bungmati) where it is traditionally pursued.

Ethnicity and age do not play a role in choosing the category of home-based work, nor was one category of work predominant by ethnicity. For example, HBWs from the Newari community undertook different types of work. Likewise, work was not chosen based on education level as there is little difference in the type of work undertaken.

Table 3: Type of home-based work and ethnic background

	Knitting	Stitching	Weaving	Embroidery	Food processing	Yarn processing	Carpentry	*Chura/ Pote bunne*	Recycled plastic goods	Wool making	Batti katne	Doll making	Candle making	Total
Brahmin/ Chhetri			1					2		1				4
Magar		1						1						2
Tamang		3		1				1		1				6
Dalit		3						3						6
Newar	6	1	4	1	9	1	1	1	1	2	1		1	28
Rai/Limbu								1						2
Gurung	1													1
Majhi												1		1
	7	8	5	2	9	1	1	9	1	4	1	1	1	50

Table 4: Type of home-based work and educational background

Education level	Knitting	Stitching	Weaving	Embroidery	Food processing	Yarn processing	Carpentry	*Chura/ Pote bunne*	Recycled plastic goods	Wool making	*Batti katne*	Candle making	Total
Illiterate		1								2		1	4
Grade 1-5	2	4			3		1						10
Grade 6-8	1			1				3					5
Grade 9 - SLC/SEE	3		2		3			3		1			12
+2 and above		1		1				1	1				4
NFE	1	2	3		3	1		2		1	1		15
	7	8	5	2	9	1	1	9	1	4	1	1	50

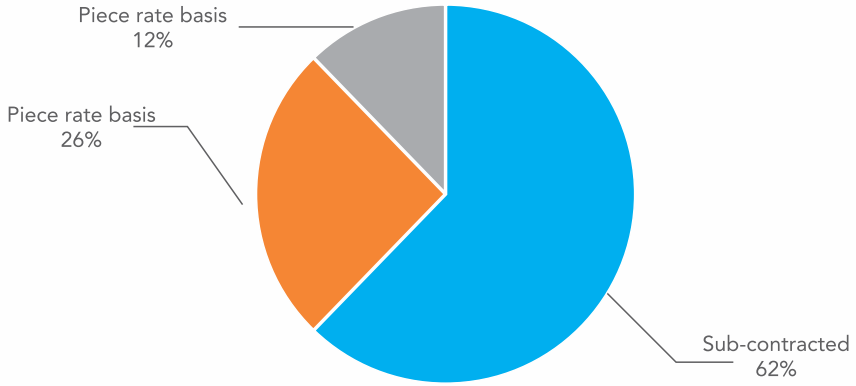
Table 5: Type of home-based work and age category

Age (years)	Knitting	Stitching	Weaving	Embroidery	Food processing	Yarn processing	Carpentry	*Chura/ Pote bunne*	Recycled plastic goods	Wool making	*Batti katne*	Doll making	Candle making	Total
< 25	1			1				1			1			4
25-29	3							1		1				5
30-34		3	1	1	2			5	1					13
35-39	1	4			4					2				12
40-44	2		3		1		1					1	1	8
45 ≤		1	1		2	1		2		1				8
Total	7	8	5	2	9	1	1	9	1	4	1	1	1	50

Type of home-based work contract and source of contract

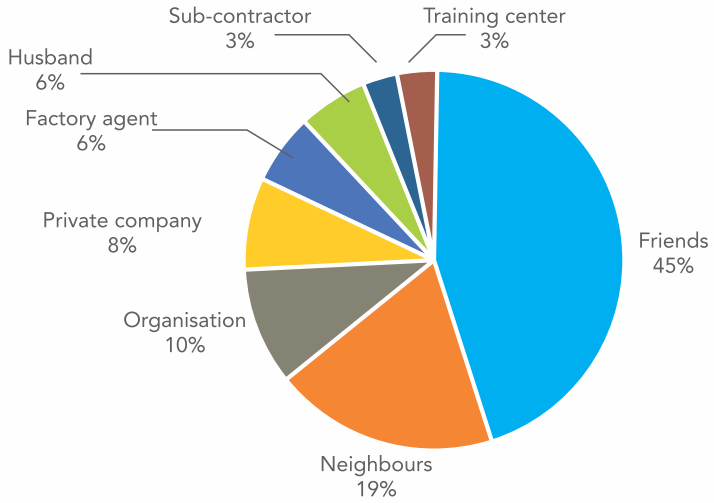
When asked about their means of accessing the home-based work and the type of contracts, of the 50 sampled respondents, majority (62 per cent; N=31) indicated they were sub-contracted in their current or past engagements. Only 26 per cent identified themselves as self-employed while 12 per cent indicated they worked on a piece rate basis

Graph 5: Type of contract among HBWs



Of those sub-contracted, most found work through friends (45 per cent) followed by neighbours (19 per cent). Other means of sub-contracting were organisations, private companies, factory/agents, husbands, training centres and sub-contractors.

Graph 6: Source of work for sub-contracted HBWs



In the FGDs, participants revealed that some work is obtained directly from factories, such as making of pashmina edgings, while others involve agents/sub-contractors, who provide work such as in bead making. This included one HBW who served as the lead in collecting raw materials and distributing it to other HBWs. In some places, work is provided directly by local factory owners (e.g. work carving) and organisations (such as SABAH Nepal) who also conducted training. However, they did not provide regular work. Knitting, identified across three target locations, is generally provided by agents depending on the skills of the HBWs.

Information from respondents and FGDs was corroborated by KII stakeholders who indicated that HBWs accessed work through mediums including but not limited to sub-contractors/agents as well as through their own initiative. Products such as tapari (leaves stitched together to make small bowl-shaped containers), batti, etc. were made and sold by the HBWs.

There was little information regarding male HBWs. Rather, there was a consensus that it was easier for men to work outside as they did not face constricting gender norms such as social censure.

> "It is always easier for men than women in our society. They get jobs much more easily compared to women, so they do not have to get involved in home-based work. Women have to do all the household work and look after the children and elders. Due to these responsibilities it is difficult for women to find jobs outside. Even home-based work gets challenging due to these household responsibilities."

Support received in home-based work

The respondents were asked whether they received support from family members when they engaged with home-based work. A majority (72 per cent/N=36) reported some form of support from family members. However, the remaining 28 per cent (N=14) didn't get any support. Examining the demographic background of those who got support, half were from the Newari ethnic group. The age of HBWs made no difference in accessing support. However, HBWs who earned between NPR 1000 and 3000, as well as those with two to four family members, received more support.

Table 6: Home-based workers receiving support from family members and their age category

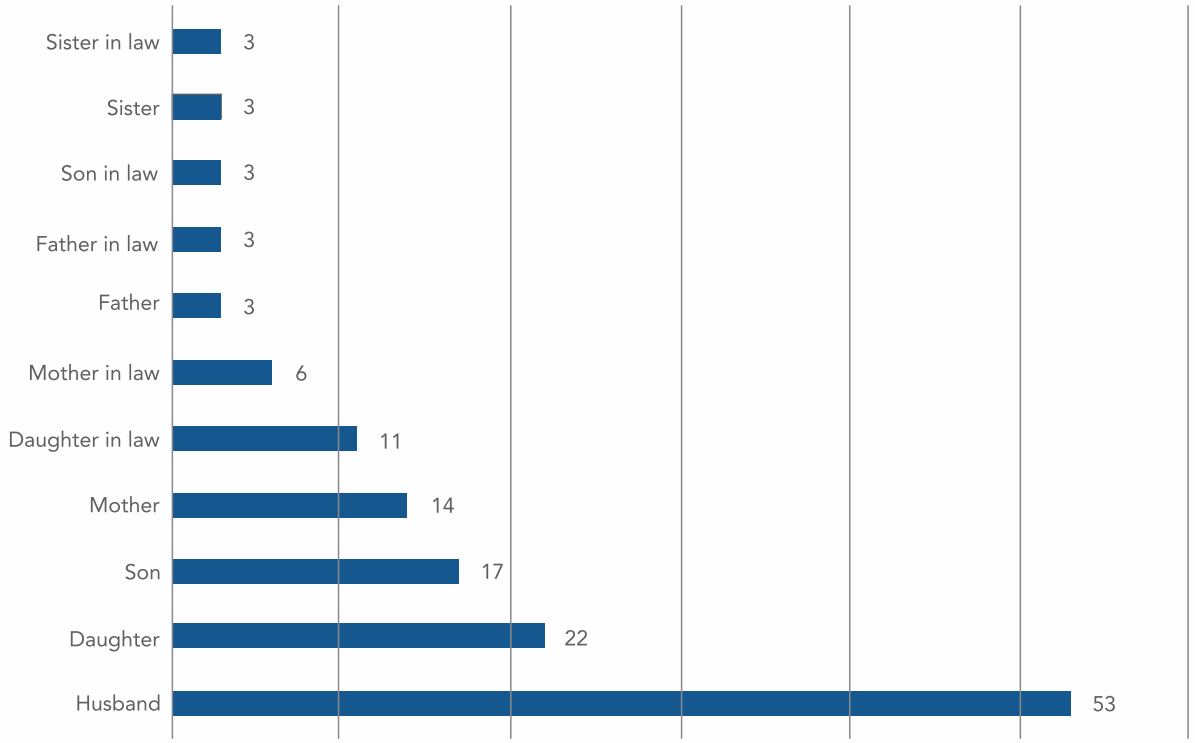
	Mother	Mother-in- law	Father	Father-in-law	Husband	Daughter	Daughter -in-law	Son	Son-in-law	Sister	Sister-in-law	Total
Illiterate	1					1						2
Grade 1-5	1	1		1	3	3	1	1			1	7
Grade 6-8	2		1		2	1				1		5
Grade9-SLC/SEE		1			6			1				7
+2 and above	1		1		1			1				3
Non-Formal Education	1				6	3	3	3	1			12
Total	6	2		1	18	8	4	6	1	1	1	36

Table 7: HBWs receiving support from family members and their monthly income level

	Mother	Mother-in-law	Father	Father-in-law	Husband	Daughter	Daughter-in-law	Son	Son-in-law	Sister	Sister-in-law	Total
< NPR 1000					1	1	1					3
NPR 1001-3000	2	1	1		7	3	1	2		1		13
NPR 3001-5000	2				2	2	2	2			1	7
NPR 5000-7000		1		1	4	1		2	1			7
NPR 7001-9000	2				2	1						4
9000 <					2							2
	6	2	1	1	18	8	4	6	1	1	1	36

Some 53 per cent of respondents identified their husband as the family member who supported them in producing materials, followed by daughter (22 per cent), son (17 per cent) and mother (14 per cent). Other family members identified in this multiple response question included daughter-in-law, mother-in-law, father, father-in-law, son-in-law, sister and sister-in-law.

Graph 7: Percentage of family members identified by HBWs as supporting in home-base work by category of family member



Family support came in the form of packaging and loading/unloading (69 per cent), encouragement/emotional support/teaching (25 per cent), support in household cooking (17 per cent), childcare (3 per cent), and dropping off and picking up of materials (3 per cent).

These findings were corroborated by FGD responses. Respondents in some FGDs cited support from husbands in transporting goods and products, and help in household chores (cooking and looking after children). Others said their mothers and sisters helped them complete products on time. However, FGDs suggested that such support was irregular and not necessarily prevalent across families. In some families, despite some members wanting to help, the skilled nature of work hindered them.

Respondents were also asked why they felt such support was essential. Two foremost reasons were the need to generate family income (44 per cent) and to ensure timely completion of work (36 per cent). Others reported the need to generate pocket money (11 per cent), difficulty/inability to complete work because of household responsibilities (6 per cent), ill health (3 per cent) and childcare (3 per cent). Two respondents pointed to the lack of knowledge.

Place of work and preference of working alone or in a group

Almost three in four respondents (76 per cent) said they did their work at home, followed by 20 per cent who identified a common place in the community where they can work together and 4 per cent on the premises of NGOs/organisations. When asked whether they worked alone or in groups, 74 per cent said they worked alone, while 14 per cent worked in a group; 8 per cent worked as part of an organised group, while a few (4 per cent) worked with friends.

When asked about their preferences in working style, responses were varied: 60 per cent (N=30) preferred to work alone as they could decide their own work or leisure time (80 per cent of 20 respondents) while 40 per cent (N=20) were inclined to group work as they could share problems and clarify any confusion (50 per cent out of 20 respondents).

Table 8: Reasons for working in a group vs. working alone

Reasons for preference to work in group	Number	%	Reasons for preference to work alone	Number	%
Can share problem/can ask if there's confusion	10	50	Own wish on when to work/rest	24	80
More fun in a group	7	35	Can do more work	7	23.3
Support from one another	3	15	No disturbance	4	13.3
Less chance of mistake	1	5	Can take care of childrenand household activities	4	13.3
Can learn new ideas	1	5	Family members also support if necessary	1	3.3
Total	**20**	**100**		**30**	**100**

**Multiple responses*

Respondents were also asked their views on the advantages and disadvantages of working alone or in groups. The following responses were identified:

Table 9: Working alone – advantages and disadvantages

Advantages	**N**	**Per cent**
Better time utilisation	25	50
No restriction/Own wish	20	40
Able to do household chores	18	36
No discussion with friends/No backbiting/Peaceful environment	8	16
Can do more work	4	8
Quality product/Good work	3	6
Can take care of children also	3	6
Can concentrate on work/no disturbance	2	4
Family support received	2	4
Less burden	1	2
Can create new ideas	1	2
Do not need to share profit	1	2
Can be faster	1	2
None	9	18
Total	**50**	**100**
Disadvantages		
Loneliness/Monotonous	34	68
Difficult to work	7	14
Work can be damaged/Difficult during decision-making/confusion	6	12
Less work completed	4	8
No one to talk while working/too many thoughts going around in mind	4	8
Disturbed by family	3	6
Cannot enjoy time with friend	2	4
Disturbed by children	2	4
Responsible for all loss	1	2
Unaware about outside environment/world	1	2
None	9	18
Total	**50**	**100**

Table 10: Working in a group: Advantages and disadvantages

	N	Per cent
Advantages of working in a group		
Experience sharing/skill sharing	22	44
Fun with friend	18	36
Time passes easily	12	24
Share problems with co-workers/idea sharing	11	22
Can complete a lot of work	7	14
No laziness	5	10
Emotional support from friends	4	8
Safety	1	2
No information	7	14
Total	**50**	**100**
Disadvantages of working in a group		
Not able to do household activities	13	26
Gossiping and backbiting	12	24
Not a good idea	6	12
Unhealthy competition	4	8
Family tussle	3	6
Difficult during monsoon season	1	2
No information	21	42
Total	**50**	**100**

Key informant stakeholders' responses supported the above findings. HBWs were identified as working from their homes, or if provided by the contractor, in a common space. The work conditions varied, but they mostly worked in small spaces. Migrant workers generally worked in a one-room space, but could be quite organised; in semi-urban areas, they may have had more space, but because of the number of family members, they tended to be more disorganised. All of them, including their children, faced general health risks when it came to eyesight, throat, back, etc.

Skill-based training

When asked about skill-based training received, there was a variety of responses. While some had participated in more than two types of training, others received no opportunity. The majority of respondents confirmed they received skill training in tailoring (36 per cent) and food processing/cooking (22 per cent).

Key findings: Home-based work, type of contract and family support

- Of the 50 respondents, most were engaged in food processing (18 per cent), bangle and bead making (18 per cent), tailoring (16 per cent) and knitting (14 per cent). However, there was a tendency to undertake different types of work.
- No significant difference was observed in the type of work based on age, ethnicity or educational background.
- Majority (62 per cent) respondents were sub-contracted.
- As many as 72 per cent received some support from family members. Many respondents (53 per cent) named the husband as the family member who helped procure materials.
- Family support was seen as vital to help generate additional income (44 per cent) and to complete work on time (36 per cent).
- HBWs earning NPR 1000-3000, as well as those with two to four family members, received more support than those from other related categories.

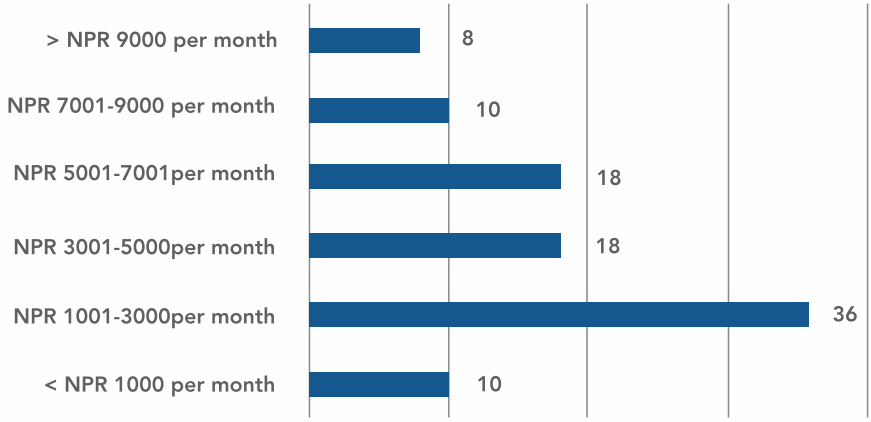
- Some 76 per cent worked at home, 20 per cent at a common place and 4 per cent at NGOs/organisations.
- Over half (60 per cent) preferred to work alone.

4.3 Home-based work: Contribution to family income and utilisation

Income level of HBWs

To determine HBWs' contribution to family income, six categories of income level were outlined, starting from NPR 1001-3000 to over NPR 9000 a month. Most respondents' contribution was within the NPR 1001-3000 bracket. Others are as indicated in Graph 8.

Graph 8: Percent of HBWs contributing to family income by category of income from home-based work (N=50)



These findings were validated by most FGD responses, which revealed that home-based work generated between NPR 2000 and 8000. Weaving, embroidery and food processing generated more than NPR 9000 a month in a few cases, while stitching, weaving, yarn processing, wool making and doll making may yield less than NPR 1000 per month. Data from FGDs also indicated that tailoring work, with cloth provided by agents or factory employers, generated extremely low income.

"They used to give us NPR 5 for a stitched piece of cloth. However, there were a lot of people who started getting involved in the work and the suppliers were able to reduce the payment to NPR 2. This was more prevalent in areas where levels of poverty were higher and financial exploitation easier for agents."

Data from the FGDs highlighted that unlike agro-based work and wood carving, most other forms of home-based work were irregular and, hence, unable to generate regular income. Most HBWs depended on agents/contractors for regular work supply. Women involved in stitching and knitting were usually sub-contracted by agents/contractors. Agents/contractors tended to identify women to do home-based work through friends and neighbourhood networks.

In one FGD, carpet weaving was identified as involving several layers of agents for different pieces

of work, with the HBW having no knowledge about where raw materials such as wool was obtained from, nor the price at which the carpet was sold for. Key informants also indicated that women HBWs' average income varied according to type of work: For instance, carpet work and woodwork generated higher income, whereas stitching had very low piece rate wages. However, these are seasonal work and thus HBWs do not get regular work throughout the year.

Family perception of HBWs' income

When asked how their income was perceived by family members, half the respondents reported it was considered an important source of income and around a quarter (26 per cent) said it was viewed as providing some financial support to their families. However, for 16 per cent, it was seen as a hobby, while 4 per cent said their families saw it as a waste of time and not an important source of income.

During FGDs, the consensus was that money earned by HBWs was not perceived as important by family members. Some shared that while their contribution was not valued, and even questioned given it was a paltry sum, they were still asked to contribute whenever they earned. Key informants noted that perceptions varied from family to family – while some said the HBW was running the household, others might not recognise their financial contribution. However, there was agreement that all families want them to complete household and care work before starting their home-based work.

Use of income

As many as 76 per cent used their income for household support, while half reported personal needs and 42 per cent to meet expenses of their children.

Data from FGDs underpinned these findings. HBWs shared that their income was spent mostly on household needs, such as daily expenses or children's school fees and tiffin. Most HBWs were unable to save, while a few saved around NPR 100-200 a month. KII responses reinforced these findings. Most pointed out that HBWs spent their income on children and household expenses and thus helped save the husband's income. A few who managed to save did it though groups.

Box 1: HBW voices on non-recognition of home-based work

"No one sees the work that we do or the household work that we need to complete while we do our work, but once we get some money in our hands, they see the money."

"There are some husbands who say things like, 'Why work when your monthly income is less than my daily income?'"

Positive impact of home-based work: Decision-making power within family

Respondents were asked whether their income from home-based work influenced their decision-making capacity within their families. A good 74 per cent (N=37) of the total 50 respondents indicated enhanced decision-making power. Some 22 per cent disagreed, while 4 per cent were not sure.

Of those who responded positively to the question, 46 per cent indicated they were contributing to the family finances, while 32 per cent pointed to the ability to buy necessary items. A greater feeling of pride (27 per cent), enhanced confidence and ability to speak easily/share concerns/be

heard by their husbands (13 per cent), increased support from family members (8 per cent) and positive outlook of husband towards home-based work (5 per cent) all contributed to their ability to make decisions within families.

Key stakeholders' responses underscored the positive impact of home-based work, especially the HBWs' empowerment, financially and individually, within the household. Increased status within the family, not having to depend on the husband or a family member for small personal needs and the ability to look after one's own need came across. HBWs' ability to contribute to children's education and purchase household goods also enhanced their status. At a societal level, coming into groups and cooperatives improved bonds between HBWs and increased access to loans through cooperatives. Some had also initiated savings, albeit small amounts, such as NPR 100.

Key findings: Home-based work, income generated and its utilisation

- Of the total study, 36 per cent of HBWs contributed NPR 1001-3000 per month to the family income. Then, 18 per cent each put in NPR 3001-5000 and NPR 5001-7000 a month.
- Half the respondents reported that home-based work was perceived as an important source of income by the family; however, for 16 per cent, it was perceived as a hobby and most FGD participants shared that it was not valued by family members.
- As many as 76 per cent used their income for household support, while 50 per cent used it for their personal needs and 42 per cent put it towards children's needs such as school fees and tiffin.
- According to 74 per cent, their contributions to family income enhanced their decision-making power within the family. FGD responses underscored that home-based work contributed to HBWs' empowerment, both economically and socially, thus enhancing their status and decision-making power within their families.

4.4 Discrimination, harassment and violence against HBWs

4.4.1 Discrimination, harassment and violence: Understanding and impacts

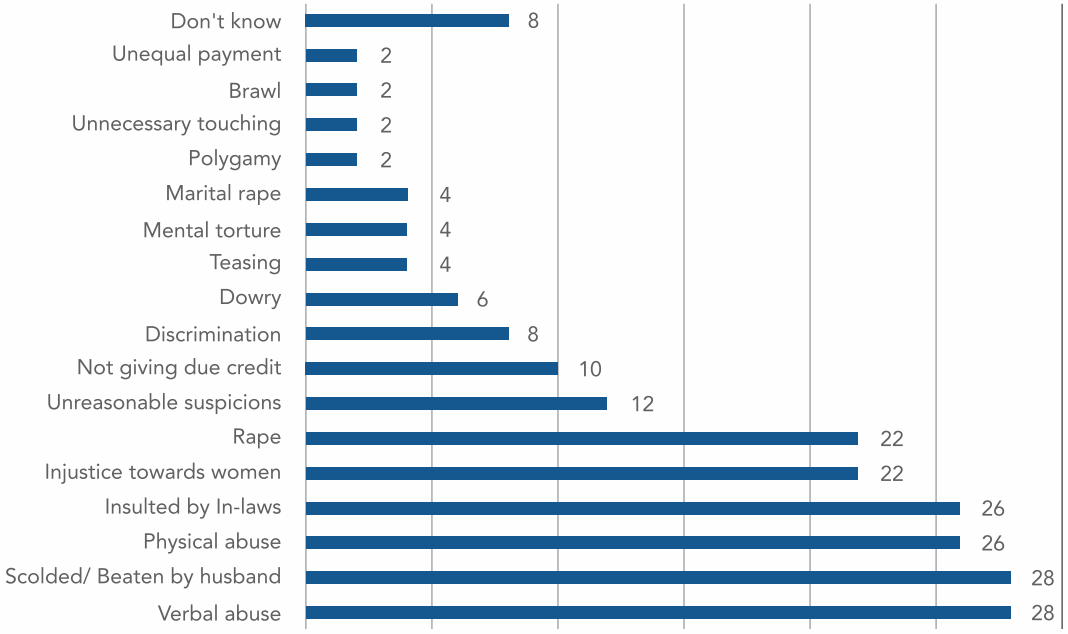
Respondents' understanding of discrimination, harassment and violence against women included verbal abuse (28 per cent), scolding/being beaten by their husbands (28 per cent), physical abuse (26 per cent), being insulted by in-laws (26 per cent) and injustice toward women (22 per cent). Other forms of discrimination, harassment and violence were also identified, as indicated by the graph. One woman shared that her friend would hide her work whenever her husband entered the room.

FGD participants corroborated findings from interviewer-administered interviews, revealing name-calling by family members or outsiders, either behind their back or to the face; physical abuse, including 'beatings' by husbands; having their character questioned by neighbours if they went out to work, or dressed up well for work; and being demoralised by husbands with statements such as, 'she has no brains, has no idea of what to do'.

Respondents also referenced financial exploitation by agents/contractors, such as delay in

payment or non-payment, the undoing of knitting or stitching by agents/contractors after claiming it was of poor quality, or low payment due to poor quality work.

Graph 9: Percent of HBWs by category of understanding of discrimination, harassment and violence against women (N=50; multiple response)



Box 2: HBWs' voices on harassment, discrimination and violence

"People in the neighborhood question the character of women who go out and work to earn money; they assume that we undertake 'immoral' acts to earn money."

"We get paid only once a year, sometimes we get paid very little in the middle of the year. If we ask them for 2000 (money owed to us for the work) they will give us only NPR 500."

"A lot of us are unaware how exactly to stop violence, maybe that is why we are still facing violence in the family and at the household level."

Respondents of one FGD, more aware than others, said, *"Violence usually happens when we are alone, and not in groups. When we are alone, we usually don't have the courage to stand up."* However, there was a general lack of knowledge on how to go about preventing violence and protecting oneself from it.

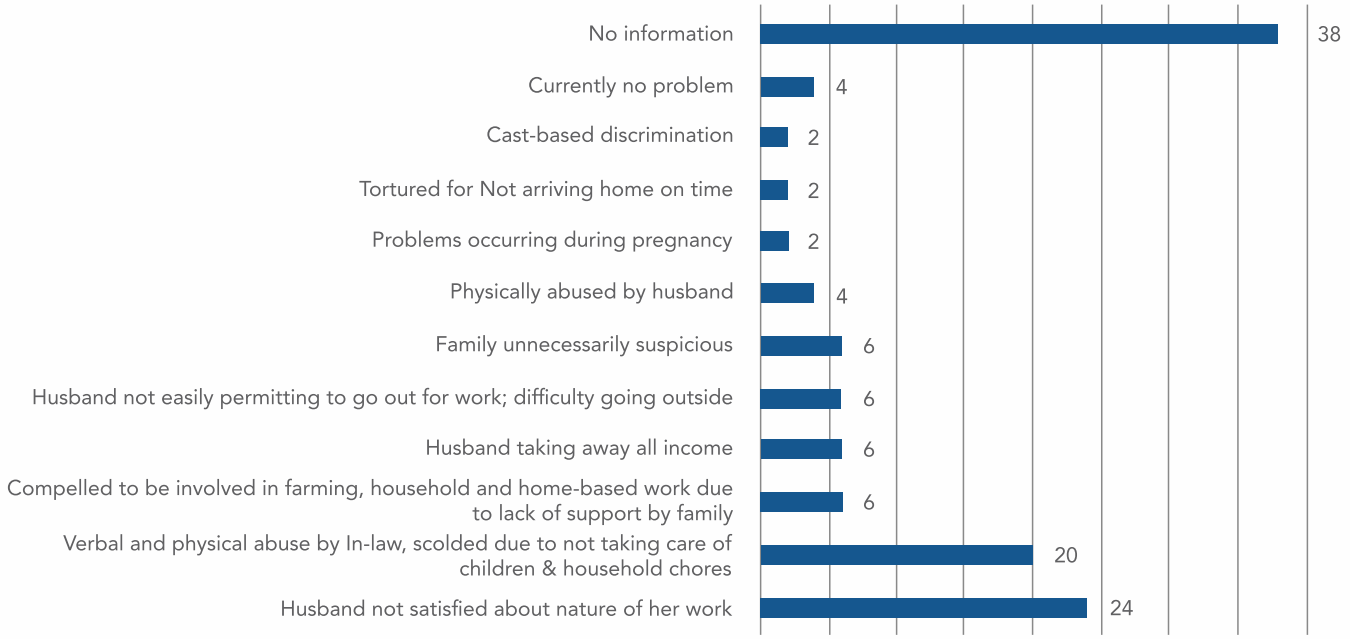
Key informants were also asked about their understanding of discrimination and violence against women. They identified various forms, ranging from verbal to physical and sexual. Additionally, they pointed to restrictions placed on mobility by husband and other family members, and social censure for talking to other men.

Home-based work and knowledge and/or experience of discrimination, harassment and violence by family members

When asked whether respondents had knowledge of or had personally experienced any forms of violence by family members, a multiple response query generated data where 24 per cent

indicated 'husband is not satisfied by my work'. They also referred to verbal and physical abuse from in-laws for not taking care of children and household chores (20 per cent). Other concerns included restriction on mobility by husbands, mental torture for not being home on time, and uncalled-for suspicion by husband, family members and others.

Graph 10: Percent of HBWs by type of harassment, discrimination or violence from family members, either heard of/encountered (N=50; multiple response)



Box 3: HBWs voices on violence

"Violence is a behaviour from people. We can never work to our full capacity if we are under threat of violence or if violence is committed against us. If there is violence between parents, children will not be able to study properly; similarly, it will affect our work. My husband after getting drunk at night demands that no noise be made and he is allowed to sleep, I can't work because of that."

"Violence at home affects our productivity. We put in a lot of effort and hard labour in home-based work. However, most of the time we don't get paid enough for our efforts. Our husbands come home from work and sleep, but we have to work through the night, yet don't get paid enough." Jagritinagar FGD

The FGDs reiterated the tendency of husbands to ask HBWs not to undertake home-based work as it affected their health, particularly eyesight. Some FGD respondents spoke of abuse and violence inflicted on wives by husbands. Examples of such behaviour included preventing the wife from speaking to others or using social networks such as Facebook. Women even had to separate from their husbands as the men did not like the home-based work the women were undertaking. Some spoke of the abusive behaviour of both natal and marital families, ranging from contempt to disrespect, despite HBWs contributing financially to their family.

"While taking decisions of the house, we are not considered by our parents even though we are earning. Parents always look at us as children even when we are adults."

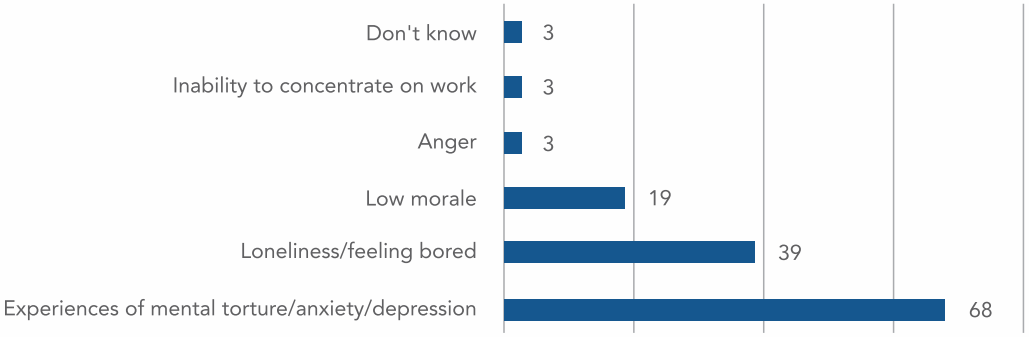
"No matter the amount of money, when a person starts earning, any type of violence against them will decrease as they have a higher economic stand and say."

The KIIs generated mixed responses. Some identified husband and in-laws as primary perpetrators of verbal and mental abuse. They were also aware of the low income generated by home-based work or even how HBWs hid their work assignments or were not allowed to store goods (e.g. wool being burnt by a husband for storing it without his permission). They spoke of seclusion and restriction on mobility, which seriously limits income generation capacity of HBWs.

Impact of harassment, discrimination and violence from family members: Personal level

Responses came from 31 HBWs to the query on the impact of harassment, discrimination and violence from family members on their personal lives. Some 68 per cent perceived the primary impact as mental torture/anxiety/depression. See Graph 11 for the other impacts listed in this multiple response query.

Graph 11: Percent of HBWs by type of perception of impact of harassment, discrimination and violence from family members (N=31; multiple response)



A common response was that violence impacts productivity. Respondents believed violence of any form has psychological effects, which in turn impacts the ability of a person to work effectively. Though a few were uncertain of whether home-based work itself led to violence, the majority mentioned how they were disallowed to work at night, verbally and physically abused when they were unable to complete household chores, verbally abused for not generating sufficient income and so forth. This information was substantiated by responses of key informants who also asserted that household violence impacts HBWs' work, resulting in an inability to concentrate and low output or low quality of end products, which in turn resulted in lower income. Thus, harassment, violence and discrimination occurred because of the women pursuing home-based work, and then went on to impact their productivity.

When asked whether such harassment, discrimination and violence from family members was present before they took up home-based work, little information could be generated. However, in an FGD, one respondent said:

"With self-earned money we are not so fearful. We are also in a position to say that we also earn and contribute to the family."

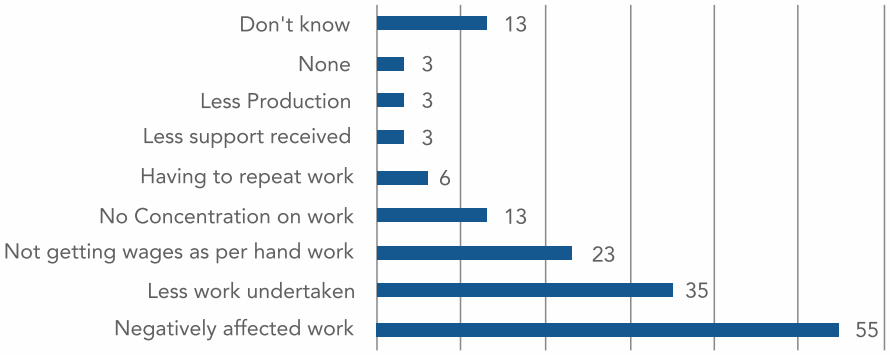
Nevertheless, the study notes that this came from a couple of respondents who were earning over NPR 8000 a month, a comparatively higher amount than most HBWs.

Impact of harassment, discrimination and violence from family members: Home-based work level

Some 55 per cent of respondents reported that harassment, discrimination and violence from family members affected their work and 35 per cent said it meant they took up less work. Others noted factors such as inability to concentrate, frequent mistakes and decreasing productivity. Meanwhile, 13 per cent reported no knowledge and 3 per cent said violence had no impact on their work and productivity.

In FGDs, most participants were not forthcoming about this issue and only a few from two FGDs were vocal about the adverse link between violence within the family and work output. Some shared that inadequate income compared to hours spent on the work led to verbal abuse from husbands. This study notes that the reticence expressed by FGD participants in discussing issues of violence may be from fear of word spreading beyond the immediate community

Graph 12: Percent of HBWs by type of harassment, discrimination and violence encountered or heard of from agents and contractors (N=50)



Harassment, discrimination and violence from family members: Knowledge of cases being addressed

The study found that most respondents (64 per cent) were ignorant of cases of harassment, discrimination and violence directed at HBWs being addressed. Although some confided in friends (14 per cent), neighbours (8 per cent), women's groups and communities, there is a tendency to remain silent and endure (4 per cent). Some mentioned receiving the support of family members (4 per cent). One respondent shared her experience with her mother, while another spoke of support from the local government when her husband physically abused her.

Box 4: HBWs' voices on economic exploitation

"Agents/Contractors don't give our payments on time. We have to go to them more than four or five times for our own money. We can't even discuss or argue with them because it's easy for them to find other workers but it's difficult for us to find another job."

"Agents/Contractors come into villages and lure people with their sweet words about easy job and money, they form groups and give materials to work on, but when it is time for payment, there is too much quality control and irregularity of payment."

"Agents/Contractors at times give money as per their own whims. The workload increases but the payment remains the same. Initially the work is very easy, but later it becomes more and more difficult; but we need the money so we cannot refuse work even if it is for the same amount."

"We bring the thread and wool from the middlemen and sell our final products also to middlemen. If we bring wool or the whole cloth, not cut pieces, from the factory directly, then we earn more profit from the final products. When we just stitch cut pieces into the final products, we get only 1/4th of what we would have got if we bring the whole cloth ourselves. For example, we get only Rs 5 per petticoat when we stitch it from cut pieces, but if we make it ourselves, we can even earn up to Rs 50 each petticoat."

According to key informant stakeholders, with the exception of a couple of participants who claimed ignorance, most were knowledgeable of home-based work-related violence and harassment. There was an understanding that women are able to access redressal mechanisms when they are in a group. They were of the view that women spoke of this violence among intimate friends, and not publicly. Even HBW leaders were identified as being victimised. As for exploitation from agents, HBWs are able to resist if they are in a group or cooperative, or can access support from NGOs.

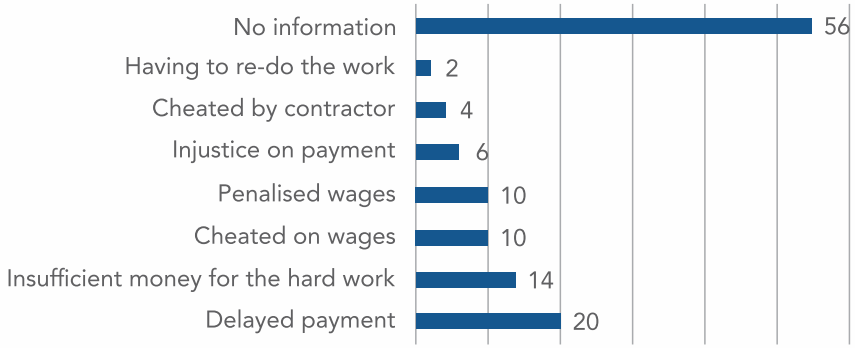
4.4.2 Violence, harassment and discrimination from agent/contractors: Understanding and impacts

Knowledge of harassment, discrimination and violence from agents/contractors

When asked about discrimination, harassment and violence faced from agents/contractors, financial exploitation was a significant response. Although over half of the respondents (56 per cent) noted that they were not aware of any such harassment, some acknowledged that wages were delayed, inadequate or denied.

The FGDs threw significant light on the challenges faced in dealing with agents/contractors. Economic exploitation was the most common form of exploitation. Across all FGDs, it was noted that agents were irregular with payments. At times, the HBWs had to visit contractors four or five

Graph 13: Percent of HBWs by type of harassment, discrimination and violence encountered or heard of from agents/contractors (N=50)



times to collect their own money. However, irregularity of payment also was contextualised. For instance, HBWs engaged in wood carving did not face these problems, probably because both the contractor and the worker were local people and thus social pressure ensured timely payment. In general, problems such as contractors withholding work, refusing to pay fair piece rates, delaying payment because of alleged lack of sale and factories not releasing payments were rampant.

Some work was more exploitative than others. For instance, HBWs engaged in stitching clothes (petticoat, *topi, bhoto,* etc.), had to arrange for the cloth and stitch, and received nominal payment in return. All of this had to be done in tight schedules, too. The study also noted that in some cases, if the HBW became an agent, she was identified, sidelined and not provided work or her payment delayed.

Although caste-based discrimination was not mentioned explicitly, in one semi-urban area, in the agro-based sector, the following was reported:

"I am a 'Gurung' and some people discriminate against me by calling me names. Once I helped another woman dig a farm for some sweet potatoes. Later the farm owner started verbally abusing me, refused to give me some farm produce and spoke in a derogatory manner and called me names. This kind of discrimination is very common in villages like ours."

Those engaged in agro-based home-based work noted how young women HBWs were vulnerable when they went to sell their produce on the streets. Men tended to stand around asking too many questions. Older women HBWs watched out for their younger counterparts. In addition, gossip and social censure could shake the confidence of HBWs who had to go out and look for work.

Box 5: HBWs' voices on impact of harassment and violence encountered

"Outsiders who come to buy our produce ask unnecessary questions and spend too much time at shops with young girls and children. I have scolded such men many times. Sometimes I also try to act like those young girls are with me, so these men leave them alone thinking I am their guardian."

"When people say bad things while you go out looking for work, it can break your confidence and will to work. Some people might also give up on their work rather than have people gossip about them."

Some respondents said agents raised their voice and spoke angrily when work was delayed. One mentioned a contractor who after delaying her payment, attempted to rape her and stopped only when she threatened to commit suicide. However, references to such sexual abuse were few and far between.

Reinforcing this, all KII respondents shared that in the relationship between HBWs and agents/contractors, the latter are dominant and there is an absence of respect. HBWs experienced a degree of fear towards agents/contractors as well. If HBWs asked questions or for a raise in piece rates, agents and contractors threatened to withhold work. While a couple of

respondents agreed that if an HBW became an agent she would be less likely to abuse, they were also doubtful about whether she would share the work. Additionally, caste discrimination faced by HBWs in rural areas was brought up; however, this was not covered by the current study.

The perception among KII respondents was that younger women, especially if they were single, were vulnerable to gender-based violence such as teasing and molestation from male agents/contractors. The fear of losing work prevented the workers from speaking out. There was mixed reaction about caste and ethnicity-based discrimination; while some said that it was skill that got some HBWs more opportunities, others mentioned cases where untouchability and not being allowed to enter homes led to loss of opportunities.

When asked if they had come across or heard of HBW women who had experienced discrimination, harassment or violence at the hands of agents/contractors, a few respondents expressed ignorance. However, the majority identified financial exploitation and abuse i.e. not paying on time, not paying at all, etc. This was followed by verbal abuse (talking down to HBWs) and physical/sexual abuse (touching them). Respondents shared that because they were HBW, with low bargaining power, they were threatened. With a lack of recognition by the government or agents and without a written contract, they were more vulnerable.

Impact of harassment, discrimination and violence from agents/contractors

When asked about the personal impact of violence, discrimination and harassment by agent/contractors, 41 per cent said that not receiving due payment led to verbal abuse by husbands. Some 32 per cent said it left them with a 'bad feeling', while 14 per cent grew disinterested with home-based work. In addition to the responses indicated on the graph, some feared loss of future work if they reported violence.

Graph 14: Percent of HBWs by type of impact at personal level resulting from harassment, discrimination and violence by agents/contractors (multiple response)

As for the negative impact on the work itself, 23 per cent reported a desire to discontinue work, 18 per cent worked slower and 14 per cent delayed delivery of product.

Measures adopted for dealing with harassment, discrimination and violence

When asked how they dealt with such cases, one respondent said she discontinued work after the contractor changed her wages. Another requested her husband to discuss the matter with the contractor. Some 76 per cent reported 'no information'.

Graph 15: Per cent of HBWs by type of impact on HBWs' productivity due to harassment, discrimination and violence by agents/contractors (multiple response)

FGDs revealed there was limited knowledge about registering complaints on violence, harassment and discrimination. Members from two FGDs said survivors may confide in friends for emotional and mental support. One group was aware of a helpline, but ignorant of how to access it. One participant said that if a problem became unbearable, they knew they could go to the police. Participants in one FGD remembered an organisation bringing a lawyer and doctor to discuss violence.

"We can bring our problems forward and discuss them with other members of the group. It is not always about looking for action but also about emotional and mental support from other women in the group. Sometimes when there are serious problems of domestic violence, the group has also gone to a victim's house and tried to resolve the problem."

4.5 Preventing harassment, violence and discrimination: Platforms, organisations and suggestions

Platforms for HBW women to voice concerns

When asked if they were aware of platforms where women HBWs could voice concerns about harassment, discrimination and violence, 48 per cent claimed ignorance. Some 44 per cent responded positively. Among the 22 respondents who responded positively, 41 per cent turned to NGOs, local government (27 per cent), HBW organisations (14 per cent), co-workers (14 per cent) and individuals (4 per cent).

Suggestions to prevent such incidents included 'consultation with community group, elders and women's group' (18 per cent), confronting the person(s) responsible (14 per cent), the family uniting to support the victim/survivor (12 per cent), avoiding using contractors (10 per cent), registering a complaint with the police (12 per cent) and having awareness programmes that focus on husband and family members (10 per cent).

Knowledge about organisations working with HBWs and support provided

Respondents were almost evenly split in whether they know (48 per cent) or don't know (46 per cent) about organisations, institutions and NGOs working for HBWs. Among those who were

aware, most identified organisations working on HBWs' empowerment (79 per cent), skill enhancement (79 per cent), leadership building (75 per cent) and organising HBWs (62 per cent). There was also awareness about work on protection (42 per cent) and linking with agents/contractors (37 per cent).

Counselling (41 per cent), skill-based training (32 per cent), counselling family member (23 per cent), linking with law enforcement (23 per cent), medical support (18 per cent), support with required items (9 per cent), issues related to support (9 per cent), linkage with contractors (4 per cent) and financial support (4 per cent) were also reported.

FGD participants from only two locations, Manohara and Khokana, were aware of organisations that provide them training on leadership, skills, titaura making, bead necklace making and tika making – which had brought about some level of transformation. Nepal Red Cross was identified as having conducted first aid training; this included a discussion on how to stop domestic violence.

"Previously we could not even give our introductions. Now because of the organisations we can speak up, come out of the house."

"Not aware if trade unions and politicians raise issues of HBWs, they are usually only interested in their own issues."

Only participants in a few FGDs were able to discuss actions required to improve the lives of women HBWs facing violence, harassment and discrimination. At the family level, the recommendation was to change mindsets of husbands and other family members.

"To help HBWs in terms of reducing and eliminating violence, first it must start from home. Issues like stopping us or questioning us about why we work always arise."

There is a need to initiate efforts to raise the value of what HBWs do, as well as fix piece rates – "as those who are capable of demanding receive increased amount, while those remaining quiet earn the same". Likewise, the need for the government, NGOs and INGOs to raise awareness on violence, discrimination and harassment pertaining to HBWs and how these can be prevented was stressed. Participants highlighted the need for laws and policies to define roles and responsibilities of agents/contractors, along with ensuring timely remuneration and action against agents/contractors in the wrong. They suggested that irrespective of the type of work, there be a provision to ensure work throughout the year. They also noted the need to promote unity among women so as to support victims.

Key stakeholders identified a number of NGOs working with HBWs, though the exact number remains unclear. Most worked on livelihood, skill training, and leadership training, but did not address discrimination, harassment and violence faced by HBWs.

Key stakeholders also mentioned the difficulty in registering cases of violence, harassment and discrimination against HBWs. Suggestions included establishment of redressal mechanism at ward level. Others that came up: (i) labour desk at the local level to hear and address grievances of workers, including HBWs (ii) registering every HBW at the local level so their problems are addressed quickly and systematically (iii) trade unions to formally organise HBWs to press for

changes that protect and support HBWs at the national level or with international organisations such as ILO.

4.6 Knowledge about laws and policies related to HBWs

A significant 96 per cent were unaware of laws and policies that protect women HBWs. Only 2 per cent mentioned laws pertaining to gender equality, while another 2 per cent were aware of the law about equal pay for equal work for men and women.

Most FGD participants were as unaware of laws and policies that safeguard HBWs' rights, including protection from violence, discrimination and harassment. A few respondents had some information as below:

"Usually economic exploitation is from agents as there is no law or policy to regulate their behaviour. They take high commissions from us and exploit us by paying us a very small amount for our work." (Jagritinagar)

One FGD participant mentioned: *"Trade unions are politically motivated. They have helped us make labour cards. However, for any other work, they say they will provide assistance but never do."*

4.7 Envisioning a violence-free zone

When queried about what a 'violence-free zone' represents for HBWs, the majority (40 per cent) reported support and understanding of family members. This was followed by timely payment for work by agents/contractors (28 per cent), respect from all with no yelling, shouting and backbiting (14 per cent), dignity of work with no discrimination (12 per cent) and respect of work by everyone (6 per cent).

Box 6: HBWs' hopes and expectations

"The government should give us 'unemployment allowance' because we are providing for our family but we do not have work all through the year."

"The government should also manage markets properly. We wouldn't have to go from one home to another carrying our produce on our backs if the government managed markets for us. Those markets will not only help us sell our products easily, but we would also be safer. Sometimes we sit with our products on the side of the road and the Kirtipur municipality people remove us from our spots. We do not find any other place to sell our products. Sometimes we have to sell our products for a very low price because we cannot carry them around everywhere."

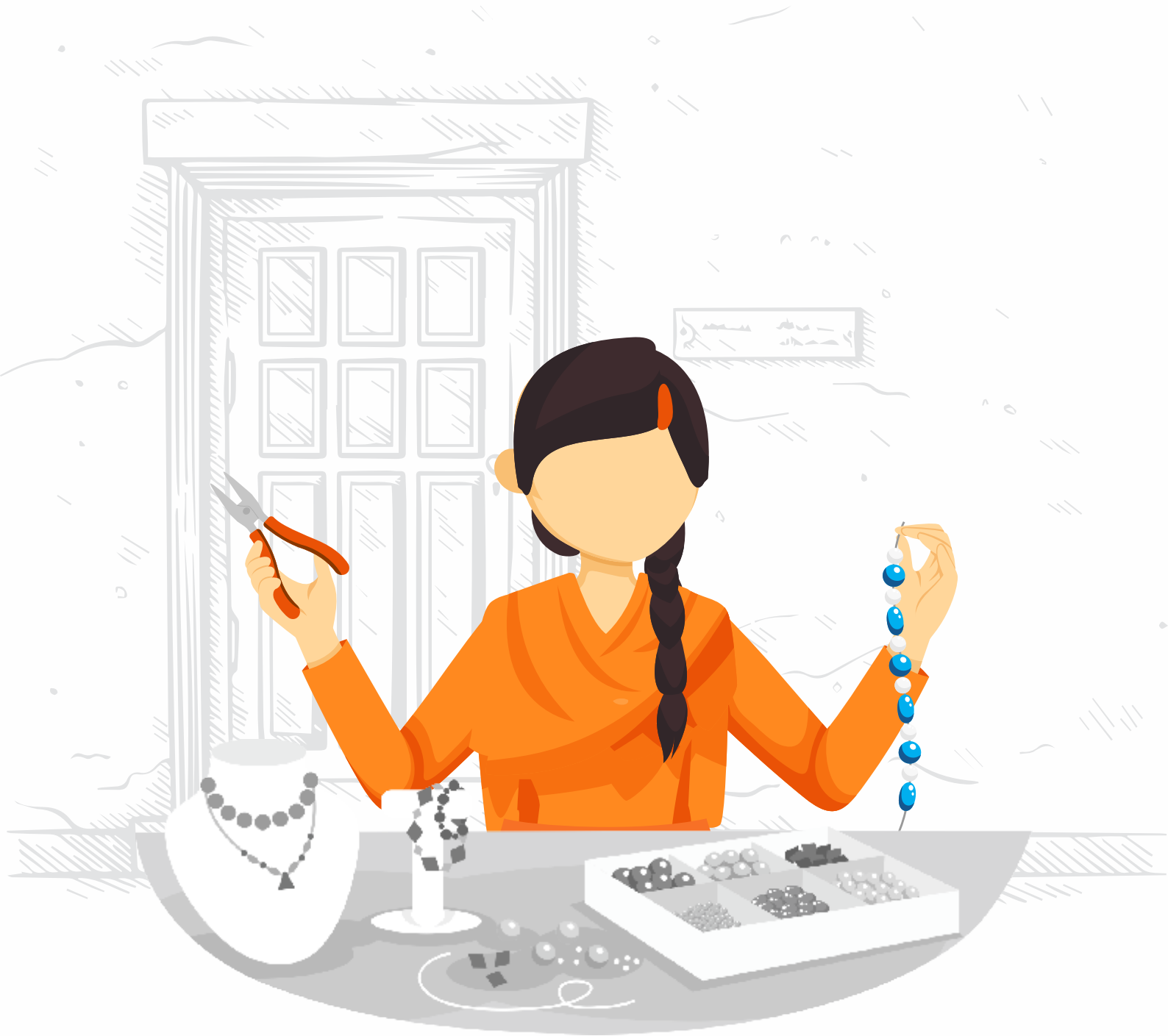
'If we received the promised amount from the workplace, we would not get scolding at home'.

"If husband and in-laws also supported HBWs, we would be more encouraged to work."

"Husbands should let us work outside and trust us."

"HBW women should also start keeping proper accounts of their daily earnings and expenditures. In this way they will not be exploited by others. They themselves must give recognition to their work so that others give them the recognition they deserve. They must know where they are spending how much money so that if they want to invest somewhere in the future, they know their accounts well."

These quantitative findings were reinforced by FGDs where most respondents described a violence-free zone as one where the HBW can work with the support of their husband and family, where they are free from non-economic exploitation from those providing them work, where government support in market management enables them to sell their produce and where they don't face social censure. In one FGD, participants highlighted the need for HBWs to recognise the value of their work so others will give them due recognition as well, and the ability of HBWs to effectively manage their daily accounts.



5. DISCUSSION AND CONCLUSION

5.1 Discussion And Conclusion

The respondents of this study represent a very small picture of the type of women engaged as HBWs in urban and semi-urban areas, in and around Kathmandu. The sample was purposefully selected based on groups with which some of the HNSA related organisations have worked in the past. However, participants were not specifically targeted and represent community HBWs from identified localities, who are not necessarily engaged with the NGOs.

Most respondents were married. Many were in the age group 30-39. They belonged to various ethnic groups, though primarily from Janajati and Dalit communities. Both literate and illiterate women from both urban and semi-urban localities were identified as being actively engaged in home-based work. They were from both nuclear and joint families. It may be surmised that women HBWs are working across various parts of Kathmandu and contributing to their household, as well as the economy. Interview with SABAH Nepal representatives also indicated similar information. It may be concluded that home-based work is prevalent in various parts of the country, but there is a need for more research to fill existing gaps.

The study indicates HBWs' financial contribution to the family is significant, though it may range from NPR 1001-3000 per month to above NPR 9000. Irrespective of the amount, their contributions play an important role in running households, covering daily expenditure and supporting children's school fees and tiffin expenses. Despite these contributions, however, their efforts remain unrecognised. At the individual level, the researcher repeatedly came across HBWs claiming that home-based work was just 'time-pass' or 'work to keep myself busy when all other household work is completed' or even 'just for some extra money'. Such non-recognition of the value of their labour was reinforced by family members, such as husbands and in-laws, who, in many instances, complained that household chores were neglected, while contradictorily also expecting them to generate resources. Although findings indicate that husbands, followed by other family members, play an important role in supporting HBWs by aiding in the packing, loading/unloading of raw materials and products, and supporting in household work such as cooking, it was also noted that this was not prevalent across all respondents. Despite the non-recognition of their labour, HBWs' interviews and FGDs reflect that home-based work contributes to their empowerment, both at the individual and social level, while also enhancing their ability to make decisions within households. . Thus, the study concludes that home-based work is playing a significant role in building the agency of women HBWs, enhancing skill, capacity, voice and leadership. This becomes more evident when they become organised, as noted by the researcher during this study. In cases where HBWs' income is valued and there is support from family members, there is

a democratisation of gender relations within the household, such as support in cooking or childcare from husbands. Home-based work is undoubtedly serving to change roles and responsibilities, as well as gender norms within households, while also building HBWs' resilience and capacities to absorb and adapt to changing home-based work trends. However, such transformation needs to be captured to underscore HBWs' work and effort and highlight their contributions at the individual, household, community and national levels. One must also note that not all HBWs experience family support and instead carry the burden of unequal share of housework. Currently, legal and policy changes do not recognise this unequal burden of care work.

What came up repeatedly when interviewing or facilitating the FGDs is that with the exception of a few, such as carpet weavers or those working in wood craft, most HBWs were ready to engage in diverse type of activities. HBWs were keen to learn new skills that would enable them to generate extra income. This became necessary as most home-based work was seasonal, and hence irregular. Although workers were sub-contracted by agents/contractors, the study notes there was no binding contract on either side, which exponentially increased their vulnerability to financial exploitation. Among those HBWs who were self-employed, inadequate information on quality, markets and rates compromised their ability to fix fair prices. HBWs are often confronted by abuse from agent/contractors. Harassment resulting from delayed/reduced payment, discrimination by agents/contractors when making payments (e.g. stating the quality of work is not up to mark, though the HBW is unable to understand the difference) and their own inability to voice their opinion for fear of not receiving further work entrapped them in a vicious circle. Due to limited and irregular work, agent/contractors were able to set the terms and conditions, which affected HBWs adversely. However, the study also injects a note of caution that such incidents should not be generalised as many respondents spoke of supportive agents/contractors. Based on these findings, the study concludes that efforts to safeguard HBWs rights and prevent financial, verbal, physical and exploitation, as well as support in identifying and establishing linkages for regular work, training and markets, are essential. Although they made references to NGOs and trade unions, most HBWs were unaware of what and if any support was being provided to them. The study stresses the need for regulating agents/contractors to safeguard HBWs from financial exploitation. HBWs also need to be organised and sensitised on the dignity of their work and how to avoid potential risks. Moreover, mapping of HBWs and export houses, and close monitoring of their working relationship are essential if harassment and exploitation are to be prevented.

The socio-economic transformations discussed above present an outwardly positive picture of women's changing status within and outside the family. Nevertheless, findings revealed that along with their contributions, HBWs also encountered violence closely linked to the home-based work they undertook. Despite the additional resources HBWs generated – which was appreciated in some cases – they faced verbal, physical and psychological abuse from family members, either as a result of the home-based work or otherwise. A few cases of discrimination based on caste were also identified from among respondents; this may be more prevalent in rural communities, as indicated by some KII responses. Community members were also identified as non-supportive, with references made to backbiting, character assassination and jealousy if HBWs were seen travelling outside their homes, earning a good income or wearing good clothes. Conditions were exacerbated when, despite their efforts, they were cheated by agents/contractors who delayed their payments or gave low payments – which in some instances resulted in further verbal abuse

from family members and them being told to discontinue the work. Findings indicate these led to low morale, depression/anxiety and inability to concentrate, which negatively impacted their work and productivity. Reviewing the findings, the study finds it surprising that despite various NGOs engaged with HBWs, there has not been any effort to address the harassment, discrimination and violence that HBWs are encountering, at different levels and from different perpetrators. Many continue to remain silent about their abuse or limit themselves to sharing their story with a close friend. Most respondents were unaware of the different types of violence prevalent, and their own selves being victimised. Most were also ignorant about existing government laws and policies pertaining to violence against women and existing support mechanisms. Some NGO representatives referred to individual cases they had supported or addressed as evidence of the NGOs' outreach capacity and ability to support HBWs in preventing and addressing harassment, discrimination and violence.

In light of the work undertaken by NGOs and efforts that have gone into addressing concerns of HBWs, the study notes that very little or no work has been done on addressing the various forms of harassment, discrimination and violence faced by HBWs. The study concludes that harassment, discrimination and violence – financial, verbal, emotional, physical and sexual – whether from agents/contractors or families, is undeniably hindering the capacity of HBWs to improve and enhance their own lives as well as that of their families. HBWs' contributions are substantial, whether at the level of the family or at the national level, yet these remain unknown and unrecognised. Lack of data on women HBWs further aggravates this gap. The study has noted that some efforts have gone towards raising HBWs' voices by strengthening them as groups and cooperatives and building their leadership skills. Yet these were 'projectised', and since they were discontinued with inadequate support for transforming social norms and structures, the violence, discrimination and harassment from family members, agents/contractors and society persists.

Additionally, economic empowerment needs to go hand in hand with social empowerment – a gap that remains to be filled. Unless social norms and practices that perpetuate violence and exploitation against women HBWs are strategically addressed, the women will continue to be exploited for nominal remuneration. And, unless power dynamics within the household, between agents/contractors and HBWs, and local government structures and HBWs are changed, transformation will remain a challenge.

5.2 Case studies

The following case studies offer a glimpse of the type of violence that women HBWs face, both within and outside their home. They show how the work, despite significantly contributing to family sustenance, remains invisible and under-valued. Instead, women encounter various forms of violence and exploitation from family members, middlepersons and even on their commute.

Box 7: Case study 1: Domestic violence impacts HBW's work and income

Saraswati (name changed) lives in a rented room in Kathmandu with her husband and young son, who is in grade 4. Her husband does not have a permanent job. The family subsists on income from Saraswati's home-based work, where she stitches *'damaru'* coverings used by Tibetans. Her earnings help run the household, pay for her son's education and support her

husband. She still has had to take loans from relatives and banks to meet the family's financial needs.

Despite the long hours she puts into her home-based work, her contributions remain unrecognised. Saraswati is a victim of domestic violence – emotional, physical and financial. Saraswati's sisters described her husband as a suspicious and "manipulative man who knows how to convince his wife through sweet talk and lies". The sisters said the husband asked for her hard-earned money every day, claiming he needed it to get to work, but would return in the evening with no money, as he had no work. Sometimes he would return drunk and verbally abuse her in front of their son. She and her son frequently took refuge at her sister's house. Saraswati's work suffered and her income fell.

Frustrated with her husband's behaviour, Saraswati sought help from relatives to send him abroad to find work. She took a bank loan to send him to Saudi Arabia, but it didn't work out for him. Then, she helped him go to Qatar with her brother-in-law. There he found work and began sending back some money. All the while, Saraswati continued her work and paid for her son's education and daily expenses. Sending her husband abroad was not the end of Saraswati's troubles with him, though: He would claim he sent her NPR 30,000, but she would receive only NPR 15,000. Sometimes he sent nothing at all and at other times, he would send bank details of old transactions to confuse her. He returned from Qatar after two years, and the abuse continued, even physically.

One such evening, after he came back home drunk and hit her, Saraswati finally reached out for help. With her brother's help, she and her son separated from the husband. Meanwhile, her sisters sought help from an NGO. However, they received no assistance. They also went to the local police station, where they were asked to speak to the husband and resolve the problem themselves. The family did not know where else to go for help.

After a few months, Saraswati and her husband started living together again, but the abuse continued. At the time of writing, the husband still did not have a job and the family depended on Saraswati's income. The mental, emotional and physical abuse took its toll on her and affected her work. She is unable to concentrate. Her output fell, as did her income. She has been suffering from violence for more than five years.

– Anecdotal evidence as shared by sisters and friends of Saraswati Tamang

Box 8: Case study 2: Who holds abusive agents/contractors to account?

Anuja *(name changed)* is 14 years old and the daughter of an HBW. She lived in Kathmandu with her parents. She comes from an economically marginalised family, where her mother supplements the family income by making potey (bead) necklaces worn by married Hindu women. The mother is also a member of an HBW cooperative

Anuja's mother used to collect the potey from a contractor and hand over the completed necklaces to him. Anuja helped her mother make the necklaces and, at times, delivered the finished goods to the contractor's home. A couple of years earlier, when Anuja went for such a delivery, the contractor raped her.

Anuja returned home traumatised, but was unable to confide in her mother or anyone else. She neither received a medical check-up nor any counselling. However, the next time when her mother asked her to run a similar errand, she vehemently refused. It took much persuasion for her to open up about the abuse.

Fearful of what society would say and that Anuja may never get married, the family decided against registering a complaint. Instead, they decided to get her married. The parents made it a point to tell the groom about the abuse before the wedding, so she would not face further recrimination. Today, Anuja is happily married.

However, the violence she faced remains beyond the purview of the law. Questions arise about the absence of support to Anuja, the injustice done to her and the impunity of the perpetrator. How many others will he victimise before he is held accountable?

– *Anecdotal evidence shared by an HBW cooperative coordinator during Key Informant Interview*

Box 9: Case study 3: Discrimination in the transport sector

Several women HBWs make weekly trips to the SABAH Nepal office in Lalitpur from the suburbs. They come to collect raw material and drop off finished product. A number of buses and micro-buses ply the route. However, the women need to ensure they take early morning buses, as the bus conductors either refuse to load their goods or demand high charges – an amount that could cut into their income. In a couple of instances, the bus driver and conductor simply refused to take the women, leaving them stranded for hours. Such harassment meant they had to carefully plan their travelling time, which is inconvenient, as it affects their household work. Chores are either left incomplete or they have to rush back and put in the extra effort to finish them; at times, they have to listen to complaints from family members.

Such a hostile and intimidating environment is an added discrimination against women who are already confronted with multiple other economic and social discriminations.

– *Anecdotal evidence shared by SABAH Nepal personnel*

6. RECOMMENDATIONS

6.1 Generic recommendations

Recommendation 1: The study finds an absence of data on the number and type of HBWs. This lacuna is significant in the non-recognition of HBWs as workers and contributors to the economy within the household, at the community level and nationally.

The study recommends collection and regular update on the number and type of HBWs. With the onset of the federal government structure, the study recommends their registration at ward level. This will facilitate their ability to lobby, while establishing links with government and non-government structures, and also garnering support from the local government. Such data will also enable the government to realise and acknowledge the value of contributions by HBWs and their conditions of work, thus encouraging change. Formalisation of home-based work is essential to organise the workers, bring their issues forward, address them and ensure they are not cheated of their basic rights. Moreover, addressing the economic condition of the HBWs will demonstrate to the government the space for tax contributions.

Recommendation 2: There is no proper accounting system to calculate wages for HBWs, thus leading to exploitation. The laws are silent on HBWs, and provisions such as those for domestic workers need to be established.

It is recommended that HBWs, government and non-government bodies, as well as trade unions, come together and determine the average piece rate for various types of home-based work. The minimum wage system is not applicable to HBWs, and thus a system needs to be established to determine their wages. The workers should be provided contracts, with labour rates decided. As for social security, support from municipalities and rural municipalities is essential.

Recommendation 3: HBWs report exploitation by agents/contractors, but the women are unable to object to or report them.

The study recommends that agents/contractors be officially registered at the local level so that they are accountable for their actions, just like any other employer. They must abide by laws, such as fulfilling all required criteria to work in a particular field (e.g. security deposit), and have a case filed against them if they do not pay HBWs.

Recommendation 4: The study indicates that a cooperative system helps bring HBWs on a common platform. It builds their collective voice, while enabling them to learn from one another and strengthen bonds.

The study recommends that HBWs of specific municipalities be brought together in a cooperative and their capacity strengthened. Organisations working with these groups must strengthen leadership capacity, build collective bargaining strength, and raise awareness about HBWs and their

contribution in the society and among policy makers. Currently, a limited number of people and organisations work on HBWs, and networking with diverse stakeholders is essential for raising awareness.

6.2 Recommendations related to harassment, discrimination and violence

Recommendation 1: The study found that HBWs possess inadequate knowledge and understanding about harassment, discrimination and violence they encounter. Many are unaware of their rights and silently put up with violence and discrimination. There is a major gap in their knowledge of redressal mechanisms.

It is recommended that organisations working on HBWs collaborate with organisations working on women's rights to eliminate all forms of violence. Awareness and sensitisation are essential, especially reaching HBWs, their family members, agents/contractors and communities to ensure a violence-free environment.

Recommendation 2: As per the findings, HBWs and their families devalue their home-based work. Not having the financial contribution of the HBWs to the household and national economy recognised exacerbates their vulnerability to harassment, discrimination and violence, be it at the hands of family members, community members or agents/contractors.

The study suggests identification of organisations working with HBWs to collaborate with the target municipality and/or rural municipality to address identified forms of harassment, discrimination and violence. These should then be specifically addressed, with legal rights and legal remedies, and referral and redressal mechanisms shared to ensure they receive necessary support. Close collaboration with the police should also be established.

Recommendation 3: Recognising HBWs' financial contribution to family is an essential first step to prevent and address harassment, discrimination and violence. These contributions need to be quantified to demonstrate the change they have engendered at individual, family, community and national levels – and the transformations realised in relational, structural and cultural norms, as well as roles and responsibilities.

It is recommended the data be used in specific locations (recognising national data may take time) to demonstrate the value of HBWs' work. Use of own-locality data to create awareness among family members, agents and government bodies will expedite the process of eliminating violence and ensuring sustainable empowerment.

Recommendation 4: Some of the major perpetrators identified are male family members or agents. Changing relational dynamics within families and women's increasing independence leads to men in a predominantly patriarchal society trying to safeguard their authority and using violence to do so.

The study recommends an engagement with men. Given that there are examples of supportive men, they can champion the importance of identifying, addressing and eliminating harassment and violence.

Recommendation 5: Verbal abuse, derogatory remarks, discriminatory behaviour, and in some cases physical and sexual abuse, are all forms of discrimination, harassment and violence. Incidents of caste-based harassment and discrimination also came up. The study recommends holding discussions and sensitisation of agents/contractors, community members and local government bodies to prevent such violence and determine how to hold accountable those violating the rights of HBWs. These should be developed in collaboration with stakeholders.

6.3 Advocacy strategy in addressing discrimination, harassment and violence

Strategy 1: Development of advocacy-based materials, based on current research as well as other available data, to initiate a nationwide awareness campaign on the value and contributions of HBWs at individual, family, community and national levels. This will enhance the dignity of HBWs' work, among themselves as well as with their families and communities.

Strategy 2: Sensitisation of HBWs on various forms of violence. Through social media, radio, print media and newsletters, HBWs should be informed of the potential threat and impact of discrimination, harassment and violence, as well as the support (legal, medical, etc.) and redressal mechanisms available.

Strategy 3: Focus on identifying and training agents/contractors to highlight the rights of HBWs and determine the challenges agents/contractors encounter. Potential employers should also be involved during this process. Addressing harassment, discrimination and violence should be the focus of training, underlining the challenges the abuse presents to HBWs as well as agents/contractors in terms of delay and quality of products.

Strategy 4: Strengthening networks of HBWs to work in groups to unify and enhance their common voice. Establishing linkages with local government and non-government bodies, transport bodies and other stakeholders will help throw light on the work of HBWs as well as the harassment, discrimination and violence faced. The strategy should strengthen the capacity of local government bodies (rural municipalities, municipalities) to support and safeguard HBW needs.

Strategy 5: Mapping of HBWs and potential companies that will engage them. This will reduce the risks workers face from agents/contractors, while also being assured of more regular work.

Strategy 6: Undertake a pilot action-research in target local municipality and rural municipality. The advocacy strategy should identify one urban and one rural location where, after identifying the total number of HBWs and assessing the forms of violence, organisations will work to prevent and address them. They can link the workers to potential employers directly and indirectly, and assess the transformation that can happen to ensure HBWs work in a violence-free society. The strength of the HBW network will also be enhanced to ensure they have a clear understanding of their rights and are in no way exploited by any individual or organisation, while also ensuring they provide quality and professional work.

Network of Homebased workers in South Asia

HomeNet Asia
Flat-6, 32 Shamnath Marg,
Opposite Vidhan Sabha Metro Station Civil Lines,
New Delhi – 110054, India
www.hnsa.org.in