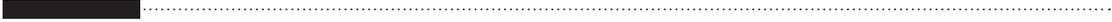


# A safer future?

Tracking security improvements in an uncertain context



September 2011



# A safer future?

**Tracking security improvements in an  
uncertain context**

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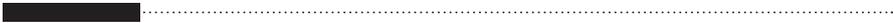
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## Acronyms

<b>CBO</b>	community-based organisation	<b>IJM</b>	informal justice mechanism
<b>CDR</b>	Central Development Region	<b>MWDR</b>	Mid-Western Development Region
<b>CPA</b>	Comprehensive Peace Agreement	<b>NGO</b>	non-governmental organisation
<b>CPN(M)</b>	Communist Party of Nepal (Maoist)	<b>NP</b>	Nepal Police
<b>CPN(UC-M)</b>	Communist Party of Nepal-United Centre	<b>PAG</b>	Peace Action Group
<b>CSO</b>	civil society organisation	<b>SLC</b>	School Leaving Certificate
<b>DR</b>	Development Region	<b>UCPN(M)</b>	United Communist Party of Nepal (Maoist)
<b>EDR</b>	Eastern Development Region	<b>UNDP</b>	United Nations Development Programme
<b>FGD</b>	focus group discussion	<b>UNMIN</b>	United Nations Mission in Nepal
<b>FWDR</b>	Far-Western Development Region	<b>VDC</b>	village development committee
<b>IDA</b>	Interdisciplinary Analysts	<b>WDR</b>	Western Development Region

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# Contents

List of figures	
Map of Nepal	
<b>Executive summary</b>	<b>i</b>
<b>1 Introduction</b>	<b>1</b>
<b>2 Findings from 2007–2009 and major recent events</b>	<b>4</b>
<b>3 Public perceptions of security and safety</b>	<b>8</b>
3.1 General perceptions	8
3.2 General perceptions of security	9
3.3 Link between security and socio-economic development	11
3.4 Perceptions of safety	17
3.5 Possession, use and availability of small arms	28
<b>4 Perceptions of security and justice sector institutions</b>	<b>30</b>
4.1 General confidence in security and justice sector institutions	30
4.2 Police	35
4.3 Courts	44
4.4 Informal justice and alternative dispute resolution mechanisms	47
<b>5 Equal access to justice and security</b>	<b>52</b>
5.1 Gender and security	52
5.2 Equality and inclusion in the security and justice sectors	57
<b>6 Conclusion and recommendations</b>	<b>63</b>
ANNEX: Research methodology	69

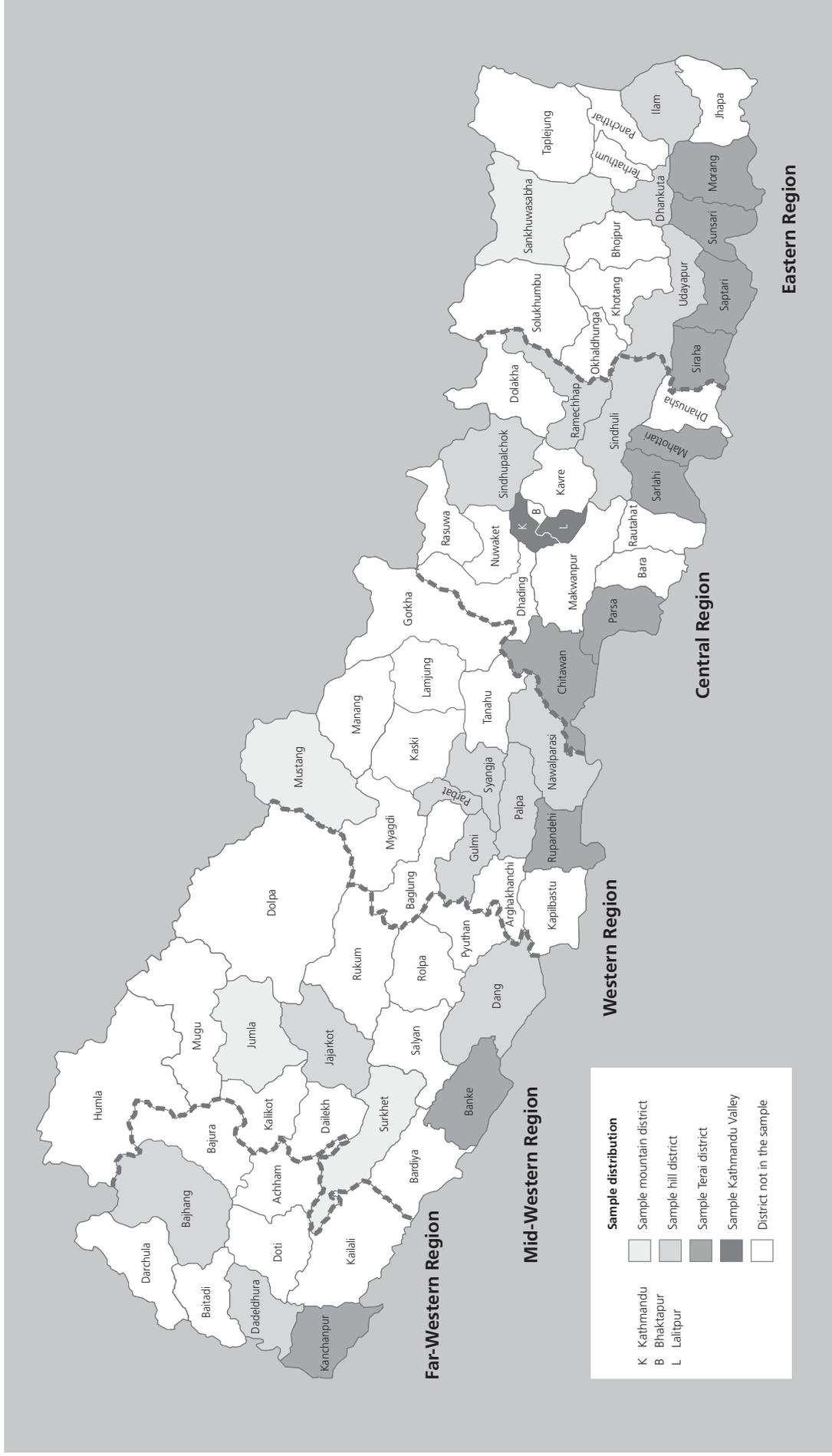
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## List of figures

Figure 1: Generally speaking, do you think the country is moving in the right direction, or do you think it is moving in the wrong direction?/Generally speaking, do you think the country is moving in the right direction, or do you think it is moving in the wrong direction?/ Generally speaking, do you think the country is moving in the right or the wrong direction?/Do you think the changes in our country after the signing of the peace agreement are moving in the right direction?	9
Figure 2: If you think the country is moving in the wrong direction, then why?	9
Figure 3: If you think the country is moving in the right direction, then why?	11
Figure 4: In your view, what are the two major problems facing Nepal as a whole?	12
Figure 5: In your view, what are the two major problems at the local level?	13
Figure 6: In your view, what are the two major problems at the local level?	14
Figure 7: What should the government do to improve security in Nepal?	14
Figure 8: What should the government do to improve security in your local area?	15
Figure 9: In your opinion, what are the main causes of crime/acts of violence in Nepal, including in your locality?	16
Figure 10: The proportion of people who mention that they or any member of their families became a victim of crime during the past one year.	17
Figure 11: Those who said that there have been incidents of the following types of crime in their locality in the past one year?	18
Figure 12: Are you afraid that you and your family may become a victim of crime/act of violence?	19
Figure 13: How safe or unsafe would a member of your family feel to go out alone after dark – very safe, fairly safe, a bit unsafe, very unsafe?	20
Figure 14: Compared to one year ago, how would you assess the level of your own personal safety – safer than before, same as before, more unsafe than before?	20
Figure 15: Compared to one year ago, how would you assess the level of your own personal safety in your locality – safer than before, same as before, more unsafe than before?	21
Figure 16: Percentage of people who feel safer than before in response to the question – How safe do you feel today compared to the previous year?/How safe do you feel today compared to pre-Jana Andolan II?/How safe do you feel today compared to one year ago?	22
Figure 17: How would you assess the level of safety of your locality compared with other areas in Nepal – safety than other areas, same as other areas, more unsafe than other areas?	24
Figure 18: How would you assess the level of safety of your locality compared with other areas in Nepal – safer than other areas, same as other areas, more unsafe than other areas?	24
Figure 19: If you feel your locality is safer than other areas, why?	25
Figure 20: If you feel your locality is more unsafe than other areas, why?	
Figure 21: Do you think the present government has been able to maintain law and order in the country?	26
Figure 22: Do you think the present government has been able to maintain law and order in the country?	26
Figure 23: If you think the present government has been able to maintain law and order in the country, why has it been able to do so?	27
Figure 24: If you think the present government has not been able to maintain law and order in the country, why do you think so?	27
Figure 25: If you were a victim of crime/act of violence, who would you turn to first to report the crime/act of violence?/Who would you turn to first for protection if you or any of your family members were threatened with violence?/Who would you turn to first for protection if you or any of your family members were threatened with violence?/ Who would you turn to first for protection if you or any of your family members were threatened with violence?	31
Figure 26: If you were a victim of crime/act of violence, who would you turn to first to report the crime/act of violence?	31
Figure 27: How efficient do you view the following institutions in protecting society from crime – very efficient, moderately efficient, not efficient?	32
Figure 28: The proportion of people who view the following institutions very efficient in protecting society from crime.	33

Figure 29: What is your level of trust in the following institutions – trust a lot, somewhat trust, do not trust very much, do not trust at all?	34
Figure 30: Do you know how many types of Nepal Police organisation there are in the country?	36
Figure 31: What do you think best describes the Nepal Police?	36
Figure 32: What do you think best describes the Armed Police Force?	36
Figure 33: If there is no Nepal Police post, who is providing security in your locality?	38
Figure 34: Is any local informal security service provision in your locality?	38
Figure 35: If there is any local informal security service provision in your locality, what type of service is there?	39
Figure 36: In your opinion, how reliable are the Nepal Police in bringing those who have committed crime to justice?	39
Figure 37: Do you think that Nepal Police officers, in general, are respected in your area?	40
Figure 38: What would you like the Nepal Police to do so as to win more trust from you?	40
Figure 39: Can you complain if a Nepal Police officer does something wrong?	42
Figure 40: Who do you go to, in general, in order to seek justice?	45
Figure 41: If you have used the courts to seek justice, to what extent are you satisfied with the court?	46
Figure 42: Those who have heard about various types of justice and dispute resolution systems other than formal courts (a) and the proportion of these people who have ever contacted them for resolving a problem (b).	48
Figure 43: Those who have heard about various types of justice and dispute resolution systems other than formal courts.	48
Figure 44: To those who have used various types of justice and dispute resolution systems other than formal courts – Was it successful in getting you justice?	48
Figure 45: What should be done to improve access to justice?	
Figure 46: If you would feel confident to report on domestic violence, who would you report it to?	50
Figure 47: Do you think there are enough women in the state security services?	53
Figure 48: If you would feel confident to report on domestic violence, who would you report it to?	56
Figure 49: Does the Nepal Police treat all groups equally?	56
Figure 50: If the Nepal Police does not treat all groups equally, which group(s) does it treat unfairly?	57
Figure 51: Which Nepal Police ranks treat some groups unfairly?	58
Figure 52: Do you think there are enough members of your caste/ethnic group in the state security services?	59
Figure 53: Do you think there are enough members of your caste/ethnic group in the state security services?	59
Figure 54: Those who think there are enough members of your caste/ethnic group in the state security services.	59
Figure 55: If you do not think there are enough members of your caste/ethnic group in the state security services, what are the reasons?	60
Figure 56: Do the courts treat all groups equally?	60
Figure 57: Do the courts treat all groups equally?	61
Figure 58: If you do not think that the courts treat all groups equally, which group(s) do you think the courts treat unfairly?	61

# Nepal



**Sample distribution**

- Sample mountain district
- Sample hill district
- Sample Terai district
- Sample Kathmandu Valley
- District not in the sample

**Legend:**

- K Kathmandu
- B Bhaktapur
- L Lalitpur

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# Executive summary

**THIS REPORT ANALYSES CHANGING ATTITUDES** towards public safety and the provision of security and justice in Nepal during 2010. It presents the fourth in a series of annual surveys that track public perceptions of security and justice over time. The report is based on five methods of primary research:

- A household survey of 3,016 people across Nepal, carried out in August and September 2010
- 15 focus group discussions (FGDs) with the general public held between August and October 2010
- 3 FGDs with Nepal Police personnel held between August and November 2010
- 50 in-depth interviews held between August and September 2010
- 9 key informant interviews with former and current representatives of the security sector, government, political parties, civil society and the private sector conducted in January 2011
- 10 validation workshops held in October and November 2010 across Nepal with key stakeholders to discuss initial findings.

## Summary and recommendations

Research found that Nepali people's perception of their day-to-day security has increased. The upward trend in confidence in the Nepal Police remarked upon in previous surveys has reached a plateau but remains high. There are still visible weaknesses in state security and justice provision and access to services remains a problem for many. Yet the Nepal Police, in particular, are thought to be more representative of women and all ethnic/ caste groups than before. However, the improvement in people's perceptions of their daily security is offset by heightened anxiety about the macro-political context. Nepali people are increasingly pessimistic about the direction in which the country is going and the lack of national stability and political consensus is undermining their confidence in political leaders to maintain law and order.

## Key findings

### **Widespread and more evenly distributed improvement in security**

Research suggests that both the actual and perceived crime rate and the fear of becoming a victim of crime have decreased. People reported feeling safer than they did in 2009 and, while there were regional variations in the sense of security, the disparity is not as great as before. Similarly, the difference between how men and women and how urban and rural populations perceive the risk of crime has also decreased as certain segments of the population and certain geographic regions experience better security

than in the previous year. Community safety remains problematic in specific clusters of the Terai – where the fear of crime is the highest in the country – and in the Central Development Region (CDR). The mountains are the one geographic region of Nepal in which the sense of security appears to have significantly decreased. However, the general impression gained is one of a widespread and more evenly distributed improvement in security. Moreover, people feel safer when outside their localities or in the company of unfamiliar people (from other castes, ethnic groups or regions) than in previous years. This may be an important signal for a general increase in confidence in security as well as decreasing fear of the unknown.

### **Economic insecurity and concerns about its impact on physical security**

Economic hardship is still the major preoccupation of the people of Nepal. As with the 2009 survey, respondents thought that the three main problems facing Nepal were poverty, unemployment and price hikes. These three concerns are reproduced at the local level, coming after a lack of roads and lack of domestic water. Interestingly, 13 percent of respondents felt security was a national problem while only six percent thought it was a problem at the local level. At neither national nor local level is security a major concern, but, as with previous surveys, people do see a strong link between security and development; believing that a stronger economy would improve safety. It was widely considered that poverty, unemployment and lack of education are the main causes of crime and violence in the country.

### **Law and order is improving while the political situation is deteriorating**

The sense of optimism that immediately followed the signing of the Comprehensive Peace Agreement (CPA) continues to decline. In 2007, 13 percent of people believed the country was moving in the wrong direction; today that figure has increased four-fold to 62 percent. When asked why, people pointed to the political situation and, in particular, the lack of national stability and lack of consensus between decision makers. These responses are in contrast to the previous year, when a lack of improvement in law and order was seen as the principal reason for Nepal moving in a negative direction. In 2010, law and order had fallen to third place and, in fact, an *improvement* in law and order was seen as the major reason why Nepal was moving in the right direction. So, while people are increasingly concerned about the political impasse at the centre they are becoming more optimistic about the implantation of the rule of law.

### **Heightened anxiety about government ability to maintain law and order**

Linked to the above, over two-thirds of the survey respondents, an increase on the previous year, thought that the government was unable to maintain law and order. This suggests people accredit the improvement in security to actors and dynamics other than political leaders. The main obstacle to effective government action on law and order is seen as the lack of understanding between political partners. While the same response was given in 2009, the proportion in 2010 was higher, pointing to an increased dissatisfaction with political delivery on security and justice services. Although not necessarily related, FGDs uncovered increasing concern over links between criminal and political activities through phenomena such as corruption, abduction and extortion and alleged links between criminal groups and politicians.

### **Minimal use of small arms but ongoing concern over armed groups**

While the apparent growth in armed groups was of serious concern to many interviewees, the survey results suggest that people's perceptions of the possession, carriage and use of small arms are neither extensive nor increasing. Nonetheless, the impact of armed groups and the fear they create amongst individuals and communities,

particularly in the Terai, should not be underestimated. The ongoing deadlock over constitutional reform, a climate of political instability and hardening links between political and criminal actors are all seen to provide the conditions for these groups to flourish and undermine security in certain areas, notably the Terai.

### **Widespread confidence in the Nepal Police although weaknesses remain**

The survey found widespread confidence in the Nepal Police. Seventy-eight percent of respondent said that they trust the Nepal Police, which represents a slight decrease on the previous year (81 percent) but still remains high. The Police are the most trusted of the state security services<sup>1</sup> and 93 percent of respondents are confident of reporting a crime to them, compared to 89 percent in 2009. While there was a significant decline in the number of people who would turn to the Nepal Police first to report a crime (44 percent compared to 50 percent in 2009) this is not necessarily a sign of decreasing confidence in the Nepal Police. Instead of the Nepal Police, an increased number of people said they would turn first to their neighbours or community leaders to resolve disputes. Viewed within an overall context of strong public confidence in the Nepal Police, this finding may indicate an increased confidence in informal dispute resolution mechanisms such that people feel less obliged to refer minor disputes to a state actor.

Research, however, did reveal that, while perceptions are broadly positive, there are still important weaknesses in the Nepal Police that negatively affect its public image. Not all respondents stated that they trusted the Nepal Police and those who did not cited factors such as discrimination, nepotism, corruption, excessive bureaucracy and a lack of responsiveness to the needs of normal citizens. In general, respondents appeared well aware that the Nepal Police face limitations in their ability to carry out their duties through a lack of training, education and equipment. Likewise, Nepal Police representatives who participated in the validation workshops drew attention to political interference, widespread corruption, links between political and criminal groups, weaknesses in the formal justice system, lack of co-operation from the public, limited political support and resources, the need for legislative reform, and the media propensity to sensationalise violent crimes as factors that hamper their work. Overall, however, it remained clear that the Nepal Police appeared to be the institution that most wanted to trust and who they look to for security.

### **Demand for more Nepal Police posts**

While there has been an improvement in physical access to the Nepal Police many more Nepal Police posts still need to be built. Research found an increase in the number of people who had a Nepal Police post in their locality (47 percent in 2010 compared to 41 percent in 2009) and the disparity between urban and rural areas has also lessened somewhat. However, communities in areas such as the Terai and Far-Western Development Region (FWDR), continue to lack a sufficient Nepal Police presence. In general, there is widespread dissatisfaction over the presence of security (and justice) providers outside district headquarters and in rural areas. Although negative, this finding does point to a high demand for the Nepal Police and a belief that they can improve people's lives. The presence of a Nepal Police post was the key determinant of whether people felt confident to report crimes to the Nepal Police and whether they believe their locality to be safer than others. Eighty-seven percent of those who did not have a Nepal Police post in their locality wanted one, which represents an increase over the year, and the majority believed that a greater Nepal Police presence would enhance security.

<sup>1</sup> 'State security services' comprise the Armed Police Force (APF), the Nepal Police (NP) and the Nepal Army (NA)

**Inadequate but increasing representation of women in the security and justice sector**

The survey suggested that people perceive that security and justice sector institutions discriminate against women, as well as other vulnerable groups, and that women are not fairly represented within these institutions. Seventy-seven percent of respondents think that there need to be more women in the Nepal Police.

**Significant improvement in the representation of all caste/ethnic groups in the Nepal Police**

The proportion of respondents who believe that their ethnic group or caste is adequately represented in the state security services has significantly increased since 2009 (from 36 to 52 percent). Those who considered that their caste/ethnicity was insufficiently represented in the state security services (32 percent of the total number of respondents) thought it was because their caste or ethnic group is discriminated against during the recruitment process or because members of their caste or ethnic group do not have sufficient qualifications to meet the recruitment criteria. Many also said it was due to lack of information about how to join the state security services, due to not wanting to join these institutions, and due to discrimination experienced once having been recruited.

**Despite improvements, the Nepal Police is widely seen to discriminate, particularly against the poor**

The research findings show that many people would trust the Nepal Police more if it treated people equally. While the proportion of those who think the Nepal Police treats all groups equally has increased, it is still very low (44 percent). The vast majority of those respondents who said that the Nepal Police do not treat all groups equally (42 percent of the total number of respondents) said that poor people in particular were treated unfairly (86 percent). Others perceived to be treated unfairly included those with no access to political parties (25 percent) and uneducated people (18 percent). On a more positive note, fewer people today believe that people without access to or connections with political parties are treated unfairly by the Nepal Police, compared with 2009.

**While confidence increases, courts are not widely regarded as an effective mechanism for justice**

While a slightly smaller proportion of people appear to seek justice through courts than previously, of those who did use courts, a large and increasing proportion were satisfied with them. Those that were satisfied cited the fairness and long-term sustainability of the verdict as well as the short length of the process. However, relatively few people believe that courts are an effective mechanism for justice (just less than half the survey respondents). The main reason for this appears to be because courts are as seen as corrupt. Other reasons included lengthy court processes, delivery of fault verdicts, high lawyer fees, the centralised nature of the formal justice system and limited presence in remote areas, political interference and discrimination – particularly against the poor. While it is widely believed that the poor and the powerless are often not afforded the justice that the courts can and should provide them, it was also suggested that those who are in a position to bribe officials can often escape prosecution for any wrong-doing.

### **Formal justice system widely seen as discriminatory against the poor, but improvement on previous years**

Forty-four percent of the survey respondents said that the courts treat all groups equally, which, while poor, represents an improvement upon the previous two years. More significantly, more people across all caste/ethnic groups consider the courts to treat all groups equally. These findings are very different from 2009 when, aside from hill caste, Madhesi caste and Muslims, more people from caste/ethnic groups believed that the courts did not treat people equally compared to those who believed they did. Of those who said that the courts do not treat all groups equally (29 percent), a large majority (89 percent) said that the poor are treated unfairly, followed by those who have no access to political parties (30 percent) and those who are not educated (19 percent). Many of those who were interviewed argued that law, order and justice are reserved for those who can bribe officials and who have political connections. The majority of those interviewed also believed that as many poor people are also illiterate, their access to justice is further compromised and, consequently, that security and justice institutions are ultimately ineffective.

### **Value of informal justice and alternative dispute mechanisms widely recognised**

Informal justice and dispute resolution mechanisms are still not accessed to anywhere near the extent that the formal security and justice sector is, although their use does appear to be increasing. However, satisfaction among those who have used them, while high and comparable to the satisfaction felt by those who had used the courts to seek justice, appears to be decreasing slightly. Nonetheless, the value of such mechanisms is still widely recognised. Many respondents suggested that such mechanisms are more effective, economical and accessible than the formal justice system. They are also often seen to be free from coercion and manipulation. Moreover, these systems are often seen to have a very important role in establishing or maintaining social harmony and trust within the community. However, some also suggested that these mechanisms can be discriminatory and, thus, reinforce traditional power relations. They can also lack transparency and accountability.

### **Gender-based violence is under-reported**

The survey findings suggest that gender-based violence is relatively rare in Nepal; only nine of the 3,016 survey respondents said that they or a member of their family had been the victim of gender-based violence in the past year and only 117 said that such a crime had occurred in their locality during this time. Additionally, the survey suggested that most people (79 percent) would feel confident to report an incident of domestic violence if there were violence in their family. However, the interviews, FGDs and validation workshops gave a different picture, indicating that gender-based violence is much more prevalent than the survey results indicate and that many women are very unlikely to report such crimes. Gender discrimination and the general subservience of women is perceived to both contribute to the prevalence of gender-based violence against women as well as the likelihood that women will not report it. Expectation, pressure and fear of stigmatisation also mean that few women or family members report it.

### **Gender discrimination and gender-based violence are not priorities despite heightened insecurity of women**

The survey also suggested that few people perceive gender discrimination to be one of the major problems facing Nepal today (0.3 percent of all respondents) or that it is a significant cause of crime (0.4 percent). However, the interviews, FGDs and validation workshops, suggested gender discrimination is a root of crime and violence and that

the insecurities women face are heightened and result from their social and economic subservience. Such insecurities also inhibit realisation of rights and liberties, such as freedom of movement.

## Recommendations

As previous reports have shown, the public has strong views on security and valid, practical recommendations for how the government and the security and justice sector institutions can be improved in order to better provide security and justice to individuals and communities. Within an unstable political context with frequently changing governments, shifting alliances within and between political parties and an ongoing failure to finish the peace process, the voices as well as the interests of the public continue to be ignored. Without considering the concerns and recommendations of the public, security and justice will remain tenuous and anxiety about the future will continue to grow. The many recommendations and concerns voiced during this research provide a sound basis from which to build upon recent successes, seize opportunities, and ensure that the hard won peace is not lost before it is consolidated.

In order to see progress on these recommendations it is important that the government develops a time-framed action plan identifying lead actors responsible for each recommendation. Many recommendations require the input and support of a range of actors from government, the security and justice sector, national and international non-governmental organisations (I/NGOs), the media, academia and think tanks, the wider civil society, the private sector and the international community. Above all, it is critical that the government and political parties actively engage and show leadership if many of these recommendations are to be realised.

- **Address the perception of instability.** The government and political parties need to heed the ever increasing public perception that Nepal is unstable by promulgating the constitution and resolving all outstanding aspects of the Comprehensive Peace Agreement.
- **Demonstrate commitment.** The government and political parties need to demonstrate that they are willing and able to put public priorities such as socio-economic development before individual and party-political interest and recognise that the lack of political consensus is having a large impact upon the public perceptions of stability and progress. Tackling corruption is central to this goal.
- **Address the nexus of crime and politics.** The implication of political actors' involvement in crime and the blurred line between politics and crime must be acknowledged by political leaders at the centre and the link between crime and politics investigated and stopped. A cross-party or, preferably, independent body should be established to identify ways to achieve these goals.
- **End political interference in police operations.** Political interference in police operations going beyond statutory lines of accountability and control must stop. Political protection for suspects in criminal investigations must cease and police officers protected from undue political interference in their daily work.
- **Establish a Police Service Commission.** The oft-cited prospect of Police Service Commission should be made real in order to reduce political interference in recruitment, transfer, promotion, disciplinary action and other personnel matters and ensure that professional advancement in the Nepal Police is based entirely upon merit.
- **Take action on poverty and unemployment.** This research found an overwhelming perception that poverty and the lack of economic opportunities are the principal causes of crime. The government and international supporters should view job creation and the fostering of a stronger economy not just as a development but also as a security priority.

- **Address corruption within the security and justice sector.** Ongoing efforts to address corruption in the security and justice services should be continued and similar scrutiny must also be applied to related political actors and government ministries.
- **Establish an independent mechanism to investigate public complaints against the Nepal Police.** In order to give the Nepal Police greater discretionary powers a complaints mechanism needs to be set up to process public grievances. The precise modality and level of external involvement in such a mechanism should draw upon international best practice and fit with the Nepali context. The public should be informed of how they can make a complaint through public information and outreach.
- **Adequately resource and support the Nepal Police,** particularly in areas that relate to the ongoing rebuilding of trust and confidence within communities. Local level police stations are often under-resourced and current efforts to rebuild and establish new police posts with appropriate transport, living quarters and detention facilities should continue. Resource gaps in other areas such as training facilities, logistics, criminal and forensic investigation and information technology should also be assessed and addressed with international support where necessary.
- **Review applicable laws related to policing** to ensure they adequately reflect current social norms, human rights and emerging security and criminal trends. This may require further amendments to the Nepal Police Act of 1955.
- **Enhance public understanding of the security and justice sector.** Public understanding of the function, legal powers and remit of state security and justice services should be increased so that they feel confident to access these services but also have realistic expectations about what the services can provide.
- **Address perceptions of crime.** This research found that the perception of crime is higher than the apparent reality that reported crime rates are relatively low and are falling. This is common to most countries and needs to be addressed through methods such as outreach, community policing and improved gathering and dissemination of accurate crime statistics.
- **Mainstream community policing in practice.** Rather than being treated as a specific activity delivered by dedicated units, community policing should be implemented as a cross-cutting approach and philosophy to policing that is mainstreamed across all departments. Community policing is of particular relevance to areas where police-community relations are strained and in areas where police posts are being re-built or established for the first time. The recent establishment of community help desks within police posts is a positive step in this regard.
- **Adequately resource the formal justice sector.** The formal justice sector should be further supported to provide an accessible and effective form of justice for citizens from all groups and especially the poor. Gaps in capacity and resources should be assessed and addressed and concerted action undertaken to tackle corruption and the paying of bribes within the system.
- **Continue to improve co-ordination between different formal and informal justice and alternative dispute resolution mechanisms.** The recently passed Bill on Mediation Procedure represents an important step towards ensuring better co-ordination between the myriad formal and informal justice providers and should be implemented with full state support.<sup>2</sup>
- **Strengthen alternative dispute resolution mechanisms.** In many areas, state and internationally supported justice mechanisms are not available. Alternative and traditional dispute resolution mechanisms should be strengthened and made more accountable through training and enhancing links with and oversight by the Nepal

<sup>2</sup> For more detailed information and recommendations on informal justice please see *Snapshots of Informal Justice Provision in Kaski, Panchthar and Dhanusha Districts, Nepal*, Saferworld, May 2011. Available at [www.saferworld.org.uk/smartweb/resources/view-resource/555](http://www.saferworld.org.uk/smartweb/resources/view-resource/555)

Police, local authorities and civil society to ensure compliance with human rights norms and Nepali law.

- **Extend the coverage of internationally supported informal justice mechanisms to remote areas.** In the absence of formal justice services, informal justice mechanisms (IJMs) frequently offer a superior mediation service to alternative dispute resolution mechanisms and their coverage over Nepal should be increased. As stated above, care should be taken to ensure they complement and link in with existing alternative mechanisms.
- **Enforce the Domestic Violence (Crime and Punishment) Act.** Enacted in April 2009, the Act should be strictly enforced and monitored as well as relevant areas of the National Action Plan on UN Security Council Resolutions 1325 and 1820, for example, the expansion and strengthening Women and Children Service Centres of the Nepal Police.
- **Ensure equal access to justice.** This research found a perception that the poor are overwhelmingly the most discriminated against by security and justice agencies. They and other marginalised groups should be provided with legal aid and support where illiteracy or lack of Nepali language skills are an obstacle.
- **Make security services representative.** This research found an improved public perception over the numbers of women and marginalised groups within the state security services. Efforts should continue in this regard through, for example, undertaking an audit to assess actual numbers of women and representatives of marginalised groups within the Nepal Police and the opportunities and barriers to their professional advancement. Regarding women, adequate resources and procedures need to be put in place to ensure an appropriate working environment (e.g. separate toilets and barracks, maternity leave, day-care facilities for infants and better treatment for unmarried female officers).
- **Investigate and monitor women's security.** The incongruity between the data from different research methods in this report is indicative of a wider lack of empirical understanding about women's experience of violence in Nepal. While anecdotal evidence of widespread domestic and gender-based violence is high, a true and accurate picture needs to be obtained through further investigation and systematic reporting and monitoring of individual cases at grassroots levels. Civil society involvement in monitoring is key and will help to address the fact that many gender-based violence incidents go unreported.
- **Address social attitudes to gender-based violence.** Civil society and state efforts to address the stigma that affects the victims of gender-based violence need to be scaled up so that its true prevalence can be understood and its incidence punished and prevented.
- **Develop a National Security Strategy.** The capacity and responsibilities of the security sector need to be clarified based upon a thorough, realistic analysis of security threats and needs. Development of a National Security Strategy would enable the government to consider these issues and ensure greater co-ordination, transparency, independence from undue political interference and public support.
- **Conduct research to assess the true extent of illicit small arms possession and misuse.** As with the difficulty in assessing the true prevalence of gender-based violence, differences in the data obtained through different research methods make it hard to track the actual availability of small arms in Nepal. A comprehensive survey with full political support is required to give an accurate picture of small arms proliferation and misuse as a precursor to regulatory or disarmament activities to control the impact of small arms.

# 1

## Introduction

**THE YEAR 2010** witnessed increasing polarisation and mistrust between the major political parties, culminating in the resignation of Prime Minister Madhav Kumar Nepal on 30 June 2010 and a subsequent six-month deadlock during which time the Constituent Assembly repeatedly failed to elect a new Prime Minister. Political polarisation and mistrust has brought to a virtual standstill the work of the government and progress on the peace process, not least in the drafting of a constitution. The apparent lack of will on the part of political parties to co-operate and compromise and on the part of politicians to focus on the welfare of the people of Nepal has resulted in increasing pessimism about the future of Nepal. Political instability and self-interest are also increasingly blamed for lack of progress and development. Concurrently, political interference in the work of the state security and justice sector institutions is increasingly identified as hampering efforts to maintain law and order and provide equal access to justice. This is compounded by what some have referred to as the politicisation of crime and criminalisation of politics, whereby criminal and political groups appear to be proliferating as do the links between the two, particularly the protection they allegedly afford each other. Amidst these fears are heightened concerns about economic security. It is also widely recognised that poor socio-economic development increases the risks of crime and violence and, conversely, insecurity undermines development. However, while the peace process appears to be stalled and is causing frustration, others highlight the progress that has been made since the signing of the Comprehensive Peace Agreement (CPA) in 2006 and, in any respect, the time and energy required in a country transitioning from conflict to peace and stability. In order to secure that peace and stability, however, it is essential that the concerns, needs and expectations of the people of Nepal are heard and attended to.

This report presents an analysis of perceptions of public safety and the provision of security and justice in Nepal in 2010. It builds upon similar research undertaken in 2007, 2008 and 2009. The research undertaken in 2007, entitled *Public safety and policing in Nepal: An analysis of public attitudes towards community safety and policing across Nepal*, published in January 2008, was the first large-scale study of public attitudes to security undertaken in Nepal. This report maintains the previous years' focus on policing and community safety, and builds upon an expanded focus of considering informal justice and dispute resolution mechanisms, gender and security, and the link between socio-economic development and security. In response to growing concerns about the adverse impact of political factors on stability and security, this report also broadens the focus on the socio-political dimensions of internal security.

This is the fourth in an intended series of annual 'tracker' surveys of public perceptions of security. On its own, each survey provides current information on what makes Nepalis feel secure or insecure, their assessment of how security and justice institutions

are performing, expectations and hopes for the future, and recommendations for improving the situation. Taken together, the surveys make it possible to track how perceptions of security are changing each year.

The data and analysis presented in this report are useful for several purposes. For policy makers and other officials in the Government of Nepal and the international community, it should contribute to the development of policies that take full account of public perceptions of security and are in line with the needs and wishes of all Nepalis. Throughout the research, participants positively responded to being asked about their experiences, concerns and hopes in respect of security and justice. Some, notably, the elderly women who participated in a focus group discussion (FGD), found the discussions to be particularly welcome as well as informative as it was the first time that such a gathering was held in their community solely for the purpose of hearing their views. Nepal Police officers who participated in the validation workshops also welcomed the research as indicating ways in which the institution can improve and better respond to the needs and concerns of the public as well as build on notable successes. Local government officials also, for example, articulated the value of knowing where public concerns lie and also where and how they have been effectively addressed. It is logical that policies and programmes incorporate the concerns and expectations of the people for whom such policies and programmes exist, particularly if security is to be improved and justice is to be more meaningful. However, the research conducted for this report appears to suggest that there is little in the way of public consultation when it comes to security and justice matters. Indeed, there appears to be limited contact between the public and state security agencies. For instance, the presence of state security and justice sector institutions is scant in many parts of Nepal outside urban hubs and community policing is relatively unknown. Moreover, while the research suggests that these institutions are much more inclusive and treat groups more equally than previously, it is commonly believed that the poor and other vulnerable groups are much less likely to be treated fairly. Consequently, in order to further professionalise these institutions, improve security and justice, and develop programmes and policies that respond to the concerns and needs of all Nepalis, particularly those who are often the most disadvantaged and insecure, the voices of the people must be heard.

It is hoped that this report will also be of value to a broader audience that includes journalists, academics and members of civil society who wish to raise awareness and engage the public on human security issues. Ultimately, this report should be of interest to anyone who is concerned about the peace and prosperity of Nepal and believes that measures to improve long-term security and justice must be informed by the views and aspirations of its people.

## Methodology

The report is based on five methods of primary research designed, developed and conducted by Interdisciplinary Analysts and Saferworld. All the research methodologies were pre-tested and finalised before being used in the field. The research methodologies were:

- A household survey of 3,016 people across Nepal, carried out in August and September 2010
- 15 FGDs with the general public held between August and October 2010
- 3 FGDs with Nepal Police personnel held between August and November 2010
- 50 in-depth interviews held between August and September 2010
- 9 key informant interviews with former and current representatives of the security sector, government, political parties, civil society and the private sector conducted in January 2011
- 10 validation workshops held in October and November 2010 across Nepal with key stakeholders to discuss initial findings.

The validation workshops provided an opportunity for key stakeholders to reflect upon the findings of the survey questionnaire and for those reflections to be incorporated into the report.

In order to allow comparisons across the years, the survey questionnaire for 2010 largely repeats the questions that had been asked in previous years. However, where necessary, the questionnaire was updated in order to reflect major socio-political changes that had occurred in the intervening year, and to be able to retrieve pertinent information. Some questions remained essentially the same, but the question or the possible responses were modified slightly in instances where the researchers felt that this would improve the clarity of the data received.

This report highlights the main findings of the 2010 research and compares these results with the results of findings from 2009, 2008 and 2007. The full survey questionnaire and tabulated statistics from the household survey are available online at [www.saferworld.org.uk](http://www.saferworld.org.uk) and [www.ida.com.np](http://www.ida.com.np). Further information regarding in-depth and key informant interviews is available upon request from Saferworld or Interdisciplinary Analysts (IDA).<sup>3</sup>

## Structure of the report

The following section (chapter 2) contextualises the 2010 research, summarising the key findings of the research from previous years and outlining significant events that have occurred since then. Chapter 3 considers public perceptions of security, beginning with an overview of whether or not Nepalis believe their country is going in the right direction and reasons for this. In the context of considering the major problems that the people of Nepal believe their country and their communities are facing, the chapter pays specific attention to the link between security and socio-economic development. The chapter also considers what people believe to be the causes of crime and violence and what the government can do to improve security and the rule of law. Levels of fear and experience of crime and violence are also examined, before concluding with a brief overview of attitudes towards the possession and use of small arms. Chapter 4 assesses the performance of security and justice sector institutions, particularly by looking at the level of public confidence and trust in these institutions. While the Nepal Police and the formal justice systems are focused upon, this chapter also considers the role of informal justice and alternative dispute resolution mechanisms. Chapter 5 looks at the extent to which formal security and justice sector institutions are inclusive and impartial, particularly whether women, those without economic or political power, and different caste/ethnic groups are represented within and treated fairly by these institutions. This chapter also considers the relationship between gender and security; the chapter compares the different experiences, concerns and needs of men and women in the field of security and justice. The final chapter highlights the key research findings and a number of recommendations, which have been formulated by research subjects or formulated on the basis of analysis of the research findings.

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<sup>3</sup> Interviewees' identities remain confidential.

# 2

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## Findings from 2007– 2009 and major recent events

**THE INITIAL STUDY,** *Public safety and policing in Nepal: An analysis of public attitudes towards community safety and policing across Nepal*, was undertaken just after the end of the decade-long conflict, in spring/summer 2007. The general sense of optimism among people evident in this first report must be considered in the context of the recent cessation of prolonged hostilities. In part as a result of the security vacuum created after the end of hostilities, new sources of insecurity, particularly in the Terai, began to emerge. Rising crime and a proliferation of armed groups appeared to threaten the hard won peace. Frustration was also beginning to emerge with delays in the political process, particularly the election of a new Constituent Assembly, which was fuelling fears that the election would result in a return to the violence of the immediate past.

The second study, *On track for improved security: A survey tracking changing perceptions of public safety, security and justice provision in Nepal*, was undertaken a year later in autumn 2008. In 2008, Constituent Assembly elections were successfully and peacefully held, the Assembly declared Nepal a federal democratic republic, ending 240 years of monarchy, and a coalition government was formed with the leader of the Communist Party of Nepal (Maoist) – CPN(M) – Pushpa Kamal Dahal (Prachanda), elected as Prime Minister. The report reflects the positive mood of the public in light of these historic events. Nonetheless, while the political process had gathered momentum, the report also highlighted the lack of progress on security matters, including the integration and rehabilitation of Maoist Army combatants and transitional justice issues. Moreover, the security situation had deteriorated in parts of Nepal, notably in the Terai, and, coupled with widespread impunity, became a source of great discontent for many people. This discontent was fuelled by the escalating economic crisis and poor living conditions that many people suffered.

The third study, *Treading water? Security and justice in Nepal in 2009*, was undertaken in the second half of 2009. Research began just after the fall of the Maoist-led government in May. The collapse of the government was symptomatic of the increasing distrust and rift between the Unified Communist Party of Nepal (Maoist) – UCPN(M)<sup>4</sup>

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<sup>4</sup> Since 13 January 2009, upon its merger with Communist Party of Nepal-United Centre – CPN(UC-M) – the CPN(M) has been renamed the Unified Communist Party of Nepal (Maoist) – UCPN(M).

and other political parties, and a growing disenchantment with the peace process. This report showed that the sense of security and optimism created by the signing of the CPA in 2006 and the major political events of 2008 were undermined as a result. Concerns about the ability of the government to maintain law and order increased, as did levels of insecurity and fear of crime. Poor and deteriorating infrastructure and a weak economy also continued to undermine people's sense of security and hopes for the future.

This chapter outlines the key findings of the 2007–2009 reports, before providing an overview of key events of 2010, all of which should provide the context in which the household survey, key informant and in-depth interviews, FGDs and validation workshops were conducted in 2010 and early 2011.

### Key research findings of the 2007–2009 reports

- **Hope for the future begins to wane.** There was considerable optimism following the end of the conflict and the incorporation of Maoists into mainstream politics. In 2007, 57 percent of survey respondents believed that the country was moving in the right direction and 70 percent felt safer in their communities than they had done the year previously. Twice as many people, approximately two-fifths of the survey respondents, believed that access to justice and law and order would improve, than those who thought things would get worse. However, the 2008 report showed that this optimism was already waning and by 2009 only 21 percent of survey respondents believed that the country was moving in the right direction. Similarly, many fewer people were optimistic about the prospects for law and order and access to justice: only 28 percent believed that law and order would improve (compared to 41 percent in 2007) and 27 percent believed that access to justice would improve (compared to 42 percent in 2007). In 2009, around two-fifths believed that they will not have better access to justice in the future and law and order will not improve. While optimism may have decreased over the period, the reports show that people felt much safer than they did pre-*Jana Andolan II*<sup>5</sup> and the signing of the CPA.
- **Stalled progress and concerns about law and order.** Despite the general optimism of the immediate post-conflict era, in 2007 there were already concerns that progress had stalled since the signing of the CPA. Only 41 percent thought that the government was able to maintain law and order, while 28 percent said that it was unable to do so. It was suggested that the government had not dealt effectively with the Madhesi issue and the demands of Janajati groups, and that some politicians prioritised their own interests over the needs of the country. By 2008, there was an evident increase in frustration that political disagreements had hampered progress in implementing necessary reforms. A desire to see real improvements in security, or at least strong indications of real commitment on the part of the Nepal Government, was clearly apparent from the research in 2008. These feelings of frustration with the seeming unwillingness of political parties to compromise and prioritise the needs of the average citizen grew in 2009. Aligned with increased frustration and decreased optimism, the 2009 report also suggested that law and order was seen to be unravelling.
- **Insecurity in the Terai.** The 2007 survey found significantly higher levels of insecurity in the Terai, where the Madhesi movement was developing, than elsewhere in Nepal. Thirty-eight percent of survey respondents from the Central Development Region (CDR) and 32 percent from the Eastern Development Region (EDR) were very worried about becoming victims of crime, compared with 7 percent in the Western Development Region (WDR) and just 1 percent in the Far-Western Development Region (FWDR). The 2008 report suggested that insecurity in the Terai had increased over the 18 months preceding the report's publication. The 2009 report indicated that the Terai remained the most insecure region in Nepal, but referred to other indicators

<sup>5</sup> The *Jana Andolan II* (people's movement II) is the oft-used name for the 2006 people's movement that led to the end of King Gyanendra's rule and the reinstatement of parliamentary democracy

which suggested that poverty and unemployment as well as political dynamics were the primary causes of insecurity in the Terai.

- **Socio-economic and security nexus.** The first report showed that insecurity held back socio-economic development. The link between crime, violence and poor socio-economic development was further analysed in the 2008 and 2009 reports. All reports drew attention to the mutually reinforcing relationship between insecurity and poor socio-economic development. All three reports also show that for most Nepalis, the most serious source of insecurity is increasingly the lack of socio-economic development, not least poverty, unemployment and lack of basic infrastructure.
- **Increasing confidence in state security and justice sector institutions.** The 2007 report showed that the Nepal Police were generally trusted to some extent but commanded little respect. Sixty-six percent of survey respondents said that they had at least some trust in the Nepal Police, most of whom (50 percent), however, said that they only had 'a little trust'. Forty-seven percent, however, said that the Nepal Police were not respected, primarily because of corruption, discrimination and rudeness. More alarmingly, the public had little confidence in the Nepal Police's effectiveness, with only 22 percent of respondents believing that the Nepal Police were reliable in bringing criminals to justice. This lack of confidence in the effectiveness of state security services continued in 2008. The 2008 report showed that most Nepalis also believe the state not to be particularly effective at providing security, and that much could be done to improve the state security institutions. Nonetheless, it was evident from this report that most Nepalis expect the state to provide security and are keen to see the Nepal Police and other actors play a more active role. This report also showed that people were increasingly willing to go to the Nepal Police if they were the victim of crime. The 2008 report also suggested that support for state institutions appeared to be increasing, with more people believing that they are making an effort to maintain peace and combat crime than in 2007. By 2009 confidence and trust in the Nepal Police had increased significantly: 81 percent of respondents expressed some trust in the Nepal Police (compared with 66 percent in 2007), 69 percent believed that the Nepal Police were respected to some degree (compared with 31 percent in 2007), and 62 percent believed the Nepal Police were reliable in bringing those who had committed crime to justice (compared with 46 percent in 2007). Similarly, more people were satisfied with the court in their district: in 2007, 22 percent were satisfied – in 2009, 50 percent expressed their satisfaction.
- **Discrimination and exclusion in the security and justice sector institutions.** All reports highlighted the widespread belief that all groups are not treated fairly by the formal security and justice sector institutions and are not equally represented in the Nepal Police, with poor people being at a particular disadvantage. In 2007, only 19 percent of respondents considered that the Nepal Police treated different caste/ethnic groups differently. However, it was strongly argued in interviews and focus groups that serious discrimination existed against poor people, and those lacking education, political connections or power. The vast majority of respondents in 2007 (77 percent) thought that there should be more women in the Nepal Police. The research also identified changing expectations in the Nepali population when it came to the Nepal Police and other security institutions, particularly the expectation of fairer, more democratic policing with better service delivery. The 2008 and 2009 reports showed that many people continued to believe that neither the Nepal Police (approximately half the respondents) nor the courts (over a third of the respondents) treat people equally. Again, the poor and those who lack education and political connections were seen as the most likely to be discriminated against. The 2009 report showed that people generally still believed that state security institutions are not inclusive. However, although miserably low, slightly more people than the previous year believed that the state security services represent their caste or ethnic group (36 percent compared with 31 percent in 2008). Likewise, slightly fewer people than 2008 believed that there should be more women in the Nepal Police (71 percent compared with 77 percent in 2007).

- **Individualising security needs.** The 2008 and 2009 reports extended the analysis of the first report by emphasising that people in different areas of Nepal have different security needs, concerns and expectations. The reports drew particular attention to the different security needs and perceptions of men and women, people from different castes and ethnicities, those with differing levels of education, and those in different locations across Nepal.
- **Informal security and justice mechanisms.** The 2008 and 2009 reports considered informal security and justice mechanisms and the role they play in Nepal. Although state security institutions were seen to be the most popular, people often used less formal means to secure justice and security, including asking community leaders or neighbours for help or using indigenous justice systems.

## Major events in 2010

The political polarisation and mistrust between the major political parties that was evident in 2009, continued to escalate throughout 2010. It culminated in the resignation of Prime Minister Madhav Kumar Nepal on 30 June 2010 and a subsequent six-month deadlock during which time the Constituent Assembly repeatedly failed to elect a new Prime Minister.<sup>6</sup> Political polarisation and mistrust brought to a virtual standstill the work of the government and progress on the peace process, not least in the drafting of a constitution. The apparent lack of will on the part of political parties to co-operate and compromise, and on the part of politicians to focus on the welfare of the Nepali people, resulted in increased pessimism about the future of Nepal. As a result tensions and anxiety rose, exacerbated by the approaching departure of the United Nations Mission in Nepal (UNMIN) on 15 January 2011. The political instability was perceived to hamper progress towards a better governance, security and economic development<sup>7</sup> while political interference in the security sector was increasingly seen to be disrupting efforts to maintain law and order and deliver equitable and effective justice. Linked to the latter, in 2010 there was a perceived deepening of the links and the relationships of patronage and protection between the political and criminal spheres – what many refer to as the politicisation of crime and criminalisation of politics.

Despite these challenges, and while the peace process stalled and frustrated, some degree of progress towards peace and security was made in 2010. Not least among the achievements was the increased number of Nepal Police posts across Nepal and the increased representation of women and all caste/ethnic groups in the state security services. Coupled with widespread confidence in state security and justice sector institutions and the seemingly growing efficacy of informal justice mechanisms it appears that real and perceived security is increasing. Significant advances were made in the health and education sectors and the 2010 Human Development Report hailed Nepal's progress over the past 40 years as 'remarkable'.<sup>8</sup>

While these positive signs give cause for optimism, societal discrimination against marginalised groups continues to permeate state and political institutions and service delivery in many sectors remains patchy and uneven. In order to secure peace and stability and build on the achievements of the recent past, it is essential that the concerns, needs and expectations of the people of Nepal are heard and attended to. Central to these is the overriding concern that political insecurity undermines security and justice as well as prospects for development and prosperity.

<sup>6</sup> See, for example, UN (2010), 'Report of the Secretary-General on the request of Nepal for the United Nations assistance in support of its peace process', 23 December 2010, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/699/69/PDF/N1069969.pdf?OpenElement>

<sup>7</sup> Nayak, N (2010), 'Nepal 2010: Uncertainties Galore', Institute for Defence Studies and Analyses, available at [www.idsa.in](http://www.idsa.in)

<sup>8</sup> UNDP (2010), 'Human Development Report 2010', available at [www.undp.org.np/publication/html/hdr2010/HDR\\_2010\\_EN\\_Complete.pdf](http://www.undp.org.np/publication/html/hdr2010/HDR_2010_EN_Complete.pdf)

# 3

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## Public perceptions of security and safety

**THIS CHAPTER COLLATES FINDINGS** from the 2010 household survey, in-depth and key informant interviews, FGDs and validation workshops, drawing frequent comparisons with data from 2007, 2008 and 2009. It begins by analysing general perceptions of security, whether or not Nepalis believe their country is moving in the right direction and their assessment of government performance, particularly in the maintenance of law and order. It then goes on to discuss public perceptions of the major problems currently facing Nepal and, in this context, the link between security and socio-economic development. The chapter also considers what people believe to be the causes of crime and violence and what the government can do to improve security and the rule of law. Levels of fear and experience of crime and violence are also attended to, before concluding with a brief overview of attitudes towards the possession and use of small arms.

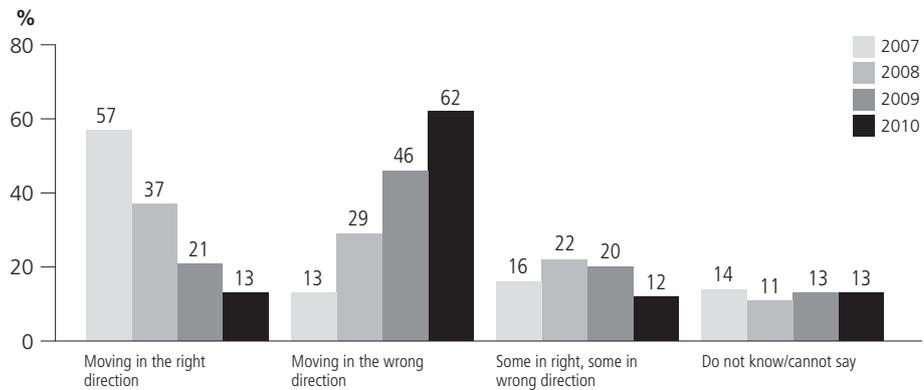
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### 3.1 General perceptions

The sense of optimism that immediately followed the signing of the peace agreement in Nepal has continued to decline significantly. In 2007, most people (57 percent) believed that the country was moving in the right direction. This figure has decreased over the intervening years to 13 percent in 2010. In 2007, 13 percent of people believed the country was moving in the wrong direction; today that figure has increased over four-fold to 62 percent, as shown in figure 1.

The level of pessimism evident today varies somewhat according to where people live. While most people across Nepal are pessimistic about the future of their country, those who live in the FWDR are much less likely to be pessimistic (34 percent believe the country is going in the wrong direction) compared with those in the EDR, CDR, WDR and Mid-Western Development Region (MWDR) where 67 percent, 68 percent, 60 percent and 57 percent, respectively, consider the country to be moving in the wrong direction. Similarly, there are more people who hold this view in the Terai (66 percent) compared to the mountains (60 percent) and the hills (57 percent). As discussed later in the report, relative insecurity in the Terai is further evidenced by the large number of the Madhesi caste who are pessimistic about the future of Nepal (72 percent), compared to other caste/ethnic groups, such as the Hill Dalits (46 percent) and Muslims (50 percent).

**Figure 1: Generally speaking, do you think the country is moving in the right direction, or do you think it is moving in the wrong direction? (2010 survey, base no. 3016)/Generally speaking, do you think the country is moving in the right direction, or do you think it is moving in the wrong direction? (2009 survey, base no. 3004)/Generally speaking, do you think the country is moving in the right or the wrong direction? (2008 survey, base no. 3025)/Do you think the changes in our country after the signing of the peace agreement are moving in the right direction? (2007 survey, base no. 3010)**

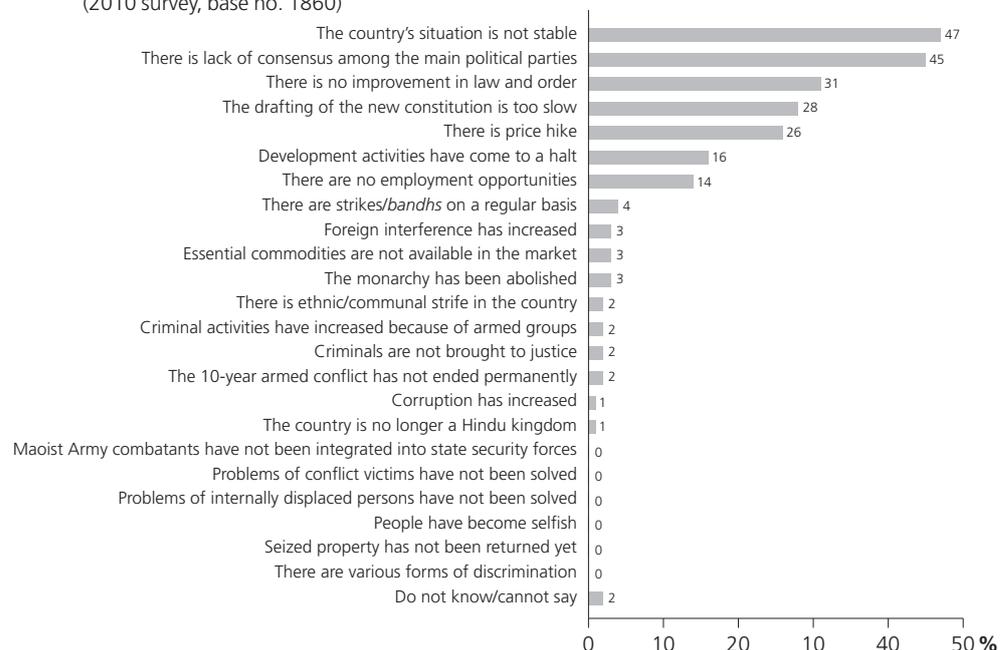


Similarly, people living in urban areas who are pessimistic about the future continue to outnumber those in rural areas who are pessimistic. However, while the number of people dissatisfied with the direction the country is going in is increasing in both rural and urban locations, the divide is decreasing. In 2010, 69 percent of those living in urban areas were pessimistic in this regard, while 61 percent of those living in rural areas felt this way. In 2009, 62 percent of urban residents believed that the country was moving in the wrong direction compared with 44 percent of rural residents. As a comparison, in 2007, 20 percent of those living in urban areas and 12 percent of those in rural areas were pessimistic about the future.

### 3.2 General perceptions of security

Those who consider the country to be moving in the wrong direction (62 percent) cited a number of reasons for this (figure 2): the country's situation is not stable (47 percent), lack of consensus among the main political parties (45 percent), lack of improvements in law and order (31 percent), the drafting of a new constitution is too slow (28 percent) and the price hike (26 percent).

**Figure 2: If you think the country is moving in the wrong direction, then why? (2010 survey, base no. 1860)**



In 2009, the state of law and order was the most commonly cited reason for people believing the country to be moving in the wrong direction (45 percent). In 2008, the percentage of people who attributed blame to the state of law and order was even higher at 51 percent. The current figure (31 percent) can be interpreted as a positive development, particularly when considering that those who believe the country is moving in the right direction continue to attribute this to an improvement in law and order above all other factors. Nonetheless, a significantly higher percentage of people believe the country is not stable and, particularly, that there is a lack of consensus among the main political parties, which threatens the future of Nepal. In 2009 the number of people who blamed the lack of party political consensus for the country not moving in the right direction fell to 28 percent from 35 percent the previous year. In 2010, the fact that this figure has risen back up to 45 percent is of great concern for the democratic system in Nepal.

Those who participated in key informant and in-depth interviews as well as FGDs overwhelmingly criticised the lack of consideration by politicians for the welfare of the people of Nepal and in-fighting between political groups, and the resultant political instability and delays in the formation of the constitution:

*In Nepal people are dying of starvation and paucity of medicine; however, our leaders are busy wrangling among themselves.<sup>9</sup>*

*They are not the least bit bothered about the public's security. They are worried only about how to become the supreme political power in the country.<sup>10</sup>*

All key informant interviewees considered that political instability and a weak state posed the key security challenges. Most of those who participated in key informant and in-depth interviews blamed the political instability and lack of a constitution for increased insecurity, instability and, ultimately, for the country not moving in the right direction:

*The existing situation doesn't reflect Nepal in a positive light. The failed efforts of big political parties and leaders to appoint a prime minister, the absence of government for more than two months and the mushrooming of armed groups in the Terai, all indicate that the country is not moving in the right direction. In a nutshell, the situation of the country is not good.<sup>11</sup>*

Some of those who participated in the key informant interviews suggested that as a result of political instability the security risks are changing and causing some people to suffer more than they did during the conflict. Representatives of political parties, in particular, indicated that the rise in organised crime and armed groups after the conflict – taking advantage of a weak state, politicised security sector and poverty – has contributed to a rise in insecurity. Some also referred to high levels of impunity, lack of justice for those without political connections, and strong links between political and criminal groups.<sup>12</sup> Thwarted expectations of what the government could and would provide after the end of the conflict may have also contributed to feelings of frustration and anxiety, according to one civil society representative.<sup>13</sup>

Many of those who participated in the in-depth interviews lacked confidence in the political administration as well as in the state security and justice sector institutions because they saw that criminals and armed groups sometimes appeared to be protected or even used by politicians. Some considered that in some cases political groups and criminal groups were one and the same. While other issues were mentioned by interviewees as contributing to the country not moving in the right direction, such as

<sup>9</sup> Interview with a Muslim journalist (aged 56) from Banke.

<sup>10</sup> Interview with a Tharu male teacher (aged 28) from Sunsari.

<sup>11</sup> Interview with a male student (aged 20) from Kanchanpur.

<sup>12</sup> Key informant interview with political party representative in Kathmandu.

<sup>13</sup> Key informant interview with a representative of civil society in Kathmandu.

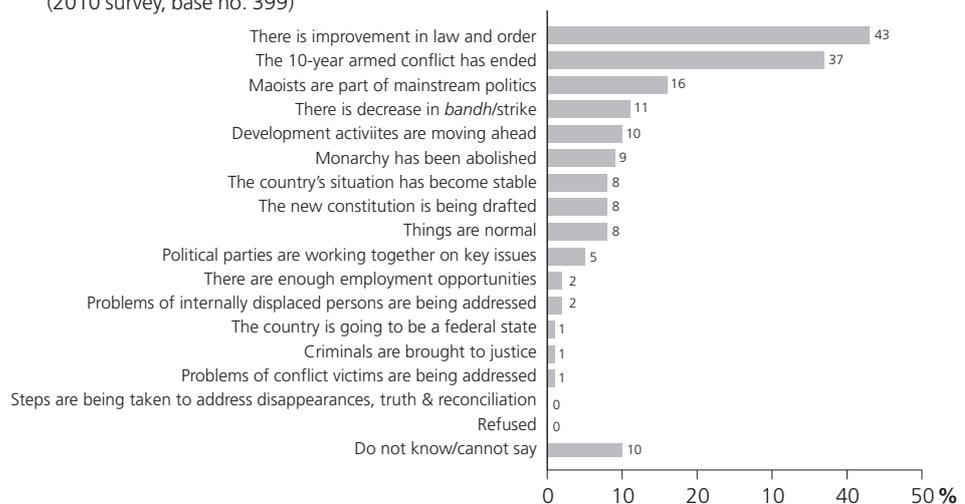
poverty and inequality, most interviewees lay the most blame at the feet of political leaders:

*During such a fragile phase the leaders should abandon their greed and should work together for long lasting peace in the country. In addition, there are other issues such as increasing population pressure, minimum economic growth, environmental threats which are obstructing the nation's development.*<sup>14</sup>

On a positive note, many fewer people blamed ethnic or communal strife (2 percent) or the prevalence of *bandhs*/strikes (4 percent), compared with the previous year, when 7 and 19 percent of the respondents, respectively, blamed these factors for the country going in the wrong direction.

Those who think that the country is moving in the right direction (13 percent) believe the main reasons to be because law and order has improved (43 percent) and because the 10-year armed conflict has ended (37 percent). Other reasons include Maoists being part of mainstream politics (16 percent), a decrease in *bandhs* (11 percent) and because development activities are moving ahead (10 percent) – figure 3. These figures are remarkably similar to the 2009 findings, with the notable exception of the drafting of a constitution: in 2009, 13 percent attributed credit to this, while in 2010 only 8 percent do. Also, a decrease in *bandhs* did not feature in reasons given in 2009, whereas, as mentioned above, 19 percent of those who thought the country was moving in the wrong direction cited the prevalence of *bandhs* as a reason.

**Figure 3: If you think the country is moving in the right direction, then why?**  
(2010 survey, base no. 399)



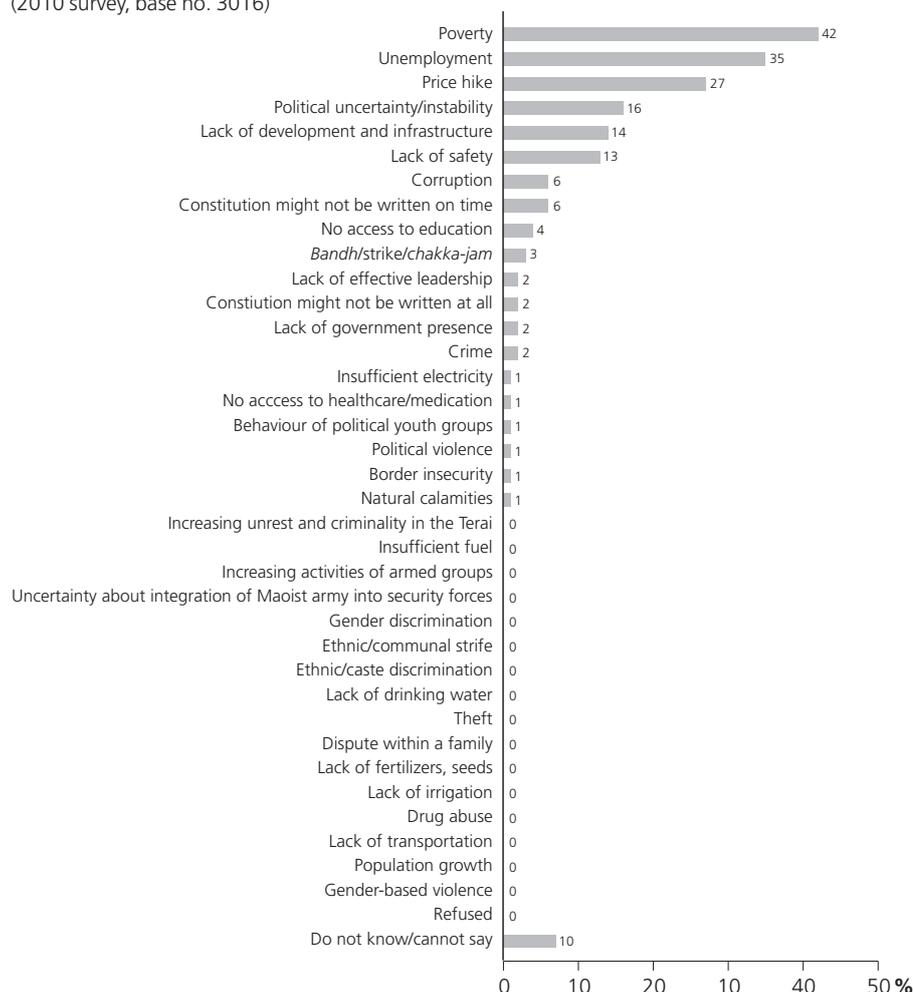
### 3.3 Link between security and socio-economic development

The last two surveys identified a clear link between security and socio-economic development. This was further underscored in the 2010 survey as well as in the validation workshops, in-depth interviews and key informant interviews. When respondents were asked what major problems Nepal was currently facing, 42 percent mentioned poverty, 35 percent cited unemployment and 27 percent referred to price hikes (figure 4). Similar to 2009, economic problems are, for most people, of significant importance, whereas concerns about the activity of armed groups, natural disasters, discrimination, inter-ethnic/communal strife, and uncertainty about the integration of Maoist Army combatants, barely feature as major concerns. There is no significant change over the course of a year in the proportion of people who cited these as the most serious problems facing Nepal. However, whereas *bandhs* were mentioned by 19 percent of respondents in the 2009 survey as constituting one of the major

<sup>14</sup> Interview with a male Brahmin (aged 32) from Kanchanpur.

problems facing Nepal, in 2010 this figure is almost negligible at 3 percent. Nonetheless, socio-economic concerns continue to be considered the most significant problems facing Nepal. This may be surprising, given the most common reasons cited for the country moving in the wrong direction tend to be political in nature, i.e. that the country is not stable and that there is a lack of consensus among the main political parties. Political uncertainty/instability was mentioned by 16 percent of respondents as one of the most significant problems facing Nepal, which does constitute an increase of 6 percent from 2009, but overwhelmingly people remain concerned with the economic conditions of Nepal. The number of people concerned with the lack of development and infrastructure and lack of safety remained relatively constant at 14 percent (both 2009 and 2010) and 13 percent (compared with 15 percent concerned about a lack of safety in 2009), respectively.

**Figure 4: In your view, what are the two major problems facing Nepal as a whole?**  
(2010 survey, base no. 3016)

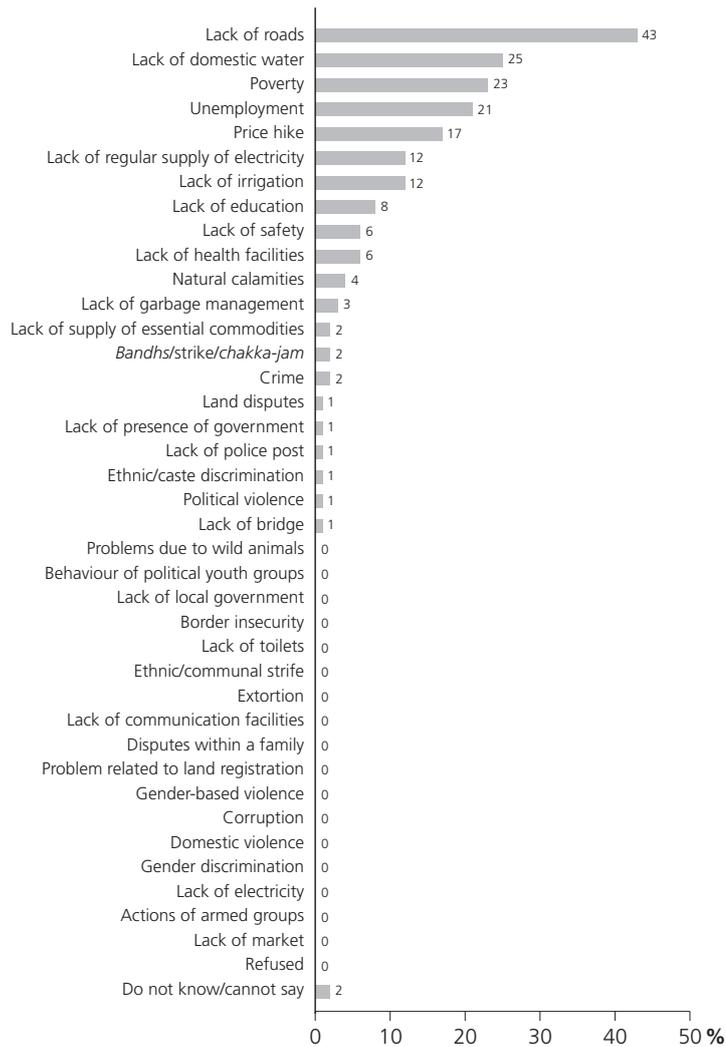


The public's opinion on this matter varied significantly in each ecological region. While the proportion of those that identify poverty as the country's most significant problem is highest in all three ecological regions, this proportion is significantly higher in the mountains (53 percent) and hills (45 percent) than in the Terai (37 percent). A much higher proportion identify unemployment as a major problem in the hills (37 percent) and the Terai (35 percent) than do people in the mountains (25 percent).

Concerns about socio-economic matters were also reflected at the local level. Here, the most significant problems cited were: lack of roads (43 percent), lack of domestic water (25 percent), poverty (23 percent), unemployment (21 percent) and the price hike (17 percent) – figure 5. Again, these figures are very similar to 2009, when 43 percent of people also cited lack of roads as the most pressing problem at the local level, also followed by lack of domestic water and poverty (3 percent lower at 22 and 23 percent,

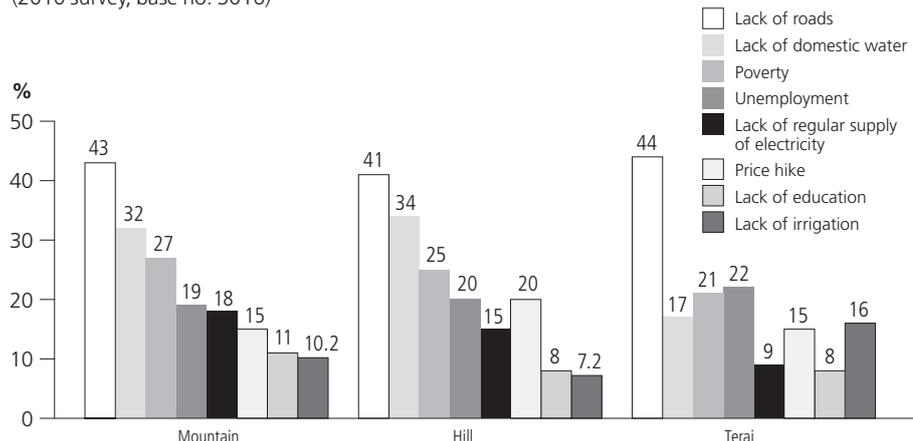
respectively). In 2010, a few more people are concerned about unemployment and the price hike (with an increase of 4 percent of respondents citing these as being among the most pressing problems being faced – from 17 and 13 percent, respectively – particularly in respect of unemployment, almost returning to the figures of 2008 of 22 and 26 percent, respectively). Somewhat fewer people, on the other hand, are concerned about a lack of a regular supply of electricity, lack of irrigation and a lack of education (by 6, 2 and 4 percent, respectively). Nonetheless, poor infrastructure and economic malaise continue to feature prominently among the most pressing problems being faced at the local level.

**Figure 5: In your view, what are the two major problems at the local level?**  
(2010 survey, base no. 3016)



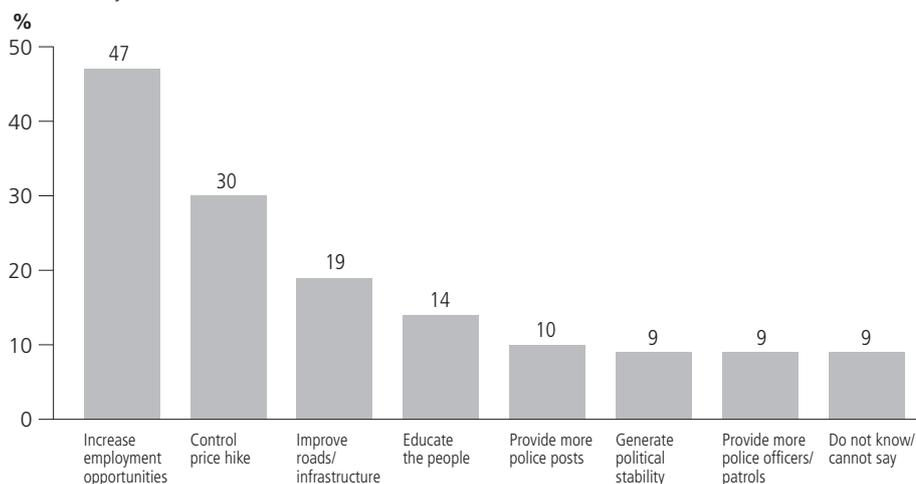
Opinions about the most important local level problems varied according to where people lived. While lack of roads was identified as the most significant problem in all parts of Nepal (except in urban areas), people living in the mountains and hills identified lack of domestic water as the second most significant problem while it was unemployment in the Terai (figure 6). In urban areas the price hike and lack of domestic water were considered to be the most significant problems by slightly more people – 30 and 31 percent, respectively, as compared with 29 percent who considered the lack of roads to be the most significant problem. Concern about the lack of roads was much more pronounced in rural areas where 45 percent of respondents considered it to be the most pressing problem.

**Figure 6: In your view, what are the two major problems at the local level?**  
(2010 survey, base no. 3016)



So, while political reasons are given for the country not going in the right direction, issues associated with lack of economic and infrastructural development are considered to be the most serious problems at the national and local levels. This was consolidated by responses to the question concerning what the government should do to improve security in Nepal (figure 7). Forty-seven percent of the respondents said that the government should increase employment opportunities. Thirty percent said that the government should control the price hike while 19 percent said that roads and infrastructure should be improved. Other recommendations given included: educating people (14 percent), providing more Nepal Police posts (10 percent) and providing more Nepal Police officers and patrols (9 percent). These recommendations are remarkably similar to the issues identified as being among the most significant problems facing Nepal.

**Figure 7: What should the government do to improve security in Nepal?**  
(2010 survey, base no. 3016)

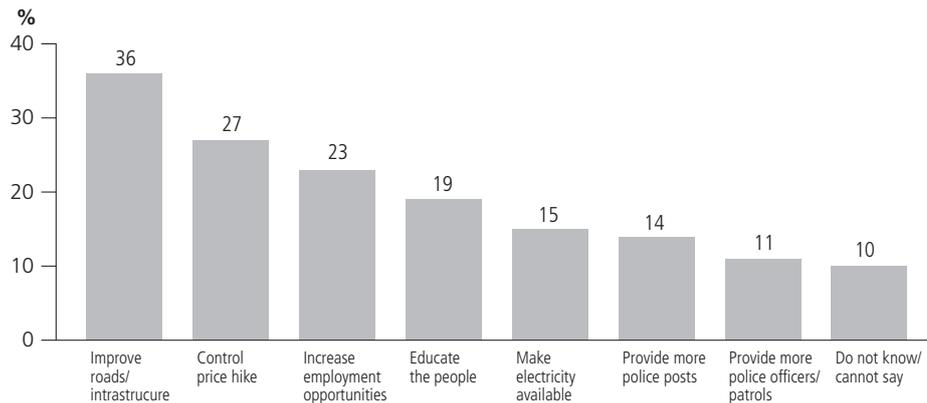


In 2009 fewer respondents prioritised increasing employment opportunities (38 compared with 47 percent) and controlling price hikes (23 compared with 30 percent). On the other hand, many fewer respondents said that *bandhs* should be controlled (19 to 5 percent).

A similar question was asked in the context of the local area (figure 8). The most popular response given was that the government should improve roads and other infrastructure (36 percent). Other popular reasons given were that the government should control price hikes (27 percent), increase employment opportunities (23 percent) and educate the people (19 percent). A significant proportion, 15 percent, mentioned that the government should make electricity available, while 14 percent mentioned that more Nepal Police posts should be provided. Again, these recommendations largely

correlate with the most significant problems identified at the local level. The results are also very similar to 2009, although the proportion of respondents who prioritised the improvement of roads and other infrastructure and the control of price hikes has risen: from 27 to 36 percent and 21 to 27 percent, respectively. The year before only 15 percent of the respondents said the government should improve roads and other infrastructure. Those who recommended increasing employment opportunities and education have also increased in number: from 20 to 23 percent and 14 to 19 percent, respectively. On the other hand, the proportion of those who recommended the establishment of more Nepal Police posts as a priority dropped from 20 to 11 percent.

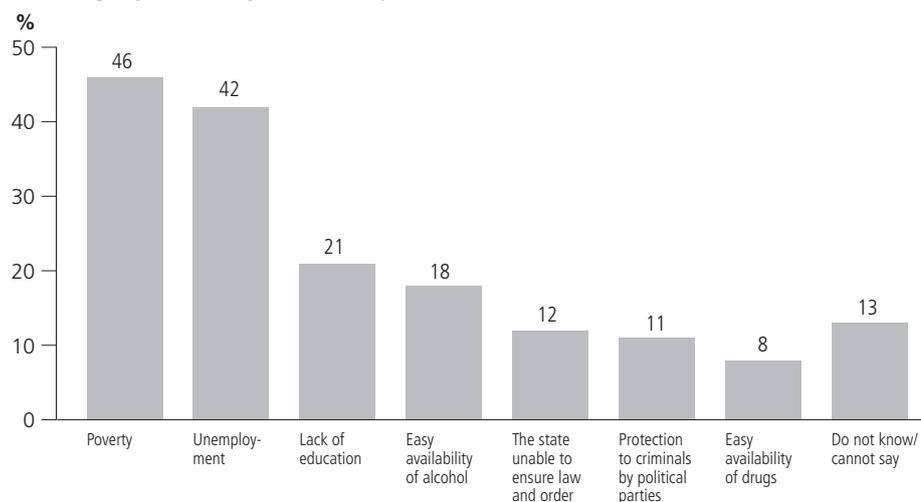
**Figure 8: What should the government do to improve security in your local area?**  
(2010 survey, base no. 3016)



The survey has revealed there is a strong correlation between security and socio-economic factors. It has shown that people widely believe that poor economic conditions and infrastructure are the most serious problems facing Nepal and its communities and, moreover, that it is such factors that can have the most impact on security conditions, over and above conventional security-enhancing measures. This is further corroborated by findings that suggest that poverty, unemployment and lack of education are widely considered to be the main causes of crime and violence in the country (figure 9). Almost half of the respondents consider that poverty (46 percent) and unemployment (42 percent) are the main causes of crimes in the country (while also being identified as the country's major problems). While poverty and unemployment were considered to be the most commonly accepted causes of crime in the previous survey, many more people expressed this view in 2010 (up by 7 and 3 percent, respectively). Similar to 2009, a large proportion of people also consider a lack of education (21 percent) and the easy availability of alcohol (18 percent) to feature among the main causes of crime. Significantly fewer people suggested that the inability of the state to ensure law and order (12 percent) as well as party political protection of criminals (11 percent) caused crime: although the percentage of people who suggested these as causes of crime has slightly increased upon the 2009 figures of 10 and 9 percent, respectively.

Many of those who participated in the FGDs and in-depth interviews suggested that crime and acts of violence occur mainly because of widespread illiteracy, poverty, unequal resource distribution and unemployment. Some others cited alcoholism, lack of awareness, open borders, ineffective security and justice sector institutions, a weak government, political instability, excess politicisation and undue political interference, inadequate laws, drug trafficking, natural disasters, conflicts between various groups, and corruption as causes of crime and insecurity. Women also cited domestic violence, drug trafficking and the dowry system as causes of insecurity for women. Interviewees and those who participated in the FGDs strongly recommended improved education (not least to address widespread illiteracy), awareness-raising and employment opportunities, which would help address both poverty and crime. A few others also suggested increased Nepal Police patrolling, improved transparency in the security and justice sectors, equal access to the services and resources provided by the state, strengthened laws and implementation thereof, and increased efforts to end corruption.

**Figure 9: In your opinion, what are the main causes of crime/acts of violence in Nepal, including in your locality?** (2010 survey, base no. 3016)



Some who participated in the key informant interviews, notably the private sector representative, emphasised that current level of insecurity is discouraging badly-needed investment, which, in turn, further undermines the prospects for economic recovery and development.<sup>15</sup> Other interviewees suggested that investing in development and providing basic services would help overcome the development challenges, including population growth and movement of people, which impact internal and international security.<sup>16</sup> Many interviewees also emphasised the importance of providing employment opportunities as a means of reducing crime and insecurity.

As highlighted in previous reports, insecurity and poor socio-economic conditions are very closely interlinked and appear to be mutually reinforcing. This is further suggested by the relative prevalence of theft as the most common crime suffered by respondents or members of their families. More people reported that they or a member of their family had been a victim of theft over the past year than any other crime (2.3 percent or 70 of the 3,016 respondents). However, this constitutes a decrease since 2009 when 3.3 percent or 98 out of 3,004 respondents reported the same. The second most common crimes experienced by the respondents was extortion or forced donations, with 64 (or 2.1 percent) reporting that they or a member of their family had been the victim of this crime. This constitutes a slight increase upon 2009 when 60 respondents (or 2 percent) reported the same. As highlighted in the 2009 report and further evidenced through the 2010 research, extortion appears to be more prevalent in the Terai than in the hills and mountains, where 9 percent of those in the Terai reported that they were aware of such incidents occurring in their locality, compared with 1 and 4 percent of those from the mountains and hills, respectively. However, of those who said they were aware of such incidents, many more people from the hills said that they or a family member had been the victim (57 percent), compared with those from the mountains (28 percent) and the Terai (26 percent). This may suggest that there are false expectations about the prevalence of certain crimes in certain areas in Nepal, which warrants further investigation, particularly if policy decisions are made on the basis of such assumptions. Regardless, extortion is relatively common and adversely affects not just the victim, but effectively deters businesses, donors and others from operating in the area.

In essence, the economy and security sector should not be considered as two distinct spheres of activity: they are intimately entwined and directly impact each other, where poor socio-economic conditions are conducive for violence and insecurity to flourish. As was argued in the 2009 report, economic development activities in Nepal need to be targeted to areas of insecurity, and measures to improve security need to complement and be accompanied by efforts to increase economic opportunities and enabling

<sup>15</sup> Key informant interview with representative of the private sector in Kathmandu.

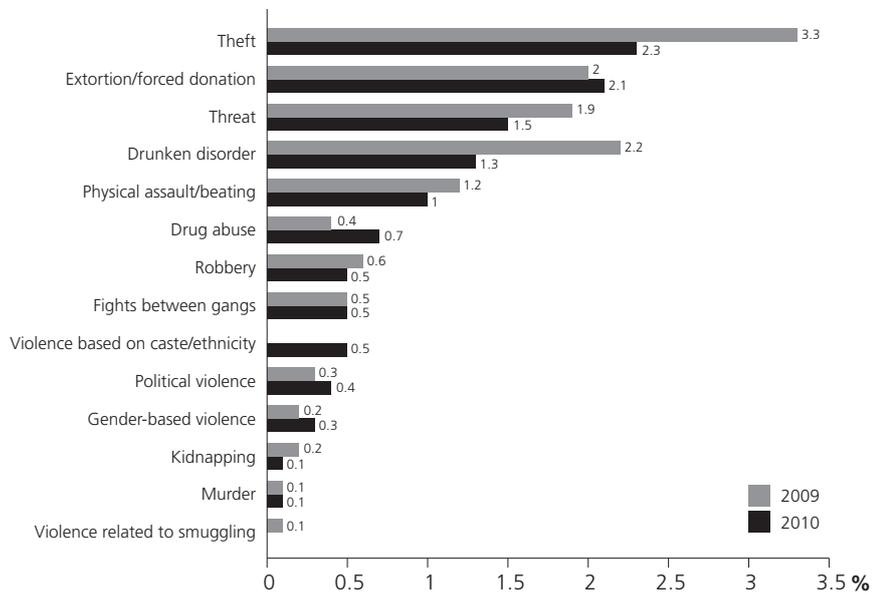
<sup>16</sup> Key informant interview with representative of the security sector in Kathmandu.

infrastructure. Compounding concerns about security and, moreover, the economy, is political instability. More specifically, commonly-held perceptions that concerted, collective and coherent efforts are not being made by the government in the interests of the country are undermining faith in the state and its institutions, which, in cyclical fashion, potentially compromises any gains made in the economic and security sectors.

### 3.4 Perceptions of safety

As mentioned above, theft, followed by extortion are the crimes that people are most likely to report being the victim of. These are followed by threat, drunken disorder and physical assault. Barring extortion, the number of incidents across the five most common crimes has slightly decreased since 2009 (figure 10).

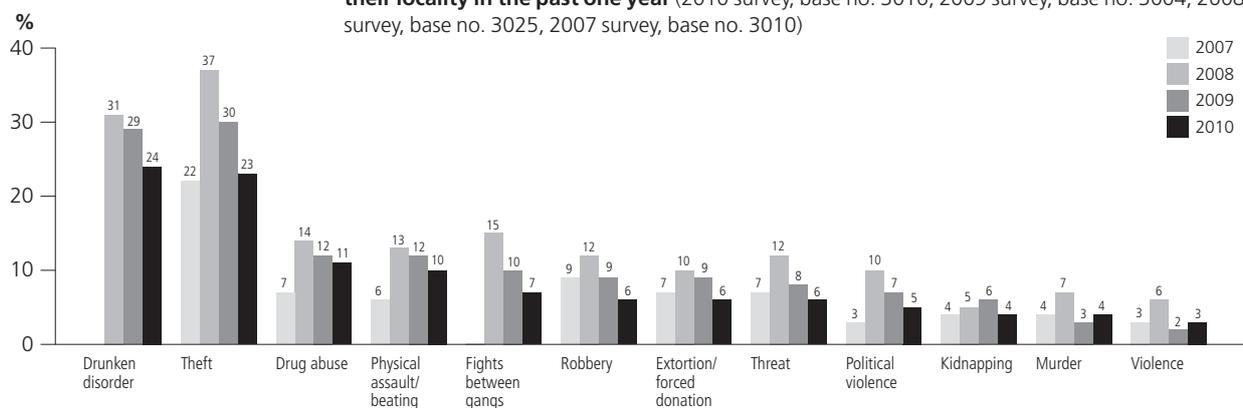
**Figure 10: The proportion of people who mention that they or any member of their families became a victim of crime during the past one year** (2010 survey, base no. 3016, 2009 survey, base no. 3004)



Overall, only 8 percent mentioned that they or any member of their family had become a victim of at least one crime during the past year. This contrasts with the much higher proportion of people who reported that crimes had occurred in their locality over the past year. While only a little over 2 percent of the respondents reported that they or a member of their family had been the victim of theft in the past year, a comparatively high 23 percent reported that such a crime had occurred in their locality over the same period. This disparity is even more extreme when comparing the number of people who reported that they or a member of their family had been the victim of drunken disorder (1.3 percent) compared with those who reported that such a crime had occurred in their locality (24 percent). What may be called street crimes – and thus may be more visible and also open to widespread moral condemnation – appear to feature among the crimes most often reported as occurring in people’s localities whereas people’s direct experience of them tend to be much less common. In contrast, while only 6.3 percent of respondents knew of an incident of extortion occurring in their locality in the past year, out of these a significantly large proportion (33.7 percent) had been the victim (or related to the victim) of this crime (comprising a total of 2.1 percent of all respondents). With respect to people’s knowledge and experience of all forms of crime, approximately 45 percent of respondents reported that there have been incidents of at least one type of crime occurring in their locality over the course of the 2010. This compares with 8 percent of people who reported that they or a member of their family had become a victim of crime during this time.

Compared with previous years, the number of crimes reported to have occurred by respondents in their localities has fallen (figure 11). However, figures for 2010 continue to remain a little higher in the case of theft, drug abuse, physical assault and political violence compared to those for 2007, although they are lower compared to 2009 and 2008. In particular, there is a sizeable decrease in the proportion of those who mention that there have been incidents of theft: 23 percent of people reported the occurrence of theft in 2010, compared with 30 percent and 37 percent in 2009 and 2008, respectively. The apparent perception of a falling crime rate correlates with a significant decrease in the number of people who attribute inadequate law and order to the fact that the country appears to be going in the wrong direction, as mentioned earlier. The actual crime rate, as suggested by the number of people who reported that they or a member of their family was the direct victim of a crime, is considerably lower and is, the statistics would suggest, also decreasing.

**Figure 11: Those who said that there have been incidents of the following types of crime in their locality in the past one year** (2010 survey, base no. 3016, 2009 survey, base no. 3004, 2008 survey, base no. 3025, 2007 survey, base no. 3010)



The relatively low crime rate contrasts not only with the perception of a higher crime rate, but also with the prevalence of the fear of crime. This is similar to previous surveys, although it appears that fear of crime is also significantly decreasing, alongside perception of the rate of crime as well as experience of crime. In 2010, 33 percent of respondents reported being afraid that they, or a member of their family, may become a victim of crime, whereas between 2007 and 2009 this figure hovered just above 40 percent (41 percent in 2007, 40 percent in 2008 and 42 percent in 2009). Similarly, in 2010 66 percent of respondents reported that they were not afraid of such an occurrence, compared with 55 percent in 2009.

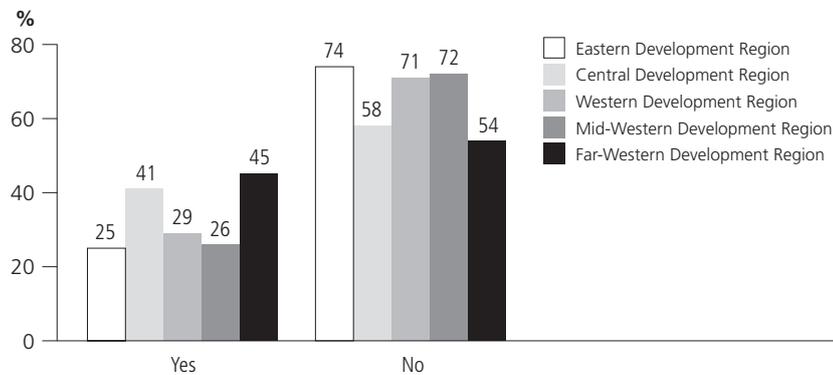
Although the general sense of security among the people of Nepal appears to have improved, there are significant geographic variations. Fewer people in the Terai (60 percent) than in the mountains (67 percent) and hills (72 percent) appear not to be afraid of crime (correlating with the number of people in the Terai who reported crime occurring in the locality in the past year compared with those from the mountains or the hills – 29 percent, compared with 9 and 19 percent, respectively). Interestingly, compared with 2009, the difference in the levels of fear of crime is less stark, when many fewer people in the Terai (46 percent) than in the hills (59 percent) and mountains (84 percent) were not afraid of crime. While over two-thirds (67 percent) of people from the mountains are not afraid of crime, many more were not afraid in 2009 (84 percent of the respondents). Significantly, in 2009 the level of fear of crime within Madhesi and non-Madhesi communities was considerably different: significantly more Madhesi (51 percent) than non-Madhesi (37 percent) were afraid, correlating with the apparent heightened fear in the Terai. However, in 2010 levels of fear within the Madhesi community have decreased enormously: only 37 percent of Madhesi respondents said they were afraid that they or a member of their family would become a victim of crime, compared with 51 percent in 2009, which is almost comparable to levels of fear felt within the non-Madhesi community (31 percent). Further research

should be undertaken to determine why levels of fear have significantly decreased in the Terai and increased in the mountains, becoming comparable in 2010.

Similarly, the difference between levels of fear of crime within urban and rural areas and between men and women has also decreased. In 2009 many more people living in urban areas (53 percent) said they were more afraid of becoming a victim of crime than those in rural areas (40 percent). In 2010, 40 percent of people living in urban areas said they are afraid of becoming a victim of crime, compared with 32 percent of people living in rural areas. Similarly, in 2009, slightly more women (44 percent) than men (41 percent) said they were similarly afraid, whereas in 2010 34 percent of women compared with 33 percent of men reported being afraid. Thus far it appears that there is a strong trend of decreasing fear and decreasing disparities between the levels of fear felt by different communities.

There were regional variations in the level of fear of crime. More people in CDR (41 percent) and FWDR (45 percent) were afraid of crime than people living in other regions (figure 12). This contrasts substantially with previous years. In 2009, more people in the EDR (48 percent) and CDR (48 percent) reported being afraid, compared with people in the WDR (34 percent), MWDR (34 percent) and FWDR (40 percent). In 2008, people from the CDR and MWDR were much more fearful (54 percent and 52 percent, respectively) than those from the WDR (26 percent), EDR (32 percent) and, particularly, the FWDR (9 percent). Despite significant variations, it can be said that, except in FWDR, fear of crime decreased in all regions between 2009 and 2010 and in CDR and MWDR between 2008 and 2009. Conversely, between 2008 and 2010, fear of crime significantly increased in FWDR: from 9 to 40 percent and, in 2010, to 45 percent. Further research should be undertaken and consideration given by security practitioners and policy makers to ascertain what has resulted in decreasing levels of fear of crime in most parts of Nepal and, in contrast, rising levels of fear in FWDR.

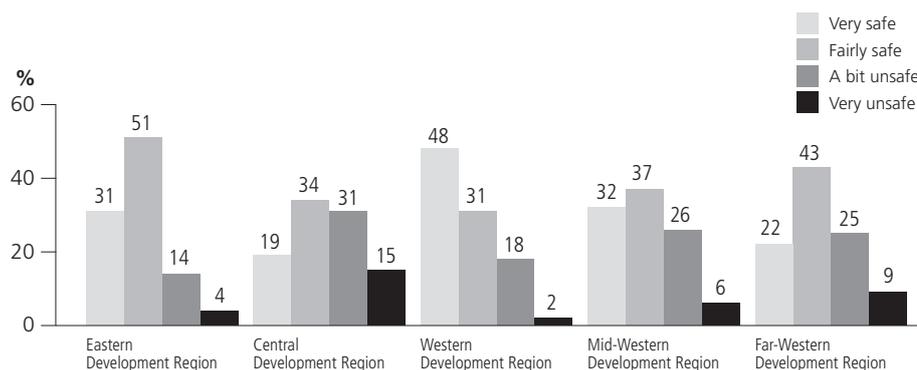
**Figure 12: Are you afraid that you and your family may become a victim of crime/act of violence?** (2010 survey, base no. 3016)



Similarly, alongside MWDR, people from FWDR and CDR are more likely to report that a member of their family would feel unsafe going out alone after dark than people from other regions (figure 13). Most notably, in CDR 46 percent of respondents said they would feel unsafe compared with 18 percent in EDR and 20 percent in WDR. Likewise, more people from the Terai reported that a member of their family would feel a bit (27 percent) or very (12 percent) unsafe going out alone after dark than people from the hills (20 and 4 percent, respectively) and the mountains (17 and 8 percent, respectively). In general terms, the vast majority of survey respondents reported that they would feel safe; 29 percent people said they would feel very safe and 39 percent said fairly safe, while 23 percent said they would feel a bit unsafe and further 8 percent said they would feel very unsafe.

Similarly, people living in rural areas are much more likely to feel safe than those living in urban areas. Forty-seven percent of respondents from urban areas reported that a member of their family would feel unsafe going out alone after dark, compared with 29 percent of rural dwellers.

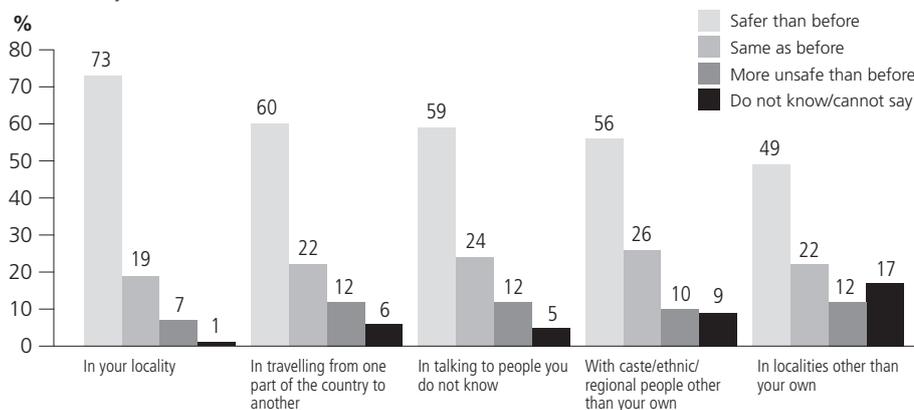
**Figure 13: How safe or unsafe would a member of your family feel to go out alone after dark – very safe, fairly safe, a bit unsafe, very unsafe? (2010 survey, base no. 3016)**



Of those who said a family member would feel unsafe going out alone after dark (31 percent of all respondents), most said that women would feel particularly vulnerable (68 percent), followed by girls (49 percent), men (33 percent) and children (28 percent). Reasons for feeling unsafe included fear of physical assault (48 percent), fear of being kidnapped (43 percent), fear of sexual assault (38 percent), fear of being a victim of theft (29 percent) and fear of drunkards (28 percent). Fear of being kidnapped was more frequently identified in the Terai (50 percent) and the mountains (49 percent) than in the hills (30 percent). Likewise, this reason was more frequently mentioned in urban areas (53 percent) than in rural areas (41 percent).

When asked whether people feel safer in 2010 than they did a year ago, about three quarters of the people (73 percent) said that they feel safer than before. This sense of security is less apparent when outside respondents' localities or when with unfamiliar people or members of other castes/ethnicities/regions (figure 14).

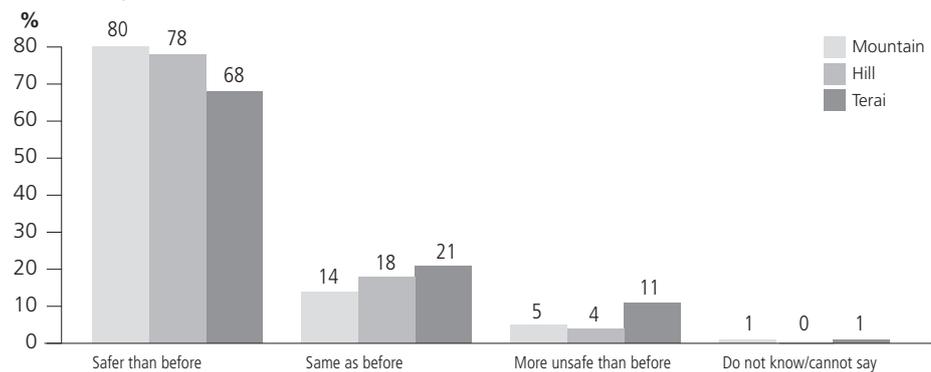
**Figure 14: Compared to one year ago, how would you assess the level of your own personal safety – safer than before, same as before, more unsafe than before? (2010 survey, base no. 3016)**



The response to whether people felt safer than before in their own locality varied by ecological region and development region. Even though most of the people living in all the three ecological regions mentioned that they feel safer than before in their localities, the proportion of such people was significantly lower in the Terai (68 percent) than in the mountains (80 percent) and the hills (78 percent) – figure 15. Similarly, comparatively fewer people in CDR felt safer than before (67 percent), compared with people in the other four regions (EDR 75 percent, WDR 73 percent, MWDR 76 percent and FWDR 86 percent).

These trends are generally replicated when considering the comparative level of safety felt by people from different ecological and development regions in all the mentioned scenarios. As such, fewer people in the Terai felt safer than a year ago when travelling from one part of the country to another (57 percent), compared with people from the

**Figure 15: Compared to one year ago, how would you assess the level of your own personal safety in your locality – safer than before, same as before, more unsafe than before?**  
(2010 survey, base no. 3016)



mountains (71 percent) and the hills (62 percent). When the data was disaggregated according to development region, a similar pattern emerges with only 54 percent people from CDR feeling safer when travelling within Nepal, compared with people from EDR (66 percent), WDR (60 percent), MWDR (59 percent) and FWDR (72 percent).

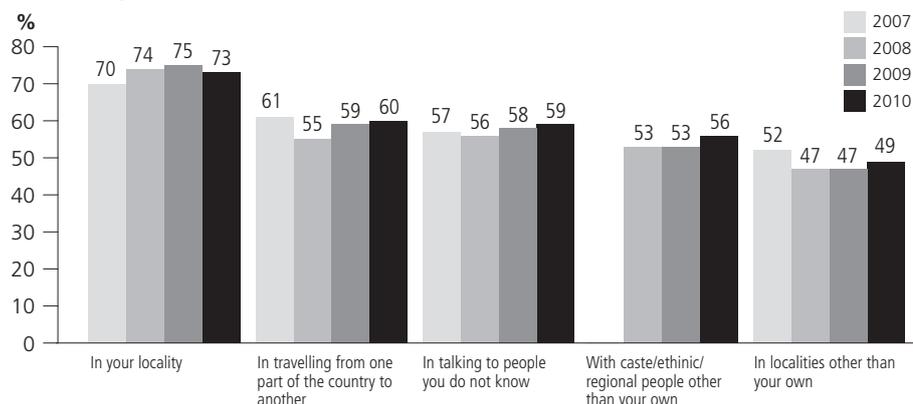
More people in the mountains felt safer than a year before when talking to people they do not know (76 percent) and when with people from other castes/ethnicities/regions (70 percent) than those from the Terai (56 and 53 percent, respectively) and the hills (59 and 58 percent, respectively). Unsurprisingly, fewer people in CDR felt safer in these circumstances (52 and 47 percent, respectively) than those in EDR (64 and 60 percent, respectively), WDR (59 percent and 58 percent, respectively), MWDR (58 and 59 percent, respectively) and FWDR (73 and 70 percent, respectively).

As is highlighted in figure 14, above, fewer respondents felt safer when in other localities than a year ago (49 percent) compared with the increased level of safety they felt in their own locality (73 percent). Again, fewer people from the Terai felt safer than the average (at 45 percent). Relatively small proportions of people also felt safer from CDR (41 percent) and MWDR (44 percent). Overall, the survey revealed that a significant number of people in the Terai and in CDR were of the opinion that they were more unsafe in 2010 compared with a year ago. Although people with these views are in the minority, combined with data solicited from the validation workshops and interviews, this does suggest that community safety is problematic in specific clusters of the Terai and CDR. Many of those who participated in in-depth interviews said that they feel insecure wherever they are, particularly because of the perceived threat of abduction as well as the factors of political instability and alcohol playing a role.

Compared with data solicited from previous surveys, it appears that the relatively high sense of security has remained somewhat consistent. Since 2009, there has been a slight decrease in the number of people who feel safer in their own localities than previously. Concurrently, however, there has been a slight increase in the number of people who feel safer outside their localities and when in the company of people who are either unfamiliar or are from other castes, ethnicities or regions (figure 16). Given the question attempts to ascertain whether people feel safer than a year ago, the consistently high levels of positive responses are encouraging.

In-depth interviews suggested that most people consider that the security situation has changed little over the past year, although understandably it is widely seen to have considerably improved since the conflict. Interviewees from many districts, specifically Udaypur, Siraha, Sunsari (East), Jumla, Surkhet (Far Mid-West), Bhajang, Kanchanpur (Far-West) Jomsom, Parbat, Gulmi, Baglung (West), Sindhuli (Central) viewed the current security situation positively, noting, in particular, a decline in threats, the number of *bandhs*, free mobility, establishment of Nepal Police stations, and improved education as reasons for this. Despite this, most interviewees and those who participated in the FGDs expressed anxiety about the future of Nepal, returning

**Figure 16: Percentage of people who feel safer than before in response to the question – How safe do you feel today compared to the previous year? (2010 survey, base no. 3016)/ How safe do you feel today compared to pre-Jana Andolan II? (2009 survey, base no. 3004, 2008 survey, base no. 3025)/How safe do you feel today compared to one year ago? (2007 survey, base no. 3010)**



to the pressing political concerns identified above. In particular, with no consensus between political parties, lack of a stable government and little progress made on drafting the constitution, despite improved confidence in the security conditions, a palpable sense of fear that the security situation could easily disintegrate into renewed conflict was evident from the interviews:

*The peace and security situation in Nepal is very fragile at present. There is no guarantee as to what will happen when. The Nepali general public are terrorised by the thought that the teacher who goes to school to teach in the morning may not return in the evening and the business man who goes to work may not return home. Due to the current situation of the country, no one has been able to freely say that 'I am safe'.<sup>17</sup>*

Many interviewees remained concerned about the current security situation, which, they considered, was jeopardised due to political instability and widespread corruption. Despite some improvements in security, political crimes such as abduction, extortion, threats continue to occur. Many also saw that various armed groups and criminal elements continue to take advantage of the security vacuum left after the signing of the CPA, which has created much anxiety:

*Where is security? The situation is very fragile here. The incidences of abduction, threats, killings, and forced donations are taking place especially with the minority groups. Though these crimes have been covered in the media nothing has been done so far to tackle them. How can we say that the security situation has improved?<sup>18</sup>*

*In this place crime occurs on a daily basis. People are compelled to donate, criminals come and abduct people from their houses; the insecurities we are facing is beyond your imagination.<sup>19</sup>*

Indeed, many interviewees expressed concern about the security situation, often linking it to political instability and uncertainty or the perceived weaknesses of the government and political leadership:

*I feel insecure because there is no law in the country. This is the cause of disputes and conflicts and consequently, unrest within the country. When leaders are not responsible, people do as they wish.<sup>20</sup>*

*[Crime] is mainly because of political instability. There is no constitution, so people act above and beyond law. People have developed strong feelings within themselves that there is no one to control and punish them, so they are free to do anything.<sup>21</sup>*

<sup>17</sup> Interview with a farmer (aged 56) from Dang.

<sup>18</sup> Interview with a Teli male respondent (aged 51) from Saptari.

<sup>19</sup> Interview with a Teli woman (aged 21) from Saptari.

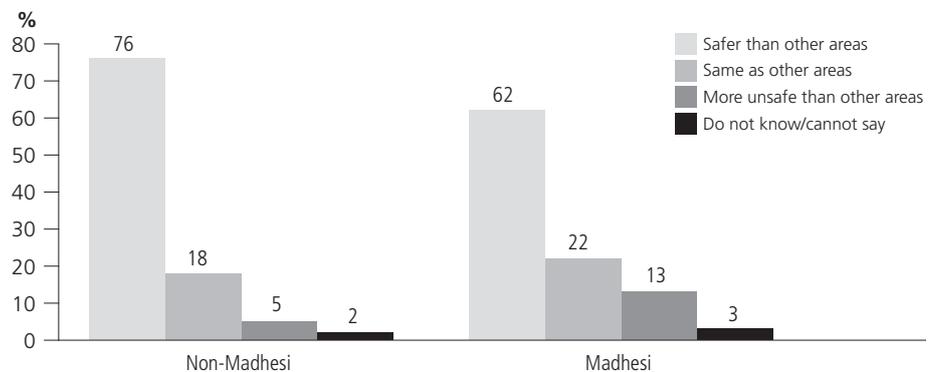
<sup>20</sup> Interview with a female Rai student (aged 30) from Ilam.

<sup>21</sup> Interview with a male Brahmin (aged 38) from Kirtipur.

Many participants in the FGDs also raised concerns about the activities of armed groups and the inability of the government and security sector institutions to effectively deal with them, whether due to lack of will, lack of capability or lack of resources. Many focus groups identified the Terai as particularly suffering from what many see as a growing presence of armed groups, increasing criminality, and limited presence of security sector institutions. Elderly women from the hills, for instance, felt that the present security situation in the hills was satisfactory but considered that as long as the Terai remained in the grip of criminal activities, security would not improve in the country. Local opinion-makers felt that growing tensions in the Terai were a serious threat to the country. Local opinion-makers, men as well as many business leaders (from Surket and Mahotari, for example) also stated that they suffered from constant fear due to the prevalence of threats and intimidation.

When specifically asked to assess the level of safety of respondents' own locality compared with other places in Nepal, most of the respondents (71 percent) considered their locality to be safer than other areas. This suggests that fear and insecurity is predicated more upon psychosocial determinants related to familiarity and otherness or the unknown, rather than known facts about crimes rates and security risks. More likely, it also suggests that people possess little accurate knowledge about security, where people may have to rely on local knowledge, rumour and assumption if not direct experience. Perhaps the media also plays a role here in light of reference from the validation workshops to the media's propensity to sensationalise and heighten anxiety. Lack of accurate knowledge is also suggested by the disparity between perceptions of a relatively high crime rate with limited direct experience of crime, as discussed above.

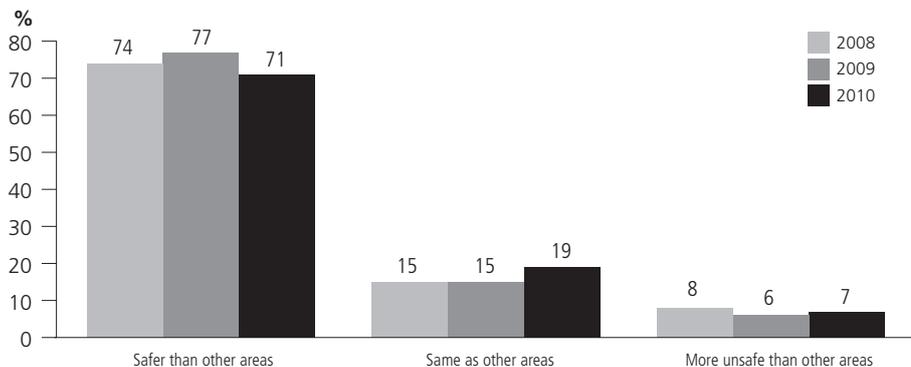
**Figure 17: How would you assess the level of safety of your locality compared with other areas in Nepal – safer than other areas, same as other areas, more unsafe than other areas?** (2010 survey, base no. 3016)



As suggested above, those who tended to feel less safe in their localities than previously (for example the larger minority in the Terai or CDR), also felt comparatively less safe in other areas (as compared with those in places where more people felt safer). This might also suggest that there is a dearth of accurate security information held by the public and possibly that a person's sense of security is relatively intransient, having less to do with the experiences of a place and more to do with the experiences of a person. This has consequences for the government and the security sector as improving a sense of security among the population requires more than responding to objective risks and threats. It requires, not least, communication, outreach and an inclusive approach to providing security. Again, it is those from communities that tend to feel less safe than previously, compared with other communities, who are more likely to consider their localities to be less safe than others. For instance, the proportion of those in the Terai who consider their locality to be safer than others is significantly lower (65 percent), compared with the mountains (73 percent) and the hills (78 percent). Between the Madhesi and non-Madhesi populations, proportionally more non-Madhesi than Madhesi thought that their localities were safer than other areas (76 percent as compared with 62 percent), as shown in figure 17.

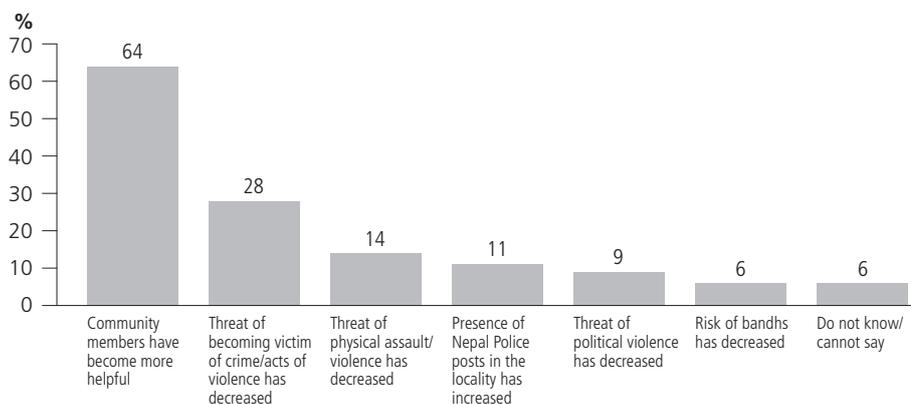
In contrast to perceptions of improving law and order, there has been a marked decline in the proportion of people who considered their locality to be safer than others (figure 18). Given that there has been a greater increase in the number of people who consider their localities to be as safe as others (4 percent) than those who consider their localities to be more unsafe than others (1 percent), this could suggest that people are accessing the necessary information which can provide them with an accurate picture of the security situation across Nepal, rather than relying upon fear of the unknown. This possibility is partly supported by the decreasing difference between fear of crime and crime rate (based upon those who said they or a member of their family have been a victim of crime). In 2009, for instance, 30 percent believe theft has occurred in their locality, but only 3 percent were, or were related to, a victim of theft. In 2010, 23 percent believe theft has occurred in their locality, compared with 2 percent who have been, or have been related to, a victim of theft. It may well be that discrepancies between the fear and risk of crime and violence are decreasing as a result of security services being more proactive. Efforts to increase this awareness will not only further empower people and potentially improve their security, it could also help reduce any remaining misconceptions, distrust and fear between communities.

**Figure 18: How would you assess the level of safety of your locality compared with other areas in Nepal – safer than other areas, same as other areas, more unsafe than other areas?** (2010 survey, base no. 3016, 2009 survey, base no. 3004, 2008 survey, base no. 3025)



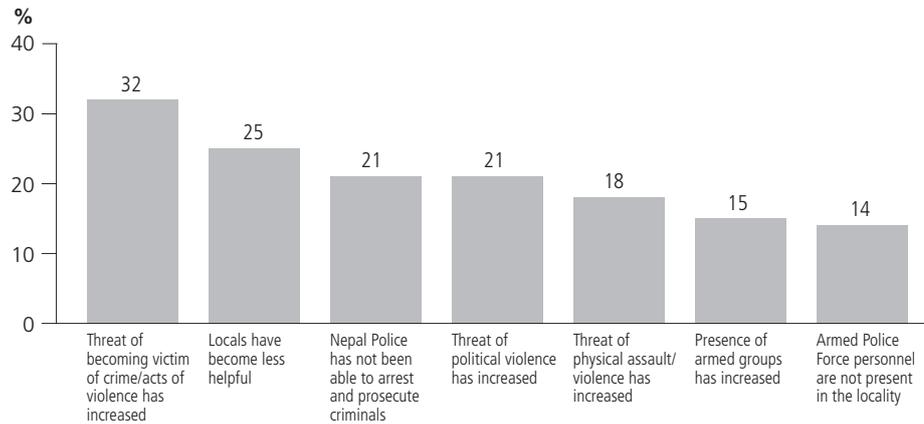
When those who consider their locality to be safer than others (71 percent) were asked why this might be so, the majority (64 percent) said it was because community members have become more helpful. About 28 percent mentioned it was because the threat of becoming a victim of crime or violence had decreased, while 14 percent accredited the decreased risk of physical assault or violence. Eleven percent thought their localities were safer than others because the number of Nepal Police posts had increased (figure 19).

**Figure 19: If you feel your locality is safer than other areas, why?** (2010 survey, base no. 2151)



Many of those who considered their locality to be less safe than others (7 percent of the respondents) blamed the increased risk of becoming a victim of crime or violence (32 percent). A quarter of these respondents (25 percent) blamed the decreased level of helpfulness of locals, while 21 percent considered the reason to be that the Nepal Police has not been able to arrest and prosecute criminals. Twenty-one percent of these respondents also blamed the increased threat of political violence for the relative insecurity in their locality (figure 20).

**Figure 20: If you feel your locality is more unsafe than other areas, why?**  
(2010 survey, base no. 220)

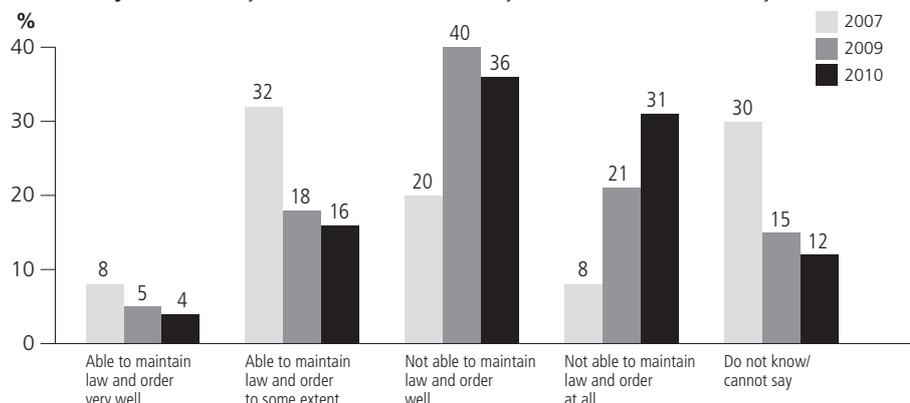


When asked about the ability of the government to maintain law and order, 67 percent of respondents thought that the government was not able to do so: 36 percent think it is not able to maintain law and order well and 31 percent think it is not able to do so at all. This constitutes a significant decrease over the recent past (figure 21). In 2007, the proportion of people who considered the government was unable to maintain law and order only amounted to 28 percent. This amount increased dramatically by 2009 to 61 percent and by a further 6 percent in 2010. This may appear to be at odds with other findings from the 2010 survey, which suggest that people perceive the crime rate has dropped, and that people are less afraid of being a victim of crime and feel safer than they did a year ago. Moreover, it appears to contradict the decreasing number of people who blame inadequate law and order for the country moving in the wrong direction. However, when considering the increasing relevance of political factors for explaining why the country is moving in the wrong direction, particularly given the increasing number of people who are not optimistic for the country, the findings clearly suggest significant and increasing lack of confidence in the government, not least in matters of internal security. It also suggests that people accredit factors or actors other than the government and its institutions for improving or maintaining security. This hypothesis is endorsed when considering the longitudinal data, which shows that those holding the view that the government has not been able to maintain law and order has grown over the years, while those who hold the view that levels of personal safety has increased has remained consistently high.

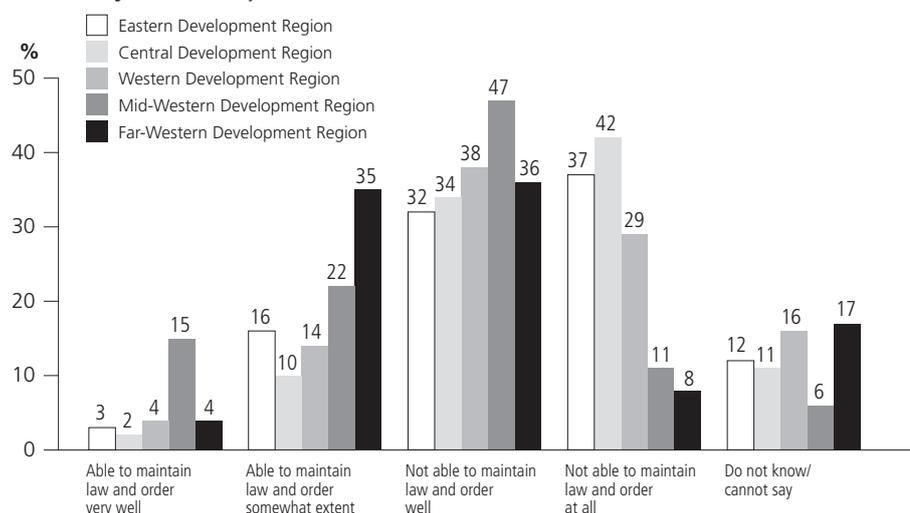
Responses regarding the government’s ability to maintain law and order were broadly similar across all demographics. The only exception was that more people living in EDR (70 percent), CDR (77 percent) and WDR (66 percent) negatively assessed the ability of the present government to maintain law and order compared to those in MWDR (57 percent) and FWDR (44 percent) – figure 22. This is very similar to the 2009 findings, although then, with the exception of FWDR (where 5 percent more people negatively assessed the government’s ability), slightly fewer people (between 3 and 9 percent) from each development region negatively assessed the government’s ability in this regard. In 2009, when considering regional variations, fear of crime and low regard for the government’s ability to maintain law and order appeared to correlate. In 2010 there is no such correlation, which may further suggest that the government is not seen as having a key role in providing security. To reiterate, while

people appear to have little faith in the government's ability to maintain law and order, improvements in this field appear to have been made and thus can only be seen to be accredited to other actors or dynamics, as discussed in more detail below.

**Figure 21: Do you think the present government has been able to maintain law and order in the country?** (2010 survey, base no. 3016, 2009 survey, base no. 3004, 2007 survey, base no. 3010)

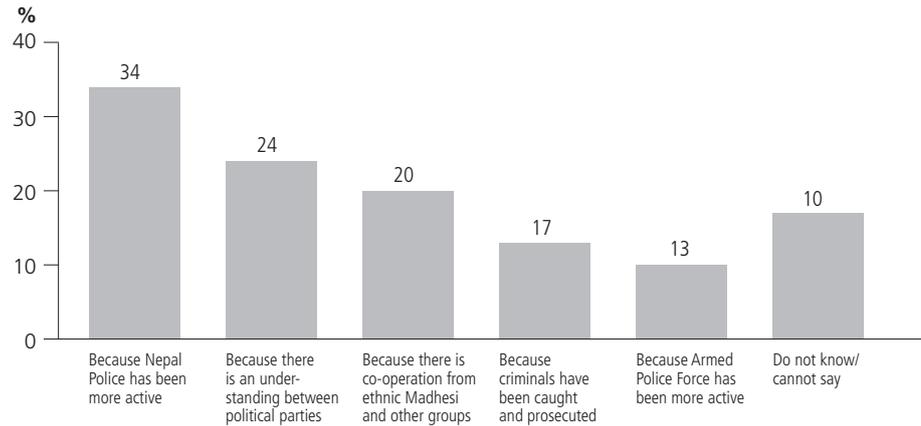


**Figure 22: Do you think the present government has been able to maintain law and order in the country?** (2010 survey, base no. 3016)



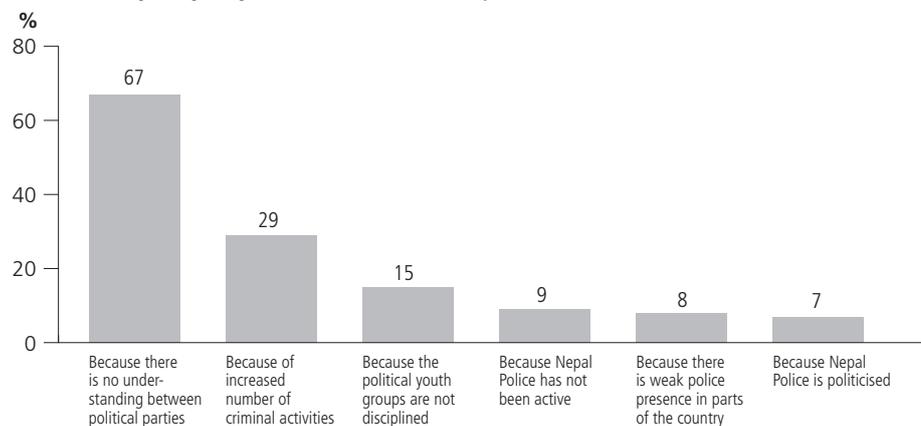
Those who consider that the government has been able to maintain law and order (20 percent of the total number of respondents) gave various reasons for this (figure 23). Thirty-four percent accredited a more active Nepal Police, while 24 percent held that the existence of an understanding between the political parties was the reason. Twenty percent thought the reason was the existence of co-operation from ethnic, Madhesi and other groups. Interestingly, when compared with 2009, many fewer people consider that the government has been able to maintain law and order because there is an understanding between political parties: in 2009 it was by far the most popular reason given (46 percent). In 2007, a staggering 67 percent thought that the government was able to maintain law and order because there was an understanding between the political parties. On the other hand, the number of people who accredit the Nepal Police and co-operation from ethnic, Madhesi and other groups for the government's ability to maintain law and order appears to have risen substantially: in 2009 only 21 percent accredited the Nepal Police doing what the government had asked of it while only 9 percent accredited co-operation from Janjati, Madhesi and other groups. In 2007, only 8 percent thought that the government's maintenance of law and order was because the Nepal Police did what was asked of it by the government.

**Figure 23: If you think the present government has been able to maintain law and order in the country, why has it been able to do so? (2010 survey, base no. 607)**



Of those who consider that the government has not been able to maintain law and order (67 percent of the total number of respondents), the large majority blame the lack of understanding between political parties (67 percent), harking back to most people blaming political factors for why Nepal was going in the wrong direction. Indeed, 45 percent of those who think the country is going in the wrong direction (62 percent of the total number of respondents) blame the lack of consensus among the main political parties for this. Other reasons given for the government being unable to maintain law and order include an increased number of criminal activities (29 percent) and lack of discipline of political youth groups (15 percent) – figure 24. When compared with reasons given for the government’s lack of ability to maintain law and order in 2009, the relevance of political factors in Nepal in 2010 becomes even more apparent. In 2009, as in 2010, the two most popular reasons given were lack of understanding between political parties and an increased number of criminal activities. However, in 2010 17 percent fewer people blamed an increased number of criminal activities while 10 percent more people blame the lack of understanding between political parties. Interestingly, the number of people who blame these factors almost returns to 2007 figures, when 62 percent blamed the lack of understanding between political parties and 16 percent blamed an increase in the number of criminal activities. While understanding between political parties was identified as being crucial for ensuring law and order in the country, it is seen as even more so today. In 2010, as in previous years, responses by both those who do and do not believe the government is able to maintain law and order show that understanding between political parties is considered to be crucial for maintaining law and order in the country.

**Figure 24: If you think the present government has not been able to maintain law and order in the country, why do you think so? (2010 survey, base no. 2034)**



### 3.5 Possession, use and availability of small arms and other lethal weapons<sup>22</sup>

Previous reports have identified the increasing concern of security officials with the ready availability of small arms in Nepal and their adverse impact on safety and security, particularly the effect of fuelling crime and violence in parts of Nepal, notably in the Terai. However, while the apparent growth in armed groups and the terror they can exert in parts of Nepal is of serious concern to many of those who participated in the in-depth and key informant interviews, the survey results suggest that people's perceptions of the possession, carriage and use of small arms and other lethal weapons does not appear to be extensive or increasing. Nonetheless, the impact of the armed groups and fear of these armed groups on individuals and communities cannot be overstated. Many consider that lack of a constitution, political instability and close ties between some political and criminal groups has been instrumental in sustaining and empowering these armed groups and seriously undermining security in parts of Nepal.

As indicated above the use of small arms and other lethal weapons in the crimes experienced by the survey respondents or members of their families was limited. For example, the most commonly experienced crime was theft. This was also the crime in which the use of weapons was proportionately the greatest. Nonetheless, only 13 (of the 70 who had been the victim of – or related to the victim of – this crime) said that a weapon was used. In most instances it was a gun (eight people). Other weapons used include a rod (four people), *khukuri*/knife (four people) and explosives (one person). In the survey, only 3 percent of the total number of respondents considered that the easy availability of small arms was one of the main causes of crime or violence in their locality. In contrast, many who participated in the in-depth interviews viewed the easy availability of small arms as a cause of regular conflict in society and as directly sustaining crimes such as abduction, extortion and robbery. Many interviewees were of the opinion that the availability and possession of small arms leads to their use even during minor disputes between family and friends, which, in turn, negatively impacts on peace and security. When asked in interviews whether it is advantageous to allow people to possess small arms for security purposes, interviewees appeared beyond doubt that allowing the possession of weapons would further jeopardise safety and security.

Nonetheless, many people who were interviewed said that they have not seen anyone other than members of the state security services in their locality carrying small arms. Most considered that those who carry firearms tend to be politicians, their activists, businessmen, and members of Maoist and underground groups. Interviewees from CDR, EDR and MWDR thought that those with small arms are groups who use such arms for threats, extortion and abduction. Very few considered that ordinary people carry firearms:

*Only those who have access and power have kept arms. Common people have not. Five percent of people, such as political leaders, wealthy people and hooligans, might have arms.<sup>23</sup>*

A few did, however, believe that some people keep small arms for defence reasons because the state has failed to provide sufficient security. Given that it is often unemployed youths who join armed groups, many interviewees suggested that if economic conditions improve it would ultimately discourage people from committing crimes associated with small arms. Many added that, in short, if the state provides sufficient economic and physical security, there would be no need for anyone to keep firearms.

In sum, this chapter has shown that people's perceptions of security appear to be improving, with fewer people fearful of or experiencing crime and more people feeling

<sup>22</sup> There is no internationally agreed definition of small arms. For the purpose of this report 'small arms' is used in the United Nations' definition of a weapon manufactured to military specifications and designed for use by one person. Small arms are also either firearms or contain explosives, i.e. a grenade or antipersonnel landmine. 'Lethal weapons' or 'weapons' encompasses both small arms and bladed weapons (*armes blanches*) such as knives and machetes.

<sup>23</sup> A 38 year old Brahmin from Kirtipur.

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safer than they did previously. Moreover, differences in perceived security in different areas of Nepal and among different communities appear to be levelling out to a certain extent. Despite these positive trends, economic insecurity remains rife and lack of confidence in the political leaders of Nepal is significantly declining, as a result of their disinclination to co-operate and respond to the pressing needs of the average citizen. Resultant political deadlock and apparent self-interest are creating anxiety about the future of Nepal and threaten to undermine the hard won peace and burgeoning security.

# 4

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## Perceptions of security and justice sector institutions

**THE PREVIOUS CHAPTER** considered the public's perceptions of security and how such perceptions have changed during 2010. Before addressing the issue of small arms, the chapter reflected upon the level of confidence people have in the government to maintain law and order. This chapter assesses the performance of security and justice sector institutions, particularly by looking at the level of public confidence and trust in these institutions. While the focus is on the Nepal Police and the formal justice system, this chapter also considers the role of informal justice and alternative dispute resolution mechanisms.

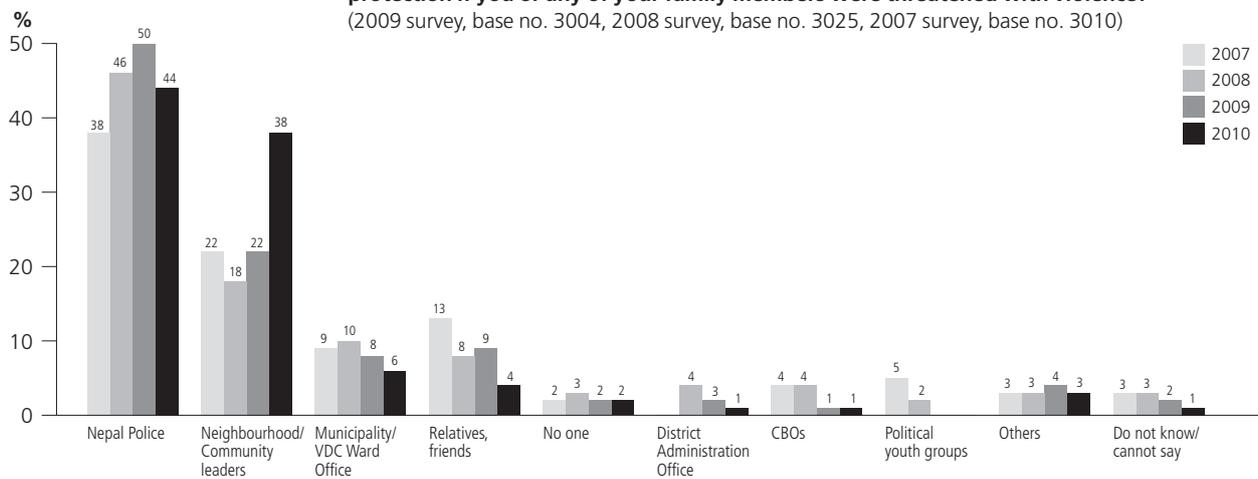
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### 4.1 General confidence in security and justice sector institutions

When asked who respondents would turn to first to report a crime or act of violence, 44 percent said that they would turn to the Nepal Police. Another popular recourse was neighbours (27 percent), followed by community leaders (11 percent), Municipality/village development committees (VDC), Ward office (6 percent) and relatives/friends (4 percent). While more people are likely to go to the Nepal Police to report a crime than anywhere else, significantly fewer people would go to the Nepal Police in order to report a crime or act of violence, or seek protection from them, than in 2009 (50 percent). Until 2010, the trend appeared to indicate that confidence in the Nepal Police was increasing; in 2007 only 38 percent said they would go to the Nepal Police, rising to 46 percent in 2008 and 50 percent in 2009. The significant downturn in 2010 is surprising, particularly in the context of the apparent decreasing fear of crime and perceived crime rate as well as the increasing number of people who give credit to the Nepal Police for the government's ability to maintain law and order. It must, however, be considered that while the most popular reason given for the government being able to maintain law and order is that the Nepal Police is doing what has been asked of it by the government, only 34 percent of those who have faith in the government's ability (20 percent of the total number of respondents) – i.e. 205 people out of 3,016 – agreed. On the other hand, only 9 percent of the vast majority who have little faith in the government's ability to maintain law and order (62 percent) blamed the Nepal Police. It could therefore be concluded that while confidence in the Nepal Police appears to have declined, it has not done so to the extent that confidence in the government has.

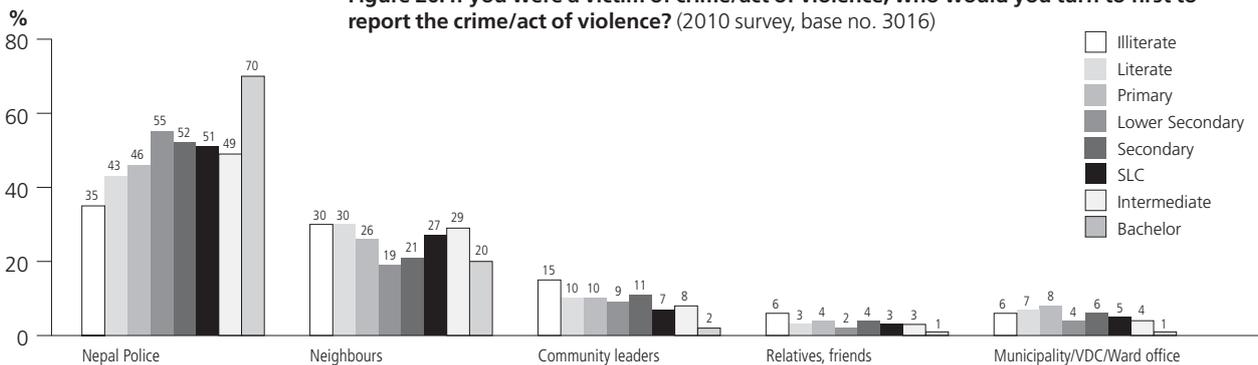
Comparing increasing pessimism for the future of Nepal, primarily blamed upon political factors such as lack of agreement between political parties, with an increasing sense of security, suggests that political issues are of increasing concern to the people of Nepal but also that they are not necessarily integral to internal security matters. Indeed, as mentioned earlier, it appears that other dynamics are at play outside the state and its institutions, which are positively impacting security and the rule of law. It may well be communities that are exerting the positive impact, particularly given the fact that the proportion of those who say they would turn first to neighbourhood or community leaders has significantly increased in 2010 compared with the previous three years (from 22 percent, 18 percent and 22 percent in 2007, 2008 and 2009, respectively, to 38 percent in 2010) – figure 25. However, some men who participated in the FGDs said that even in the event of being threatened they would often prefer to resolve a dispute quietly rather than go to the Nepal Police, even if it meant giving in to the demands of those who issued the threats.

**Figure 25: If you were a victim of crime/act of violence, who would you turn to first to report the crime/act of violence? (2010 survey, base no. 3016)/Who would you turn to first for protection if you or any of your family members were threatened with violence? (2009 survey, base no. 3004, 2008 survey, base no. 3025, 2007 survey, base no. 3010)**



There was significant difference in the public’s view on this matter across ecological regions, rural-urban settlements and educational levels. Relatively higher numbers of people in the mountains (61 percent) said that they would turn to the Nepal Police first to report the crime compared to people in the hills (43 percent) and the Terai (42 percent). Likewise, more people living in urban locations said they would turn to the Nepal Police first compared with those who live in rural areas (61 percent as compared with 41 percent). The survey also revealed that the educational level of people exerts significant bearing in this regard. Generally speaking, the higher the educational level, the more likely people say they will approach the Nepal Police first, whereas those at a lower educational level are more likely than others to go to community leaders or relatives and friends (figure 26).

**Figure 26: If you were a victim of crime/act of violence, who would you turn to first to report the crime/act of violence? (2010 survey, base no. 3016)**

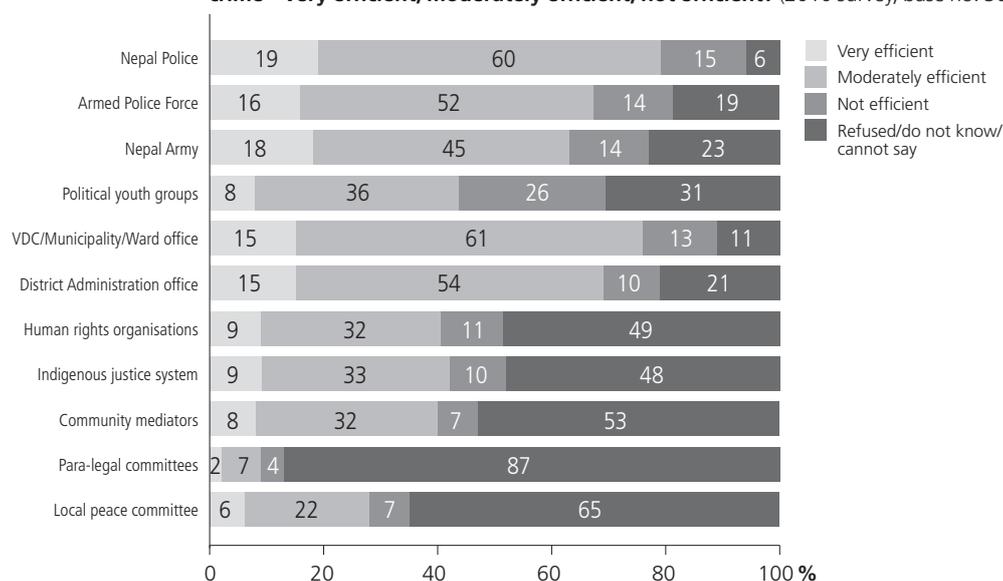


In 2009 there were significant variations between the development regions but in 2010 the variations had significantly decreased. For instance, in 2009 36 percent of those from EDR would go to the Nepal Police first as opposed to 66 percent from the FWDR. In 2010, 41 percent of those from EDR would go to the Nepal Police first as opposed to 47 percent from the FWDR. Many more people in EDR went to friends or community leaders to report a crime or act of violence (17 and 34 percent in 2009 compared with 3 and 16 percent, respectively, in 2010). In 2009 a correlation was found between the prevalence of Nepal Police posts and the inclination to report crimes to the Nepal Police. Perhaps this constitutes another indicator that the number of Nepal Police posts has noticeably increased in parts of Nepal, such as EDR. Further research is, however, needed in order to ascertain why people in certain areas of Nepal, such as FWDR, are less likely to report crimes to the Nepal Police than before.

When people were specifically asked whether they felt confident reporting crime or acts of violence to the Nepal Police, an overwhelming majority (93 percent) said that they did, while only 6 percent stated that they did not. This constitutes an increase of 4 percent since 2009. This again suggests that it is not necessarily confidence in the Nepal Police that has declined, but that confidence in others, notably community leaders, is significantly increasing.

Of those who did not feel confident reporting crime or acts of violence to the Nepal Police (6 percent of the total number of respondents), 38 percent explained that they do not trust Nepal Police, while 32 percent said they felt scared to report such incidents to the Nepal Police (because of fear of retaliation by the perpetrator, for example). In 2009 a similar number of people said they were scared for whatever reason to report a crime or act of violence to the Nepal Police. However, many more people in 2010 gave the reasons as lack of trust in the Nepal Police: in 2009 16 percent fewer at 22 percent of respondents gave this reason. A significant number of people (19 percent) did not feel confident reporting such incidents to the Nepal Police because they think that Nepal Police are corrupt. Slightly fewer people said that they did not feel confident reporting such incidents to the Nepal Police due to financial reasons (associated with the cost of travelling to the Nepal Police post, being away from work or the family home, or possibly the requirement to pay a bribe to ensure that the complaint is recorded and action taken – 15 percent) and stigma that would be attached (13 percent); the latter constituting a significant decline since 2009 (when 19 percent of respondents gave this reason).

**Figure 27: How efficient do you view the following institutions in protecting society from crime – very efficient, moderately efficient, not efficient? (2010 survey, base no. 3016)**

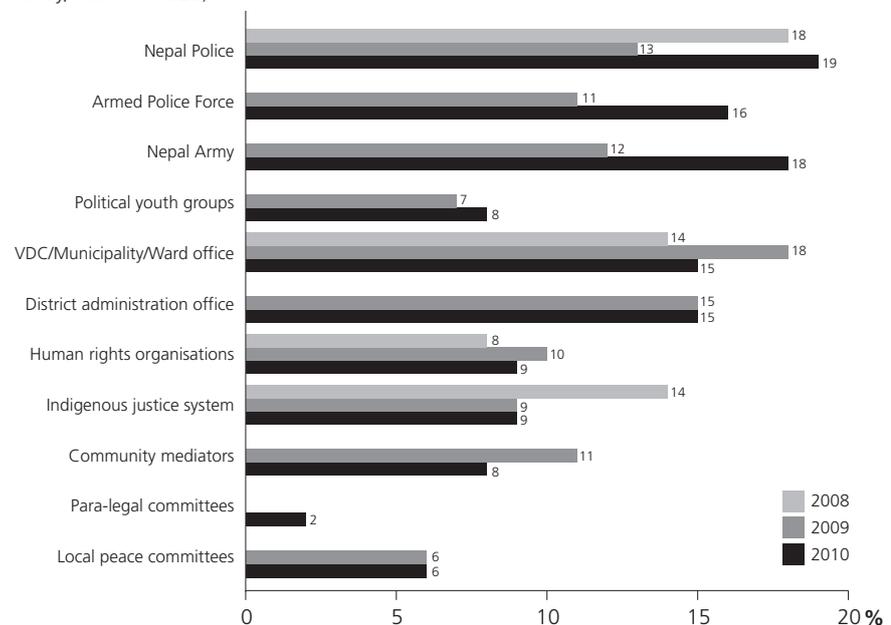


The survey respondents were asked to assess the efficiency of various institutions in protecting society from crime. Given that the primary mandate of the Nepal Police is,

in large part, to protect society from crime, it is not surprising that most people (79 percent – the same as in 2009) thought the Nepal Police is the most efficient institution, with 19 percent considering it to be very efficient and another 60 percent believing it to be moderately efficient (figure 27). However, as in 2009, the Nepal Army was also considered by many (63 percent) to be efficient in this regard (5 percent fewer than in 2009), as were local administrations (District Administration at 69 percent and VDC/Municipality/Ward offices at 76 percent – higher than in 2009 by 1 and 4 percent, respectively).

There are further variations in the longitudinal data when comparing the proportion of people who considered the institutions to be very effective (figure 28). More people view the Nepal Police as being very efficient in protecting society from crime in 2010 than in 2009 (19 percent as compared with 13 percent). However, the proportion was only 1 percent higher than it was in 2008 (18 percent) – although the number of people who considered the Nepal Police to be efficient (either very efficient or moderately efficient) rose by 9 percent between 2008 and 2009.

**Figure 28: The proportion of people who view the following institutions to be very efficient in protecting society from crime** (2010 survey, base no. 3016, 2009 survey, base no. 3004, 2008 survey, base no. 3025)



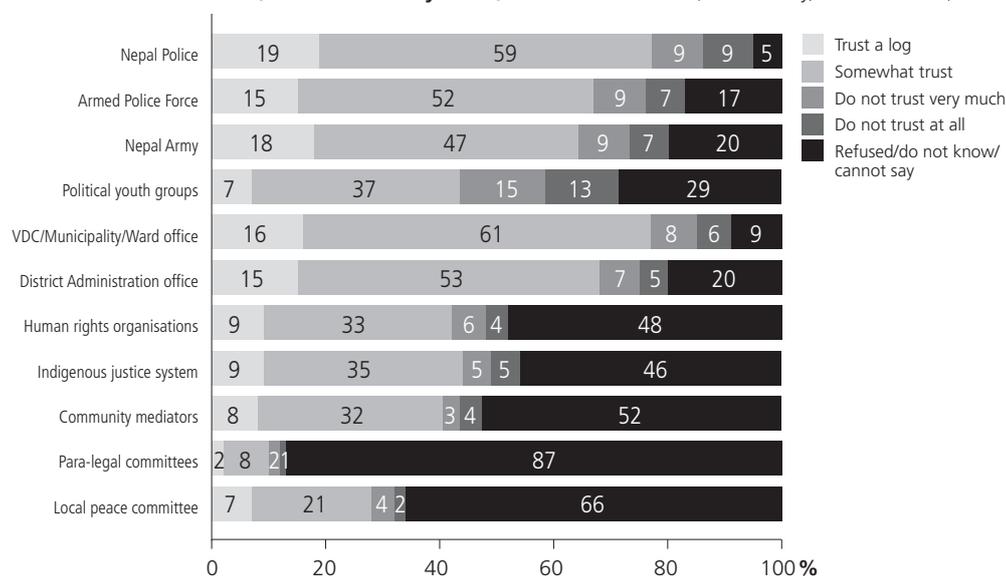
Interestingly, when comparing longitudinal data, slightly more people consider the state security institutions to be ineffective in protecting society from crime than they did in 2009, when those who considered the Nepal Police, Armed Police Force and Nepal Army to be ineffective constituted 12, 13 and 13 percent, respectively. In contrast, slightly fewer people (between 0 and 3 percent) consider the informal security and justice sector institutions to be ineffective in this regard. However, with the exception of local administrations, the number of those who consider informal security and justice sector institutions to be effective in this regard has also decreased since 2009 (by up to 14 percent, in respect of community mediators). Nonetheless, it is clear that these informal institutions are still seen to play an important role in protecting society from crime. Political youth groups continue to be regarded as being ineffective in protecting society from crime by more people than any other group (by 26 percent of the respondents, compared with 29 percent in 2009). On the other hand, para-legal committees are only considered to be effective by 9 percent of the respondents, although only 4 percent considered them to be ineffective.

The latter result could highlight the apparently prevalent lack of knowledge of many of these informal institutions, with as many as 87 percent of the respondents not answering the question as to whether, in this case, para-legal committees are effective in

protecting society from crime. Alternatively, the number of non-responses could show that many people recognise that it is not the primary mandate of these institutions to protect society from crime.

A similar pattern emerges when considering whether people trust these institutions. When asked what their level of trust was in these institutions, 78 percent of respondents said that they trust the Nepal Police (19 percent people said that they trust Nepal Police a lot while another 59 percent said they do somewhat). As shown in figure 24, the Nepal Police thus appears to be the most trusted of these institutions. The same five institutions which people consider are the most effective in protecting society from crime are also the most trusted institutions. These institutions are the formal state security institutions and local administrations (figure 29). Again, many people did not respond when asked about their level of trust in informal institutions. This would suggest that there is indeed a lack of knowledge about these institutions. This is particularly so for para-legal committees. Again, it would seem that more people lack trust, as well as confidence, in political youth groups than any of the other institutions mentioned.

**Figure 29: What is your level of trust in the following institutions – trust a lot, somewhat trust, do not trust very much, do not trust at all?** (2010 survey, base no. 3016)



Compared with 2009, levels of trust are similar. While trust in the Nepal Police has decreased slightly from 81 to 78 percent, it is still very high. Moreover, the number of respondents who said they trust the Nepal Police a lot has increased by 3 percent. Similarly, while the level of trust in the Armed Police Force has decreased to a more significant degree (from 75 to 67 percent), the number of people who trust the institution a lot has also slightly risen (by 1 percent). Likewise, overall trust in the Nepal Army has decreased (from 74 to 65 percent), but those who trust the Nepal Army a lot now constitute 18 percent of respondents (whereas in 2009 they constituted 16 percent).

In-depth and key informant interviews as well as FGDs highlighted the widespread belief that the state is primarily responsible for providing security coupled with widespread dissatisfaction with the lack of presence of state security and justice sector institutions outside district headquarters and, in the case of an effective presence, often further afield. A stronger state presence was desired by participants in all focus groups, not least through increased Nepal Police posts, as the next section addresses. However, many interviewees also suggested that members of a community themselves need to be responsible for maintaining security in their locality: the idea being that formal security institutions would be effective in their work only when local communities take ownership. Some of those who participated in the key informant interviews also emphasised the potentially important role of civil society – as well as the risks it faces

from undue politicisation – in putting pressure on the government and political parties to better maintain security and ensure all people can access justice. Other key informant interviewees also emphasised the importance of individuals informing themselves about matters of security:

*The major obligation to maintain public security is the state's responsibility. However, citizens also should be aware of these issues.<sup>24</sup>*

Police officers, both men and women, participating in the validation workshops also suggested that the lack of trust, and consequent co-operation, on the part of the public often hindered their work.

Regardless of their presence and engagement in communities, many of those who participated in in-depth interviews did not regard the state security and justice sector institutions as being effective, whether as a result of lack of capacity (education, training, information, resources and staff) or will, with many citing the existence of discrimination, nepotism, corruption, excessive bureaucracy, and lack of responsibility towards the average citizen in respect of the latter. Interviewees from the FWDR and MWDR expressed particularly high degrees of dissatisfaction. Many Nepal Police officers participating in the validation workshops suggested that while corruption may exist in the Nepal Police, it does so to a very limited extent and less so than it exists in other comparable institutions. Similarly, while discrimination, particularly against the poor, may exist, it does not exist to the extent it does elsewhere. In respect of discrimination, however, Nepal Police officers did recommend augmented training, particularly for the lower ranks (given they were often in more contact with members of the general public and also tended to have reached lower levels of education); although in order to tackle institutionalised discrimination it is equally, if not more, important to provide training for the senior members of the service. Many Nepal Police officers also indicated that the negative image of the Nepal Police has a lot to do with political interference and also the weaknesses of the formal justice system (where, for instance, those who may have committed crimes are not prosecuted but the poor can remain incarcerated without due process).

Returning to the issue of trust, while the survey suggests that the majority of the people of Nepal have trust in the state security services, data obtained from the validation workshops and in-depth interviews suggests that many people trust the Nepal Police and other state security services because they feel there is no other alternative:

*The Nepal Police and army have been formed to provide security to the public. Whom to trust if not them?<sup>25</sup>*

## 4.2 Police

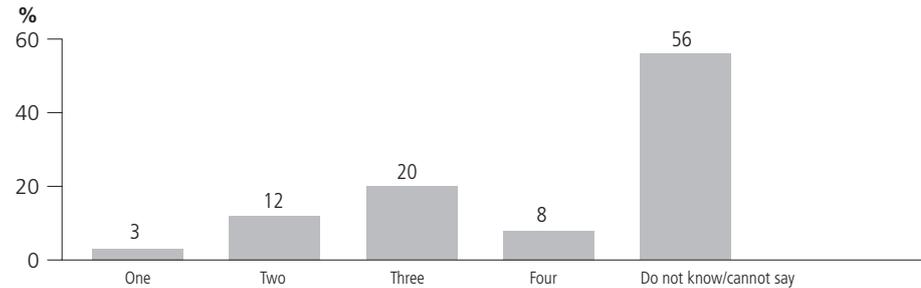
When asked how many types of Nepal Police organisation there are in the country, only 12 percent of respondents correctly stated that there were two types (figure 30) and only 9 percent could accurately name these organisations (Nepal Police and Armed Police Force). Over half (56 percent) professed ignorance on this matter.

Those who were aware that there are two different Nepal Police organisations in Nepal (12 percent) were asked how they differentiated between the two. About 89 percent of them said that they can differentiate members of the two Nepal Police organisations by the uniforms they wear, while 23 percent said that they can do so by the weapons they carry. Eighteen percent mentioned that they can differentiate between them by the types of duties they perform.

<sup>24</sup> Key informant interview with political party representative in Kathmandu.

<sup>25</sup> Interview with a female teacher (aged 40) from Jumla.

**Figure 30: Do you know how many types of Nepal Police organisation there are in the country?** (2010 survey, base no. 3016)



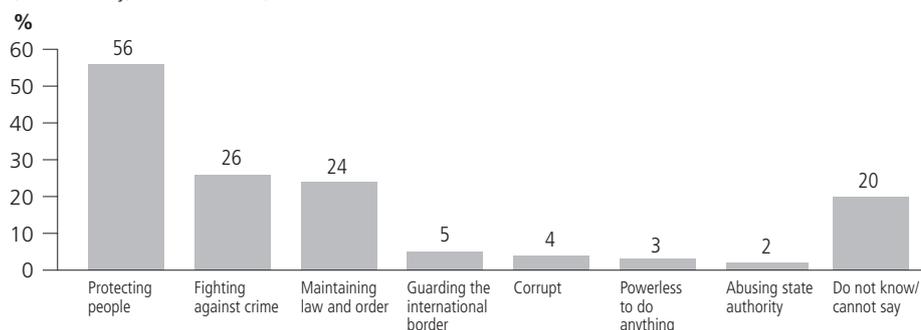
All survey respondents were asked what they think best describes the Nepal Police. Seventy-four percent mentioned that protecting people was the best description of Nepal Police. Others suggested the best description was as the service for fighting crime (24 percent) or as the service for maintaining law and order (22 percent). Twelve percent considered that being corrupt would best describe the institution (figure 31). However, while the vast majority of respondents positively characterised the Nepal Police, fewer people described the institution as protecting people and more people described the institution as corrupt, compared with 2009 (82 and 4 percent, respectively). However, this could be accounted for given the categories were slightly different in 2009, when maintaining law and order was not available as a category and also when being powerless or inept or harming people were additional descriptive categories that attracted respondents (3, 2 and 2 percent, respectively).

**Figure 31: What do you think best describes the Nepal Police?** (2010 survey, base no. 3016)



A similar question was asked with regard to the Armed Police Force. Again, the most popular description was protecting people (56 percent). Fighting crime was considered to be the best description by 26 percent of the respondents, while being a force for maintaining law and order was considered to be the best description by 24 percent (figure 32). This suggests that the people of Nepal associate both of the state Nepal Police organisations as providing security to people and controlling crime and, thus, largely fulfilling or responding to their mandate.

**Figure 32: What do you think best describes the Armed Police Force?** (2010 survey, base no. 3016)



The survey asked all the respondents whether there is a Nepal Police post in their locality. About 47 percent said that there is while 51 percent said there is not. This constitutes an increase in the proportion of those who said that there is a Nepal Police post in their locality since 2009, when 41 percent said there was. The proportion of respondents who reported that there is a Nepal Police post in their locality varied according to residence. Most people in the mountains (56 percent) and the Terai (53 percent) said that there is a Nepal Police post in their locality while most people in the hills (58 percent) said there is not. Most of the people in CDR (55 percent) and FWDR (64 percent) said that there is a Nepal Police post nearby, while most of the people in EDR (52 percent), WDR (54 percent) and MWDR (80 percent) said there is not. Likewise, 83 percent of urban dwellers said that there is a Nepal Police post where they live, whereas 57 percent of rural residents said there is not. However, comparing responses from 2009, it is very encouraging to note that the disparities are less extreme, when, for instance, 88 percent of urban dwellers said that there is a Nepal Police post in their locality, whereas 66 percent of rural residents said there is not. More striking is that in 2009 71 percent of respondents from the mountains said there was no Nepal Police post in their locality, whereas in 2010 the proportion of respondents has significantly dropped to 43 percent. The number of Nepal Police posts appears to have also increased in the Terai and the hills. However, while all other development regions appeared to have witnessed an increase in the number of Nepal Police posts, those who said that there is no Nepal Police post in MWDR has significantly increased from 47 to 80 percent. Further research is required to verify and consider the implications of this data.

In contrast to the survey results, FGDs revealed that many people were dissatisfied with the lack of Nepal Police posts in their area. In addition, many survey respondents said that the government could improve security in communities and Nepal in general by providing more Nepal Police posts (14 and 10 percent, respectively). Those in the Terai (16 percent) and FWDR (21 percent) as well as ethnic Madhesis (19 percent) and members of the hill caste (17 percent) were particularly likely to agree. Moreover, 10 percent of those who do not feel confident reporting crimes or acts of violence to the Nepal Police say they do not because of the absence of a nearby Nepal Police post. The importance of Nepal Police posts is also seen in the proportion of those who believe their locality is safer than others due to the increased number of Nepal Police posts (11 percent). One interviewee underscored the importance of Nepal Police posts in the provision of security and maintenance of law and order:

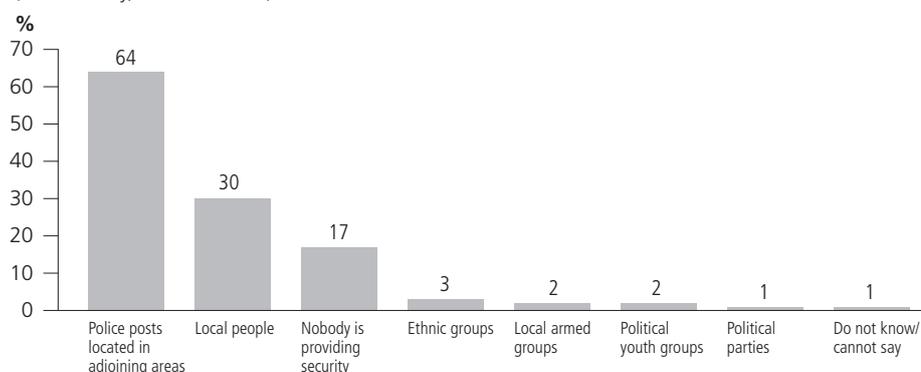
*Currently there are Nepal Police posts stationed at various locations, so, relatively speaking, villages are secured. Though bribery is still active, there is some form of peace which is acceptable.<sup>26</sup>*

Of those who reported that there is no Nepal Police post in their locality (51 percent), 64 percent said that Nepal Police posts located in adjoining areas were providing security. Reinforcing the impression that the number of Nepal Police posts has substantially increased across Nepal, compared with 2009, 9 percent more respondents who did not have a Nepal Police post in their area said a neighbouring Nepal Police post was providing security (and 2009 figures constituted a rise since 2008 by 7 percent). Thirty percent said that local people were providing security. A significant proportion – 17 percent, which is, however, less than in 2009 when it was 21 percent and 2008 when it was 27 percent – mentioned that nobody was providing security to them (figure 33). This is particularly prevalent in the FWDR (30 percent). It is also more prevalent in mountains and the hills (with 19 and 23 percent, respectively, saying nobody provided security) and more prevalent in rural (17 percent) as opposed to urban areas (15 percent). However, in 2009 those many more people in the mountains (36 percent) and hills (30 percent) said no-one was providing security and the disparity between the rural and urban locations has significantly decreased since 2009 when those who said no-one provided security amounted to 9 and 22 percent of the respondents, respectively.

26 A Koiri farmer (aged 35) from Sarlahi.

Similar to 2009, very few people said that local armed groups, political youth groups, political parties or ethnic groups provided security in their locality. While the most popular response from people in all development regions was that adjoining Nepal Police posts were providing security, in FWDR more people said that local people were providing security than any other group or establishment (38 percent).

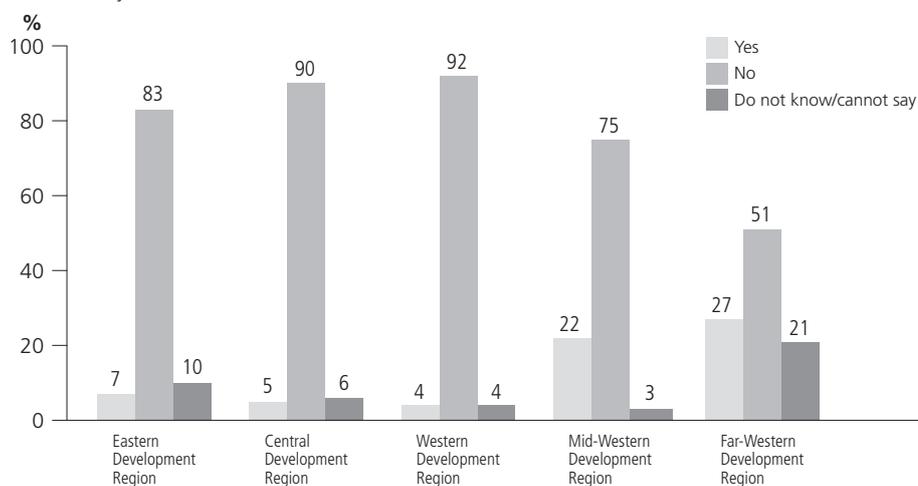
**Figure 33: If there is no Nepal Police post, who is providing security in your locality?**  
(2010 survey, base no. 1546)



Of all respondents who said there was no Nepal Police post in their locality, the overwhelming majority (87 percent) said that there should be one – only 12 percent said that there should not be one. This further underscores the apparent high regard with which the institution is held by the general population, particularly considering that in 2009 fewer people advocated for the establishment of Nepal Police posts in their area (81 percent of the 58 percent who said they did not have a Nepal Police post in their locality, with 16 percent of these opposed to such an establishment). High regard for the institution is further endorsed given that the widespread support for the establishment of Nepal Police posts does not occur in the context of rising security concerns and perceived crime rates, as it was in 2009.

When asked of all survey respondents whether there is any local informal security service provision in their locality, 83 percent said there was not. Only 9 percent said that there was: this figure has stayed roughly constant since 2007 (between 9 and 11 percent). The proportion of people who said that there is informal security provision in their locality is significantly higher in MWDR (22 percent) and FWDR (27 percent) than in other regions (figure 34).

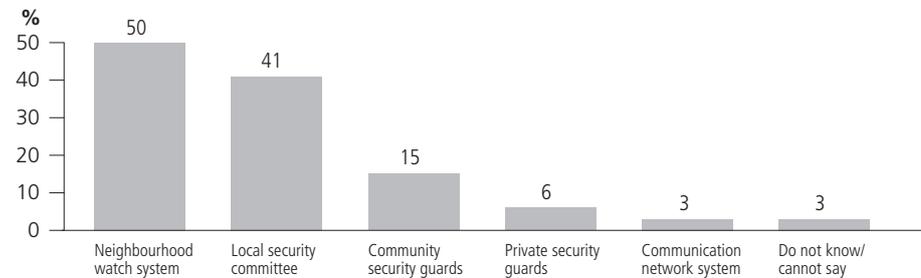
**Figure 34: Is any local informal security service provision in your locality?**  
(2010 survey, base no. 3016)



Of those who said that there is a local informal security service provision in their localities (9 percent of the total number of respondents), 50 percent said it took the form of a neighbourhood watch system. Others said local security committees

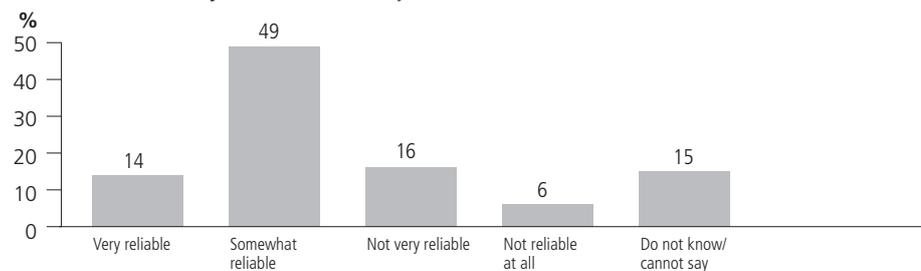
(41 percent) and community security guards (15 percent) are present in their locality (figure 35). Of those who said that there is a local informal security service provision in their localities (9 percent of the total number of respondents), the majority (65 percent) said they have made use of such a provider, most of whom (a staggering 95 percent) said that the service was successful in providing them with security and they would use the service again.

**Figure 35: If there is any local informal security service provision in your locality, what type of service is there? (2010 survey, base no. 278)**



Compared with the relatively high proportion of people that consider the Nepal Police to be effective in protecting society from crime (79 percent), only 63 percent of respondents positively rate the reliability of the Nepal Police in bringing those who have committed crime to justice. Moreover, only 14 percent of these consider the Nepal Police to be very reliable in this regard (figure 36). Nonetheless, this does constitute a slight increase upon previous years when 62 percent positively rated the reliability of the Nepal Police in 2009, 59 percent in 2008 and 46 percent in 2007. However, the proportion of those who consider the Nepal Police to be unreliable is high and has also increased, from 19 to 22 percent. Although the proportion of 'do not know/cannot say' answers remains substantial, it has decreased and this may suggest that people are becoming more confident in the information or at least the views they have about security institutions.

**Figure 36: In your opinion, how reliable are the Nepal Police in bringing those who have committed crime to justice? (2010 survey, base no. 3016)**



Many interviewees consider that the Nepal Police is unable to perform effectively because of prevalent corruption, political interference and nepotism:

*I do not trust the Nepal Police because they take bribes from general citizens like us. They take monthly commissions from businessmen. Even when we bring food from across the border and if we do not bribe them, they snatch away our food. They give trouble to citizens.<sup>27</sup>*

While others complained that the Nepal Police are inactive and some spoke of alleged Nepal Police involvement in sexual harassment and rape:

*Recently I heard somewhere in Janakpur, the Nepal Police raped a girl. I don't have complete trust in the Nepal Police.<sup>28</sup>*

<sup>27</sup> Interview with a Koiri farmer (aged 35) from Sarlahi.

<sup>28</sup> Interview with a Tamang woman (aged 22) from Sindhupalchowk.

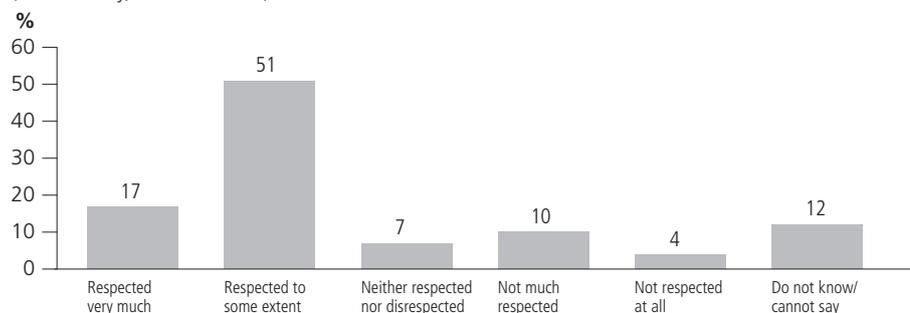
Other interviewees, however, were positive about the work of the Nepal Police, citing sufficient Nepal Police patrolling, fewer crimes, proper investigation, good justice, and, in a couple of instances, providing assistance at flood and fire incidents:

*I trust them. We shouldn't form negative opinions of them because of few bad people in the unit. They are playing an important role in nation building.*<sup>29</sup>

*They don't have any faults. It's the high-level officials and the political leaders, who are faulty. If the leadership is not good, then it destroys the country. High-level officials and leaders commit mistakes and the blame goes to the people working at the low level. Improvements are needed at the higher level.*<sup>30</sup>

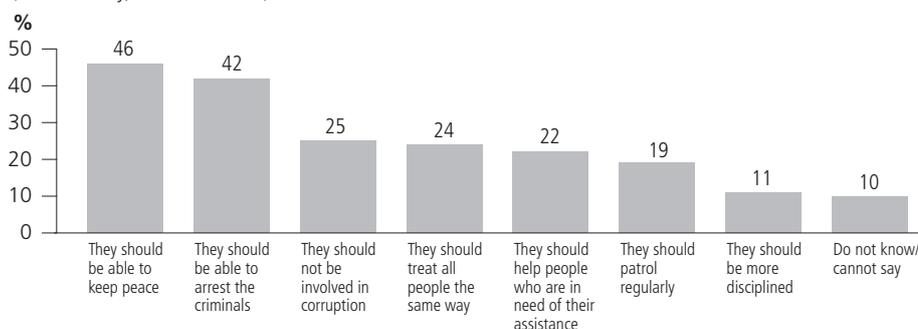
When asked whether Nepal Police officers, in general, are respected in their areas, the majority of survey respondents said that they were (68 percent), although, of these, only 17 percent said that they were respected very much (figure 37). This is only a slight decrease since 2009, when 69 percent said that Nepal Police officers were respected (18 percent of whom said they were respected very much).

**Figure 37: Do you think that Nepal Police officers, in general, are respected in your area?** (2010 survey, base no. 3016)



All survey respondents were asked what they would like Nepal Police to do to win more trust. Forty-six percent mentioned that they should be able to keep peace while 42 percent said they should be able to arrest criminals (figure 38). This is slightly more than in 2009, when the proportion of respondents that gave these suggestions was 38 and 39 percent, respectively. Not being involved in corruption (25 percent) was the third most popular response, which has significantly risen since 2009 when it was the sixth most popular response with 19 percent of the respondents making this suggestion. Treating all people equally (24 percent) and helping people who are in need of their assistance (22 percent) were also popular suggestions for how the Nepal Police can engender more trust (figure 38), although the proportion of respondents had decreased over the course of one year from 27 percent for both.

**Figure 38: What would you like the Nepal Police to do so as to win more trust from you?** (2010 survey, base no. 3016)



<sup>29</sup> Interview with a Chettri student (aged 30) from Dadeldhura.

<sup>30</sup> Interview with a Yadav (aged 51) from Parsa.

Those who participated in in-depth interviews suggested that in order to build the public's confidence in the Nepal Police, they should be disciplined and work sincerely, impartially and fairly, with full dedication and honesty, without discrimination, and without indulging in corruption and bribery. They also recommended giving local administrations more autonomy in order to be able to respond more swiftly to local needs, and also removing the Nepal Police from political interference. Some suggested that they should receive better training that would enhance their capabilities as well as awareness of such matters as human rights, women's rights and the related legal framework and international instruments. Others emphasised the need to treat members of the public fairly and respectfully. In this regard, some complained that the Nepal Police have been known for using foul language, behaving rudely or discriminating against or harassing minority groups. Improving Nepal Police-public relations was a high priority for many interviewees as were efforts to solicit and respond to the security needs and concerns of the public on the part of the Nepal Police:

*They should visit villages and interact with villages in a friendly manner, without carrying arms and they should make efforts to understand the opinions of the locals.<sup>31</sup>*

Nepal Police officers who participated in the validation workshops made a number of recommendations to improve the image of the Nepal Police and increase its efficiency. Not least among these recommendations were to remove political interference and increase resources. The latter would be used to improve basic facilities, essential provisions (food and water) and training. It would also help reduce the extended working hours (without pay) that can impede Nepal Police efforts (and motivation). Moreover, it would enable the number of Nepal Police posts to be increased. Other participants in the validation workshops also emphasised the need to increase the resources available to the security sector if improved security is to be achieved. Political interference was considered to hamper efforts to enforce the rule of law, create widespread job insecurity, and adversely impact the fair and equitable implementation of personnel policies (including recruitment) – a point also emphasised by those who participated in the key informant interviews. While the extent of political interference was commented on by many, the desire for political support for the plans and programmes being implemented by the Nepal Police was expressed by senior officers.

Legislative reform was also called for, particularly updating the Police Act of 1955, in consultation with the Nepal Police. In addition, a clear delineation of responsibilities between security actors was said to be lacking. In this context, institutional reform and wider security sector development need to be revisited and ensured that they are inclusive, responsive, holistic and comprehensive. Related to this, some of those who participated in the key informant interviews suggested that the Nepal Police should be reviewed and possibly restructured, not least at the Ministry level, to ensure optimum efficiency and effectiveness and that units dedicated to women's security and children's security should be further reinforced. Others who participated in the in-depth interviews mentioned addressing the propensity of the media to exaggerate and create unnecessary hype and anxiety. The media was also blamed by some Nepal Police officers for the bad image of the Nepal Police, which does not show the amount of work or the commitment to serving the country and its people exhibited by most officers. Many also recognised that increased interaction between the Nepal Police and public would also pay dividends in respect of improved image and efficiency; leading onto a following section which underscores the importance of community policing programmes yet highlights the lack of public awareness of such programmes. Some also felt that law and order has also suffered as a consequence of the end of the conflict. However, some did suggest that the attention diverted to responding to *bandhs* in particular over the past few years had hampered efforts to curb the crime rate.

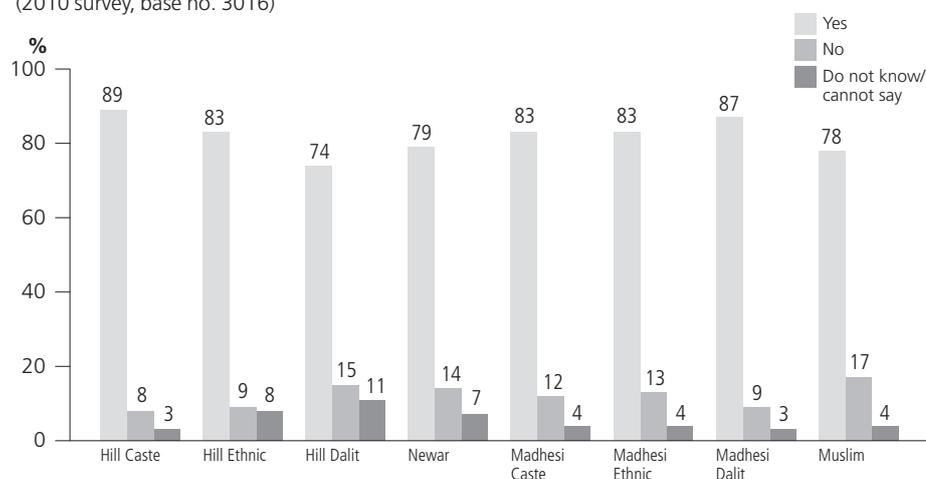
All key informants who were interviewed, including representatives of the security sector and political parties, emphasised the politicisation of crime and criminalisation

<sup>31</sup> Interview with a Mushahar (aged 30) from Siraha.

of politics which is perceived to pervade every part of the public sphere. By this it is widely seen that crime is the means to secure power whereas politics is the method by which to exercise it. Decentralising and professionalising state security services and robustly tackling political interference and corruption within the criminal justice system were considered to be necessary in order to begin to unravel politics and crime and improve long-term security and stability. A key part of the further professionalisation of the Nepal Police in particular, according to many of the key informants, is increasing – or at least better utilising – available resources, which could improve effectiveness and morale as well as reduce the rate of corruption. While many indicated the institution was weak – as a natural consequence of a weak state – and that individual Nepal Police officers were not to blame for the inadequacies of the service the Nepal Police should provide, others argued that it cannot be expected that the Nepal Police will be able to effectively tackle crime while connections exist between the institution and criminal groups. Nonetheless, irrespective of whether the institution is largely positively or negatively regarded, it was clear from the key informant interviews that the Nepal Police appeared to be the institution that most wanted to trust. In this respect, while some people pointed to increased politicisation, corruption and discrimination others pointed to increased representation of women and minority groups as indicators of improvements in the level of trust and confidence.

The survey revealed that 11 percent of the respondents had contact with the Nepal Police over the one-year period. Of these, 41 percent mentioned that the Nepal Police was helpful to them, while 30 percent said that they were neither helpful nor unhelpful. A significant proportion (15 percent) said that they were unhelpful. Another 10 percent reported that the Nepal Police harassed them. When asked if they can complain if a Nepal Police officer does something wrong, the overwhelming majority (84 percent) said that they could complain while another 11 percent said that they could not. In 2009, 46 percent of respondents were unaware of opportunities to complain. Gender, educational status and ethnicity have a significant bearing on this matter. More male respondents said they can complain if a Nepal Police officer does something wrong than their female counterparts (90 percent as compared with 78 percent). The higher the educational status, the larger the proportion of people said that they can complain. In addition, relatively low numbers of Hill Dalits (73 percent) and Muslims (78 percent) said that they can complain (figure 39). Of those who thought that they could not complain (11 percent of the total number of respondents), the overwhelming majority (81 percent) said that they should be able to complain.

**Figure 39: Can you complain if a Nepal Police officer does something wrong?**  
(2010 survey, base no. 3016)



Community policing programmes are operational in several districts in Nepal. According to information retrieved from the validation workshops with the Nepal Police, 175 such programmes are being implemented by the institution. They endeavour to build stronger relationships between the community and the Nepal Police and,

consequently, reduce crime and increase security. Despite the importance of such programmes and their core focus on Nepal Police-public engagement, very few of those who had an in-depth interview and only 6 percent of survey respondents knew of such programmes. This is surprisingly less than 2009 when 9 percent were knowledgeable and equal to the previous year, 2008.

Of those who had heard of community policing programmes (6 percent), the vast majority (70 percent) said that there was no community Nepal Police team in their locality. In other words 41 of the 3,016 survey respondents said there is a team in their locality (in 2009 it was 42 of 3,004). On a slightly more positive note, when asked of those who had heard of community policing programmes (6 percent) whether such programmes have been able to help the community, 56 percent said that they have, while only 17 percent said that they have not.

As reported in 2009, the level of awareness of community policing programmes is very disappointing. Logically, awareness should rise over the course of time even if proactive steps to raise awareness have not been taken. However, awareness appears to have decreased. Raising the profile of such programmes could assist the Nepal Police in providing a more effective service as well as help challenge the perception that it does not treat all groups equally, as suggested by one interviewee who praised the work of the community Nepal Police:

*I don't know much about them. But community Nepal Police treats everyone equally. It helps to file the case, check and recheck applications and the like.<sup>32</sup>*

In addition, awareness-raising could help reassure people about their own security as well as better inform people about Nepal Police complaints procedures and other services available. In other words, Nepal, its people and its law enforcement agencies have a lot to gain through promoting and publicising community policing programmes. However, as also indicated in the 2009 report, while political instability remains and, indeed, intensifies, community policing programmes are unlikely to be successful. In addition, as mentioned in one of the validation workshops with the Nepal Police, political interference, lack of resources and lack of clear vision also hamper the effectiveness of community policing programmes, despite some good results in some places. A former senior Nepal Police officer suggested that community policing needs to be both more systematic and endorsed at the policy level:<sup>33</sup>

*There is still not a policy document, which needs to be in place and endorsed by parliament. Therefore, in the first instance, conceptual clarity at the policy-level is necessary to move this ahead.<sup>34</sup>*

In conclusion, as detailed above, in general terms the Nepal Police appears to enjoy widespread confidence and trust from the people of Nepal. The Nepal Police is considered to be the most effective institution in protecting society from crime (79 percent), although it is considered to be less reliable in bringing criminals to justice (63 percent). While the respect it has from the general public is not particularly high (68 percent), compared to other institutions the Nepal Police enjoys the most trust from survey respondents (78 percent). Similarly, the Armed Police Force is regarded highly in terms of effectively protecting society from crime (68 percent) and the trust it engenders (67 percent). Given the crime control mandates of both institutions, it is perhaps not surprising that these institutions are regarded highly in these respects. However, when considering most people were unable to number, let alone accurately name, the Nepal Police institutions in Nepal, these results could be seen as a very positive reflection upon the Nepal Police and Armed Police Force. This is further endorsed by the overwhelmingly positive description of both institutions given by respondents, where 74 percent of respondents characterised the Nepal Police as protecting people as

<sup>32</sup> Female teacher (aged 40) from Jumla.

<sup>33</sup> At the time of going to press, the Nepal Police are piloting Community Help Desks within the Kathmandu Valley as part of an ongoing internal revision of community policing strategy.

<sup>34</sup> Key informant interview with former representative of the security sector in Kathmandu.

compared with 12 percent who would describe the institution as corrupt, for instance. It is also endorsed by the vast majority of those who reported that there is not a Nepal Police post in their locality (51 percent) who said there should be one (87 percent). However, trust in these institutions has slightly decreased, by 3 percent and 8 percent, for the Nepal Police and Armed Police Force, respectively. In addition, those that are not confident in going to the Nepal Police (6 percent of the total number of respondents) are increasingly saying this is due to a lack of trust in this institution (from 22 to 38 percent over the course of one year). In contrast, however, the amount of respondents who said that they trust the Nepal Police and the Armed Police Force a lot has slightly increased since 2009 (by 3 and 1 percent, respectively).

While fewer people than in 2009 would go to the Nepal Police first (44 percent compared with 50 percent), the vast majority of the respondents (93 percent) do feel confident in reporting crimes or acts of violence to the Nepal Police, which constitutes a slight increase upon the 2009 findings (4 percent). This suggests that it is not necessarily confidence in the Nepal Police that has declined, but that confidence in others, notably at the community-level, is significantly increasing. Moreover, the proportion of people who gave credit to the Nepal Police for the government's ability to maintain law and order has significantly increased over the course of a one-year period (from 21 to 34 percent). This may be partly due to the increased number of Nepal Police posts that people are reporting have been established in their localities. It is also likely to be due to the fact that the political matters are increasingly seen as a hindrance rather than a help to providing security and paving the way to a better future for Nepal.

Despite this largely positive picture, of continuing concern are issues of equality and discrimination, as will be discussed in the next chapter. As will be argued, until all groups are treated equally and those groups that are the most vulnerable to insecurity and injustice are protected and respected, the professionalism and effectiveness of the Nepal Police as well as the maintenance of law and order in Nepal will be undermined.

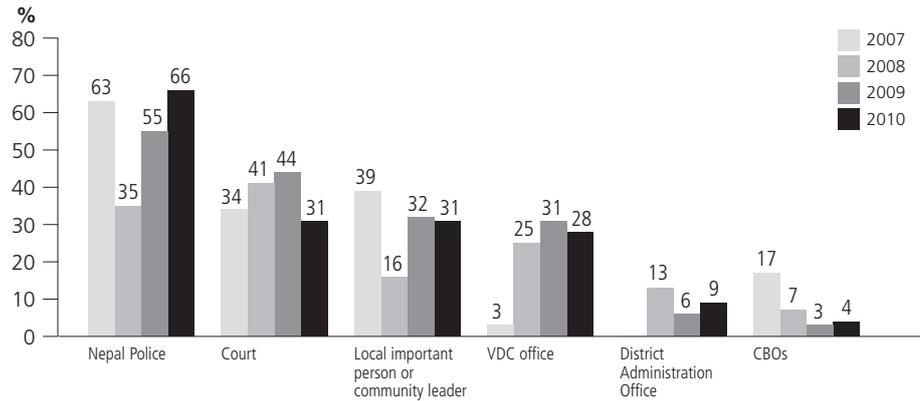
Interviewees and those who participated in FGDs highlighted a number of other ways in which the performance of the Nepal Police, as well as other security institutions and the government, can be improved and, with it, the security conditions. Addressing corruption within government and state institutions, including the Nepal Police, was raised, as was removing undue political interference, improving transparency, increasing the level of resources and training, improving discipline within the security sector institutions, legislative reform, disarming and disbanding armed groups, opening dialogue with disgruntled political actors, implementing structural changes within the security sector, increasing the representation of women within the security sector, improving education and employment prospects, and, of course, expediting the drafting of the constitution.

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### 4.3 Courts

Survey respondents were asked where they go in order to seek justice. Two-thirds of respondents (66 percent) said they go to the Nepal Police, whereas 31 percent said they go to the courts. This is significantly different from 2009 when 55 percent said they go to the Nepal Police and 44 percent said they go to the courts. Prior to 2010, the number of those seeking justice from the courts appeared to be steadily increasing (figure 40). In contrast, the proportion of respondents who would now go to the Nepal Police to seek justice has surpassed 2007 figures after steadily increasing in popularity since plummeting in 2008. Thirty-one percent also said they go to local important persons or community leaders to seek justice, which is similar to 2009. A similar number of people also go to VDC offices to seek justice.

**Figure 40: Who do you go to, in general, in order to seek justice?** (2010 survey, base no. 3016, 2009 survey, base no. 3004, 2008 survey, base no. 3025, 2007 survey, base no. 3010)



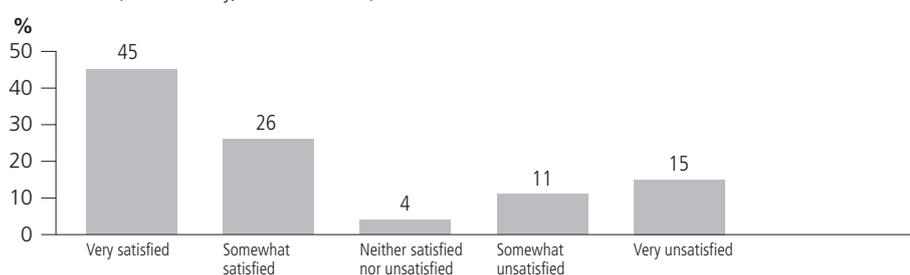
Many more people from urban areas said they go to the courts to seek justice than those from rural areas (39 compared with 29 percent of the survey respondents). Many more people from rural areas go to a local important person or community leader to seek justice (32 compared with 20 percent). This could suggest that those who go to the courts are those who have access to courts, given that few are located in rural areas. Similarly, while 24 percent of those who are illiterate said they go to the courts to access justice, 58 percent of those possessing bachelor degrees said they would use the formal justice system to seek justice (those with bachelor degrees and higher were also more than twice as likely to have used the formal justice system in the past year although, interestingly, they were more than twice as likely to be very unsatisfied with the result). In essence, these results do not necessarily refer to preferences; they indicate severe limitations in respect of access to justice. Those who live near or can travel to courts and have the ability and confidence to engage in a court process are much more likely to go to the courts to seek justice. Although community mechanisms are clearly valued by users, their popularity can also be partly explained by the fact that many people do not have access to formal justice systems.

Two percent of respondents said that within the last year they had a dispute or case that they could not settle directly with another party; similar to 2009 when 3 percent had been involved in such a case. Thirty-seven percent of those who had been involved in such a case over the last year said that they took the case to court, while 22 percent said that they went to the Nepal Police. It thus appears that there is a discrepancy between what people do and what people say or expect that they will do in the event that they require assistance in resolving a dispute or seeking justice, given that more than twice as many respondents said they would go to the Nepal Police (66 percent) rather than the courts (31 percent). Local important persons or community leaders and lawyers were utilised by 13 and 12 percent of respondents, respectively. While the proportion of those who accessed formal state institutions is considerably higher than those who accessed informal mechanisms, the difference is less than the previous year, suggesting that confidence and use of informal mechanisms is increasing. In 2009, for instance, 42 percent of those who had been involved in such a case took the case to the courts (5 percent more than 2010), while 7 percent went to important persons or community leaders (6 percent less than 2010).

When asked if they had ever used the courts to seek justice, only 8 percent of all respondents said they had. As will shortly be discussed, this is still considerably more than those who have used an informal justice mechanism or alternative dispute resolution system (71 of all 3,016 respondents). A large majority (71 percent) of those who had ever used the courts to seek justice are satisfied with the court; 45 percent of whom are very satisfied (figure 41). This is significantly more than those who said they were satisfied in the previous year (47 percent). The most common reasons given for being satisfied included the delivery of a fair verdict, the short process and the long-term sustainability of the verdict. A significant proportion (25 percent) – although

considerably less than in 2009 (41 percent) – said that they are not satisfied with the court, including 15 percent who are very unsatisfied. The major reasons identified by those who are unsatisfied with the court are the delivery of a faulty verdict, the lengthy process, lack of long-term sustainability of the verdict, politicisation of crime, and discrimination based on caste/ethnicity and wealth/social background. While the popularity of alternative justice systems remains relatively high, confidence in the court system has significantly increased and is comparative to the confidence enjoyed by informal justice systems, as we will shortly see. It must, however, be kept in mind that those who say they would access the courts are decreasing in number. Similarly, in 2010 the number of people who accessed the courts seeking justice dropped to 22 people (of 59 people who had disputes with other parties that they could not settle) from 31 people (of 77 people who had disputes) in 2009 – although proportionally this is not a significant decline.

**Figure 41: If you have used the courts to seek justice, to what extent are you satisfied with the court?** (2010 survey, base no. 3016)



The survey also revealed that 48 percent of people thought that the court is an effective mechanism for justice while 23 percent thought that it is not effective: this is less positive than the findings of the previous year, when 50 percent of people thought that the court was an effective mechanism for justice while 8 percent thought that it was not effective. A significant proportion, 30 percent, could not give definitive answer in this regard. There were some variations according to where people lived. For instance, more people in the Terai (52 percent) and the hills (45 percent) thought that the court is an effective mechanism for justice compared to those in the mountains (34 percent). Similarly, more people from MWDR (67 percent) considered the court to be an effective mechanism than those from other development regions, in particular, from WDR, EDR and CDR (42, 44 and 46 percent, respectively). Of those who said that the court is not an effective mechanism for meting justice (23 percent), about half (49 percent) said that this is because it is a corrupt system, while 26 percent thought it was because of lengthy court processes. Other popular reasons given were that it delivers faulty verdicts (23 percent), because it discriminates based on wealth/social background (20 percent) and because of high lawyer fees (14 percent).

Despite the apparent increase in confidence in the formal justice system, in-depth interviews and FGDs suggested that widespread concern about the effectiveness, impartiality and fairness of the courts remained, particularly, it seems, in the absence of a constitution. Many interviewees said that while the formal justice system is essential, it contains numerous flaws. Many characterised the courts as being feeble, sluggish, biased, corrupt and commercialised (in the sense that nothing can be done without money, often complaining that bribery is widely prevalent), as well as suffering from political interference. Echoing many, one interviewee said: “The cases of the weak and powerless are never heard.”<sup>35</sup> Another interviewee said:

*Proceedings are never on time. The system is slow and the people have to bribe the officials; for the poor it is not possible!*<sup>36</sup>

<sup>35</sup> Female interviewee (aged 41).

<sup>36</sup> Young business woman from Magar.

While it is widely believed that the poor and the powerless are often not afforded the justice that the courts can and should provide them, it was also suggested that those who are in a position to bribe officials can escape prosecution for any wrong-doing, as one interviewee suggested:

*I don't like the fact that criminals are released easily by bribing the officials. Law should be strong.<sup>37</sup>*

Others suggested that the system also discriminates against women, minority ethnicities and lower caste people, particularly given the system is seen to be dominated by male Brahmins. Interviewees also emphasised that a major impediment to access to justice was the centralised nature of the Nepali bureaucracy and the consequent lack of access to the justice system for those in remote areas. Lack of information about the justice system and the expense often incurred also problematise the access of those who are often the most in need of justice. As one interviewee stated:

*The majority don't even know what the word 'court' means. Those who are aware remain silent because it is expensive. People have a strong belief that without money nothing is going to work.<sup>38</sup>*

Interviewees and those who participated in FGDs provided many recommendations for how to improve the formal justice system and increase public trust in the system. Such recommendations included, in particular, improving access to justice by disseminating information about the formal justice system widely and providing financial assistance to those in need. Other recommendations included improving transparency and strengthening oversight mechanisms to ensure the independence and impartiality of the courts (particularly to ensure the justice system is free from political interference). Recommendations also included expediting legal processes, establishing local courts, and improving the links between local communities and courts, as will be further discussed shortly.

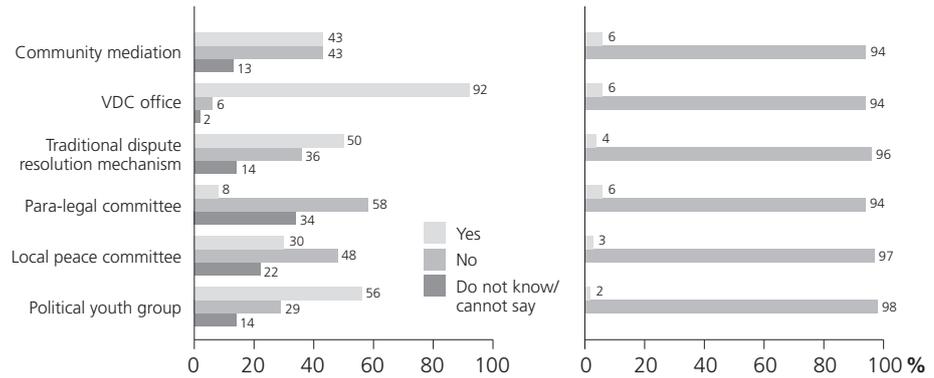
#### 4.4 Informal justice and alternative dispute resolution systems

The survey attempted to measure the public's awareness and use of informal justice and dispute resolution systems. The survey revealed that most frequently heard systems are VDC offices (92 percent), followed by political youth groups (56 percent), traditional dispute resolution mechanisms (50 percent), community mediation (43 percent) and local peace committees (30 percent). A very few number of people (8 percent) had heard about para-legal committees. Compared with 2009, however, more people have heard of para-legal committees (in that year only 3 percent were aware of such bodies), while fewer people appear to be familiar with the other systems available, notably political youth groups and community mediation (in 2009, 67 and 43 percent, respectively, had heard of these). Among those who have heard about these systems, very few people had ever contacted them for resolving their problems (figure 42). The number of people who have availed themselves of the services of these systems appears to be considerably less than in 2009 when, for example, 24 percent of those who had heard of a VDC office, 17 percent of those who had heard of traditional dispute mechanisms and 16 percent of those who had heard of community mediation had contacted them to resolve a problem. This compares with 6, 4 and 6 percent, respectively. This could be explained due to the fact that many VDC secretaries had to leave their VDC office, partly due to security concerns, and were working in district headquarters.

<sup>37</sup> Female teacher from Jumla.

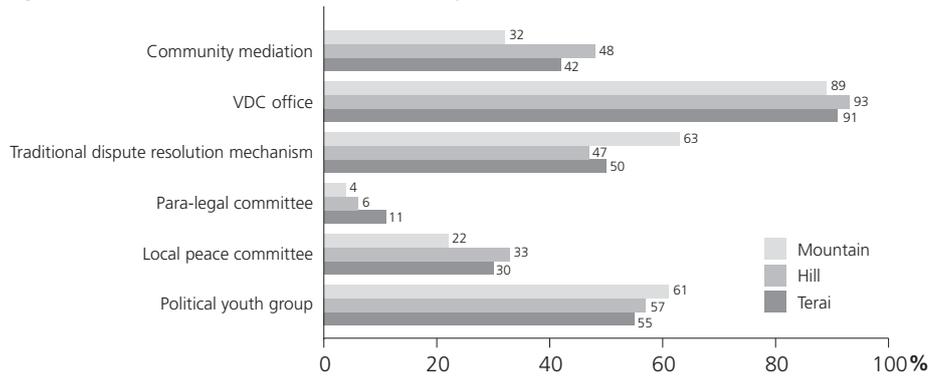
<sup>38</sup> Female interviewee (aged 24) from Chitwan.

**Figure 42: Those who have heard about various types of justice and dispute resolution systems other than formal courts (a) and the proportion of these people who have ever contacted them for resolving a problem (b) (2010 survey, base no. 3016)**



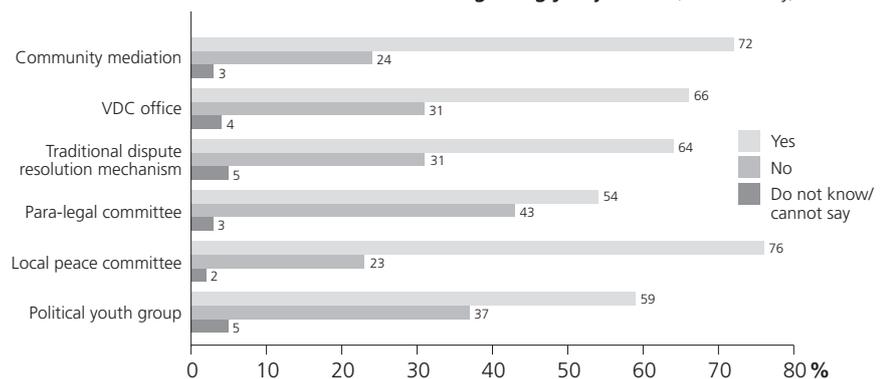
The level of awareness of these informal justice and dispute resolution systems differs according to ecological region. More people in the hills and the Terai, for instance, have heard about community mediation and local peace committees than those in the mountains, while more people in the mountains have heard about traditional dispute resolution mechanisms than people living elsewhere. Additionally, while still few in number, more people in the Terai than in other ecological regions have heard about para-legal committees (figure 43).

**Figure 43: Those who have heard about various types of justice and dispute resolution systems other than formal courts (2010 survey, base no. 3016)**



Among those who had ever contacted these institutions (which is only 71 out of 3,016 respondents), most said that these institutions were successful in delivering justice, including 76 percent in the case of local peace committees, 72 percent in the case of community mediation and 66 percent in the case of VDC offices (figure 44). The most frequently mentioned reasons given for this were that the trial was fair and the process was quick.

**Figure 44: To those who have used various types of justice and dispute resolution systems other than formal courts – was it successful in getting you justice? (2010 survey, base no. 71)**



While the level of satisfaction is high and comparable to the satisfaction felt by those who had used the courts to seek justice (71 percent – although people who used formal mechanisms far outnumbered those who used informal mechanisms – 232 people compared with 71 people), satisfaction appears to have decreased. In 2009 the level of satisfaction ranged from 88 to 100 percent (bar those who had contacted political youth groups where those who were satisfied amounted to 78 percent). However, it is important not to read too much into data which concerns small numbers of respondents. The low number of people who have used informal justice and dispute resolution systems has more of an impact on the proportion of those who report being satisfied, than might otherwise be the case. For instance, only one person had reported using a para-legal committee in 2009 and as this same person was happy with the service offered, this type of justice mechanism had a satisfaction rating of 100 percent. In 2010, only 54 percent of those who used such committees were satisfied, this was from an increased sample of 16 service users. Nonetheless, confidence in informal justice and dispute mechanisms appears to have slightly waned, while confidence in the formal justice system, as described earlier, appears to have considerably increased.

However, although most of those who participated in the FGDs and in-depth interviews did not have direct access to informal justice providers, they felt that such mechanisms were more effective, economical and accessible than the formal justice system. Many participants in the focus groups discussions also said that while informal justice and dispute resolution systems did not exist in their localities, local groups were spontaneously formed or key community members intervened if issues arose that had the potential to harm the unity of their community, rather than taking a dispute to the formal justice system. Nonetheless, in-depth interviews and FGDs suggested that while many people recognise that informal justice and dispute resolution mechanisms can be effective as well as time- and cost-saving, they can also be discriminatory and, thus, reinforce power relations – in essence sometimes denying those in most need of the justice and protection they seek. Many people interviewed questioned the justice that was meted by such systems, arguing that nepotism and discrimination on the grounds of gender, wealth, ethnicity and caste was prevalent. As one interviewee said:

*The underlying principles are as old as the system. People without power and source never receive justice.<sup>39</sup>*

Some people in the FGDs said that the informal groups that were spontaneously established when a dispute arose were simple, cost-effective and free from coercion and manipulation.<sup>40</sup> Others, however, said that male members of the community intervened when a dispute arose and women were excluded from the gatherings that entailed, even if issues pertaining to women were being discussed.<sup>41</sup>

Others questioned the transparency and accountability of the systems. However, some did suggest that the fairness of such systems has improved because of the establishment of community dispute resolution mechanisms for low caste people, for instance, that operates outside the influence of people from other castes. Discrimination against women, however, was mentioned as being unsurprisingly prevalent in a society in which the rights of women are often violated or ignored, as the chapter below addresses. Others suggested that the potential benefits of informal justice and dispute systems are significant. Female interviewees from Sarlahi and Parsa, for example, said that the benefits of such systems are that the processes are inexpensive. Moreover, as everyone is known to each other in the village, it is easy to distinguish between truths and lies and, thus, facilitate the delivery of effective justice. Additionally, they suggested that these systems have a very important role of establishing or maintaining social harmony and trust within the community. These and other interviewees suggested that if such systems were to be less discriminatory and impartial, as well as

<sup>39</sup> A young female government employee from Syangja.

<sup>40</sup> FGDs with adult men and women from Dhankuta.

<sup>41</sup> Focus group discussion with adult women from Mahotthari in the Terai.

the linkages with the formal justice system utilised, the benefits of such systems could be multiplied. Indeed, nearly all interviewees assumed that there were links between the formal and informal justice systems, although many were unclear as to how the links operated. It became clear during the interviews that it was widely considered that the establishment of such links could significantly positively impact the delivery of fair and effective justice. As one interviewee said:

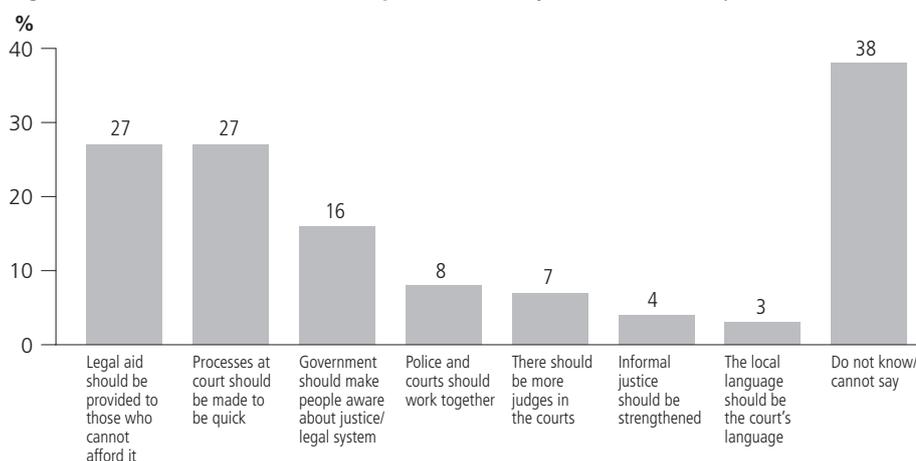
*Village panchayat [traditional dispute resolution mechanism] are well versed with villagers, they know well the possible culprit. If the justice system can be equipped with the suggestions from the village panchayat then there is more possibility of that justice will be delivered to the victim and this will result in increased trust of people in the justice system.<sup>42</sup>*

In one FGD with elderly women from the hills, it was suggested that resolving matters through informal groups was helpful in reducing the burden on the judiciary and, thus, potentially making it more effective. The benefits of both systems could be harnessed to improve access to justice for all, if, of course, the limitations of both systems – not least weaknesses in transparency and the opportunities that these present – are openly acknowledged and addressed. Civil society representatives who participated in the key informant interviews also emphasised the important role that informal justice mechanisms can provide, including the help that they can provide to the formal sector. However, a political party representative who was interviewed disagreed:

*This is only slogan of I/NGOs and very limited people are benefiting from the informal justice system. I think this is not effective; rather state mechanisms should function well so that these organisations will be dismissed.<sup>43</sup>*

When asked more broadly what should be done to improve access to justice, many survey respondents could not provide a definitive answer (38 percent), but others suggested that legal aid should be provided (27 percent), the processes should be expedited (27 percent) and the government should raise awareness about justice and the legal system (16 percent) – figure 45.

**Figure 45: What should be done to improve access to justice?** (2010 survey, base no. 3016)



This chapter has shown that state security services continue to enjoy widespread public trust and confidence. Nonetheless, weaknesses in state security and justice institutions remain. Not least among these, in respect of the Nepal Police, are lack of resources, excessive bureaucracy, discrimination, nepotism and corruption. Moreover, isolated and vulnerable communities, not least the poor and illiterate, continue to suffer from limited access to justice and security. Nonetheless, it is clear that the vast majority of the public believe that the state is primarily responsible for providing security. There have also been notable recent accomplishments, not least in the perceived increase in the number of Nepal Police posts and desire for more.

<sup>42</sup> A Koiri woman from Sarlahi.

<sup>43</sup> Key informant interview with political party representative in Kathmandu.

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To an increasing extent, people are likely to endeavour to informally resolve disputes without involving others. The value of informal justice and alternative dispute mechanisms also continues to be acknowledged, although weaknesses are also recognised here, particularly in terms of limited transparency, accountability and inclusion. In respect of the formal justice system, confidence appears to be increasing. However, it is still not widely regarded as an effective mechanism for justice. In terms of access to justice and security, this chapter does question the extent to which those who do not use formal security and justice mechanisms do not because of choice or inability; many of those who do not use formal mechanisms do not because they are poor, illiterate or live far away from the nearest Nepal Police post or court.

# 5

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## Equal access to justice and security

**THIS CHAPTER CONSIDERS** the differences between the experiences, concerns and needs of men and women. It also considers whether women are more vulnerable to insecurity and whether they have equal access to justice. In this context, this chapter also considers whether security and justice sector institutions treat women equally and are also representative of women. The second part of this chapter considers whether other marginalised or vulnerable groups are treated fairly or are adequately represented within the security and justice sector institutions. Whether perceptions regarding equality and inclusion in the security and justice sectors have changed over the recent past will be considered throughout the chapter.

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### 5.1 Gender and security

The research undertaken for this report, as with the previous reports, considered in detail the differences between the security concerns and perceptions of men and women. All survey questions were disaggregated according to sex. Gender-specific questions were also asked, particularly concerning the security of women. The issue of gender and security was analysed further through in-depth interviews, key informant interviews, FGDs and validation workshops.

In terms of perceptions, concerns and recommendations in respect of safety and security the survey results showed little difference in responses between men and women. However, similar to the 2009 survey, while a similar number of men and women believe the country is moving in the right direction (12 and 15 percent, respectively), many more men than women are pessimistic about the future of Nepal (72 as compared with 51 percent). Men are also more concerned about the effect of political factors on Nepal's future. Many more women than men felt unable to answer this particular question (20 as opposed to 5 percent) and, in fact, there were many questions throughout the survey to which women did not respond. The same pattern occurred in 2009 and this suggests that women continue to lack the knowledge or the confidence to openly discuss security and justice sector issues and institutions.

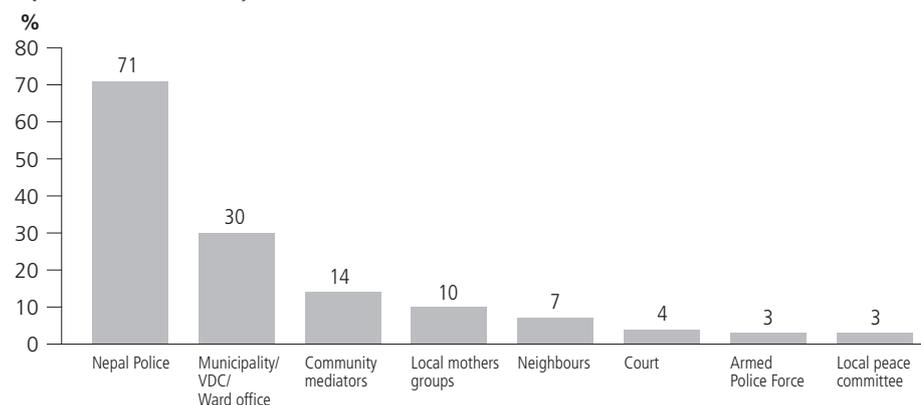
If women do have a lack of knowledge on security and justice provision then this can have serious consequences through, for example, hindering women's ability to seek protection from the state or to seek redress for crimes or rights violations they believe they have suffered. This is of particular concern given that it is often relatively powerless groups, including women, who are in most need of protection and whose security and rights are most often disregarded. A lack of confidence in talking about security

and justice issues necessarily hinders the ability of a person or group to advocate for better service provision in these areas. It is one of the main recommendations of this report that awareness about justice and security issues needs to increase amongst all sectors in society but particularly women and marginalised groups. As is very clear, limited access to information concerning justice and security frequently correlates with limited access to justice and security. Raising awareness among those groups with little information or knowledge, in effect, becomes a programme that empowers the vulnerable and relatively powerless.

As with the 2009 survey, women tend to be more concerned than men about poverty and price hikes while men are more concerned about political instability. This is perhaps, in part, indicative of the archetypal roles assigned to men and women, where women are often responsible for the family budget and so are more sensitive to economic trends. In general, while most responses did not hugely differ according to sex some questions produced noticeably different answers for men and women. Of the people who did not feel confident reporting crime or acts of violence to the Nepal Police, 18 percent of women said this was so because of the possibility of stigma, whereas for men this was hardly a concern at all. Of respondents who think the Nepal Police do not treat all groups equally, both sexes agreed that poor people were most likely to be discriminated against but women were twice as likely as men to think their sex was treated unfairly. Men are more than twice as likely as women to use the formal justice system. This is not necessarily because the system is seen as ineffective by women, as fewer women than men responded that the courts were ineffective. However, a larger proportion of women (39 percent compared with 20 percent of men) felt unable to answer. This again suggests that lack of knowledge concerning the justice system results in limited access to justice. Ironically, while 20 percent of men thought that access to justice can be improved by the government making people more aware of the justice system, only 12 percent of women thought this whereas, again, 50 percent of women did not or could not answer.

On the basis of the perception of crime rates and direct experience of crime it would appear that gender-based violence is relatively rare in Nepal. Only 3.9 percent of the total number of respondents (or 117 people out of 3,016) said that such a crime has occurred in their locality during a one year period. Only 0.3 percent (or nine people) said that they or a member of their family had been the victim of gender-based violence in the past year. When asked whether they have ever experienced gender-based violence, 54 people (1.8 percent) of the survey respondents said that they had. Among those who had experienced gender-based violence, verbal sexual harassment was the most common type of violence (experienced by 60 percent) followed by physical sexual assault (excluding rape) (23 percent). Two people (both men) of the 3,016 survey respondents said that rape had occurred – no female respondents said that rape had occurred at home.

**Figure 46: If you would feel confident to report on domestic violence, who would you report it to? (2010 survey, base no. 2369)**



The survey asked all respondents whether they would feel confident to report an incident of domestic violence if there was violence in their family. Interviewers explained to the respondents that domestic violence also included behaviour like verbal abuse, insulting, beating, sexual abuse or ejecting one's spouse from the home. More than three quarters (79 percent) said that they would feel confident in reporting the incident – similar to the same proportion in 2009 (78 percent), which itself constituted a significant increase since 2008 (60 percent). However, 17 percent said that they would not report the incident. Of those who would reply in the positive, 71 percent said they would report it to the Nepal Police, while 30 percent said the municipality, VDC or Ward office and 14 percent said that they would report it to community mediators (figure 46).

Taken on their own, the survey results strongly suggest that gender-based violence is not prevalent in Nepal. However, the interviews, FGDs and validation workshops gave a markedly different portrayal of the situation relating to security and gender. Respondents stated that rates of gender-based violence are higher than the survey depicts and that many women are very unlikely to report such crimes. It is worrying that the latter perception continues despite the raised profile of this type of crime resulting from the official declaration of 2010 as the year to combat gender-based violence, the establishment of a Gender-Based Violence Unit in the Office of the Prime Minister and much civil society activity.<sup>44</sup> Women of different age groups who participated in the FGDs felt that domestic violence continues because women in general remain subservient to their spouses and in-laws. Many felt that the practice of resolving domestic disputes within the household led to much domestic violence against women going unnoticed. Such crimes come to the attention of the Nepal Police if family members encourage the woman to approach women's organisations or other groups, which in turn encourage the crime to be reported to the police. This appears to be a rare occurrence. The interviews also suggested that many women in the WDR are unaware of women's organisations working to promote women's welfare. Many interviewees felt that cases of sexual harassment or abuse, particularly rape, are often not reported due to the social structure and social norms. In other words, the relatively powerless position of women, coupled with expectations about the stigma that would be attached to reporting such crimes and the limited likelihood of receiving justice, deters many women, especially in the case of rape:

*Usually the rape victims don't prefer to bring their sufferings to the outside world. The reasons are twofold: first they fear losing honour and second, they suspect they will not get the justice either. Instead they prefer to suffer and keep silent. Rape cases never reach judicial units.<sup>45</sup>*

A female civil society representative who participated in the key informant interviews suggested that the patriarchal mindset, culture of violence and culture of silence are the root causes of women's insecurity. She referred to the case of one female police officer who was allegedly raped while on duty by six of her colleagues<sup>46</sup> as a particularly startling example of the level of insecurity faced by women:

*Women are not feeling safe within their own family and within the security agencies. There are several examples of impunity-related cases of violence and rape. Suntali Dhami's case is one of the most powerful examples, which proves how the situation of women in the state is. And there are several cases we found where daughters are raped by their own father... When we talk about security, it is true that a certain percentage of men are facing security threats in society but 100 percent of women are threatened.<sup>47</sup>*

<sup>44</sup> Fernandez, D (2011), 'Tracking Gender-Based Violence in Nepal', *In Asia*, 19 January 2011, The Asia Foundation, available at [http://asiafoundation.org/in-asia/2011/01/19/tracking-gender-based-violence-in-nepal/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+inasia+%28In+Asia%29](http://asiafoundation.org/in-asia/2011/01/19/tracking-gender-based-violence-in-nepal/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+inasia+%28In+Asia%29)

<sup>45</sup> Interview with a Mushahar male (aged 30) from Siraha.

<sup>46</sup> At the time of research the prosecution and investigation of the alleged perpetrators was ongoing.

<sup>47</sup> Key informant interview with civil society representative in Kathmandu.

Many validation workshop participants also expressed great surprise that the survey found perceptions of the prevalence of gender-based violence to be so low. They were also surprised that such a high proportion of survey respondents said that they would report an incident of domestic violence. The participants of the validation workshops claimed that much fewer women would report such a crime. All validation workshops that were held at the district-level questioned the validity of the findings data and questioned whether such sensitive information can be obtained through a survey. Similar challenges to the survey findings were raised during key informant interviews with senior Nepal Police officers also disagreeing with the suggestion that the majority of the public would have no qualms about reporting an incident of domestic violence to the police.

In interviews, many people (men and women) suggested that the security threats facing men and women differ and that women often suffer due to the existence of a patriarchal society, traditional norms and cultural taboos. As one woman said:

*Men have threats only outside the household; however women suffer threats both from outside and inside her household.*<sup>48</sup>

Another interviewee said: “I feel unsafe mainly because I am a woman”.<sup>49</sup> Many interviewees agreed that, despite a perceived increase in female security, women are constantly at risk of physical assault and of rape and abduction at night. Some said that when women do complain of rape to the Nepal Police, she is encouraged by numerous actors not to pursue the case, which only enhances a culture of impunity and encourages further violence. Many women interviewees reported that so-called ‘eve-teasing’<sup>50</sup> is widely prevalent both within and outside the community. One male interviewee said:

*Women are the main targets of thieves, robbers as they are usually wearing gold ornaments. They are unsafe also because of the chances of sexual assault.*<sup>51</sup>

While many interviewees reported that the Nepal Police conduct themselves professionally in their treatment of women, others reported that the Nepal Police often harass or tease women. Gender discrimination and patriarchal attitudes are widespread in Nepal and it would not be surprising if these norms run through institutions such as the Nepal Police. Reflecting this, many interviewees suggested that women feel more comfortable interacting with female police officers than with males and that more are needed:

*It feels good to have women policemen. Having them around becomes easier for women to report their problems as well as serve as a job opportunity for women.*<sup>52</sup>

Overwhelmingly, interview and FGD participants felt women were under-represented in security and justice institutions and this finding was, to a certain extent, backed up by the results of the survey. Here, a majority of respondents did not think that there were enough women in the security services. However, the proportion of respondents who thought there needed to be more women in the security services was down on 2009, when 71 percent thought women’s representation was inadequate (figure 47). One of the possible reasons of this (positive) change might be the effect of the quota system for female recruitment that was revised in 2010. Whether this is actually the case requires further research as does the question of whether women’s representation has actually increased and, if so, whether increased representation has been accompanied by better promotion prospects and the number of women in senior posts. Participants in validation workshops pointed out that the varying perceptions of increased female officers needs to be measured against fact. Interestingly, more men said that there were not enough women than women (50 percent compared with 38 percent).

<sup>48</sup> A Rajwansi female (aged 25) from Morang.

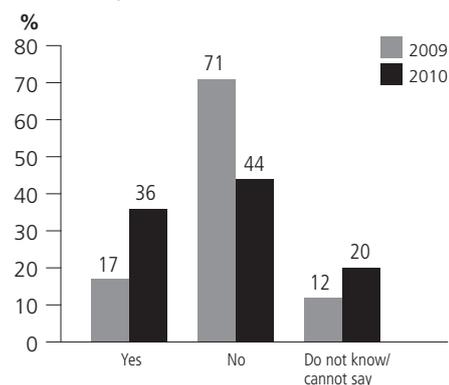
<sup>49</sup> Female interviewee (aged 25) from Morang.

<sup>50</sup> Public sexual harassment and abuse of girls and women.

<sup>51</sup> Chettri male student (aged 20) from Kanchanpur.

<sup>52</sup> Interview with a Chettri woman (aged 34) from Udaypur.

**Figure 47: Do you think there are enough women in the state security services?**  
(2010 survey, base no.: 3016)



Female officers in the Nepal Police who participated in one of the validation workshops said that, in general, the institution did not discriminate against and mistreat female officers. However, incidents could occur and, if they did, the affected person would not be able to take appropriate action against the culprit due to what they described as the ‘hierarchical’ nature of the institution. While the gender of the victim may play a role in some cases it should also be noted that procedures for any low-ranking, male or female, to formally complain against a superior are weak within the Nepal Police and so discrimination against women’s complaints is likely not systematic. Female police officers did emphasise the need for better facilities – such as separate toilets, barracks, changing rooms and uniforms – more opportunities for special training and for promotion, longer maternity leave, day-care facilities for infants and better treatment for unmarried female officers. Like their male counterparts, female officers also complained about the lack of a good diet. Only after addressing these matters, the female officers suggested, will more women be willing to join the police service. Male police officers also complained about lack of training and promotion opportunities, lack of basic facilities (such as food, water and toilets), very long working days, inequalities and nepotism, the rigid hierarchy and the associated limited delegation of responsibility and trust to the lower ranks.

Of those who think that there are not enough women in the state security services (44 percent of the total number of respondents), 49 percent thought this was because society does not approve of women being in the security services, while 23 percent said that it is because women are physically weak. Other popular reasons given were that women do not feel secure while working in the security services (23 percent), the recruitment process is not woman-friendly (19 percent) and the physical infrastructure is insufficient (15 percent) – figure 48.

**Figure 48: If there are not enough women in the state security services, what are the reasons?**  
(2010 survey, base no. 2369)



In regards to discrimination towards women by the Nepal Police, the survey found a perception that this does take place but that this is minimal in comparison to that suffered by poor people or even those without access to political parties (see figure 50

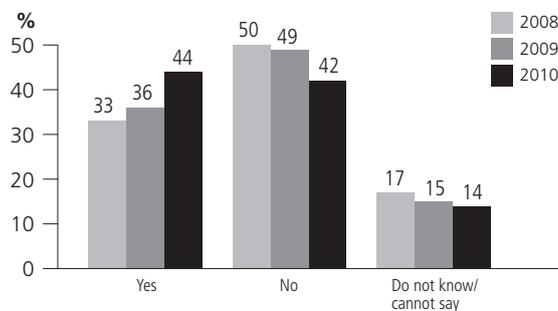
below). This finding exemplifies a trend in the research findings whereby respondents to the survey underplay gender and security issues in comparison to the participants of the interviews, FGDs and validation workshops. The difference in perceptions outlined in the different methods of data collection should be acknowledged and taken into consideration when making an assessment of the situation regarding gender, security and justice in Nepal. There is enough information arising from this research to suggest that gender-based and domestic violence is prevalent and under-reported in Nepal and that more needs to be done to understand its occurrence, investigate incidents and prevent it occurring.

## 5.2 Equality and inclusion in the security and justice sectors

Earlier it was suggested that many people would trust the Nepal Police more if it treated people equally. When specifically asked whether the Nepal Police treats all groups equally, the number of responses was roughly similar: 44 percent of respondents said that the institution does treat all groups equally, while 42 percent said they did not. A good proportion (14 percent) said they were unable to say or did not know, similar to previous years (15 percent in 2009 and 17 percent in 2008). Despite these concerning figures, there has been an increase in the proportion of survey respondents who consider that the Nepal Police do treat people equally: in 2009 only 36 percent thought so while in 2008 it was only 33 percent (figure 49). Some Nepal Police officers who participated in the validation workshops, while acknowledging the existence of inequalities and nepotism, argued that in principle, and often in practice, the Nepal Police promotes equality and through so doing cuts across many social and cultural barriers. Moreover, in all validation workshops with Nepal Police officers, the desire to serve and protect the public, without discrimination, and make a positive contribution to society, often in the face of hardship and adversity, was strikingly evident.

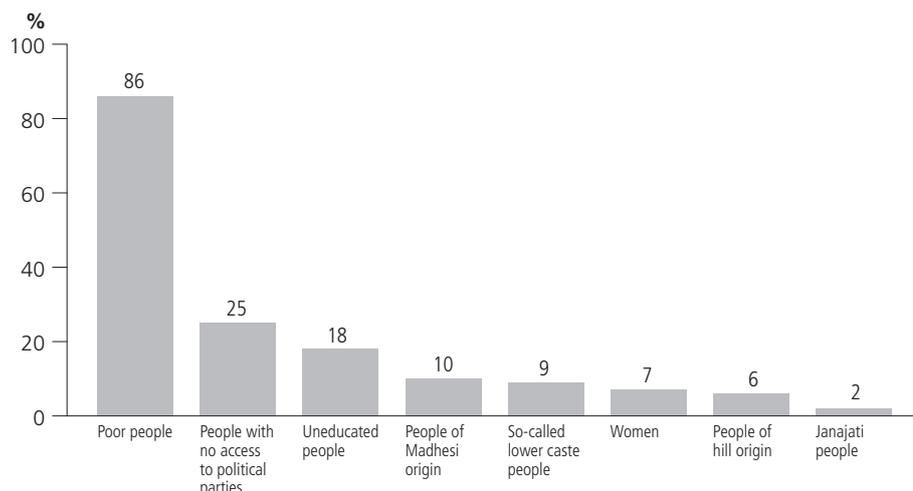
**Figure 49: Does the Nepal Police treat all groups equally?**

(2010 survey, base no. 3016, 2009 survey, base no. 3004, 2008 survey, base no. 3025)



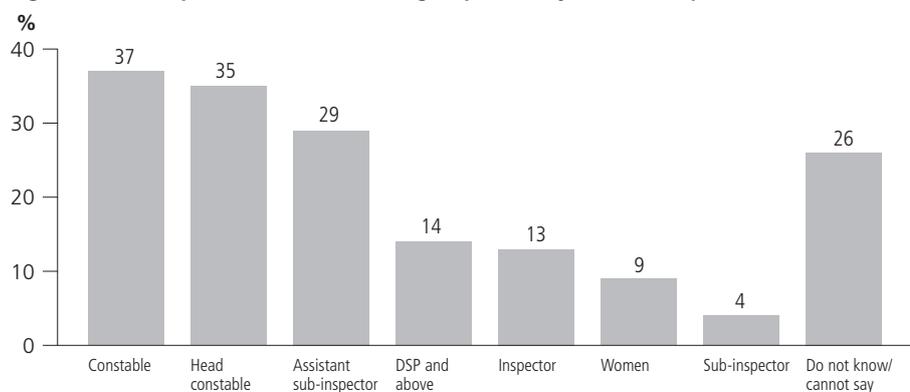
The vast majority of those respondents who said that the Nepal Police do not treat all groups equally (42 percent of the total number of respondents) said that poor people in particular are treated unfairly (86 percent). Others perceived to be treated unfairly include those with no access to political parties (25 percent) and uneducated people (18 percent) – figure 50. The proportion of the responses that people have given is similar to that of previous years, although the proportion of people who believe that the Nepal Police treat poor people unfairly appears to have increased a little since 2009 (82 percent), almost returning to the 2008 proportion of 87 percent. While this must be read in the context of an increasing – but still low – number of people who believe that the Nepal Police treats all groups equally, these results suggest that comprehensive action needs to be taken immediately to ensure those who are often the most insecure and vulnerable are able to access the protection and justice they are entitled to. On a more positive note, fewer people in 2010 perceive those with no access to political parties are treated unfairly by the Nepal Police, compared with 2009 (when 36 percent of those respondents who considered the Nepal Police treat groups differently believed this).

**Figure 50: If the Nepal Police does not treat all groups equally, which group(s) does it treat unfairly?** (2010 survey, base no. 1268)



When those who do not perceive that the Nepal Police treat groups equally (42 percent of the total number of respondents) were asked to suggest which rank was most culpable, 37 percent said that it is constables who treat people unfairly, while 35 percent identified head constables as being primarily responsible and 29 percent referred to assistant sub-inspectors (figure 51). This indicates that the perception is that lower-ranked police officers are more likely to treat people unfairly than higher-ranked officers. However, the responses may be due to the fact that lower-ranked officers come into contact with the general public much more frequently than do their senior officers. A significant proportion (26 percent) could not give a definitive answer.

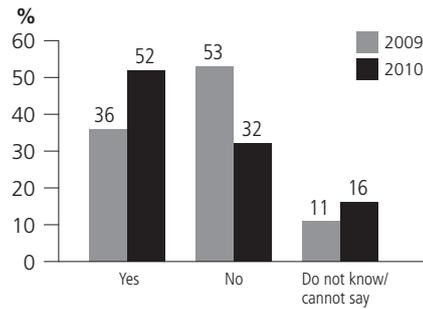
**Figure 51: Which police ranks treat some groups unfairly?** (2010 survey, base no. 1268)



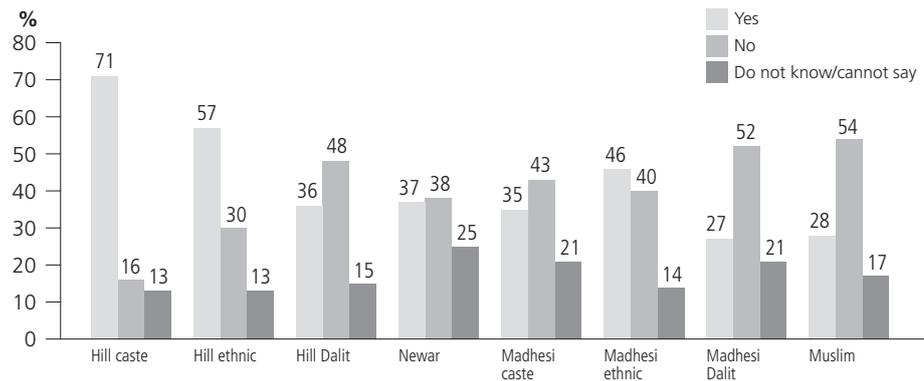
The proportion of respondents who perceive that their ethnic group or caste is adequately represented in the state security services has significantly increased since 2009 (from 36 to 52 percent) – figure 52. As with the significant increase in the proportion of respondents who now perceive the state security services adequately represent women, this could be due to the revised quota system for including disadvantaged and marginalised groups in Nepal Police recruitment.

The caste/ethnicity of people has a significant bearing in this regard. The hill caste (71 percent), hill ethnic group (57 percent) and Madhesi ethnic group (46 percent) were the groups wherein the majority thought that there were enough members of their group in the state security services, while in the other caste/ethnic groups more people thought their caste/ethnic group was not adequately represented than those who thought it was (figure 53).

**Figure 52: Do you think there are enough members of your caste/ethnic group in the state security services?** (2010 survey, base no. 3016, 2009 survey, base no. 3004)

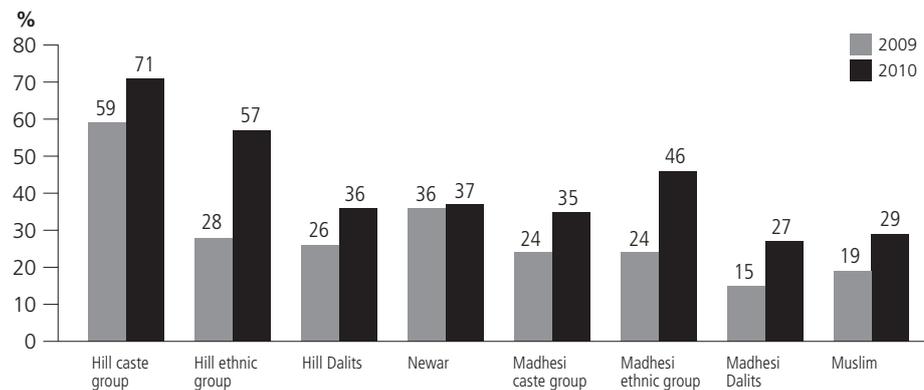


**Figure 53: Do you think there are enough members of your caste/ethnic group in the state security services?** (2010 survey, base no. 3016)



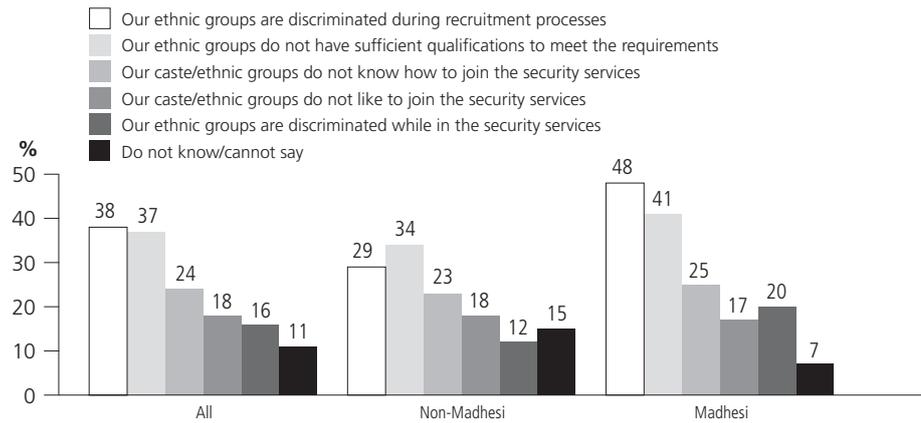
There was a substantial increase in the proportion of those who thought that there are enough members of their caste/ethnic group in the state security services in all caste/ethnic groups between 2009 and 2010, particularly within ethnic groups from Hills and Madhesi ethnic groups (figure 54).

**Figure 54: Those who think there are enough members of your caste/ethnic group in the state security services** (2010 survey, base no. 3016, 2009 survey, base no. 3004)



Those who considered that their caste/ethnicity was insufficiently represented in the state security services (32 percent of the total number of respondents) gave many reasons as to why this might be the case. Thirty-eight percent said it was because their caste or ethnic group is discriminated against during the recruitment process. People of Madhesi origin were more likely to think that they are discriminated during the recruitment process than their non-Madhesi counterparts (48 percent as compared with 29 percent). Thirty-seven percent of those who think their caste or ethnic group is under-represented thought that it was because members of their caste or ethnic group do not have sufficient qualifications to meet the recruitment criteria. Many also said it was due to lack of information about how to join the state security services (24 percent), due to not wanting to join these institutions (18 percent), and due to discrimination experienced once having been recruited (16 percent) – figure 55.

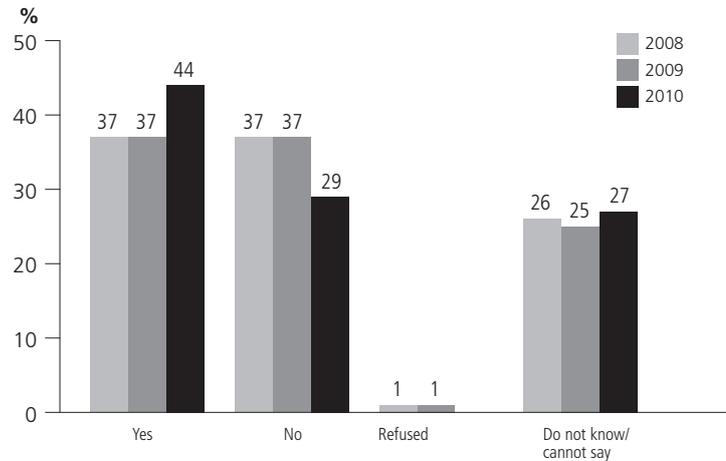
**Figure 55: If you do not think there are enough members of your caste/ethnic group in the state security services, what are the reasons?** (2010 survey, base no. 973)



In respect of the formal justice system, 44 percent of the survey respondents said that the courts treat all the groups equally, while a significant proportion (29 percent) said that they do not. While fewer people consider the courts, as compared with the Nepal Police, treat people unfairly, this is most likely due to relatively limited contact with them given the same proportion of respondents consider both institutions to treat all groups equally. Nonetheless, while these statistics suggest that confidence in the courts could be significantly improved, many more people than in the 2009 and 2008 consider the courts to treat all groups equally (figure 56).

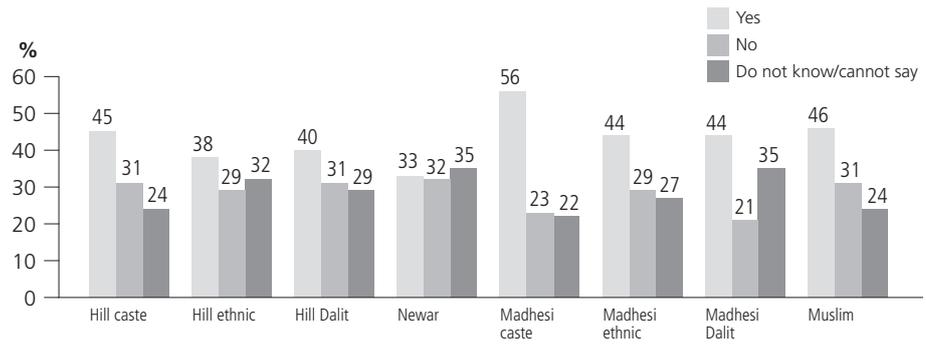
**Figure 56: Do the courts treat all groups equally?**

(2010 survey, base no. 3016, 2009 survey, base no. 3004, 2008 survey, base no. 3025)



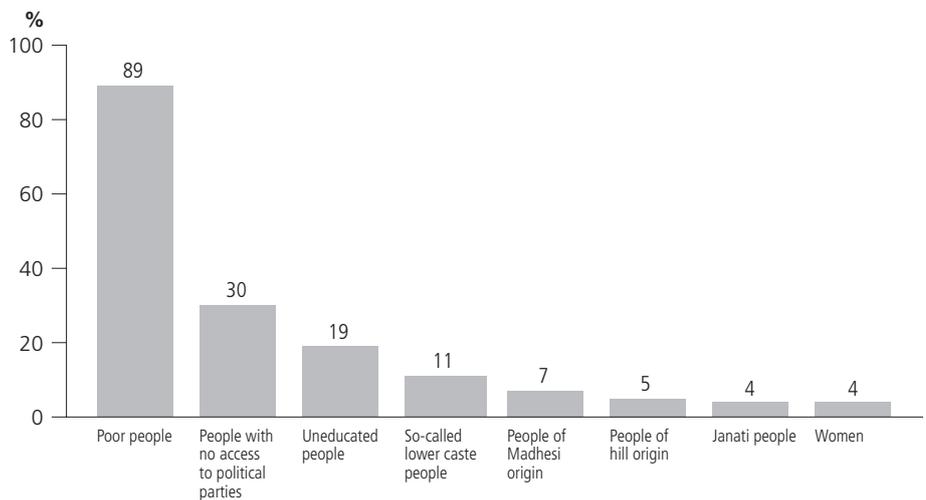
The perception over the extent to which courts treat all groups equally varies according to case and ethnicity. Fifty-six percent of respondents from the Madhesi caste, for example, believed that justice is delivered fairly whereas the response of Newars was much more ambivalent; a slight majority (35 percent) saying that they were unable to answer the question. Overall, however, across all ethnic/caste groups a majority of people felt that courts treated all groups equally. This is very different to 2009 findings when, apart from the hill caste, Madhesi caste and those of Muslim ethnicity, more people from each group believed that the courts do not treat people equally than believed that they do. In 2009, for instance, 51 percent of the Newar caste said that the courts do not treat all groups equally; in 2010 that proportion has dropped to 32 percent. Even in the Madhesi caste, the proportion of people who consider the courts treat all groups equally has risen from 37 percent to 56 percent, while those who disagree have decreased from 37 percent to 23 percent over the past year. This constitutes a very positive development. This may be, in part, explained by increased vocalisation by members of the Madhesi caste for equal treatment and increased sensitivity to such demands by others.

**Figure 57: Do the courts treat all groups equally?** (2010 survey, base no. 3016)



When those respondents who said that courts do not treat all the groups equally (29 percent) were asked which groups are treated unfairly, a large majority (89 percent) said that the poor are treated unfairly, followed by those who have no access to political parties (30 percent) – figure 58.

**Figure 58: If you do not think that the courts treat all groups equally, which group(s) do you think the courts treat unfairly?** (2010 survey, base no. 866)



It is widely perceived, therefore, that poor people are discriminated both by the Nepal Police and the courts. Of particular concern is the increasing proportion of those who consider the courts do not treat all groups equally (although the overall proportion has dropped) who believe that poor people are treated unfairly (in 2009, 71 percent of those who consider the courts do not treat all groups equally said the poor were particularly vulnerable in this regard). The proportion of those who believe that people with no access to political parties and uneducated people are treated unfairly has also risen (from 8 and 5 percent, respectively, of those who consider the courts do not treat all groups equally).

As revealed by the survey and interviews, of continuing concern is the low number of people who appear to think that the Nepal Police treats all people equally. However, this number appears to be increasing, particularly over the past one-year period (when the percentage rose from 36 to 44). Nonetheless, the number of people who believe poor people are treated unfairly by the Nepal Police continues to indicate the existence of serious deficits in the institution and in the maintenance of the rule of law. Equally, while the proportion of those who believe the courts treat all groups equally has increased, there remain serious concerns about the significant number of people who believe that poor people and, to a lesser extent, those without political patronage, are discriminated against by the courts. Until access to justice is access for all and the courts are free from political influence, justice will remain illusory. Many of those who were interviewed argued that law, order and justice are reserved for those who can

bribe officials and who have political connections. The majority of those interviewed also believed that as many poor people are also illiterate, their access to justice is further compromised and that, consequently, security and justice sector institutions are ultimately ineffective. Some of those who participated in the key informant interviews argued that the government and political parties are not committed to addressing the discrimination that permeates the criminal justice system and the wider society.

However, a significant increase in the number of people who believe women are adequately represented in the state security services, as are members of their own caste/ethnicity, is hugely encouraging. This is likely to have many dividends in the future in respect of increased confidence in the state security services and improved security for all. Other means of improving access to justice and the effectiveness of the security and justice institutions that were recommended by interviewees included improving access to information about these institutions and removing them from political influence. Others argued that those who should concern themselves with improving Nepal's situation should do so rather than focus instead on improving their own financial position. The majority of those interviewed and those who participated in the focus groups emphasised that only by addressing the current political instability will law and order improve. The focus groups highlighted the importance of drafting the constitution in a timely manner and reaching consensus between political parties. The drafting of the constitution was also seen as vital to bringing improvements in the security situation and to making justice systems more accessible as well as more inclusive and equitable.

# 6

## Conclusion and recommendations

**THE RESEARCH UNDERTAKEN FOR THIS REPORT** builds on research conducted in the previous three years. It confirms and extends many of the conclusions drawn from the analyses of the reports of 2007, 2008 and 2009:

- People still feel safer than they did pre-*Jana Andolan II* and the signing of the CPA.
- Most Nepalis expect the state to provide security and have confidence in the state security and justice institutions.
- However, the majority of people also feel that the state is not particularly effective at providing security and that much could be done to improve state security and justice institutions.
- Many people believe the state's security and justice institutions are not representative of all the people of Nepal, and that more women and members of all castes/ethnicities should be recruited.
- Many people also believe that the state security and justice institutions do not treat all people equally. Poor people appear to be at a particular disadvantage. Those who do not have political connections and those who are uneducated are also seen to be discriminated against, particularly by the Nepal Police.
- Informal justice mechanisms remain popular and highly regarded.
- The most serious source of insecurity remains the lack of socio-economic development. Concerns about poverty, unemployment, price hikes and poor infrastructure remain of increasingly high concern.
- People remain concerned that the peace process has stalled.
- The Terai remains the most insecure region in Nepal.
- Lack of knowledge and confidence seriously undermine equal access to justice, protection from violence and respect of human rights. This is most likely to affect women, members of minority ethnic/caste groups, poor people, those with limited education and other vulnerable groups.

However, the 2010 research highlights a number of developments that are occurring:

- People are increasingly pessimistic about the future. They do not believe that Nepal is going in the right direction and blame the political deadlock for this.
- However, security appears to be improving, with fewer people fearful of or experiencing crime and more people feeling safer than they did previously.

- Moreover, different levels of security in different areas of Nepal and among different communities appear to be levelling out.
- The increased number of police posts is also warmly welcomed.
- State security and justice sector institutions, notably the Nepal Police and the district courts, continue to enjoy widespread public trust and confidence, although weaknesses remain evident.
- While public knowledge of the security and justice sector needs improving, awareness of complaints procedures has increased considerably.
- While the Nepal Police and the courts are widely seen to discriminate, particularly against the poor, there have been improvements.
- People perceive there to have been improvements in the representation of women and all caste/ethnic groups in the Nepal Police, although it is still far from optimal.
- To an increasing extent, people are likely to endeavour to informally resolve disputes without involving others.
- The value of informal justice and alternative dispute mechanisms also continues to be acknowledged, although used to a limited extent and with acknowledged weaknesses.
- However, reliance upon informal mechanisms may be more a matter of limited access to formal mechanisms than choice, given many of those who do not use formal mechanisms do not because they are poor, illiterate or live far away from the nearest police post or court.
- While confidence in the courts is increasing, it is still not widely regarded as an effective mechanism for justice.

## Conclusion

In conclusion, the research findings have shown that security appears to be improving, with fewer people fearful of or experiencing crime and more people feeling safer than they did previously. Moreover, different levels of security in different areas of Nepal and among different communities appear to be levelling out somewhat. Despite these positive trends, economic insecurity remains rife and lack of confidence in the political leaders of Nepal is significantly declining, amidst a climate of disinclination to co-operate and respond to the pressing needs of the average citizen. Political deadlock and apparent self-interest are creating anxiety about the future of Nepal and threaten to undermine the hard won peace and burgeoning security.

Perhaps surprisingly, state security services continue to enjoy widespread public trust and confidence. Nonetheless, weaknesses in state security and justice institutions remain. Not least among these, in respect of the Nepal Police, are a lack of resources, excessive bureaucracy, discrimination, nepotism and corruption. Moreover, isolated and vulnerable communities, not least the poor and illiterate, continue to suffer from limited access to justice and security. Nonetheless, it is clear that the vast majority of the public believe that the state is primarily responsible for providing security. There have also been notable accomplishments, not least in the increase in the number of police posts and desire for more.

To an increasing extent, people are likely to endeavour to resolve disputes informally without involving others. The value of informal justice and alternative dispute mechanisms also continues to be acknowledged, although weaknesses are also acknowledged here, not least in terms of limited transparency, accountability and inclusion. In respect of the formal justice system, confidence appears to be increasing. However, it is still not widely regarded as an effective mechanism for justice. It is questioned, nonetheless, whether those who do not use formal security and justice mechanisms do not because of choice or inability, given that many of those who do not use formal mechanisms do not because they are poor, illiterate or live far away from the nearest court (or police post).

Despite improvements, the Nepal Police and the courts are widely seen to discriminate, particularly against the poor. There is a perceived improvement in the representation of women and all caste/ethnic groups in the Nepal Police – although it is still far from optimal. In terms of gender security, there is a certain degree of contradiction between the survey findings and the results of the interviews, FGDs and validation workshops with the latter indicating that gender-based violence is more prevalent and less-reported than the survey responses suggested. Given that women were more likely than men to reply ‘do not know’ to survey questions on security and justice issues the difference in findings may suggest a failure in the capacity of household surveys to fully measure a subject as sensitive and subject to social censure as gender-based violence. There is certainly enough evidence to suggest that gender-based violence continues to be a serious issue for many women in Nepal.

## Recommendations

As previous reports have shown, the public has strong views on security and valid, practical recommendations for how the government and the security and justice sector institutions can be improved in order to better provide security and justice to individuals and communities. Within an unstable political context with frequently changing governments, shifting alliances within and between political parties and an ongoing failure to finish the peace process, the voices as well as the interests of the public continue to be ignored. Without considering the concerns and recommendations of the public, security and justice will remain tenuous and anxiety about the future will continue to grow. The many recommendations and concerns voiced during this research provide a sound basis from which to build upon recent successes, seize opportunities, and ensure that the hard won peace is not lost before it is consolidated.

In order to see progress on these recommendations it is important that the government develops a time-framed action plan identifying lead actors responsible for each recommendation. Many recommendations require the input and support of a range of actors from government, the security and justice sector, national and international non-governmental organisations (I/NGOs), the media, academia and think tanks, the wider civil society, the private sector and the international community. Above all, it is critical that the government and political parties actively engage and show leadership if many of these recommendations are to be realised.

- **Address the perception of instability.** The government and political parties need to heed the ever increasing public perception that Nepal is unstable by promulgating the constitution and resolving all outstanding aspects of the Comprehensive Peace Agreement.
- **Demonstrate commitment.** The government and political parties need to demonstrate that they are willing and able to put public priorities such as socio-economic development before individual and party-political interest and recognise that the lack of political consensus is having a large impact upon the public perceptions of stability and progress. Tackling corruption is central to this goal.
- **Address the nexus of crime and politics.** The implication of political actors’ involvement in crime and the blurred line between politics and crime must be acknowledged by political leaders at the centre and the link between crime and politics investigated and stopped. A cross-party or, preferably, independent body should be established to identify ways to achieve these goals.
- **End political interference in police operations.** Political interference in police operations going beyond statutory lines of accountability and control must stop. Political protection for suspects in criminal investigations must cease and police officers protected from undue political interference in their daily work.

- **Establish a Police Service Commission.** The oft-cited prospect of a Police Service Commission should be made real in order to reduce political interference in recruitment, transfer, promotion, disciplinary action and other personnel matters and ensure that professional advancement in the Nepal Police is based entirely upon merit.
- **Take action on poverty and unemployment.** This research found an overwhelming perception that poverty and the lack of economic opportunities are the principal causes of crime. The government and international supporters should view job creation and the fostering of a stronger economy not just as a development but also as a security priority.
- **Address corruption within the security and justice sector.** Ongoing efforts to address corruption in the security and justice services should be continued and similar scrutiny must also be applied to related political actors and government ministries.
- **Establish an independent mechanism to investigate public complaints against the Nepal Police.** In order to give the Nepal Police greater discretionary powers a complaints mechanism needs to be set up to process public grievances. The precise modality and level of external involvement in such a mechanism should draw upon international best practice and fit with the Nepali context. The public should be informed of how they can make a complaint through public information and outreach.
- **Adequately resource and support the Nepal Police,** particularly in areas that relate to the ongoing rebuilding of trust and confidence within communities. Local level police stations are often under-resourced and current efforts to rebuild and establish new police posts with appropriate transport, living quarters and detention facilities should continue. Resource gaps in other areas such as training facilities, logistics, criminal and forensic investigation and information technology should also be assessed and addressed with international support where necessary.
- **Review applicable laws related to policing** to ensure they adequately reflect current social norms, human rights and emerging security and criminal trends. This may require further amendments to the Nepal Police Act of 1955.
- **Enhance public understanding of the security and justice sector.** Public understanding of the function, legal powers and remit of state security and justice services should be increased so that they feel confident to access these services but also have realistic expectations about what the services can provide.
- **Address perceptions of crime.** This research found that the perception of crime is higher than the apparent reality that reported crime rates are relatively low and are falling. This is common to most countries and needs to be addressed through methods such as outreach, community policing and improved gathering and dissemination of accurate crime statistics.
- **Mainstream community policing in practice.** Rather than being treated as a specific activity delivered by dedicated units, community policing should be implemented as a cross-cutting approach and philosophy to policing that is mainstreamed across all departments. Community policing is of particular relevance to areas where police-community relations are strained and in areas where police posts are being re-built or established for the first time. The recent establishment of community help desks within police posts is a positive step in this regard.
- **Adequately resource the formal justice sector.** The formal justice sector should be further supported to provide an accessible and effective form of justice for citizens from all groups and especially the poor. Gaps in capacity and resources should be assessed and addressed and concerted action undertaken to tackle corruption and the paying of bribes within the system.

- **Continue to improve co-ordination between different formal and informal justice and alternative dispute resolution mechanisms.** The recently passed Bill on Mediation Procedure represents an important step towards ensuring better co-ordination between the myriad formal and informal justice providers and should be implemented with full state support.<sup>53</sup>
- **Strengthen alternative dispute resolution mechanisms.** In many areas, state and internationally supported justice mechanisms are not available. Alternative and traditional dispute resolution mechanisms should be strengthened and made more accountable through training and enhancing links with and oversight by the Nepal Police, local authorities and civil society to ensure compliance with human rights norms and Nepali law.
- **Extend the coverage of internationally supported informal justice mechanisms to remote areas.** In the absence of formal justice services, informal justice mechanisms (IJMs) frequently offer a superior mediation service to alternative dispute resolution mechanisms and their coverage over Nepal should be increased. As stated above, care should be taken to ensure they complement and link in with existing alternative mechanisms.
- **Enforce the Domestic Violence (Crime and Punishment) Act.** Enacted in April 2009, the Act should be strictly enforced and monitored as well as relevant areas of the National Action Plan on UN Security Council Resolutions 1325 and 1820, for example, the expansion and strengthening Women and Children Service Centres of the Nepal Police.
- **Ensure equal access to justice.** This research found a perception that the poor are overwhelmingly the most discriminated against by security and justice agencies. They and other marginalised groups should be provided with legal aid and support where illiteracy or lack of Nepali language skills are an obstacle.
- **Make security services representative.** This research found an improved public perception over the numbers of women and marginalised groups within the state security services. Efforts should continue in this regard through, for example, undertaking an audit to assess actual numbers of women and representatives of marginalised groups within the Nepal Police and the opportunities and barriers to their professional advancement. Regarding women, adequate resources and procedures need to be put in place to ensure an appropriate working environment (e.g. separate toilets and barracks, maternity leave, day-care facilities for infants and better treatment for unmarried female officers).
- **Investigate and monitor women's security.** The incongruity between the data from different research methods in this report is indicative of a wider lack of empirical understanding about women's experience of violence in Nepal. While anecdotal evidence of widespread domestic and gender-based violence is high, a true and accurate picture needs to be obtained through further investigation and systematic reporting and monitoring of individual cases at grassroots levels. Civil society involvement in monitoring is key and will help to address the fact that many gender-based violence incidents go unreported.
- **Address social attitudes to gender-based violence.** Civil society and state efforts to address the stigma that affects the victims of gender-based violence need to be scaled up so that its true prevalence can be understood and its incidence punished and prevented.

<sup>53</sup> For more detailed information and recommendations on informal justice please see *Snapshots of Informal Justice Provision in Kaski, Panchthar and Dhanusha Districts, Nepal*, Saferworld, May 2011. Available at [www.saferworld.org.uk/smartweb/resources/view-resource/555](http://www.saferworld.org.uk/smartweb/resources/view-resource/555)

- **Develop a National Security Strategy.** The capacity and responsibilities of the security sector need to be clarified based upon a thorough, realistic analysis of security threats and needs. Development of a National Security Strategy would enable the government to consider these issues and ensure greater co-ordination, transparency, independence from undue political interference and public support.
- **Conduct research to assess the true extent of illicit small arms possession and misuse.** As with the difficulty in assessing the true prevalence of gender-based violence, differences in the data obtained through different research methods make it hard to track the actual availability of small arms in Nepal. A comprehensive survey with full political support is required to give an accurate picture of small arms proliferation and misuse as a precursor to regulatory or disarmament activities to control the impact of small arms.

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## ANNEX Research methodology and demographics

The 2009 report was based on five key sources of primary research:

- A household survey of 3,016 people across Nepal, carried out in August and September 2010
- 15 FGDs with the general public held between August and October 2010
- 3 FGDs with Nepal Police personnel held between August and November 2010
- 50 in-depth interviews held between August and September 2010
- 9 key informant interviews with former and current representatives of the security sector, government, political parties, civil society and the private sector conducted in January 2011
- 10 validation workshops held in October and November 2010 across Nepal with key stakeholders to discuss initial findings.

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### 1. Household survey methodology

The household survey was designed by Interdisciplinary Analysts (IDA) and Saferworld, in consultation with a number of other experts. The questionnaire was first formulated in English and was then translated into Nepali. If the respondent's mother tongue was not Nepali, the interviewer would translate each question, without deviating from its meaning, and, thereafter, administer the questionnaire.

The survey was pre-tested on 4 August 2010 in the districts of Kathmandu and Bhaktapur and the questionnaire was revised and refined as a result. A nationwide survey of 3,016 people aged 18 and above was then conducted between 13 August and 10 September 2010. A random (probability) sampling technique was employed to ensure the sample represented Nepal's demographic. This size of sample produces results with +/- 1.8 percent of the error margin at a 95 percent confidence level at the national level.

Sixteen field supervisors and 55 interviewers with sufficient experience were employed and trained prior to the survey. In the selection of field supervisors and interviewers, local people that are well conversant in the local language were given preference. Women comprised 50 percent of all 71 staff. Districts, ecological regions, and local ethnic-caste demographics were also taken into consideration when selecting staff.

#### 1.1 Sample composition

The 3,016 survey respondents were spread across 30 districts. The demographic of the sample characteristics closely resembled that of Nepal, in terms of caste/ethnicity, religion, gender, place of residence – urban/rural location, as well as developmental and ecological region – education, occupation, income, proportion of income spent on food, and the gender of household heads.

##### 1.1.1 Caste/ethnic group

Most of the caste/ethnic groups of the country are proportionately represented in the total sample of 3,016 respondents. However, some groups like Chhetri, Bahun, Magar and Newar are slightly over-represented while Tharu and Tamang are slightly under-represented. In order to correct this, a weighting factor is assigned to every caste/ethnic group in order to make their proportions consistent with that of the national population of Nepal.<sup>54</sup>

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<sup>54</sup> If a sample is not perfectly consistent with the population, weight is adapted to make it consistent. In order to adjust this, a weight of the value less than 1 is adopted for those groups that are over-represented while a weight of the value more than 1 is adopted for those groups that are under-represented. This adjustment makes caste/ethnic groups nearly or perfectly consistent with the country's national population. In the present study, further analysis has been done on the basis of weighted sample composition.

**Table 1: Caste/ethnic group composition (in percent)**

<b>Ethnic group</b>	<b>Actual sample</b>	<b>Population</b>	<b>Weight</b>	<b>Weighted sample</b>
Chhetri	18.17	15.80	0.869577	16.25
Bahun	15.78	12.74	0.807224	13.10
Magar	9.48	7.14	0.752945	7.34
Newar	7.03	5.48	0.779608	5.64
Tharu	4.87	6.75	1.384898	6.94
Yadav	4.44	3.94	0.886794	4.05
Kami/BK	3.22	3.94	1.225056	4.05
Tamang	2.88	5.64	1.955200	5.80
Damai/Pariyar	2.32	1.72	0.741074	1.77
Thakuri	2.32	1.47	0.633360	1.51
Dhanuk	2.16	0.83	0.385120	0.85
Teli	1.72	1.34	0.777200	1.38
Rai	1.59	2.79	1.753050	2.87
Koiri	1.56	1.11	0.712289	1.14
Muslim	1.53	4.27	2.799635	4.39
Chamar	1.43	1.19	0.834660	1.22
Gurung	1.23	2.39	1.948173	2.46
Brahman Terai	1.19	0.59	0.494289	0.61
Sarki/Mijar	1.16	1.40	1.206400	1.44
Kurmi	1.13	0.94	0.833835	0.97
Dusadh	1.06	0.70	0.659750	0.72
Kalwar	0.90	0.51	0.569689	0.52
Khatwe	0.76	0.33	0.432730	0.34
Sunuwar	0.76	0.42	0.550748	0.43
Sanyasi	0.70	0.88	1.263848	0.91
Danuwar	0.66	0.23	0.346840	0.24
Limbu	0.66	1.58	2.382640	1.63
Rajput	0.53	0.21	0.395850	0.22
Sudhi	0.53	0.40	0.754000	0.41
Baniya	0.50	0.55	1.105867	0.57
Chepang	0.50	0.23	0.462453	0.24
Musahar	0.50	0.76	1.528107	0.78
Rajbansi	0.50	0.42	0.844480	0.43
Halwai	0.46	0.22	0.473943	0.23
Kanu	0.46	0.42	0.904800	0.43
Majhi	0.40	0.32	0.804267	0.33
Nuniya	0.40	0.29	0.728867	0.30
Kewat	0.36	0.60	1.645091	0.62
Kumal	0.36	0.44	1.206400	0.45
Madhesi Sonar	0.36	0.64	1.754764	0.66
Tatma	0.36	0.34	0.932218	0.35
Bantar	0.33	0.16	0.482560	0.16
Hajam	0.30	0.43	1.440978	0.44
Lohar	0.27	0.36	1.357200	0.37
Tajpuriya	0.23	0.06	0.258514	0.06
Gharti/Bhujel	0.20	0.52	2.613867	0.53
Kahar	0.20	0.15	0.754000	0.15
Thami	0.20	0.10	0.502667	0.10
Bhote	0.13	0.08	0.603200	0.08
Churaute	0.13	0.02	0.150800	0.02
Jhangar	0.13	0.18	1.357200	0.19
Sherpa	0.13	0.76	5.730400	0.78
Kayastha	0.10	0.20	2.010667	0.21

Ethnic group	Actual sample	Population	Weight	Weighted sample
Mallaha	0.10	0.51	5.127200	0.52
Rajbhar	0.10	0.11	1.105867	0.11
Dhimal	0.07	0.09	1.357200	0.09
Dhobi	0.07	0.32	4.825600	0.33
Kumhar	0.07	0.24	3.619200	0.25
Pahari	0.07	0.05	0.754000	0.05
Badahi	0.03	0.20	6.032000	0.21
Badi	0.03	0.02	0.603200	0.02
Barai	0.03	0.16	4.825600	0.16
Lodha	0.03	0.11	3.317600	0.11
Mali	0.03	0.05	1.508000	0.05
Marwadi	0.03	0.19	5.730400	0.20
Satar	0.03	0.19	5.730400	0.20
<b>Total</b>	<b>100.00</b>	<b>97.22</b>	<b>0.972200</b>	<b>100.00</b>

If the sample is disaggregated in terms of caste/ethnicity by origin, i.e. Madhesi and non-Madhesi groups, 33 percent of the sample belong to the Madhesi group and 67 percent to the non-Madhesi group, which is consistent with the national population. Madhesi caste groups, Madhesi ethnic groups, Madhesi Dalits and Muslims are categorised under the Madhesi group, while hill caste groups, hill ethnic groups (including those found in the mountains), hill Dalits and Newars constitute the non-Madhesi group.

### 1.1.2 Religion

When the sample is compared with the census, as far as the religious affiliations of respondents are concerned, the sample broadly matches the population. The exception, however, being the slight over-representation of Hindus and the slight under-representation of Buddhists.

**Table 2: Religion composition (in percent)**

Religion	Population	Weighted sample
Hindu	80.7	86.3
Buddhist	10.7	7.9
Muslim	4.2	4.0
Christian	0.5	1.1
Kirat	3.6	1.6
Atheist	0.0	0.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

### 1.1.3 Gender

Of the 3,016 respondents interviewed, 50.3 percent were female and 49.7 percent were male. The sex composition of the sample closely matches the population census of 2001.

**Table 3: Sex composition (in percent)**

Sex	Population	Weighted sample
Female	50.1	50.3
Male	49.9	49.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

### 1.1.4 Age

About 22 percent of respondents represent the young generation (between the ages of 18 and 25). Another 27 percent belong to the age group between 26 and 35 while 23 percent are aged between 36 and 45. The remaining 29 percent belong to the older generation (above 45 years).

**Table 4: Age group composition of the sample (in percent)**

Age group	Weighted sample
18–25	21.8
26–35	26.9
36–45	22.7
Above 45	28.6
<b>Total</b>	<b>100.0</b>

To compare the age distribution of the sample with the age distribution of the national population, the proportion of the age groups of respondents in 10-year intervals starting from the age of 20 has been adjusted and compared to the population census of 2001. This arrangement reveals a close resemblance between the sample and the population. However, people in the age group of 20–29 are slightly under-represented.

**Table 5: Adjusted age group composition of the sample and the population (in percent)**

Age group	Population	Weighted sample
20–29	33.9	27.4
30–39	24.7	25.9
40–49	17.4	21.4
50–59	11.9	12.4
60–69	7.5	9.4
70–79	3.6	2.6
80+	1.0	0.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

### 1.1.5 Geographic composition

**1.1.5.1 Rural/urban** The sample is consistent with the population in terms of rural-urban composition.

**Table 6: Settlement pattern composition (in percent)**

Settlement	Population	Weighted sample
Rural	86.1	86.0
Urban	13.9	14.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

**1.1.5.2 Development regions** The distribution of the sample across the five development regions shows that most of the development regions are proportionately represented in the sample vis-à-vis the 2001 census.

**Table 7: Development region composition (in percent)**

Development region	Population	Weighted sample
East	23.1	24.4
Central	34.7	34.6
West	19.7	19.7
Mid-West	13.0	12.1
Far-West	9.5	9.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

**1.1.5.3 Ecological regions** In terms of ecological regions, most of the respondents (50 percent) live in the Terai. The percentage of respondents from the hills is 42 percent and respondents from the mountain comprise 8 percent. The distribution of the sample respondents across the three ecological regions closely matches with distribution of the population across the ecological regions.

**Table 8: Ecological region composition (in percent)**

Ecological region	Population	Weighted sample
Mountains	7.3	7.7
Hills	44.3	41.9
Terai	48.4	50.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

### 1.1.6 Educational status

In terms of educational status, the proportion of those who are illiterate is 33 percent. Only 2 percent of respondents reported having a Bachelor's degree or higher. The percentage of those who are illiterate in the sample largely corresponds to the illiteracy rate in the country.

**Table 9: Educational status composition (in percent)**

Educational status	Weighted sample
Illiterate	32.6
Literate (with no formal education)	21.8
Primary level completed	12.9
Lower secondary level completed	9.8
Secondary level completed	4.0
School leaving certificate (SLC) completed	10.2
Intermediate level completed	6.5
Bachelor's level completed	2.2
<b>Total</b>	<b>100.0</b>

### 1.1.7 Occupation

The majority of respondents (62 percent) are involved in agriculture. About 12 percent of the respondents have their own business. Housewives or house-makers constitute the third most common occupation (7 percent). Those in the service industry and labourers are the fourth and fifth most populous occupational groups in the sample (7 percent in each group).

**Table 10: Occupation composition (in percent)**

Occupation	Weighted sample
Agriculture	61.5
Industry/business	11.5
House wife/house-maker	6.7
Service	6.6
Labour	6.5
Student	5.2
Unemployed	1.1
Retired	0.7
Old-aged	0.2
<b>Total</b>	<b>100.0</b>

### 1.1.8 Income status

About 6 percent of the respondents mentioned that they spend less than Rs. 2,500 on average every month to meet all the expenses in their households, while another 23 percent said they spend between Rs. 2,500 and Rs. 5,000. Altogether, the proportion of these respondents totals 29 percent.

**Table 11: Average expenditure during each month to meet all the expenses in household (in percent)**

Average expenditure	Weighted sample
Less than Rs. 2,500 a month	5.6
From Rs. 2,501 to Rs. 5,000 a month	23.2
From Rs. 5,001 to Rs. 10,000 a month	38.4
From Rs. 10,001 to Rs. 20,000 a month	24.2
From Rs. 20,001 to Rs. 40,000 a month	4.8
From Rs. 40,001 to Rs. 60,000 a month	0.7
More than Rs. 60,000 a month	0.7
Refused	0.1
Do not know/cannot say	2.3
<b>Total</b>	<b>100.0</b>

The survey also sought to find out what proportion of the total earnings goes into purchasing food. The breakdown is given in the following table.

**Table 12: Proportion of total earning that goes into purchasing food items in an average month (in percent)**

Proportion of total earning	Weighted sample
More than 90 percent	4.2
81–90 percent	6.9
71–80 percent	12.0
61–70 percent	11.4
51–60 percent	24.7
41–50 percent	20.1
40 percent and less	17.5
Refused	0.0
Do not know/cannot say	3.2
<b>Total</b>	<b>100.0</b>

### 1.1.9 Household heads

The survey also reveals that the proportion of households which are headed by male members of the family is 83 percent while those headed by female members is 17 percent.

**Table 1.13: Proportion of households headed by male and female members of family (in percent)**

	Weighted sample
Households headed by male members	83.1
Households headed by female members	16.9

**Questionnaire and data tables** The full survey questionnaire and tabulated statistics from the household survey are available online at [www.saferworld.org.uk](http://www.saferworld.org.uk) and [www.ida.com.np](http://www.ida.com.np).

## 2. Focus group discussions

FGDs were held in order to gain a deeper understanding of the opinions and expectations of different sections of society in respect of safety, security and justice. Fifteen FGDs were conducted from 4 August 2010 to 4 October 2010. The duration of each FGD was around two hours. Homogenous groups comprising of members belonging to the same age group, gender, educational category and in some cases neighbourhood, were formed into separate focus groups for the discussion. There were eight such groups:

1. Young males aged between 15 to 30
2. Young females aged between 15 to 30
3. Adult males aged between 30 to 50
4. Adult females aged between 30 to 50
5. Elderly males aged 50 and above
6. Elderly females aged 50 and above
7. Business community members
8. Local opinion-makers (for example, journalists, lawyers, development workers, teachers, social/human rights activists).

FGDs were held in five districts, each district falling in one of the five developmental regions. The district headquarters and two other VDCs were selected. Hence FGDs were conducted in a total of 15 sites, as follows:

1. In Dhankuta District, FGDs were held with local opinion-makers in the district headquarters at Dhankuta and with elderly men and women in Pakhribas and Bhedatar VDCs.
2. In Mahotari District, FGDs were held with the business community in the district headquarters at Jaleswor and with elderly men and women in Parkauli and Suga VDCs.
3. In Palpa District, FGDs were held with the business community in the district headquarters at Tansen and with elderly men and women in Chapapani and Baughapokharathok VDCs.
4. In Surkhet District, FGDs were held with the business community in the district headquarters at Birendranagar and with elderly men and women in Jarbuta and Latikoili VDCs.
5. In Kanchanpur District, FGDs were held with local opinion-makers in the district headquarters at Mahendranagar and with young men and women in Suda and Daji VDCs.

The FGD was conducted in two stages. The first stage, storytelling, acted as an ice-breaker and also helped draw the attention of participants to the subject matter of the discussion. In this method the first half of the story was read out by the moderator and the second half was completed by participants. Each group was then divided into three smaller sub-groups and was given an unfinished story and asked to work together to complete it. After completion of the story by the participants, each sub-group was asked to choose a person who could speak on their behalf and present the prepared story. Four different stories were used for the narrative. One story focused on the abduction of a young man by armed groups and the plight faced by his aged parents on not knowing the whereabouts of their son. The second story focused on the troubles of a married woman who was mistreated by men that took advantage of the fact that her husband was overseas and repeatedly abused her physically, mentally and financially. The third story centred on a businessman and his daughter who were terrorised by abductors repeatedly who threatened to harm their family, while the fourth story centred on a businessman who was abducted while travelling for business purposes. Minor changes were made to names and locations of the stories to match the region in which FGDs were held and, thus, to make them more relevant to participants.

In the second stage, thematic questions were used to probe into issues that were relevant to safety and security. Participants were guided by a moderator who introduced topics for discussion and helped the group to participate in a lively and natural discussion among themselves. The themes were:

- Perspectives on safety and security
- Perceptions of the state, security actors and institutions
- Perceptions of justice and justice providers
- Perceptions of informal justice providers
- Perspectives on political parties, civil society, and national and international organisations
- Priorities
- Aspirations for the future in respect of matters pertaining to safety, security and justice provision.

Three FGDs were also held with Nepal Police personnel between August and November 2010. One was with senior officers, one was with female officers and the other was with junior male Nepal Police personnel.

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### 3. In-depth interviews

In-depth interviews were held across Nepal from 13 August to 10 September 2010. Using purposive sampling, 50 in-depth interviews with 40 individuals of different gender, age, educational background, caste/ethnicity, religion and occupational background were conducted by IDA throughout the country from 30 districts. Taking into account the demographic structure in each district, attempts were made to represent all major caste/ethnic groups of Nepal's population in the sampling frame.

A structured open-ended questionnaire was developed by researchers from IDA with inputs from Saferworld. The questionnaire was field-tested on 4 August 2010 and thereafter further refined. It was formulated in English and was later translated into Nepali. Where needed, the questionnaire was translated verbally into the local languages during the course of the fieldwork. Altogether 50 open-ended questions followed by appropriate probes were asked during the interviews.

Before the interview commenced, sufficient time was given to build rapport with the interviewees. The interviews were conducted in private settings and the respondents were given sufficient time to express their views. The interviews were generally recorded with tape recorders with the consent of the interviewees and were later transcribed. In cases where the interviewee felt uncomfortable with the recording and preferred not to be tape-recorded, the interviews were noted down manually.

## Sampling frame

S/No.	Districts	VDC/Municipality	Caste	Sex/ age	VDC/Municipality	Caste	Sex/ age	No. of respondents
<b>East Nepal</b>	Sankhwasabha	Khadwari VDC, Ward no. 4	Rai	M (26)				1
	Ilam	Chulachuli VDC, Ward no. 8	Limbu	M (27)	Smalbung , Ward no. 3	Rai	F (30)	2
	Udaypur	Triyuga Municipality Ward no. 2	Chettri	M (39)	Municipality- Triyuga Municipality, Ward no. 1	Chettri	F (37)	2
	Sunsari	Mdhesha VDC, Ward no. 7	Tharu	M (28)	Hasposa VDC, Ward no. 5	Tharu	F (24)	2
	Siraha	Asanpur, Ward no. 8	Mushar	M (30)	Siraha Municipality, Ward no. 1	Musahar	F (?)	2
	Morang	Byarwan VDC, Ward no. 3	Rajwansi	M (29)	Govindapur VDC, Ward no. 2	Rajwansi	F (25)	2
	Saptari	Rajbiraj Municipality, Ward no. 8	Teli	M (51)	Municipality, Ward no. 9	Teli	F (21)	2
<b>Central Nepal</b>	Sindhupalan- chowk				Kadambaas VDC, Ward no. 9	Tamang	F (22)	1
	Ramechap	Phapu VDC Ward no 8	Sunuwar	M (27)				1
	Sindhuli				Durgyauli VDC, Ward no. 8	Danuwar	F (33)	1
	Lalitpur	Lalitpur Municipality, Ward no. 20	Newar	M (70)	Lalitpur Municipality	Newar	F (20)	2
	Kathmandu	Kirtipur Municipality, Ward no. 13	Hill Brahmin	M (38)				1
	Sarlahi	Laxmipur Sukhachain VDC	Koiri	M (35)	Murtiya VDC, Ward no. 5	Koiri	F (35)	2
	Parsa	Parsawani birta VDC, Ward no. 1	Yadav	M (51)	Birgunj Municipality	Yadav	F (40)	2
	Chitwan	Sidhi VDC		M (47)	Korak VDC, Ward no. 9		F (24)	2
	Mahottari	Btoliya VDC, Ward no. 2	Terai Brahmin	M (35)	Jalwshow Municipality, Ward no. 5	Terai Brahmin	F (18)	2
	<b>West Nepal</b>	Mustang	Jomsom, Ward no. 8	Gurung	M (22)			
Parbat		Siwalaya VDC, Ward no. 9	Dalit	M (21)	Sivalaya VDC, Ward no. 5	Dalit	F (30)	2
Gulmi		Tamghas	Magar	M (29)	Simichor VDC	Magar	F (22)	2
Syanja					Baglung Municipality	Hill Brahmin	F (21)	1
Nawalparasi		Pratap, Ward no. 3	Tharu	M (45)	Ramgram Municipality, Ward no. 1	Tharu	F (40)	2
Rupendehi		Siddhartha Municipality, Ward no. 6	Muslim	M (45)	Municipality, Ward no. 2	Muslim	F (24)	2
<b>Mid-West Nepal</b>		Jumla	Birat VDC, Ward no. 7	Hill Brahmin	M (50)	Chandannath, Ward no. 7	Chettri	F (40)
	Surkhet				KhaniKhola VDC, Ward no. 9	Chettri	F (26)	1
	Jajarkot	Khagenkot, Ward no. 3	Damai	M (34)	Khani Khola VDC	Damai	F (26)	2
	Banke	Nepalgunj Municipality, Ward no. 2	Muslim	M (56)	Nepalgunj – 9	Muslim	F (38)	1
	Dang	Chorari Municipality Ward no. 2	Sanyasi	M (56)	Ghorahi Municipality Ward no. 5	Sanyasi	F (41)	2
<b>Far West Nepal</b>	Bhajang	Maibisauna VDC, Ward no. 7	Sarki	F (23)				1
	Dadeldhura	Koteli VDC, Ward no. 1	Chettri	M (30)				1
	Kanchanpur	Deji VDC	Chettri	M (20)	Bhimdanta Municipality	Hill Brahmin	F (32)	2

### **Key informant interviews**

Nine key informant interviews were conducted by Saferworld in January 2011, with current and former representatives of the security sector, government officials, political party leaders, international organisations and civil society. A substantial amount of time was used to build a rapport with the interviewee before the interview began. A one-to-one interview was then conducted with each individual, guided by an open-ended questionnaire.

### **Validation workshops**

Validation workshops were conducted by Saferworld and IDA in order to share key research findings with a number of different stakeholders and provide an opportunity for comments and feedback on the findings to be incorporated into the final report. Ten validation workshops were held in November and December 2010, including four with the Nepal Police and five with wide representation at the district level, as follows:

1. With policy-level officers in the Nepal Police at their headquarters on 22 November 2010.
2. With junior officers in the Nepal Police at their headquarters on 22 November 2010.
3. With policy-level officers in the Nepal Police in Janakpur.
4. With senior officers in the Nepal Police in Kathmandu on 7 December 2010.
5. With representatives of international donor agencies and international NGOs in Kathmandu on 8 December 2010.
6. With representatives of civil society (including representatives of academia, women's support groups and local NGOs/community support organisations (CSOs) and the media), government, political parties, and the security sector in Ilam on 10 December 2010 – this workshop was also organised with the support of a local NGO working in Ilam called Human Rights Network and Peace Action Group (PAG Nepal).
7. With representatives of civil society (including representatives of the media, women's support groups and local NGOs/CSOs), government, political parties, and the security sector in Hetauda in Makawanpur district on 20 December 2010 – this workshop was also organised with the support of a local NGO working in the Makawanpur district called Women Skill Creation Centre.
8. With representatives of civil society (including representatives of women's support groups and local NGOs/CSOs), government, political parties, the business sector and the security sector in Nepalgunj in Banke district on 30 December 2010 – this workshop was also organised with the support of a local NGO working in the Kailali district named Creation of Creative Society.
9. With representatives of civil society (including representatives of local NGOs/CSOs), government, political parties, and the security sector in Nepalgunj in Banke district on 28 December 2010 – this workshop was also organised with the support of a local NGO working in the Banke district called Active Forum for Human Rights Awareness.
10. With representatives of civil society (including representatives of local NGOs/CSOs), international NGOs, government, political parties, and the security and justice sector in Bhairahawa in Rupandehi district on 22 December 2010 – this workshop was also organised with the support of a local NGO working in the Rupandehi district called Indreni Rural Development Centre.

**Interdisciplinary Analysts, established in 1996, is a Kathmandu-based research and consultancy firm which works in the areas of natural resource management, institutional designing and renewable energy. For the past several years it has been specialising in public opinion surveys.**

**Saferworld works to prevent and reduce violent conflict and promote co-operative approaches to security. We work with governments, international organisations and civil society to encourage and support effective policies and practices through advocacy, research and policy development and through supporting the actions of others.**

**COVER PHOTO:** A traffic police officer and regular police officer talking to young people in Kathmandu. © GMB AKASH / PANOS PICTURES



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