

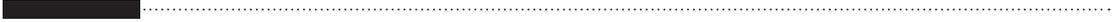
**Interdisciplinary Analysts** and **Saferworld**

# Treading water?

**Security and justice in Nepal in 2009**



**March 2010**



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INTERDISCIPLINARY ANALYSTS AND SAFERWORLD

**MARCH 2010**

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This report is the result of close collaboration between the Kathmandu-based organisation Interdisciplinary Analysts (IDA) and international non-governmental organisation (NGO) Saferworld. The opinion survey was developed by IDA and Saferworld and was then carried out across Nepal by IDA, whose research team was led by Sudhindra Sharma and included Pawan Kumar Sen, Bal Krishna Khadka, Shuveccha Khadka and Lila Acharya with Dipak Gyawali advising the team. IDA was also responsible for assisting in conducting validation workshops organised by Saferworld. Initial analysis of the survey results was prepared by IDA. This analytical report was then written by Eleanor Gordon with support from Sudhindra Sharma, Subindra Bogati, Rita Khatiwada, Larry Attree, and Rosy Cave. It was copy edited by Andreas Paleit and designed by Jane Stevenson.

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## Acronyms

CBO	community-based organisation
CDR	Central Development Region
CPA	Comprehensive Peace Agreement
EDR	Eastern Development Region
FWDR	Far-Western Development Region
MWDR	Mid-Western Development Region
NGO	non-governmental organisation
UN	United Nations
VDC	Village Development Committee
WDR	Western Development Region

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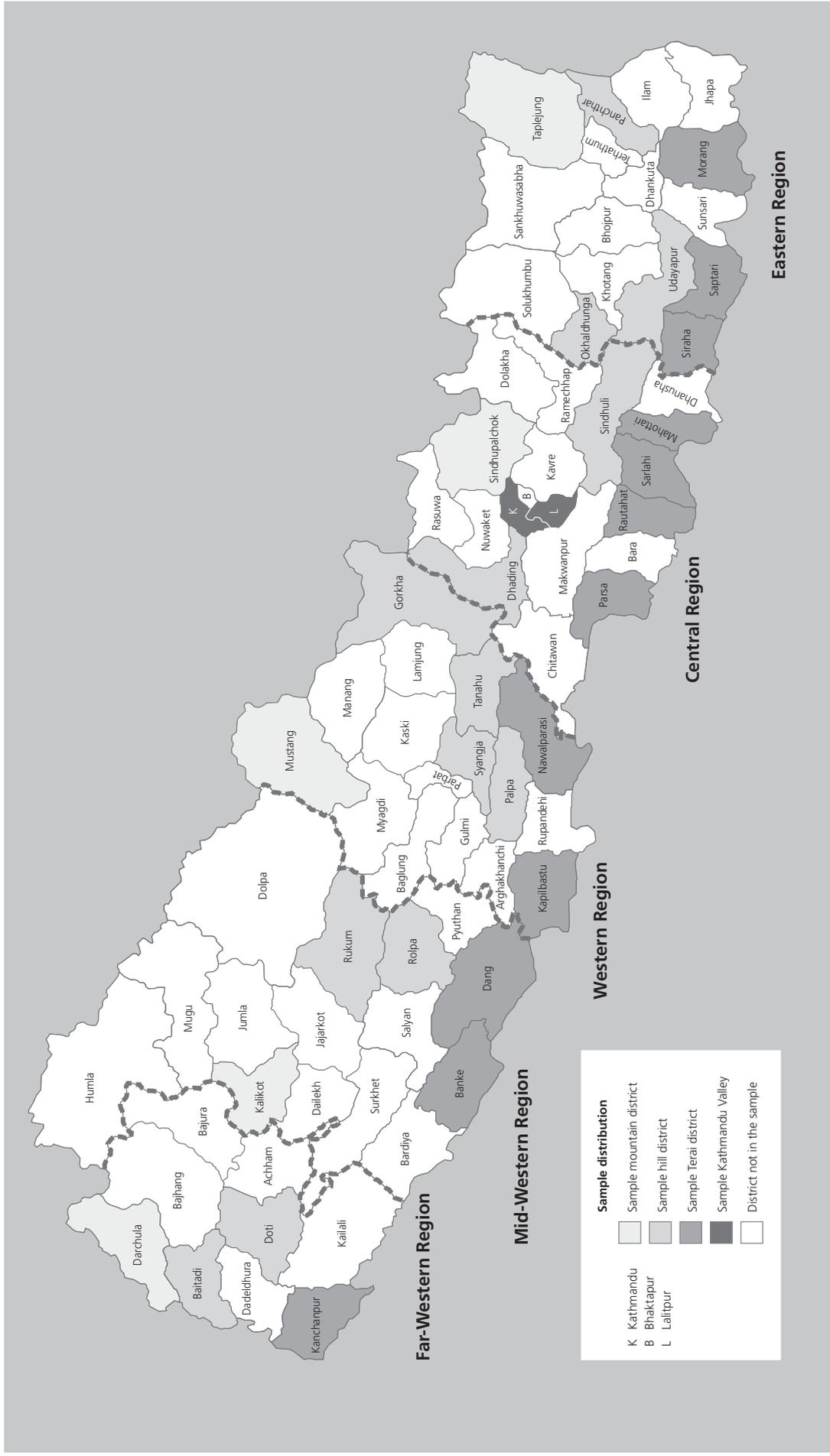
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# Nepal



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# Executive summary

**THIS REPORT ANALYSES CHANGING ATTITUDES** towards public safety and the provision of security and justice in Nepal. It presents the third in a series of surveys that track public perceptions of security and justice. The report is based on 3 methods of primary research:

- a household survey of 3004 people across Nepal, carried out in June and July 2009
- key informant interviews with relevant security professionals, Government officials and representatives of civil society organisations conducted between October and December 2009
- validation workshops with key stakeholders to discuss initial findings, held in 4 locations in October and November 2009.

## Waning optimism and fears for stability

There has been a sharp decline in the proportion of people who are optimistic about Nepal. Only 21 percent of respondents now say the country is moving in the right direction, compared with 57 percent in 2007, when the first survey was conducted. And 46 percent now think it is moving in the wrong direction, compared with just 13 percent in 2007. Of these, almost half (45 percent) attribute their pessimism to a lack of progress in law and order. The Government is seen as unable to maintain law and order by 61 percent of respondents; of these, over half (57 percent) attribute this failing to a lack of understanding between political parties.

Of perhaps even graver concern is the public perception that Nepal is unstable: 38 percent of survey respondents citing this as the reason why the country is moving in the wrong direction in 2009, compared with 17 percent in 2008.

## Socio-economic development

Economic hardship is of primary concern to the people of Nepal. Asked what were the 2 biggest problems facing the country, the top 3 answers were poverty (cited by 42 percent of people), unemployment (33 percent) and the rise in price of basic commodities such as rice and fuel – the so-called ‘price hike’ (21 percent). Concerns also exist regarding *bandhs* (strikes or closures, cited by 19 percent) and the lack of development and infrastructure (14 percent). So while law and order, political consensus and instability are popular reasons given for the country not going in the right direction, socio-economic problems are considered the most serious challenges facing Nepal.

## Safety and fear of crime

People feel safer than they did in 2008. However, 15 percent of respondents still think that a lack of safety is one of the two biggest problems facing the country. Insecurity remains high around clusters of the Terai and Central Development Region (CDR) and the Eastern Development Region (EDR). Although the vast majority of respondents nationwide (75 percent) feel safer in their neighbourhoods than before *Jana Andolan II*, 7 percent still see crime as one of Nepal's two biggest problems. While there is a perception that crime is high and rising, a small but significant proportion of respondents reported that they or their relatives had fallen victim to crime during the past year (10 percent).

However, it is plausible to suggest that the high levels of pessimism, most closely associated with a perceived decline in law and order, may recently have curtailed as a result of the Special Security Plan, which was not implemented until August/September. The survey was conducted in June/July, so captured a perceived decline in law and order before the introduction of the plan. The validation workshops (conducted in October/November) and key informant interviews (October–December) identified perceptions that the crime rate had declined and law and order had improved, for instance in the Terai.

## Gender and security

There were few differences between male and female responses to the survey. However, many more women than men felt unable to comment on survey questions, particularly regarding security and justice sector institutions. In general, men were slightly more concerned about political uncertainty, unemployment and lack of safety than women, who were more concerned than men about poverty, the price hike and crime.

The validation workshops suggested that women's feelings of insecurity outside as well as inside the home were high, although the majority of survey respondents believed women would feel safe going out alone after dark. Other analyses suggest that gender-based violence in Nepal may be of greater concern than this indicates.<sup>1</sup> Further in-depth research is thus required to verify levels of victimisation and insecurity due to gender-based violence, and confidence in reporting on it.

## The carrying and misuse of small arms

There has been an apparent increase in the carrying of small arms. The proportion of people saying they have seen someone other than police or army officers in their neighbourhood carrying small arms has more than doubled from 6 percent in 2008 to 13 percent in 2009. However, a big majority (64 percent) still perceive the misuse of small arms to be decreasing. More people in urban areas say that the misuse of arms is increasing (5 percent) or about the same (18 percent) than those living in rural areas (2 percent and 9 percent respectively). Previous reports have identified the increasing concern of security officials regarding the availability of small arms in Nepal and the resultant adverse impact on safety and security, particularly the fuelling of crime and violence, notably in the Terai. Both Madhesis and non-Madhesis (13 percent each) are much more likely to have seen small arms being carried in the past year than in 2008 (8 percent and 4 percent respectively).

## Confidence in state security and justice institutions

There is broad public confidence in the Nepal Police, which has significantly increased since the signing of the Comprehensive Peace Agreement (CPA). 50 percent of respondents would seek protection from violence from the Nepal Police before any other institution, compared with 38 percent in the 2007 survey. An overwhelming majority (89 percent) say they feel confident reporting crime or acts of violence to the

<sup>1</sup> See, for example, United Nations Populations Fund (UNFPA), 'Priority Areas for Addressing Sexual and Gender Based Violence in Nepal', (HURDEC, 2007), <http://nepal.unfpa.org/pdf/publication/Mapping%20of%20GBV%20Services.pdf>.

Nepal Police. The Nepal Police are also considered efficient at protecting society from crime by 79 percent of respondents (compared with 70 percent in 2008) and are trusted by 81 percent (66 percent in 2007). More people than in previous years (62 percent, compared with 46 percent in 2007) think the Nepal Police are successful in bringing criminals to justice. Still, half of all respondents would not turn to the Nepal Police first to seek protection if threatened with violence, and there appear to be widespread concerns about police corruption, political interference, exclusion and discrimination.

The Nepal Army is trusted by 74 percent of respondents, but people think it could be improved by eliminating political intervention, strengthening discipline and prohibiting officers' involvement in political activities. One of the most contentious issues in post-conflict Nepal is the existence, in effect, of 2 armed forces and the impasse concerning the integration and rehabilitation of Maoist Army combatants, as called for in the CPA and the Interim Constitution of Nepal. Limited progress in this area reflects the sensitivity of the issue, the lack of trust between key parties and the lack of a common vision for the future of the country.

The number of people who say they would seek justice in the courts has increased steadily from 34 percent in 2007 to 44 percent in 2009. Likewise, more people have become satisfied with the court in their district: 50 percent are now satisfied, compared with just 22 percent in 2007. When asked, however, what should be done to improve access to justice, many said court processes should be expedited (22 percent) and legal aid should be provided to those who cannot afford it (29 percent). A significant proportion (22 percent) said the Government should make people more aware of the justice and legal systems. This underscores the public's belief that unless people have access to knowledge about their rights and the services available to them, equal access to justice becomes impossible.

### **Informal security and justice mechanisms**

The research suggests that informal security mechanisms are not very prevalent across Nepal. Only 11 percent of respondents said such mechanisms existed in their neighbourhoods, a figure similar to previous years. Most people (as many as 95 percent in some cases) were aware of the existence of various informal justice and dispute resolution mechanisms; of these, up to a quarter had availed themselves of their services. Of those that had contacted such institutions, most considered them helpful and successful in facilitating their access to justice. They also said that they would use the services of these institutions again.

### **Equality and inclusion**

People generally do not think the formal security institutions are inclusive or represent all people in Nepal. Only 36 percent think the State security services represent their caste or ethnic group, whereas more than half (53 percent) think they do not. This is slightly improved upon the 2008 survey's findings, when 31 percent thought there were enough members of their caste/ethnic group in the State security services and 57 percent did not.

Only 17 percent of respondents think there are enough women in the State security services. A big majority (71 percent) believe there should be more women in the Nepal Police, though this is a slight fall from the 2007 figure of 77 percent. However, only 3 percent think recruiting more women is a priority for the Nepal Police, and just 11 percent think the recruitment of members of all ethnic groups is a priority.

Almost half (49 percent) of the respondents think the Nepal Police do not treat all groups equally while only 36 percent think they do. Of those who believe the Nepal Police do not treat all groups equally, 82 percent believe poor people are treated unfairly. Many also believe uneducated people (32 percent) and those with no access to political parties (31 percent) are treated unfairly. On a more positive note, only

9 percent now think the Nepal Police discriminate against women (compared with 34 percent in 2007) and only 10 percent think they discriminate against particular castes/ethnicities (compared with 19 percent in 2007).

Only 36 percent of the respondents believe the courts treat people equally, mirroring the 2008 survey. Again, poor people are believed to be at a particular disadvantage.

In this survey, the public has again clearly indicated that it does not believe the State security and justice institutions represent them or treat them equally. Without inclusive institutions that treat all members of society equally, there cannot be equal access to justice and protection – key building blocks for stability and the rule of law.

### Expectations and hopes for the future

There has been a marked decline in optimism about the prospects for justice in Nepal. Only 27 percent of respondents believe the future will bring better access to justice, against 39 percent who believe it will not. In 2007, 42 percent believed that they would have greater access to justice in the future, while only 19 percent thought things would get worse.

Just 28 percent of respondents said the level of law and order would improve over the coming months, as against 41 percent who thought it would not. Of these, 45 percent cited a lack of Government commitment to maintaining law and order as a reason. A similar proportion (42 percent) blamed a lack of commitment to the peace process by political parties, while others blamed increasing anarchy (29 percent) and impunity (26 percent). In the context of a general low regard for the inclusiveness and fairness of security sector institutions, 14 percent blamed the lack of progress on the demands of Janajatis, Madhesis, Dalits, Tharus, youths and women.

To improve security, many survey respondents thought the Government should increase employment opportunities (39 percent), control the price hike (23 percent), crack down on *bandhs* (19 percent) or improve roads and other infrastructure (15 percent). As already observed, public optimism about the future is significantly determined by confidence in law and order, while the public believes the major problems facing Nepal are socio-economic in nature. In the responses to this question, the public directly links unemployment and economic hardship with crime and insecurity. Whether national priorities now lie in security or human development, addressing constraints to growth in business and employment levels, such as the poor condition of roads and other infrastructure, is therefore of critical importance.

### Recommendations

As previous reports have done, this report presents the strong views and valid recommendations of the public for Nepal's security situation. The overriding issue of concern is that the public feels its concerns are going unaddressed. Linked to the increasingly widespread concern about economic hardship is an increasing sense of pessimism about the future. This is tied to a belief that there is little understanding between the political parties, which limits the ability of the Government to maintain law and order.

The recommendations voiced by the public offer an important basis for renewing progress that those involved in the security and justice sectors and the development of a National Security Strategy should consider if they aspire to create institutions that are inclusive, responsive and effective.

- **Address the perception of instability.** Political parties in Nepal, foreign governments and the United Nations (UN) need to address the growing perception that Nepal is unstable. Foreign governments need to work with Nepali actors to renew the momentum of the peace process and, through good governance and socio-economic development, prevent the emergence of new armed groups.

- **Demonstrate commitment to peace.** The Government needs to demonstrate a renewed focus on the peace process and on the issues that are most important to ordinary Nepalis, outlined in detail in this report.
- **Improve understanding between political parties.** Working relationships need urgently to improve to reassure the public that the Government can maintain law and order and that there is cause for optimism for the future. The public also wishes to see more Government effort to ensure that no political/youth groups stray into criminal activities.
- **Reduce reliance on *bandhs*.** Political parties should increase their co-operation to reduce recourse to *bandhs* by their supporters; they should also campaign to discourage their use. The Government should identify alternative ways for the public to communicate concerns effectively.
- **Make progress on socio-economic development.** Socio-economic hardship seriously undermines security and law and order. Conversely, insecurity hampers socio-economic development. Consequently, socio-economic development and the provision of security and justice need to be pursued simultaneously, in a co-ordinated and mutually supportive way.
- **Localise the security response.** National security strategies should recognise and respond to differences in the perceptions and experiences of security and insecurity in different parts of Nepal.
- **Address crime, the causes of crime and the perceptions of crime.** In order to improve security and law and order, it is important to target crime and its causes. People's perceptions of the crime rate are often at variance with actual crime rates, so it is necessary to address those perceptions through methods such as outreach work and community policing.
- **Fight police corruption.** If public confidence in the Nepal Police is to increase and more people avail themselves of their services, action to identify, punish and prevent corruption needs to be taken. As a first step, there should be a thorough investigation into corruption and criminality in the political administration as well as the criminal justice system.
- **Stop political interference in the security sector.** Action needs to be taken over the level of political interference in the Nepal Police and Nepal Army, and over the involvement of their officers in political affairs.
- **Ensure transparent personnel and disciplinary procedures in security and justice institutions.** The professionalism and effectiveness of institutions, as well as public support for them, is dependent upon fair and transparent personnel and disciplinary procedures.
- **(Re)establish police posts.** The number of police posts should be increased and their (re)establishment accelerated. There is a correlation between security and the existence of a local police post. There is also much support for establishing police posts where they don't already exist.
- **Promote community policing.** As recommended in the 2007 survey, the principles and philosophy of community policing, based on a public-service ethos, should be made mainstream in the Nepal Police and extended throughout Nepal.<sup>2</sup>
- **Publicise procedures for complaints.** There should be clear channels for the public to hold security and justice institutions to account. The public should be made aware of complaints procedures.

<sup>2</sup> Cf Saferworld, 'Public Safety and Policing in Nepal', (Saferworld, London/Kathmandu, 2007), pp iv-v, in which the public demands of the police were summarised as: 'serve society; uphold the law; work with the community; protect human rights; be co-operative and communicative; be polite and respectful; be competent, responsible and accountable; treat everyone equally; represent all communities; be apolitical.'

- **Implement awareness and communication strategies.** The public should be given accurate and adequate information to understand the policies and actions of the security and justice institutions. Building greater awareness and consulting the public should be integral to any endeavour to develop institutions and policies that are responsive to the needs of the people.
- **Inform and empower women.** Security and justice actors including civil society should inform and empower men and women so they are equally equipped to use and comment on security and justice sector institutions and their services.
- **Ensure equal treatment for all.** The poor, minorities and those who lack education should have access to information and receive equal treatment from the institutions that are there to serve them.
- **Make security and justice institutions representative.** Security and justice sector institutions need to reach out to and recruit more women and people from diverse castes and ethnicities.
- **Clarify and distinguish mandates within the security and justice sectors.** In order to facilitate transparency, co-ordination and effectiveness, clear mandates of the various actors within the sectors should be defined. Ideally, this should occur within the context of a wider security needs assessment under a security and justice sector development or National Security Strategy development process.
- **Adequately resource and support the police.** An organisational needs assessment should be undertaken in order to determine what resources the Nepal Police requires to fulfil its responsibilities. This should also ideally occur within the context of a wider security needs assessment under a security and justice sector reform or National Security Strategy development process.
- **Extend the reach and responsiveness of State security and justice institutions.** Trust and confidence in these institutions, particularly the police, appears to be widespread and increasing, but it would make good sense for the Government, with the support of interested donors, to extend the presence and responsiveness of State security and justice institutions in communities.
- **Ensure equal access to justice.** Efforts should be made to expedite court processes and provide legal aid to those who need it.
- **Investigate women's security.** Given some inconsistency in the data solicited by different methods in this report, and the availability of other research contradicting the current survey's findings, further investigation into women's security would be valuable.
- **Investigate small arms possession.** Officials in the security sector should develop research and analysis on, and look for ways to address, the rise in sightings of small arms and the apparent demographic changes in small arms possession and use.
- **Take action on reintegration.** Accelerate progress on the integration and rehabilitation of Maoist Army combatants, as called for in the CPA and the Interim Constitution of Nepal.
- **Strengthen civil society.** Strong civil society organisations can hold security sector institutions to account, helping to identify priorities, professionalise them and secure the support they need from the public. All stakeholders need to encourage civil society to engage in processes to improve the security and justice sector, and support it in growing more knowledgeable, experienced and representative of the public.
- **Develop a National Security Strategy.** The capacity and responsibilities of the security sector need to be clarified based on 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 that the security sector achieves co-ordination, transparency, independence, effectiveness and public support.

- 
- **Improve international community engagement.** The international community, particularly if co-ordinated, can effectively influence and build the capacity of the Government of Nepal to benefit from international best practices in its pursuit of security and justice sector development.

These recommendations are discussed in more detail at the end of this report.

# 1

## Introduction

**THE YEAR 2009** witnessed the fall of the Maoist-led Government in May, symptomatic of the increasing distrust and rift between the Unified Communist Party of Nepal (Maoist) – UCPN(M)<sup>3</sup> – and other political parties, and a growing disenchantment with the peace process. The result has been destabilising and has undermined the sense of security and optimism created by the signing of the CPA in 2006 and the major political events of 2008. Consequently, concerns about the ability of the Government to maintain law and order have increased, as have the levels of insecurity and fear of crime (although the recent enactment of the Special Security Plan is perceived to be having a positive impact upon the level of law and order). Deteriorating infrastructure and declining economic growth have also further undermined people's sense of security and hopes for the future. Similarly, increasing insecurity further weakens the fragile economy, and further hinders development and reform. It is therefore more necessary than ever to attend to matters of security and, above all else, the thoughts and experiences of the people of Nepal in respect of security, peace and justice.

This report presents an analysis of perceptions of public safety and the provision of security and justice in Nepal in summer/autumn 2009. It builds upon similar research undertaken in 2007 and 2008. 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 2008's expanded focus of considering other key security actors beyond the police, security and justice sector reform, small arms possession and use, gender and security, and the link between socio-economic development and security. This report also broadens the focus on border management and the justice sector, especially informal justice and dispute resolution mechanisms.

This is the third 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

<sup>3</sup> Since 13 January 2009, upon its merger with Communist Party of Nepal-United Centre (Masal), the CPN(M) has been renamed the Unified Communist Party of Nepal (Maoist) – UCPN(M).

of public perceptions of security and are in line with the needs and wishes of all Nepalis. This is particularly true for those involved in a security and justice sector development or National Security Strategy development process, especially if it is to be inclusive, representative and responsive as well as effective and sustainable. This report will also be of value to a broader audience that includes journalists, academics and members of civil society organisations 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 must be informed by the views and aspirations of its people.

## Methodology

The 2009 report was based on 3 key sources of primary research:

- a household survey of 3004 people across Nepal, carried out in June/July 2009
- key informant interviews with relevant security professionals, Government officials, political parties and representatives of civil society organisations conducted in October/December 2009
- validation workshops across Nepal with key stakeholders to discuss initial findings, held during October/November 2009.

The validation workshops provided a crucial opportunity for key stakeholders to reflect upon the findings of the survey questionnaire and for those reflections to be incorporated into the report. However, the security sector developments that occurred during the 4 months between the survey and the workshops will have an impact upon public perceptions of security and related matters. Notably, the introduction of the Special Security Plan, as mentioned above, has had a marked impact upon the level of law and order in certain areas in Nepal and may have influenced people's perceptions of security. This was highlighted in the validation workshops and key informant interviews, in which it was suggested that incidents of crime had decreased in the Terai and elsewhere as a result of the Special Security Plan.

In order to allow comparisons across the years, the survey questionnaire for 2009 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. A number of new questions were also asked in line with the expanded focus of the study regarding border management and informal dispute resolution mechanisms.

This report highlights the main findings of the 2009 research and compares these results with the findings from 2007 and 2008. The full survey questionnaire and tabulated statistics from the household survey are available online at [www.saferworld.org.uk](http://www.saferworld.org.uk). Further information regarding in-depth and key informant interviews is available upon request from Saferworld or Interdisciplinary Analysts (IDA)<sup>4</sup>.

## Structure of the report

The next section of the report (Chapter 2) establishes the context for the 2009 research. It summarises the key findings of the research from previous years and describes 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 their assessment of the performance of

<sup>4</sup> Interviewees' identities remain confidential.

their Government, particularly in the maintenance of law and order. The chapter pays specific attention to the link between security and socio-economic development as well as issues related to gender and security. The chapter concludes with a brief overview of attitudes towards the possession and use of small arms, in the context of fears about rising crime and insecurity. Chapter 4 assesses the performance of security and justice institutions, particularly by looking at the level of public confidence in these institutions as well as how inclusive and impartial they are. This chapter also presents recommendations for how certain institutions can improve based on public opinion. In addition, this chapter expands the previous reports' focus on the justice sector by attending to the issue of access to justice and analysing the impact of informal security and justice mechanisms in Nepal. Chapter 5 reflects upon the previous chapters and considers the public's expectations and hopes for the future. In particular, the chapter looks at whether or not people anticipate an improvement in law and order or access to justice in the coming months. The chapter concludes with an overview of what the public believes the Government should do to improve security in Nepal and its communities. Based on the findings of the previous chapters, Chapter 6 provides a conclusion and detailed discussion of recommendations for addressing the key issues identified.

# 2

## Findings from 2007 and 2008 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 in spring/summer 2007 when the decade-long conflict had recently ended and was still very fresh in most people’s minds. 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. Nonetheless, new sources of insecurity, particularly in the Terai, and an associated rise in crime, had emerged. In the Terai, the ‘Madhesi Movement’ expressed the anger and frustration felt by many people in that area, often violently. The rise in crime was seen to be a result of the security vacuum left immediately after the conflict. Frustration was also emerging with delays in the political process, particularly the election of a new Constituent Assembly, which was fuelling fears that the election would catalyse 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 the months preceding the report, 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 CPN(M) leader, Pushpa Kamal Dahal (Prachanda), elected as Prime Minister. These historic events would certainly have impacted the general mood of the public, which can be seen to be reflected in the study. Nonetheless, while the political process had gathered momentum, the report highlighted the lack of progress on security matters, including the integration of Maoist Army combatants into the security services, their rehabilitation into society and transitional justice issues such as reparations and investigations of alleged war crimes and human rights violations. Moreover, the security situation had deteriorated in parts of Nepal, notably in the Terai, which, coupled with widespread impunity, became a source of great discontent for many members of the public. This discontent was fuelled by the escalating economic crisis and poor infrastructure throughout Nepal, which suffered as a direct result of the conflict and inactivity on the part of the Government and others responsible.

This chapter outlines the key findings of the 2007–2008 reports, before providing an overview of key events of the past year, all of which should provide the context in

which the household survey, interviews and validation workshops were conducted in the summer and autumn of 2009.

### Key research findings of the 2007–2008 reports

- **Hope for the future.** 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. Compared with those who thought things would get worse, twice as many people – approximately two-fifths of the survey respondents – believed that access to justice and law and order would improve. 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 with 41 percent in 2007) and 27 percent believed that access to justice would improve (compared with 42 percent in 2007). Today, around two-fifths believe that they will not have better access to justice in the future and law and order will not improve. But while optimism may have decreased, this report and the 2008 report show that people still feel much safer than they did pre-*Jana Andolan II* and the signing of the CPA. In fact, compared with how safe they felt pre-*Jana Andolan II*, people feel slightly safer in their own localities today (75 percent) than they did in 2007 (70 percent).
- **Stalled progress and concerns about law and order.** Despite the general optimism of the immediate post-conflict era, there were already concerns in 2007 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 Government, was clearly apparent from the research in 2008. As has been highlighted above in the executive summary, these feelings of frustration and concern about the problems facing Nepal are still very prevalent.
- **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. 38 percent of survey respondents from the Central Region and 32 percent from the Eastern Region were very worried about becoming victims of crime, compared with 7 percent in the Western Region and just 1 percent in the Far-Western Region. The 2008 report suggested that insecurity in the Terai had increased over the 18 months preceding the report's publication. Today, the Terai remains the most insecure region in Nepal, but it appears as though the Special Security Plan may be having a positive impact upon the crime rate in the Terai and associated levels of violence. Some Terai residents who participated in the validation workshops argued that they did not feel insecure, other than as a result of concerns about poverty and unemployment. On the other hand, other participants – also residents of the Terai – said that their insecurity arose from political interference and, to some extent, problems associated with the possession of small arms.
- **Consequences of insecurity.** The first report showed that insecurity held back economic and social development. The link between crime, violence and poor socio-economic development was further analysed in the 2008 report and is addressed in this report. All reports show that crime and violence appear to be involved in a mutually enforcing relationship with poor socio-economic development. The 3 reports

also show that for most Nepalis, the most serious source of insecurity – increasingly and by far – is the lack of socio-economic development.

- **Confidence in State security providers.** The 2007 report showed that the police were generally trusted to some extent but commanded little respect. 66 percent of survey respondents said that they had at least some trust in the police, most of whom (50 percent), however, said that they only had ‘a little trust’. 47 percent said that the police were not respected, primarily because of corruption, and because they were neither impartial nor polite. More alarmingly, the public had little confidence in police effectiveness, with only 22 percent of respondents believing that the police were reliable in bringing criminals to justice. This lack of confidence in the effectiveness of State security providers continued in 2008. The 2008 report showed that most Nepalis also believed 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 expected the State to provide security and were keen to see the police and other actors play a more active role. This report also showed that people were increasingly willing to go to the police if they fell victim to crime. The 2008 report also suggested that support for State institutions appeared to be increasing, with more people believing that they were making an effort to maintain peace and combat crime than in 2007. By 2009 confidence and trust in the police had increased significantly: 81 percent of respondents expressed some trust in the police (compared with 66 percent in 2007), 69 percent believed that the police were respected to some degree (compared with 31 percent in 2007), and 62 percent believed the 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.** In 2007, only 19 percent of respondents considered that the 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 police. The research also identified changing expectations in the Nepali population when it came to the police and other security institutions, particularly the expectation of fairer, more democratic policing and better service delivery. The 2008 report highlighted the finding that many people believed that neither the police nor the courts treated people equally. Again, the poor and those who lacked education and political connections were most likely to be discriminated against. The 2009 report shows that people generally still believe that State security institutions are not inclusive and do not treat all groups equally. However, although very low, slightly more people than in 2008 believe that the State security services represent their caste or ethnic group (36 percent compared with 31 percent of 2008’s respondents). Likewise, slightly fewer people than in 2008 believe that there should be more women in the police today (71 percent compared with 77 percent in 2007). Similar to 2008, only approximately half of the respondents believe that the police treat people equally, with poor people continuing to be at a particular disadvantage. Again, similar to 2008, only 37 percent of survey respondents believe that the courts treat people equally.
- **Individualising security needs.** The 2008 report extended the previous year’s analysis by emphasising that people in different areas of Nepal had different security needs and different understandings of security. Consequently, people had different expectations about policing and recommendations for how to improve security. This is also underscored in the 2009 report, particularly drawing attention to the different security needs and perceptions of men and women, people from different castes and ethnicities, and those with differing levels of education.
- **Small arms possession.** While security officials are concerned about the use of small arms and the impact on crime and insecurity, particularly in the Terai, 2008 research

suggested that possession and use of small arms was not prevalent. This is corroborated by the 2009 research, which also suggests that most survey respondents (62 percent) believe the misuse of arms is decreasing, with only 3 percent of respondents believing misuse of arms is increasing. However, 13 percent of survey respondents claim to have seen someone, excluding police or army officers, carrying small arms in their locality. While a seemingly small percentage of people, this is more than twice the corresponding percentage of 2008 respondents (6 percent).

- **Border management.** The 2008 report addressed the issue of border management. It highlighted the popular belief that the border with India was poorly managed, thus creating opportunities for smuggling, human trafficking, arms trafficking and other cross-border crimes. Concerns about border management are also highlighted in this report.
- **Informal security and justice mechanisms.** The 2008 report 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. The 2009 research has significantly broadened the focus on informal security and justice mechanisms.

## Major events in 2009

The year 2009 was marked by the resignation of the Maoist-led Government in May 2009, as a result of the controversy surrounding the dismissal of the Army Chief of Staff General Rookmangud Katawal by Prime Minister Prachanda on the grounds of insubordination, and his subsequent reinstatement by President Ram Baran Yadav. The dismissal on 3 May, led to the withdrawal of the Communist Party of Nepal- Unified Marxist-Leninist (UML) from the Government and the request by the Nepali Congress, together with 17 other political parties, for an immediate reinstatement. The same day, the President wrote to the Chief of Army Staff, instructing him to continue in his post, and said that the Government's dismissal of him was constitutionally and procedurally incomplete. On 4 May, the Prime Minister resigned from post. Subsequently, a coalition Government was formed under the Prime Ministership of UML leader Madhav Kumar Nepal.

Prior to this episode there had been some minimal progress in the implementation of the peace process and related key reforms. However, since entering into opposition in May, the UCPN(M) has virtually blocked Parliament, according to the most recent report of the UN Secretary-General to the Security Council.<sup>5</sup> Since the formation of the UML-led Government, as well as capturing public and private property, the Maoists have also launched successive protest programmes, boycotting the programmes of other party leaders, picketing Government offices, visiting an area of border over which there is a dispute with India, campaigning against Indian interference and declaring 13 areas of the country autonomous states. Such actions by UCPN(M) are ostensibly due to the reinstatement of former Army Chief by President Ram Baran Yadav and its dissatisfaction with some of the actions of the UML-led coalition, which reversed a few of the previous Government's decisions. UCPN(M) is also calling for democratic control of the Nepal Army and for what it deems to be the unconstitutional actions of the President to be addressed. Although the 3-day suspension of the blockage on 23 November meant that Parliament could at least pass the 2009/2010 budget, the blockage of Parliament has meant urgent matters have not been attended to. The protest programmes have also resulted in an escalation of violence and low-level clashes between Maoist protesters, State security services and youth groups.

The political impasse and distrust between the political parties has since continued.

<sup>5</sup> United Nations Security Council, 'Report of the Secretary-General on the request of Nepal for the United Nations' assistance in support of its peace process', S/2009/553, 26 October 2009, <http://www.unmin.org.np/downloads/keydocs/SG%20Report%20Oct%2009.pdf>.

This has had a negative impact on the peace process and reform in all sectors, not least in the security, economic and development sectors. There has, however, very recently, been some minimal progress on addressing the issue of the integration of Maoist Army combatants and the drafting of the new constitution, although both have suffered from repeated delays and inactivity.

Regarding integration and rehabilitation, Prime Minister Madhav Kumar Nepal has proposed 30 April 2010 as the deadline for completion of integration and rehabilitation of Maoist Army combatants, and submitted a 112-day plan of action on 5 January 2010 to a meeting of the 8-member Special Committee on Supervision, Integration and Rehabilitation of Maoist Army combatants. The time-bound calendar envisages that the Government will decide the future of the combatants living in UN-monitored cantonments by the end of April, setting the stage for the Constituent Assembly to promulgate a new constitution the following month. The plan commits the Government to encourage integration of women and under-represented groups like Madhesis into the security services. The reintegration plan proposes recounting Maoist Army combatants in cantonments, sets out options for either integration or rehabilitation, provides for freedom to choose political persuasion, and other economic support. Consensus among the parties on the numbers and standards for integration is still being sought, however. At the time of writing, according to the UN Mission in Nepal, 2,394 disqualified Maoist Army combatants had been discharged from all 7 main cantonments between 7 January and 8 February 2010.<sup>6</sup>

Despite the progress, increased political tensions and lack of progress on key reforms, unless addressed urgently, will continue to manifest themselves in increased insecurity and violence. It is vital that any opportunity is seized to resolve the tensions and deadlock, in order that increasing insecurity and violence do not take hold and that the people of Nepal have the human security that this report shows they want and need.

Public discontent with economic stagnation and under-developed infrastructure, which was growing in 2008, has worsened throughout the past year. Increasing unemployment, poverty and critical food shortages, combined with poor road, electric, water and sewage infrastructure, severely undermines the ability of people to provide for themselves and their families. In the UN's Human Development Index of 2007/08, Nepal was ranked the lowest in South Asia – a seriously concerning 142nd out of 177 countries. In 2009 it was ranked even lower at 144, with its GDP per capita ranked lower than Afghanistan, its Human Poverty Index ranked only 1 point above Rwanda, and had more underweight children under the age of 5 than Ethiopia.<sup>7</sup> In 2009, the United States think-tank, the Fund for Peace, and the magazine *Foreign Policy*, in its annually published 'Failed States Index', ranked Nepal 25th worst out of 177 states and classified its status as 'alert', because of poor performance against economic, social and political/military indicators.<sup>8</sup> Validation workshop participants rejected the idea that Nepal could be classified as a 'failed state', particularly in light of State institutions having withstood years of conflict. However one describes Nepal, the current political impasse, lack of progress on the peace process and reform efforts, growing insecurity and violence, and a worsening economic crisis with its related humanitarian concerns,<sup>9</sup> combine to create a disconcerting picture and a worrying future for the country unless action is taken. Nonetheless, this report suggests that there is hope. People feel safer and have more confidence in the police and courts. Attending to the security needs of the people of Nepal, drawing on the findings of this report and its predecessors, can help pave the way to a more peaceful and prosperous future for Nepal and all its people.

<sup>6</sup> Ekantipur, 'International community hails discharge of disqualified as "positive step"', 8 February 2010, <http://www.ekantipur.com/2010/02/08/headlines/International-community-hails-discharge-of-disqualified-as-positive-step/308025/>.

<sup>7</sup> United Nations Development Program (UNDP), 'Nepal Human Development Report 2009', (UNDP, Kathmandu, 2009), [http://hdr.undp.org/en/reports/nationalreports/asiathepacific/nepal/Nepal\\_NHDR\\_2009.pdf](http://hdr.undp.org/en/reports/nationalreports/asiathepacific/nepal/Nepal_NHDR_2009.pdf).

<sup>8</sup> For the full profile on Nepal see Fund for Peace, 'Nepal', [http://www.fundforpeace.org/web/index.php?option=com\\_content&task=view&id=362&Itemid=524](http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=362&Itemid=524).

<sup>9</sup> This does not include the effects of natural disasters and climate change, especially in the Himalaya mountain range, which is not dealt with by this report.

# 3

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## Public perceptions of security and safety

**THIS CHAPTER COLLATES FINDINGS** from the 2009 household survey, in-depth and key informant interviews and validation workshops, drawing frequent comparisons with data from 2007 and 2008. It begins by analysing general perceptions of security, whether or not Nepalis believe their country is going 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, safety and criminality, gender-related security issues and the possession and misuse of small arms.

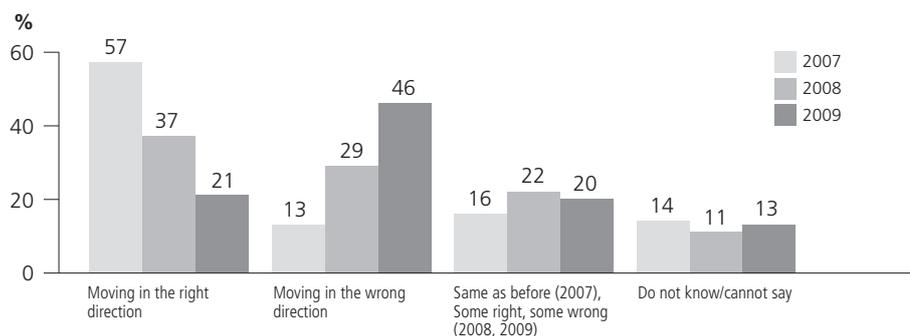
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### 3.1 General perceptions

The first survey of public perceptions of security, conducted in 2007, suggested that a large majority of the population of Nepal believed that the country had been moving in the right direction since the signing of the peace agreement. This sense of optimism has significantly declined since then, as shown in figure 1, which compares people's views on whether or not they believed the country is moving in the right direction in 2007, 2008 and 2009 (May, August and June/July respectively).

Today almost half of the people asked (46 percent) think that the country is moving in the wrong direction, while only 21 percent think that the country is moving in the right direction. This compares with only 13 percent who were similarly pessimistic in 2007 (29 percent in 2008) and, conversely, 57 percent who were optimistic in 2007 (37 percent in 2008). This constitutes a more than threefold increase in the proportion of people who believe the country is moving in the wrong direction, and a drop of almost two-thirds in the proportion of people who believe it is moving in the right direction.

**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? (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)**

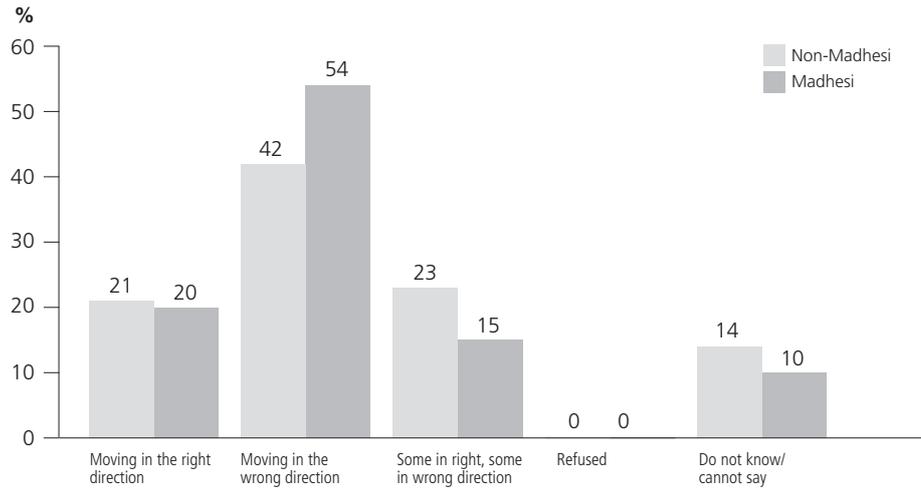


Opinion regarding the direction in which the country is going varies according to where people live. People living in urban areas are more pessimistic than those living in rural areas, with 62 percent of urban residents believing that the country is moving in the wrong direction compared with 44 percent of rural residents. In 2007 and 2008, people living in urban areas were also more pessimistic than those living in rural areas. However, the proportion of people both from urban and rural environments who believe the country is going in the wrong direction has more than trebled since 2007 (when 20 percent of those living in urban areas and 12 percent of those in rural areas were pessimistic about the future). The validation workshops held shortly after the household survey suggested that many people in both rural and urban locations thought that the country was moving in the wrong direction.

People's optimism also has regional variations. In the Mid-Western Region, 40 percent (the most popular response) think the country is moving in the right direction. With the exception of the Far-Western Region, the most popular response in all other regions is that the country is moving in the wrong direction. People in the Far-Western Region are divided on this. The largest proportion in the Terai (51 percent) and the hills (45 percent) think that the country is moving in the wrong direction, while the largest proportion in the mountains (33 percent) think it is moving in the right direction. Only 22 percent of people living in the mountains believe it is moving in the wrong direction.

Relative insecurity in the Terai, as highlighted in the 2008 report and discussed later in this report, is further evidenced by the difference in responses of Madhesis and non-Madhesis. Madhesis (54 percent) are more likely than non-Madhesis (42 percent) to say that the country is moving in the wrong direction (figure 2), compared with figures from the 2008 survey of 39 percent and 24 percent respectively. A similar number of Madhesis (20 percent) and non-Madhesis (21 percent) said the country was moving in the right direction. However, favourable responses have significantly declined since the 2008 survey, when 33 percent of Madhesis and 40 percent of non-Madhesis thought the country was moving in the right direction.

**Figure 2: 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)**



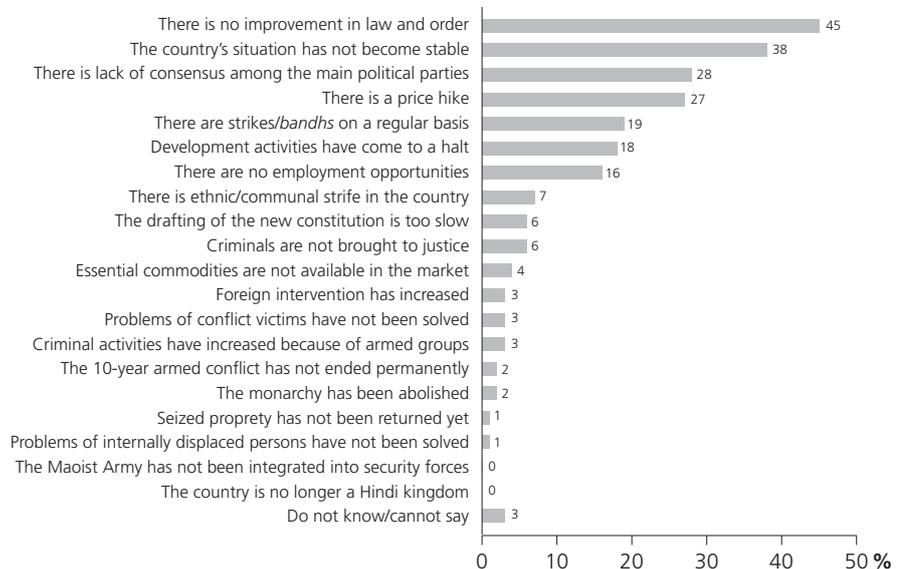
Similarly, men are more likely than women to be more critical of the current situation, with 54 percent of men against 38 percent of women saying that they believe the country is moving in the wrong direction.

### 3.2 General perceptions of security

Respondents who firmly believed the country was moving in the right or the wrong direction were asked to give their reasons for their belief. As in 2008, almost half of the optimistic and pessimistic respondents cite law and order as a primary reason. This underscores the importance of law and order for the people of Nepal at this moment and for determining their opinions about their society.

Other reasons most often cited among those who are pessimistic include lack of consensus among political parties (also heavily emphasised in the validation workshops), instability, prevalent *bandhs* (strikes or closures) and the price hike currently besetting Nepal. Lack of employment opportunities and a halt in development activities (primarily infrastructural work) are also considered to be key factors by many of the respondents (figure 3).

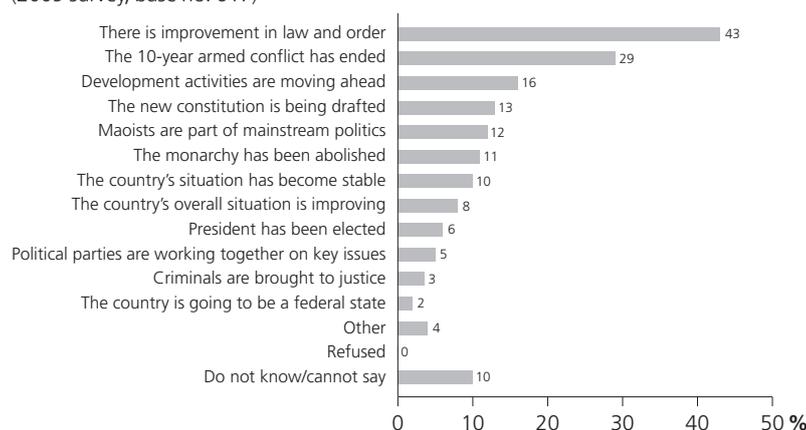
**Figure 3: If you think the country is moving in the wrong direction, then why? (2009 survey, base no. 1388)**



Despite the overriding importance of law and order, fewer people attribute blame to the state of law and order today than they did in 2008, when over half (51 percent) said it was a key factor. Similarly, although they remained of serious concern, lack of unity between political parties and the price hike were considered to be central contributing factors by slightly fewer survey respondents in 2009 (28 percent and 27 percent respectively) than in 2008 (35 percent and 42 percent respectively). The fact that people consider that the country is still not stable appears to be increasingly frustrating, with 38 percent of survey respondents citing this as the reason why the country is moving in the wrong direction, compared with 17 percent in 2008. Prevalent *bandhs*, unemployment and a cessation of development activities are also considered to be of serious concern by many more people in the most recent survey.

Aside from an improvement in law and order, the most common reasons mentioned by those who are more optimistic about the direction of the country include the fact that the 10-year armed conflict has ended, development activities are progressing and the new constitution is being drafted. Many people also think that the abolition of the monarchy as well as the integration of Maoists into mainstream politics has contributed to the positive direction of the country (figure 4). Given the recent collapse of the Maoist-led Government and the protest programme of the UCPN(M), concerns about delays in the drafting of the new constitution and worries about the cessation of development activities, it may be anticipated that general optimism will decline even further in the months ahead, unless significant efforts are made to address these concerns.

**Figure 4: If you think the country is moving in the right direction, then why?**  
(2009 survey, base no. 617)

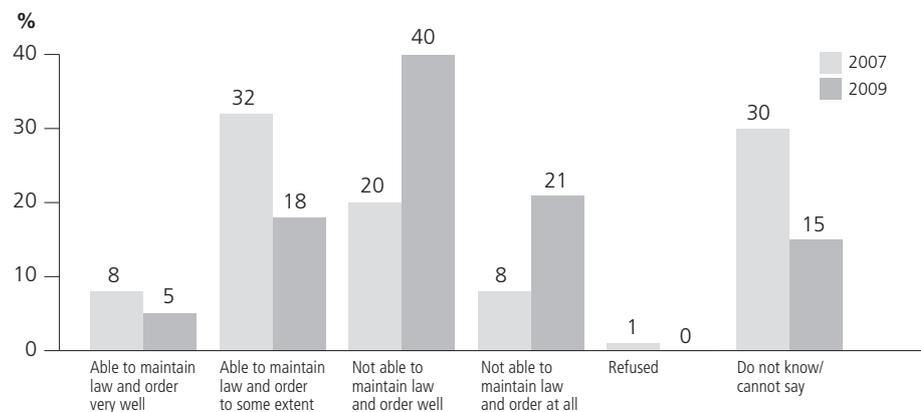


In the 2008 survey, not only were more respondents optimistic overall, but a higher percentage of these people also considered that improvement in law and order was one of the reasons the country was moving in the right direction (53 percent compared with 43 percent in the 2009 survey). In 2009, a higher percentage of people credited the abolition of the monarchy and the progression of development activities (12 percent and 16 percent, compared with 4 percent and 1 percent in 2008).

The survey endeavours to ascertain people's opinion about the ability of the Government to maintain law and order. A large majority (61 percent) think that the present Government is not able to maintain law and order: 40 percent think it is not able to maintain law and order well and 21 percent think it is not able to do so at all. In 2007, the proportion of people who thought that the Government was not able to maintain law and order was only 28 percent (figure 5). This suggests that the number of people who think the present Government is able to maintain law and order is significantly declining. However, the 'Special Programme for Effective Peace and Security, Ending Impunity and Protecting Human Rights, 2006 [2009–10]', recently enacted by the Government of Nepal, may have had a positive impact on law and order and perceptions of law and order. This programme, often referred to as the Special Security Programme or, as it is in this report, the Special Security Plan, was not implemented until

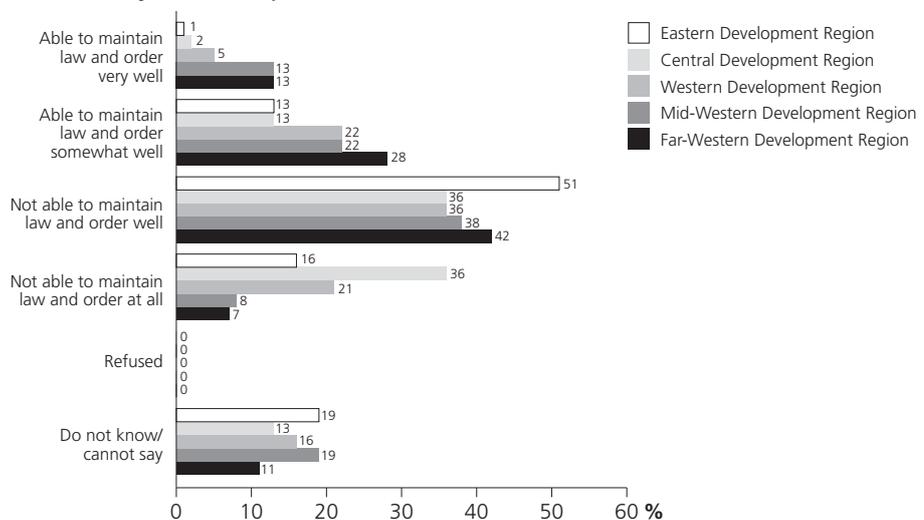
August/September. Hence only the validation workshops and key informant interviews, which were conducted after the household survey, picked up on the perception of a slight improvement in security, notably in the Terai. Key informant interviews did, however, suggest that this improvement could have been more extensive with additional police resources and staff, as will be discussed later in this report. Similarly, others suggested that the improvement could be built upon by awareness-raising programmes implemented at the grass-roots level and throughout Nepal, in the first instance by police officers who work in communities who are fully briefed on the Plan. Another key informant argued that, aside from the improvement in law and order, the Special Security Plan had effectively shown the public that the State existed, bolstering security, the perception of security and public optimism. Other interviewees indicated that security had slightly improved of late without crediting the Special Security Plan. Further research is therefore recommended in order to confirm, analyse and suggest ways to build on any improvements there have been in security and security provision.

**Figure 5: Do you think the present Government has been able to maintain law and order in the country?** (2009 survey, base no. 3004, 2007 survey, base no. 3010)



Responses regarding the Government’s ability to maintain law and order were similar across all demographics. The only exception was that more people living in Eastern (67 percent), Central (72 percent) and Western (57 percent) Regions had a low opinion of the Government’s ability to maintain law and order, compared with those in the Mid-Western (46 percent) and the Far-Western (49 percent) Regions (figure 6).

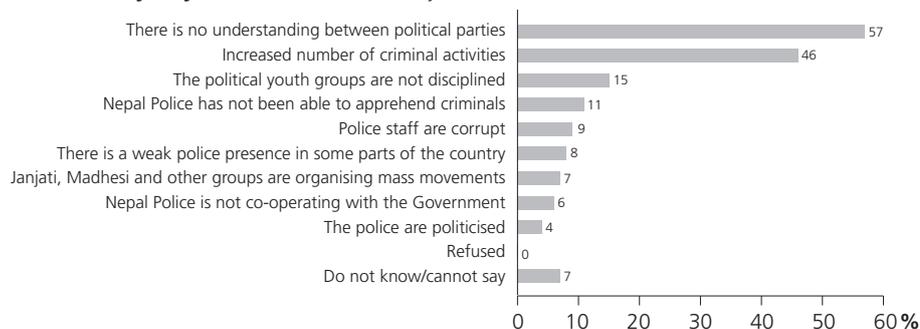
**Figure 6: Do you think the present Government has been able to maintain law and order in the country?** (2009 survey, base no. 3004)



For those who thought that the Government had not been adequately able to maintain law and order, one of the main reasons was the lack of understanding between political parties (figure 7). More than half of these respondents believed that this was a key

factor. Almost half thought that an increased number of criminal activities was to blame. A smaller but still significant number (15 percent), believed one of the main reasons was that political youth groups were not disciplined, in the sense that they created public disorder. Key informant interviews also emphasised the importance of political consensus in maintaining law and order, the peace process and, indeed, progress in other sectors that contribute to peace and stability. One interviewee, for instance, pointed out that political instability made law enforcement an impossible task.

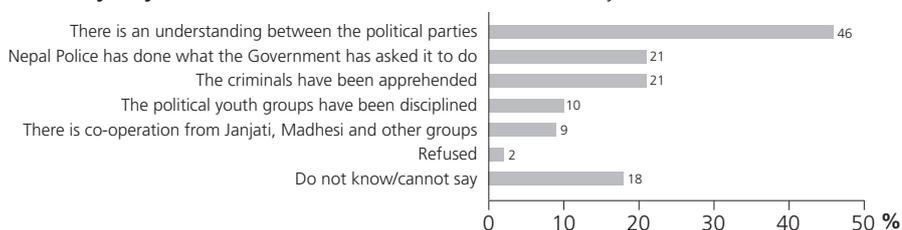
**Figure 7: If the present Government has not been able to maintain law and order at all or not well, why do you think so?** (2009 survey, base no.1841)



Given that law and order is the most common reason for Nepalis to decide whether the country is heading in the right direction, it is noteworthy that those who thought that the Government had been able to maintain law and order considered one of the main reasons to be because there was an understanding between political parties. Almost half of these respondents believed that this was a key factor. Understanding between political parties is, in other words, crucial for ensuring law and order in the country. The Nepali public sees the relationship between the Maoists and other political parties as significant in ensuring law and order. Roughly a fifth of those who considered that the Government had been able to maintain law and order thought the reason was that the Nepal Police had been doing what had been asked of it by the Government and that criminals had been apprehended (figure 8).

In 2007, more people thought the Government had been unable to maintain law and order because of the lack of understanding between political parties (72 percent in 2007 compared with 57 percent in 2009). In 2007, many fewer people saw an increase in crime as the reason (16 percent compared with 46 percent in 2009).

**Figure 8: If the present Government has been able to maintain law and order very well or well, why do you think it has been able to do so?** (2009 survey, base no. 693)



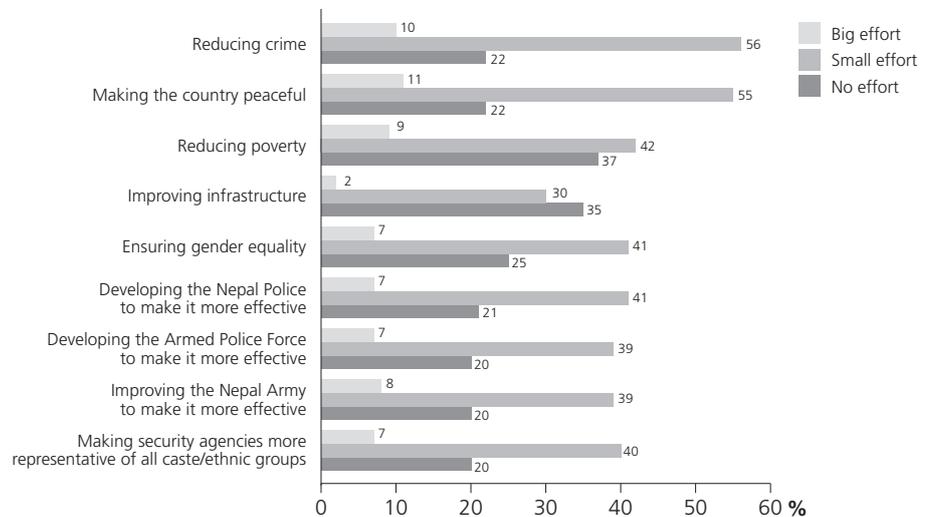
In 2007, those who thought that the Government had been able to maintain law and order were more likely to say it was because there had been an understanding between the political parties (67 percent compared with 46 percent in 2009), rather than because the Nepal Police had done what had been asked of it by the Government (8 percent compared with 21 percent in 2009) or because the criminals had been apprehended (12 percent against 21 percent in 2009).

In 2009, as in 2007, responses both by those who do and those who 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.

Two-thirds of all respondents believe that the Government is at least making some effort to reduce crime and make the country peaceful. Nonetheless, only a small fraction believes the Government is making a big effort on either goal (10 and 11 percent respectively). Approximately twice the number of respondents believe the Government is making some effort than believe it is making no effort to make core security institutions more effective and inclusive, and to ensure gender equality. Yet less than 8 percent of the respondents believe that the Government is making a big effort to address any of these issues (figure 9). Nonetheless, as mentioned above, the validation workshops and key informant interviews did suggest that people perceived a slight improvement in law and order as a result of the recently enacted Special Security Plan.

People appear to be similarly pessimistic about the Government’s efforts in reducing poverty and improving infrastructure as they are about its ability to maintain law and order. Poverty and poor infrastructure are also, as discussed below, perceived to be among the most significant problems facing Nepal and its communities. They are also considered to be key contributing factors to crime and violence. Efforts to reduce poverty and improve infrastructure should, therefore, be maximised. 37 percent of survey respondents said that the Government was making no effort to reduce poverty, while only 9 percent considered the Government to be making a big effort, with a further 42 percent conceding that the Government made some effort. As regards improving infrastructure, 35 percent of the respondents believed the Government was making no effort, compared with only 2 percent who considered the effort the Government was making to be substantial. This is of particular concern when one considers that the public has been unequivocal in identifying this as the number-one issue of concern at local level in the past 3 years of surveys.

**Figure 9: In your opinion, how much effort is the Government making in each of the following areas? (2009 survey, base no. 3004)**

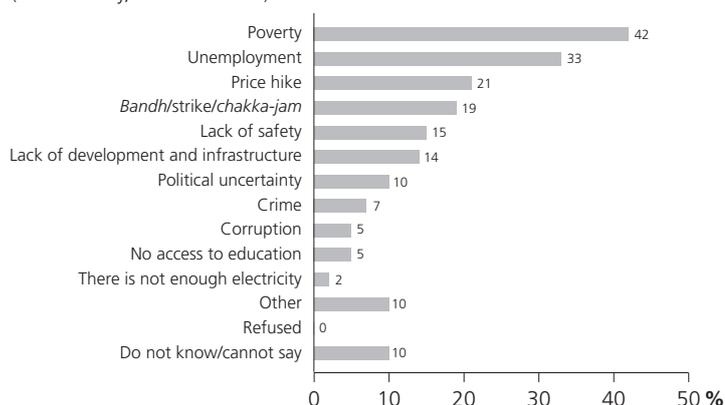


### 3.3 Link between security and socio-economic development

The 2008 survey identified a clear inter-relationship between security and socio-economic development. This was underscored in 2009’s validation workshops, key informant interviews and survey, particularly when respondents were asked what major problems Nepal was currently facing. In the 2009 survey, poverty (42 percent), unemployment (33 percent), the price hike (21 percent) and *bandhs* (19 percent) appear to be the most serious concerns. Lack of security (15 percent) and lack of development and infrastructure (14 percent) were also cited as major problems by many of the respondents (figure 10). Economic problems are of significant importance for most people, whereas armed groups, natural disasters, discrimination, inter-ethnic/communal strife, delays in the formulation of the constitution, and uncertainty about

the integration of Maoist Army combatants barely feature as major concerns (these responses are included under 'Other' in figure 10). Even most mainstream security and governance issues appear to be of lesser importance to most of the respondents than central economic issues. 10 percent of the respondents considered political instability as one of the two biggest problems, and crime was referred to by 7 percent. The 2008 report reflected a major concern regarding insecurity and increasing unrest and criminality in the Terai. In the 2009 survey, less than 1 percent of survey respondents consider it to be one of the major problems facing Nepal (this response is included under 'Other' in figure 10). However, given the continuing security concerns in the Terai, it is likely that these results simply reflect the dire economic and development situation and the increasing public concern with the financial crisis (or, rather, the manifestations of it, particularly poverty and unemployment) and poor infrastructure.

**Figure 10: In your view, what are the two major problems facing Nepal as a whole?**  
(2009 survey, base no. 3004)



Unemployment is more frequently said to be one of the two greatest problems facing Nepal by men (35 percent compared with 30 percent of women), urban residents (35 percent compared with 30 percent of rural residents) and those who have attained a higher educational level (46 percent compared with 23 percent of those who have less education). Poverty is the problem most often cited by women (46 percent compared with 38 percent of men), rural residents (43 percent compared with 34 percent of urban dwellers) and those with lower levels of education (46 percent compared with 29 percent of those with a higher educational level). For urban residents, *bandhs* and lack of safety appear to be bigger problems than for rural residents (27 and 23 percent of urban residents as opposed to 17 and 13 percent respectively of rural residents respectively). Slightly more men (18 percent) than women (12 percent) say lack of safety is one of the two major problems facing Nepal.

While we will shortly see that people feel safer than they did in 2008, many more people deem lack of safety to be one of the biggest problems facing Nepal (15 percent of respondents as opposed to 9 percent in 2008), perhaps reflecting the perception that crime is rising, as we will also shortly discuss. People are also more concerned about the lack of development and infrastructure (14 percent compared with 9 percent in 2008). Similarly, people are more concerned about *bandhs* than they were (19 percent compared with 10 percent in 2008). *Bandhs* bring day-to-day life to a standstill. They are a symptom of the failure of political processes and consensus to respond effectively to an increasing popular grievance. They also remind the wider public that there appears to be little understanding between the political parties – an issue which, in the public's mind, does not bode well for law and order in Nepal. Although the price hike is considered to be one of the most serious problems facing Nepal, the proportion who consider it to be so has dropped by almost a third since 2008.

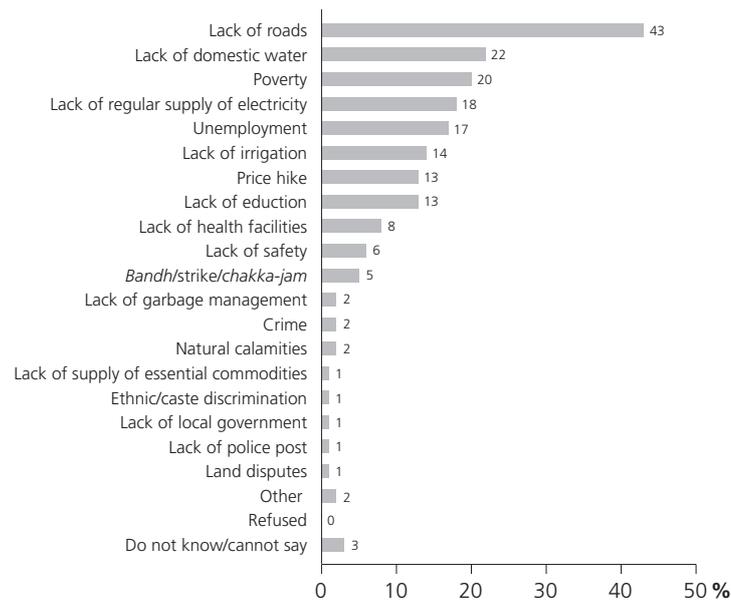
At the local level, lack of infrastructural development is considered to be of even more concern than economic hardship. 44 percent of respondents consider lack of roads to be one of the two most pressing problems in their communities – twice as many

people as those who consider any other problem to be one of the most serious. Poor road conditions have many adverse impacts, including upon the local economy, freedom of movement, access to essential services and law and order. In the validation workshops, participants mentioned that crimes were rising in rural and remote areas where the police could not access or respond to incidents in time. For instance, poor road infrastructure in the Terai near the border with India was mentioned as limiting the police’s mobility and ability to apprehend criminals. Other major problems cited by a large number of respondents included lack of domestic water (22 percent), poverty (21 percent), lack of regular supply of electricity (18 percent), unemployment (17 percent) and lack of irrigation (14 percent).

While poverty is perceived as a key problem for the nation, less than half as many people consider it a major problem in their own community. Similarly, unemployment, the price hike, crime and lack of safety are not mentioned as much when people consider problems where they live (figure 11).

It is also interesting to note that while armed groups and border crime are thought to be cause for serious concern in certain areas, the responses to this question show them to be perceived as problematic by only a tiny fraction of the population: in fact, the presence of armed groups or border disputes were each cited by only 1 person as one of the two major problems at the local level (these responses are listed under ‘Other’ in figure 11).

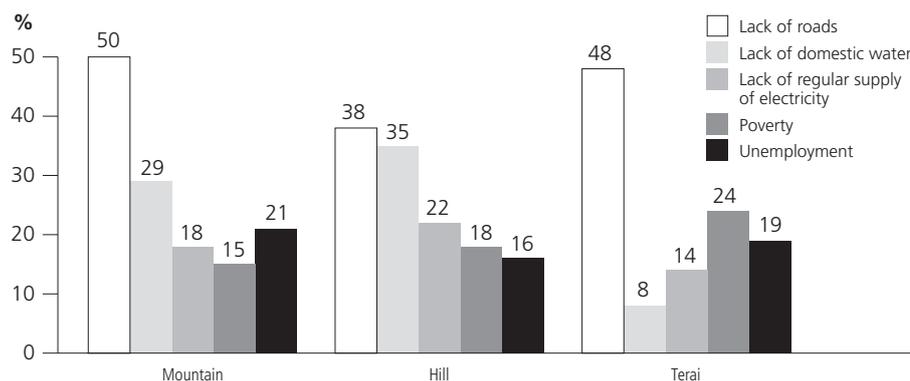
**Figure 11: In your view, what are the two major problems at the local level?**  
(2009 survey, base no. 3004)



People’s opinion on local problems tends to vary according to where they live. While lack of roads is most frequently considered to be one of the most pressing problems across the regions, more people living in the mountains and the hills identify lack of domestic water as a major problem.

**Figure 12: In your view, what are the two major problems at the local level?**

(2009 survey, base no. 3004)



Lack of roads is more likely to be considered a problem in rural areas than in urban areas (46 percent compared with 27 percent).

Compared with the 2008 survey, many more people are concerned about lack of roads (44 percent compared with 35 percent), lack of domestic water (22 percent compared with 17 percent), lack of a regular supply of electricity (18 percent compared with 12 percent) and lack of irrigation (14 percent compared with 8 percent). This clearly suggests that poor and deteriorating infrastructure is increasingly frustrating to the public – by far the most serious concern to people in their communities. Interestingly, unemployment and the price hike, while considered to be 2 of the more serious concerns, are not cited by as many people as they were in 2008 (when 22 percent and 26 percent respectively said they were the major problems facing their communities, compared with 17 percent and 13 percent respectively in 2009).

Poverty is the second most mentioned problem cited by people in the Terai (figure 12). This was underscored by some Terai residents who participated in the validation workshops, arguing that despite expectations to the contrary, they did not feel insecure, other than as a result of concerns about poverty and unemployment. However, other Terai respondents said that their insecurity arose from political interference, impunity and, to some extent, the widespread possession of small arms (see below). Key informant interviews also suggest that insecurity is prevalent in the Terai, due to the increasing number of armed groups and lack of political consensus.

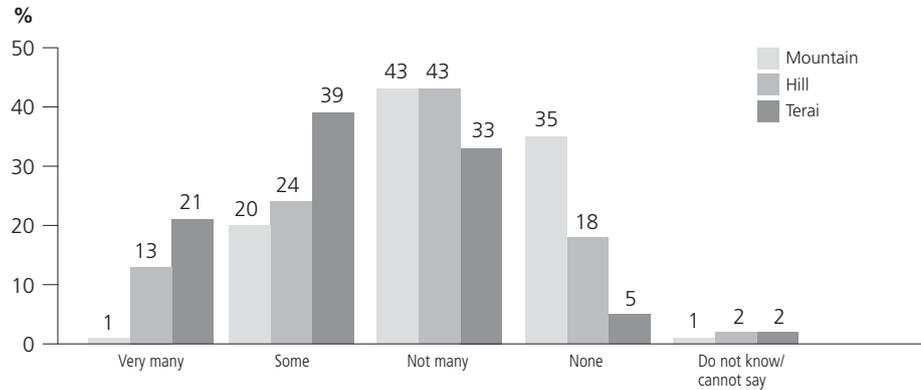
So, while law and order, political consensus and instability are popular reasons given for the country not going in the right direction, issues associated with lack of economic and infrastructural development are considered to be the most serious problems facing Nepal and its communities. In relation to this point, it is interesting to note how responses to the question regarding the impact of *bandhs* serve to illustrate that dissatisfaction with the economy and infrastructure pronounced at the local level feeds into the problems of law and order, political consensus and stability that so concern the public at the national level. In the first instance, *bandhs* often result from dissatisfaction with Government and the pace of reform – a symptom of the failure of political processes and consensus to address an increasing popular grievance effectively. In turn, *bandhs* themselves make poor economic conditions worse and adversely impact freedom of movement and security (figure 13).

**Figure 13: How have the *bandhs* impacted society?** (2009 survey, base no. 3004)



Almost half of the respondents say that *bandhs* have been organised in their locality more frequently than in the 2008 survey, with 16 percent saying that they have been organised very frequently. People in the Terai, in particular, report an increasing number of *bandhs* (60 percent), with 21 percent saying that they are organised very frequently (figure 14). However, most participants in the validation workshops thought that *bandhs* were less frequent than the previous year. This may indicate a slight decline in the number of *bandhs* over the autumn months.

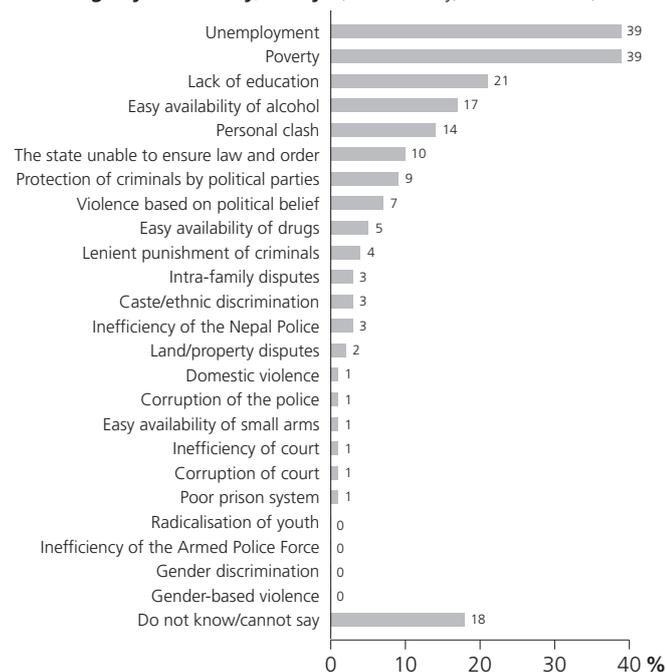
**Figure 14: Compared with one year ago, how many *bandhs* have been organised in your locality these days?** (2009 survey, base no. 3004)



As may be expected, given that the rate of *bandhs* appears to be increasing, *bandhs* are also reported to occur more frequently in urban areas than in rural areas (75 percent compared with 41 percent).

The link between security and socio-economic development is further corroborated by responses to the survey question concerning causes of crime and violence, where unemployment and poverty are each considered to be the main causes by 39 percent of the respondents. Many also believe that lack of education and the easy availability of alcohol are the main causes of crime and violence in Nepal (figure 15).

**Figure 15: In your opinion, what are the main causes of crime/acts of violence in Nepal, including in your locality, today? (2009 survey, base no. 3004)**



Insecurity and poor socio-economic conditions are thus very closely interlinked and could be seen to be mutually reinforcing, both at the macro and micro level, where the economic hardships endured when crime, violence or political instability occur are most harshly felt. The most common crime suffered by respondents or members of their families is theft – 98 of the 3,004 respondents reported that they or a member of their family had been a victim in the past year. A further 60 respondents reported falling victim to extortion, which, according to the validation workshops, appears to be particularly prevalent in the Terai and border regions. Key informants also suggested that extortion was relatively common in parts of the country, effectively deterring businesses, donors and others from operating in the area. It is suggested that economic development activities in Nepal need to be targeted to areas of insecurity and that measures to improve security need to complement and be accompanied by efforts to increase economic opportunities and improve infrastructure. This report does not conclude that poverty and unemployment directly lead individuals to commit crime and violence. Rather, poor socio-economic conditions are conducive for violence and insecurity to flourish, and those who suffer from poverty in particular are less likely to be able to protect themselves against violence and crime and are also more likely to feel insecure. Additionally, the infrastructure required to maintain law and order suffers when economic conditions are harsh. Lack of progress with socio-economic development has also damaged public confidence in State institutions and hope for the future, which can only further undermine security and perceptions of security.

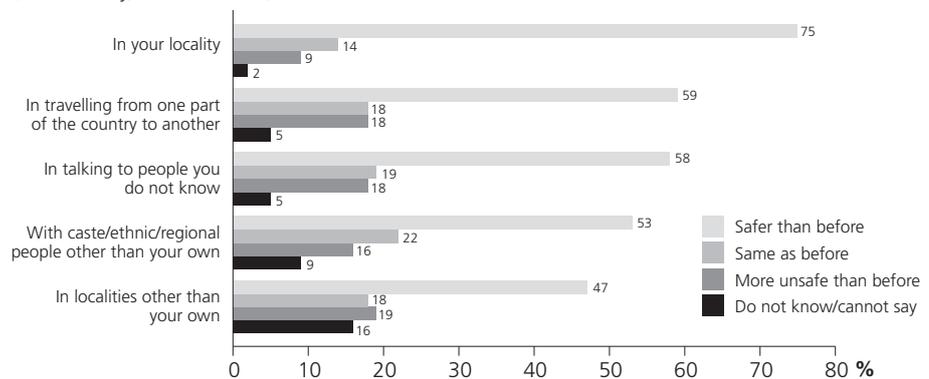
### 3.4 Perceptions of safety

Despite the somewhat pessimistic picture gleaned so far, the survey reveals that a large majority of people feel safer today compared with before *Jana Andolan II* and even compared with 2008.<sup>10</sup> When asked about how safe they felt compared with before *Jana Andolan II*, respondents were asked how safe they felt in various scenarios: in their own locality, travelling from one part of the country to another, talking to people they did not know, with caste/ethnic/regional people other than their own, and in localities other than their own. Many more people reported feeling secure than

<sup>10</sup> *Jana Andolan II* took place throughout the country from 6 April to 24 April 2006 under the joint leadership of CPN (Maoist), Nepali Congress and CPN (UML), leading to the abdication of the then king Gyanendra.

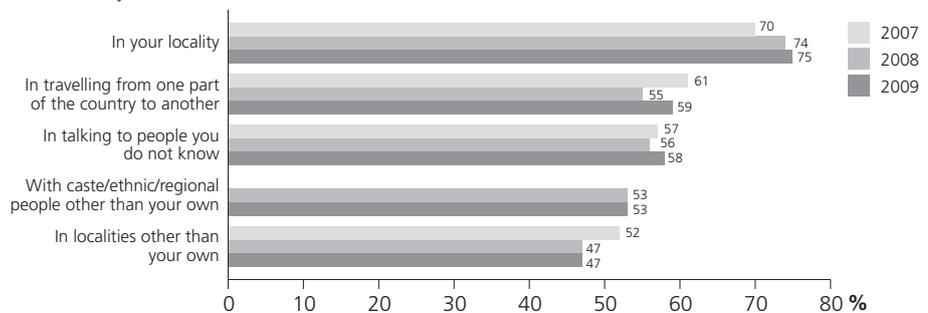
insecure in all of these scenarios. However, people seem increasingly uncertain about their security outside of their own locality (figure 16).

**Figure 16: How safe do you feel today compared with pre-Jana Andolan II?** (2009 survey, base no. 3004)



It is perhaps not surprising that people feel safer today than before *Jana Andolan II*, when there was active hostility between the State and the Maoist rebels. Yet a significant number of people in the Terai (21 percent), and in the Eastern (19 percent) and Central (25 percent) Regions, as well as those of Madhesi origin (20 percent), feel more unsafe today than before *Jana Andolan II*. This suggests that while most people do feel safer, community safety is problematic in specific clusters of the Terai, the Eastern region and the Central region, whilst overall, the majority of people believe that the country is moving in the wrong direction, with the primary reason for this appearing to be a decline in law and order.

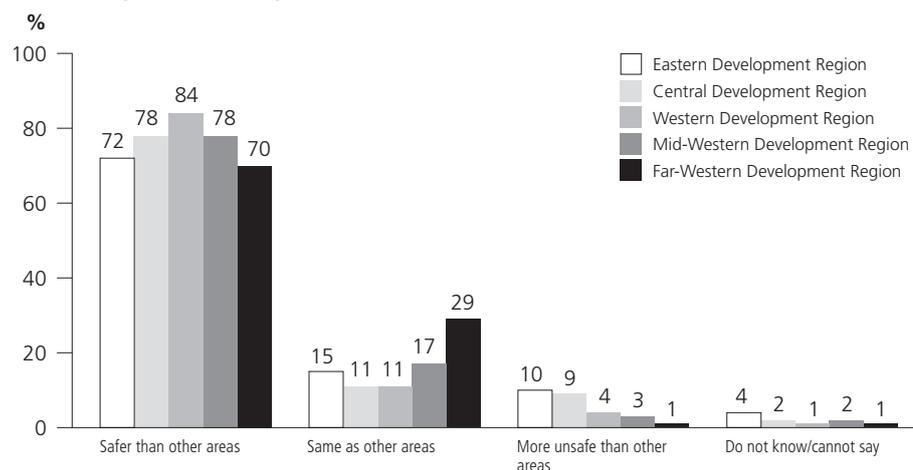
**Figure 17: Percentage of people who feel safer than before in response to the question – How safe do you feel today compared with pre-Jana Andolan II? (2009 survey, base no. 3004, 2008 survey, base no. 3025)/How safe do you feel today compared with one year ago? (2007 survey, base no. 3010)**



Most respondents (72 percent) say they feel safer today than they did in 2008, particularly those living in rural locations (74 percent compared with 57 percent of urban residents) and those living in the Western (75 percent), Mid-Western (80 percent) and Far-Western (89 percent) Regions, as opposed to the Eastern (64 percent) and Central (65 percent) Regions. In 2008, 69 percent of respondents said that they felt safer than the previous year.

Compared with data solicited from the 2007 and 2008 surveys, people’s perceptions of safety in their own locality have slightly improved, whereas outside of their own locality people feel slightly less safe than before. In other scenarios, responses are similar across the 3 years (figure 17). Most of the respondents (77 percent) assessed their community to be safer than other areas. This constitutes a marginal increase compared with 2008, when 74 percent said that their community was safer than other areas.

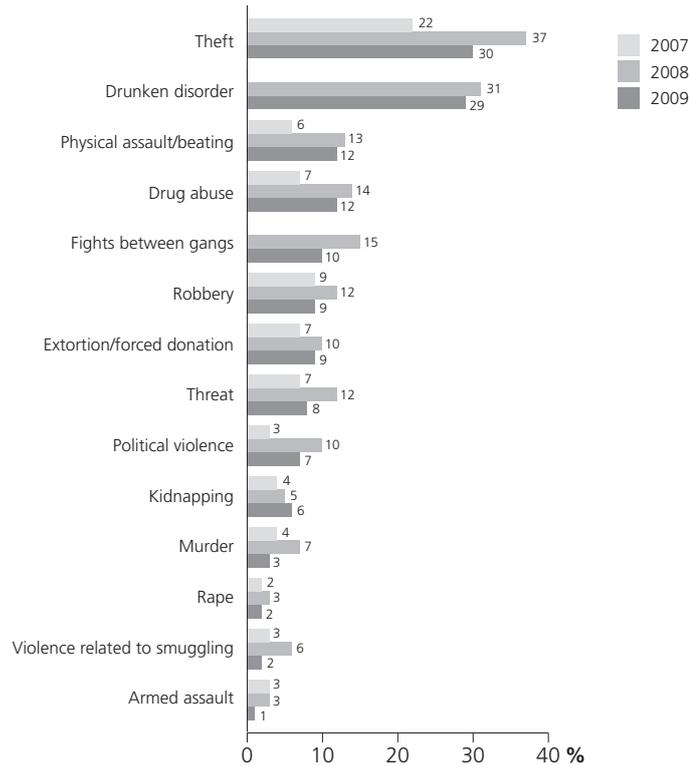
**Figure 18: How would you assess the level of safety of your locality compared with other areas in Nepal?** (2009 survey, base no. 3004)



The fact that people in all parts of Nepal consider their locality to be safer than others would seem to suggest that fear, based upon lack of knowledge, does not reflect the real security conditions. This is further borne out by the distinction between perceptions of crime and experiences of crime, where 53 percent of people reported a crime occurring in their locality in the past year whereas only 10 percent had been, or were related to, the victim of a crime. In the case of theft, for instance, 30 percent believed theft had occurred in their locality, but only 3 percent of respondents or their relatives had fallen victim to theft.

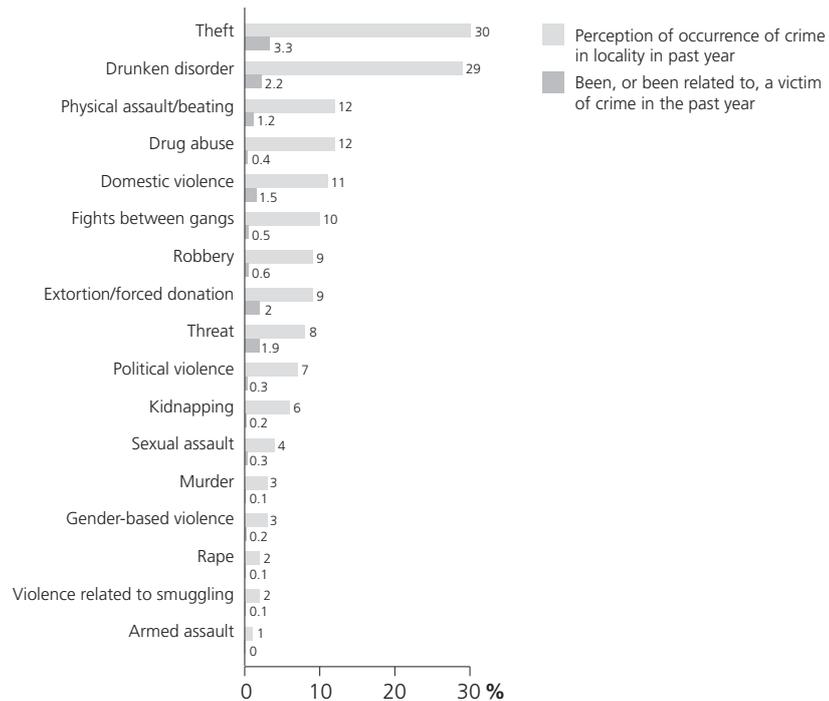
When asked whether various crimes had occurred in their locality in the past year, aside from theft, other frequently mentioned crimes were drunken disorder (29 percent), physical assault/beating (12 percent), drug abuse (12 percent), domestic violence (11 percent) and fights between gangs (10 percent). In respect of the widespread perception that the rate of crime is high, coupled with the popular belief that the Government is not able to maintain law and order, it is somewhat encouraging that a number of people believe crime is slightly decreasing, which is shown by comparing reported incidents that have occurred in respondents' localities over the past year with 2008 responses. For instance, there is a sizeable decrease in the proportion of those who mentioned that there had been incidents of theft in 2009 compared with 2008 (30 percent as compared with 37 percent). But the number of incidents reported in 2009 is still higher than that of 2007, when 22 percent of the respondents believed theft had occurred in their locality in the past year (figure 19).

**Figure 19: Have there been incidences of the following types of crime in your locality in the past year?** (2009 survey, base no. 3004, 2008 survey, base no. 3025, 2007 survey, base no. 3010)



As mentioned above, compared with the general perception that the rate of crime is high, the actual crime rate, based upon whether respondents or their family members have fallen victim to crime in the past year, while still cause for concern, is comparatively low (figure 20).

**Figure 20: Have there been any incidents of [a specific crime] in your locality in the last year? If yes, were you or any of your family members a victim of these crimes?** (2009 survey, base no. 3004)



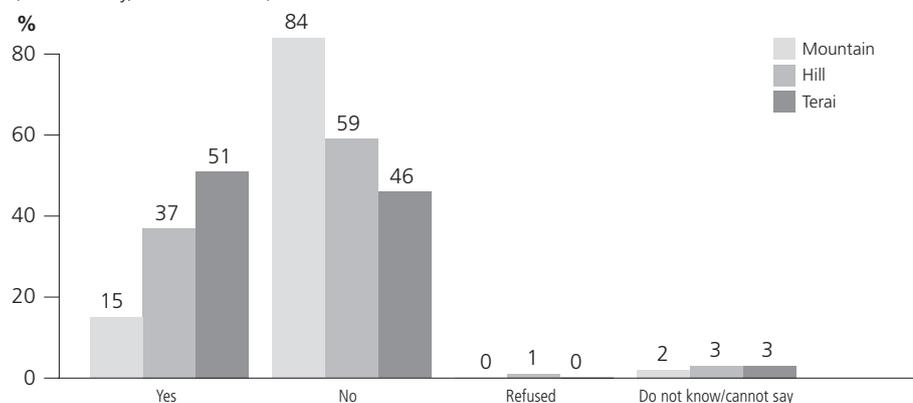
It can be seen that the types of crime that have been committed against respondents and their families are largely similar to the types of crimes people reported occurring

in their localities. In both cases, the most frequent crimes are theft and drunken disorder, while physical assault/beating and domestic violence are also prominent.

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. 42 percent of respondents reported being afraid that they, or a member of their family, may become a victim of crime. This is fractionally more than those who feared the same in 2008 (40 percent) and in 2007 (41 percent). So, while people feel very safe in their localities, they are to an increasing extent quite fearful of falling victim to crime – they are fearful in general, but with a sense of security in familiar surroundings. This may also highlight that while fear of violence has diminished since the end of the conflict, as frequently occurs in other contexts, crime may have flourished in the post-conflict phase. It could also suggest that people, for fear of crime or violence, may increasingly reduce any unnecessary travel to other places. Misperceptions about the unknown could be the basis of mistrust between groups within society, and should not be the basis for security and justice policy responses – except in that it may be important to address the discrepancies between fear of crime and the risk of actually becoming a victim of crime so that people do not needlessly constrain their social, economic and cultural interaction based on unfounded fears.

Fear of crime is especially prevalent in the Terai, where 51 percent of survey respondents report being afraid that they, or a family member, will become a victim of crime, compared with 37 percent in the hills and 15 percent in the mountains (figure 21). Significantly more Madhesis (51 percent) than non-Madhesis (37 percent) are similarly afraid. People in the Terai and the hills are slightly more fearful than they were in 2008, when 47 percent in the Terai and 33 percent in the hills said that they were afraid of becoming a victim of crime. People in the mountains seem to be slightly less fearful in the 2009 survey, with 18 percent of respondents in 2008 acknowledging their fear.

**Figure 21: Are you afraid that you and your family may become a victim of crime?**  
(2009 survey, base no. 3004)



Many more people living in urban areas (53 percent) say they are afraid of becoming a victim of crime than those in rural areas (40 percent), and slightly more women (44 percent) than men (41 percent) say they are similarly afraid. The extent of people's fear also varies by Development Region: more people in the Eastern (48 percent) and Central (48 percent) Regions report being afraid than people in the Western (34 percent), Mid-Western (34 percent) and Far-Western (40 percent) Regions. In 2008, people from the Central and Mid-Western Regions were much more fearful (54 percent and 52 percent respectively) than those from the Western (26 percent), Eastern (32 percent) and, particularly, the Far-Western (9 percent) Regions. Security sector practitioners and policy-makers should seek to identify what has happened in the Eastern Region and Far-Western Region to increase people's fears so significantly and also what has happened in the Mid-Western Region to assuage them.

There is an interesting correlation to be made between fear of crime and opinions of the Government's ability to maintain law and order: more people living in Eastern (67 percent) and Central (72 percent) Regions have a low opinion of the Government's ability to maintain law and order than those in the Western (57 percent), Mid-Western (46 percent) and the Far-Western (49 percent) Regions. In other words, discounting other variables, it is likely that more people will be afraid of becoming a victim of crime in places where there is a low opinion of the Government's ability to maintain law and order. Furthermore, if there is a correlation between fear of crime and a low opinion of the Government's ability to maintain law and order, upon comparing fears of becoming a victim of crime with 2008's statistics, it should be asked what the Government did in terms of promoting or failing to uphold law and order in those areas that saw a marked change in the level of people's fear in the year to June/July 2009.

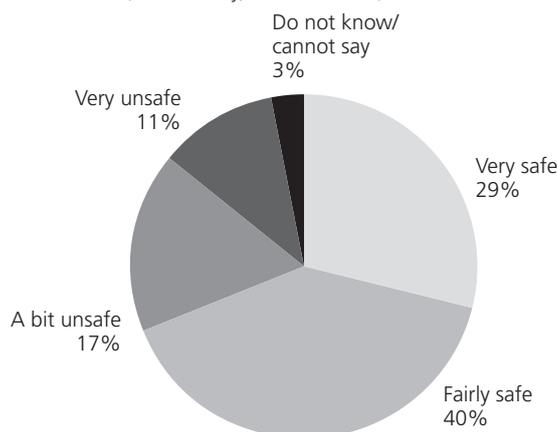
### 3.5 Gender and security

The research undertaken for this report, as with the 2008 report, considered in detail the differences between the security concerns and perceptions of men and women. All survey questions were disaggregated according to gender. Gender-specific questions were also asked, particularly concerning the security of women. The issue of gender and security was further unpacked through in-depth and key informant interviews and validation workshops.

In general terms, there appear to be few differences between the responses of men and women to the survey questions. In other words, there appear to be few differences of opinion between men and women on the subject of security issues and the related problems facing Nepal. However, men do appear to be more critical of the current situation, with just over half of men compared with just over a third of women saying that they believe the country is moving in the wrong direction. However, a similar percentage of men and women consider the country to be moving in the right direction. The disparity arises through the number of women who felt they could not comment. Throughout the survey, many more women than men felt unable to comment on many of the questions, particularly when giving an opinion on the performance of security and justice sector institutions, as we will see in the next chapter. This may suggest that women are less knowledgeable or confident in their opinions. It was apparent from the research that women generally were less educated and knowledgeable about security and justice matters, and many more women than men were illiterate. This lack of knowledge, combined with the methodological issue of soliciting information from those who are illiterate, results in more women than men feeling unable to respond to certain questions. In respect of women's lack of knowledge, security and justice sector actors, including civil society organisations, should work to inform and empower men and women equally in order that they are equally equipped to use such institutions and the services they offer, as well as express their opinions on them.

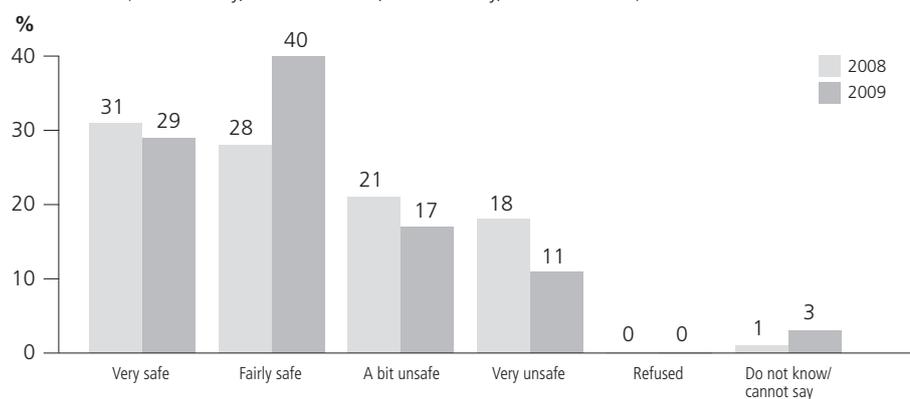
In general terms, men are slightly more concerned about political uncertainty, unemployment and lack of safety than women, who are more concerned than men about poverty, the price hike and crime. This may reflect the different roles of many men and women, and the different public and private spaces they inhabit.

**Figure 22: How safe or unsafe would a female member of your family feel to go out alone after dark?** (2009 survey, base no. 3004)



The survey asked how safe a female member of the respondents' family would feel going out alone after dark. The majority (69 percent) felt that female members of their family would feel safe, with 29 percent saying they would feel very safe and 40 percent saying they would feel fairly safe (figure 22). Compared with 2008, there has been a significant rise in the proportion of people saying that female members of their families feel safe when going outside alone after dark (figure 23). However, participants in the validation workshops believed that many women felt unsafe at all times of the day and night.

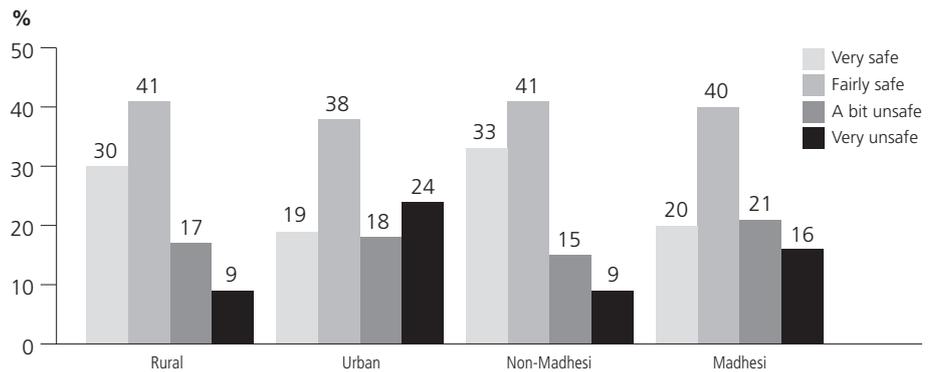
**Figure 23: How safe or unsafe would a female member of your family feel to go out alone after dark?** (2009 survey, base no. 3004, 2008 survey, base no. 3025)



Men and women responded similarly to this question, with slightly fewer women (67 percent) than men (71 percent) responding that female members of their family would feel safe when going out alone after dark.

More rural dwellers (71 percent) said that female members of their family would feel safe going out alone after dark than urban dwellers (57 percent). Similarly, more non-Madhesi (74 percent) said that female members of their family would feel safe going out alone after dark than Madhesi (60 percent).

**Figure 24: How safe or unsafe would a female member of your family feel to go out alone after dark?** (2009 survey, base no. 3004)



Those who said that a female member of their family would feel unsafe going outside after dark (28 percent of the respondents in 2009) most frequently said that this was because of fear of being kidnapped (51 percent), followed by fear of physical assault (45 percent), of drunkards (40 percent) of being raped (32 percent). Fear of being kidnapped is more frequently identified in the Terai (57 percent) and the hills (44 percent) than in the mountains (20 percent). This reason is also more frequently mentioned in urban areas (60 percent) than in rural areas (49 percent).

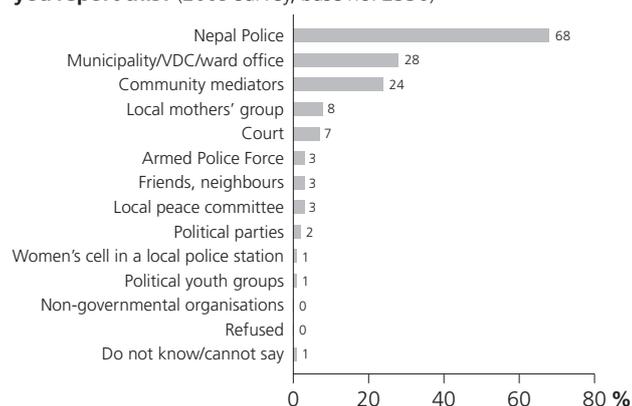
The survey asked all respondents whether they would feel confident reporting a case of domestic violence if it involved a family member. More than three quarters (78 percent) said that they would feel confident. Although this is less than would feel confident reporting general acts of violence or crime to the police (89 percent), it is about a third more than the 59 percent in the 2008 survey who said they would feel confident reporting a case of domestic violence involving a family member. Similarly, in 2008, 34 percent said they would not report such a case, which is more than double the 16 percent who said they would not in 2009.

The high number of people who say they would report domestic violence is surprising, particularly given the widely held view that a culture of silence regarding gender-based violence persists in Nepal.<sup>11</sup> Further in-depth research is thus required in order to substantiate and analyse this data. However, the Gender Equality Act and the launch on 11 September 2009 by the Prime Minister of the year-long campaign to end gender-based violence indicate some positive commitment to tackling the issue.

Those who felt able to report domestic violence were asked to whom they would report it. 68 percent said they would report it to the Nepal Police, while 28 percent would report it to a municipality, Village Development Committee (VDC) or ward office. A significant proportion (24 percent) said that they would report it to community mediators (figure 25).

<sup>11</sup> Cf the assertion that, 'Community programs on Gender Based Violence (GBV) face the constraint of social silence about sexual violence due to the cultural and religious beliefs in Nepal. Survivors of sexual violence usually face social ostracism and shame, making reporting of sexual violence, especially rape, less likely. Moreover, the culture of impunity in Nepal makes victims believe that little or no action will be taken against the perpetrators if they report the crime.' United Nations Populations Fund (UNFPA), 'Priority Areas for Addressing Sexual and Gender Based Violence in Nepal', (HURDEC, 2007), <http://nepal.unfpa.org/pdf/publication/Mapping%20of%20GBV%20Services.pdf>, p 6.

**Figure 25: If you would feel confident to report on domestic violence, to whom would you report this?** (2009 survey, base no. 2336)



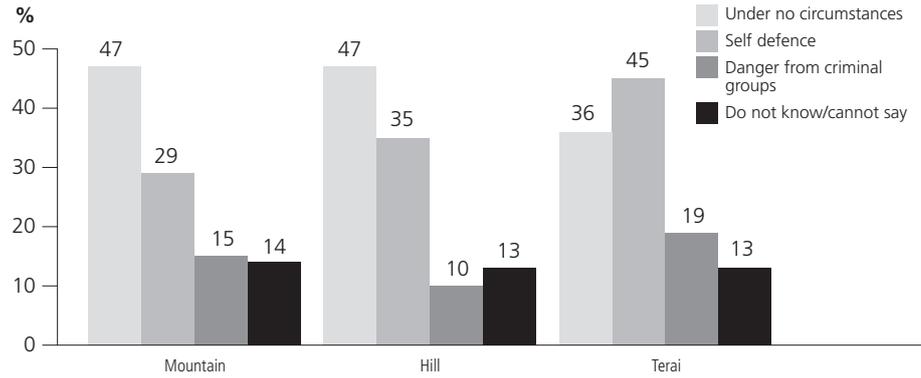
As detailed in the following chapter, only a small fraction of the respondents (17 percent) think that there are enough women in the State security services. However, very few consider recruitment of women to be a priority in order to improve the Nepal Police or the Nepal Army. Only 3 and 4 percent respectively say more female officers are needed as a priority to improve these institutions. While 9 percent of respondents believe the police discriminate against women, it is perhaps surprising that only 2 respondents (0.1 percent) consider gender discrimination to be one of the major problems facing Nepal.

### 3.6 Possession, use and availability of small arms

Previous reports have identified the increasing concern of security officials with the ready availability of small arms in Nepal and its adverse impact on safety and security, particularly the effect of fuelling crime and violence in parts of Nepal, notably in the Terai. Residents of the Terai who participated in the validation workshops echoed fears about problems for ordinary citizens associated with the widespread possession and use of small arms by those who profess to keep them for self-protection, criminal elements and the police. Key informants also suggested possession of small arms and the number of armed groups was increasing and, with it, insecurity and fear. One interviewee recommended the urgent implementation of a 'hearts-and-minds' programme by the Government to combat the distribution of small arms to easy targets, such as the young and the unemployed, by criminal groups.

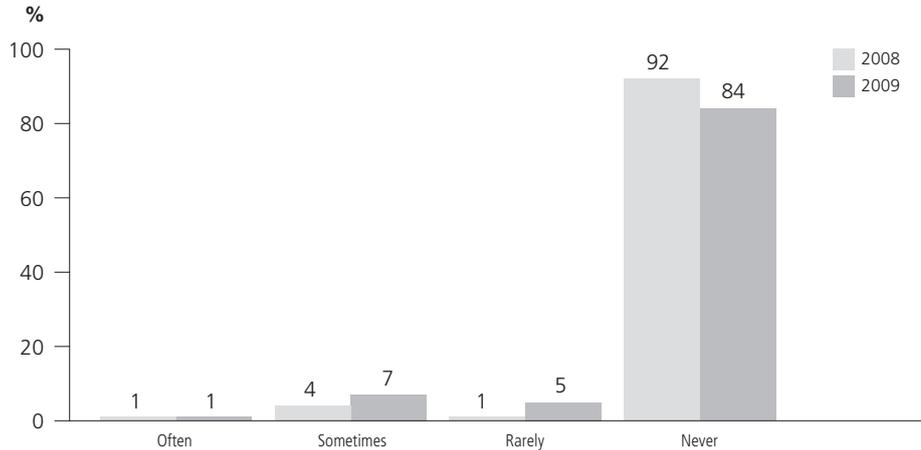
There is concern about the availability and use of small arms. However, at the same time, a sizeable proportion of survey respondents believe that certain circumstances warrant the carrying of such weapons. Ironically perhaps, people in the Terai (45 percent) are much more likely to consider that it is acceptable to possess small arms for self-defence. By comparison, 35 percent from the hills and 29 percent from the mountains hold this view. Similarly, 47 percent of Madhesis consider that carrying small arms is acceptable for self-defence, compared with 35 percent of non-Madhesis. In general, 39 percent of all respondents think that possessing small arms for self-defence is acceptable, while a slightly larger number (42 percent) consider that small arms should under no circumstances be carried. A significant proportion, 15 percent, consider small arms necessary for protection from criminal groups.

**Figure 26: In your opinion, under what circumstances is it acceptable for people to have small arms?** (2009 survey, base no. 3004)



Very few people reported seeing anyone carrying small arms. 84 percent of survey respondents said that they had never seen anyone, excluding police or army officers, carrying small arms in their localities, while only 13 percent said that they had. Though this is a seemingly small percentage, it is a more than twofold increase on the 2008 survey, when only 6 percent had seen such people.

**Figure 27: How often do you see people (excluding police or army officers) carrying small arms in your locality?** (2009 survey, base no. 3004, 2008 survey, base no. 3025)



Unsurprisingly, perhaps, given the relatively high number of respondents in the Terai who consider that carrying small arms is acceptable in certain circumstances, people living here appear to be more likely to see people carrying small arms than those in the hills and mountains. 15 percent of survey respondents from the Terai say they had seen people carrying small arms in their locality, compared with 12 percent in the hills and 9 percent in the mountains. In the 2008 survey, Madhesis were twice as likely as non-Madhesis to have seen someone in their locality carrying small arms. In 2009, they were as likely as each other to have seen someone carrying small arms. Unfortunately, they are both much more likely than in the past, with 13 percent of Madhesis and non-Madhesis having witnessed this, against 8 and 4 percent respectively in 2008. District-level qualitative research undertaken by Saferworld and other civil society partners in 2009 also produced findings suggesting a growing level of small arms proliferation. Officials in the security sector may need to investigate not only the apparent rise in sightings of small arms, but the apparent demographic changes that are occurring in the field of small arms possession and use.

More people from the Far-Western Region (23 percent) report having seen people carrying small arms than those from other areas, particularly from the Central and Western Regions (9 percent from each). This doesn't seem to correlate with data concerning perception of safety, fear of crime and opinion of the Government's ability to maintain law and order. Of interest is that the higher the educational level

of the respondents, the more likely they are to have seen people carrying small arms in their locality: from 6 percent of those considered to be illiterate to a staggering 24 percent of those who have attained a bachelor-level education. However, it must be borne in mind that only 2 percent of the survey respondents (65 people) have a bachelor-level education, compared with 28 percent who are illiterate (848 people).

The survey also revealed that 88 percent of the respondents had never seen people (excluding police or army officers) terrifying others with small arms in their localities. Whilst encouraging, 8 percent have witnessed such events, which in itself is a large figure considering the seriousness of the type of incident. Additionally, it also suggests that most of those who have seen people in their locality carrying small arms have seen them terrorising others with them (250 of 370 people). This suggests either that small arms are more widely carried than people believe but are concealed from sight, or that those who carry weapons are more prone to use them than not. If the latter, it may further be supposed (although the data is not sufficient to corroborate such a supposition) that small arms are not, as it might first appear, carried primarily for use in self-defence.

In spite of the perceived rise in the crime rate, increasing overall pessimism and doubts about the Government's ability to maintain law and order (all of which may have diminished since the implementation of the Special Security Plan), 64 percent of respondents perceive the misuse of arms to be decreasing, against only 3 percent who believe otherwise. This is in spite of the apparent increase in the carrying of weapons. More people in urban areas say that the misuse of arms is increasing (5 percent) or about the same (18 percent) than those living in rural areas (2 percent and 9 percent respectively).

96 percent of survey respondents said that they did not have a small arm, while less than 1 percent (19 people) reported that they did (of which 9 said they had a licence). This constitutes a slight increase upon 2008, when 98 percent said they did not and only 0.4 percent said they did. A further 2 percent said that they used to have one. Significantly, despite many people believing that carrying small arms is justified for self defence, a large majority (83 percent) of survey respondents believe that allowing people to keep small arms at home would further jeopardise the level of safety. Only 6 percent say it would improve the level of safety. This being said, there does not appear to be any direct correlation between fear about becoming a victim of crime or perceptions of safety and those areas where people seem more likely to see people carrying small arms, although people in the Terai do worry more than people from other areas about this issue.

As the cessation of armed hostilities recedes further into the past, people feel increasingly safe, as we saw earlier. However, people are reporting that the crime rate has increased dramatically since the cessation of hostilities. The apparent contradiction between an increased sense of security and an increased reporting of crime is understood when considering the impact of the hostilities and the security vacuum following the end of the conflict upon crime control. Various armed groups and criminal elements took advantage of this vacuum: hence the dramatic increase in the number of reported crimes, although this appears to have receded over the past year (as shown in figure 19).

Nonetheless, the majority of people still feel that the country is moving in the wrong direction, in part because of a lack of political consensus and the perceived Government inability to maintain law and order. People appear to be equally pessimistic about the Government's efforts in reducing poverty and improving infrastructure, and are increasingly frustrated with continued instability and, particularly, socio-economic conditions.

# 4

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## Perceptions of security and justice sector institutions

**WHILE THE PREVIOUS CHAPTER** considered the public's perceptions of security, this chapter assesses the performance of security and justice institutions, principally by looking at the level of public confidence in these institutions. It also considers which institutions are used in specific circumstances as well as public views regarding how security and justice institutions can improve. This chapter also expands the previous reports' focus on the justice sector, discussing access to justice and informal security and justice mechanisms. The chapter concludes by scrutinising whether security and justice sector institutions are representative of Nepali society and whether they treat all groups equally.

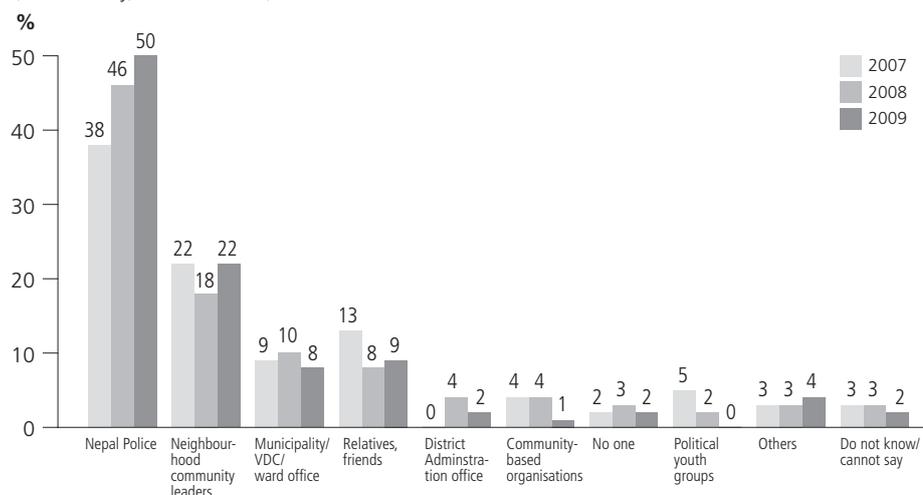
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### 4.1 General confidence in security and justice sector institutions

When asked who they would turn to first for protection if they, or a member of their family, were threatened with violence, 50 percent stated that they would turn to the police, a rise from 38 percent in 2007 and 46 percent in 2008. Community leaders were also a popular choice (22 percent). Less frequently cited resources were relatives/friends (9 percent) and municipality/VDC/ward offices (8 percent).

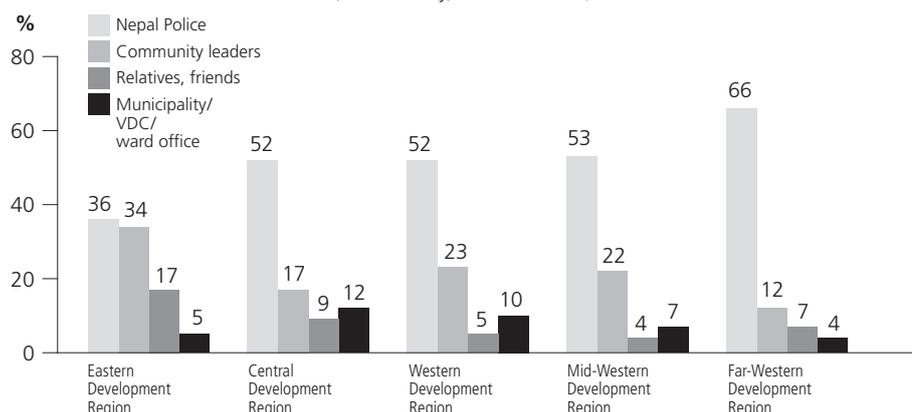
Less than 1 percent of all respondents said they would first go to each of the following for protection from violence: armed groups, the Nepal Army, political parties, human rights organisations, political youth groups, ethnic organisations or local peace committees. This suggests that the vast majority of Nepali people use formal and mainstream mechanisms when seeking protection against violence.

**Figure 28: 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)/ **Who would you call first if you or your family were threatened with violence?** (2007 survey, base no. 3010)



There is a marked difference in the public's view on this matter across the regions. Only 36 percent of people in the Eastern Region say that they would turn to the police first for protection if they were threatened with violence, which is the lowest proportion across the regions. People in this region do, however, report that there are fewer police posts, with approximately two-thirds (67 percent) saying there is no police post in their locality. People in the Eastern Region are also much more likely to go to relatives or friends (17 percent) or community leaders (34 percent) to seek protection than people from any other region – they are more than twice as likely to do this than people in the Far-Western Region. Likewise, fewer rural residents than urban residents say they would first turn to the police for protection (47 percent compared with 68 percent). Nonetheless, both rural (44 percent) and urban (56 percent) residents are more likely than in 2008 to go to the police.

**Figure 29: 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)



When asked whether people felt confident reporting crime or acts of violence to the police, an overwhelming majority (89 percent) said that they did, while only 6 percent stated that they did not. A third (33 percent) of those who did not feel confident cited fears about their own security (fear of retaliation by the perpetrator, for example). 22 percent gave their reason as lack of trust in the police, while 19 percent cited fear of being stigmatised. The financial impact of reporting a crime or act of violence to the police would deter 17 percent of respondents. Such a financial impact may include the cost of travelling to the 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.

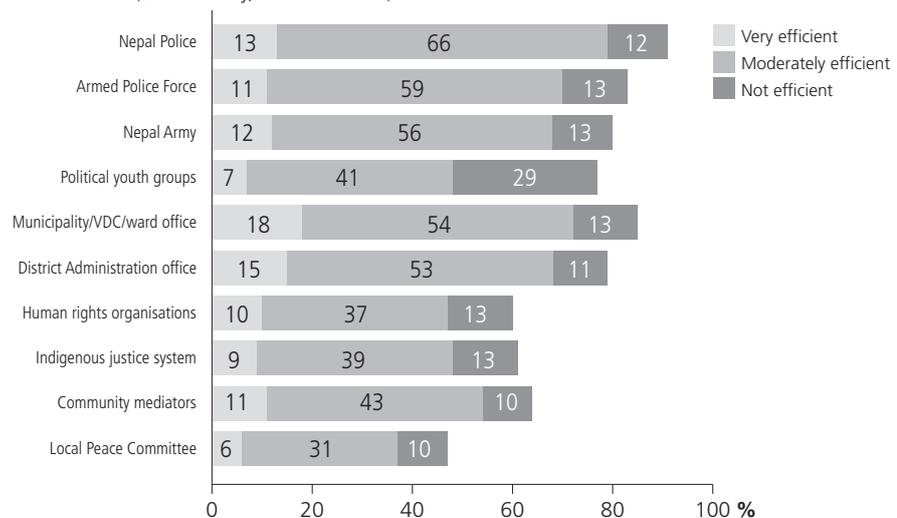
The survey respondents were asked to assess the efficiency of various institutions in protecting society from crime. Given that a primary mandate of the police is to protect society from crime, it is not surprising that most people (79 percent) thought the police was the most efficient institution, with 13 percent considering it to be very efficient and another 66 percent believing it to be moderately efficient. However, the Nepal Army was also considered by many (68 percent) to be efficient in this regard, as were local administrations (District Administration at 68 percent and municipality/VDC/ward offices at 72 percent).

The assessment of the efficiency of non-formal security institutions in protecting society against crime was comparatively low, although still significant. Political youth groups were considered to be ineffective by over twice as many respondents (29 percent) as any other institution. Nonetheless, it can still be seen that these non-formal institutions are considered to play an important role in protecting society from crime.

It appears that there may be a lack of knowledge of the role and effectiveness of some of these non-formal agencies by many of the respondents. An alternative hypothesis is that many people recognise that it is not the primary mandate of these organisations to protect society from crime. Over half the respondents could not give any answer concerning the effectiveness of local peace committees, and over a third could not give answers for human rights organisations, indigenous justice systems or community mediators.

A lack of response concerning the effectiveness of all institutions was more prevalent from women than men and from rural dwellers than those residing in urban environments. This underscores the need, for those institutions that are deemed to be effective and accepted, to consider further or more effective awareness-raising by security and justice actors, including but not limited to civil society, to ensure that their services are known and able to be used by all members of the public. This is related to the need for policy deliberation over which security and justice services need to be extended to meet capacity needs and uphold the public's rights. It may be desirable, in many instances, for informal mechanisms to complement or replace dysfunctional or distrusted State institutions. In other instances, however, informal mechanisms may need to be improved or replaced.

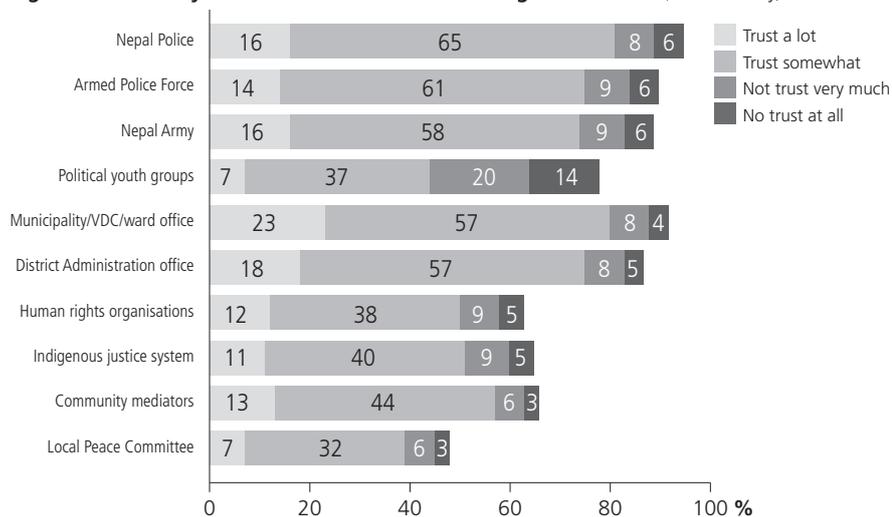
**Figure 30: How efficient do you view the following institutions to be in protecting society from crime?** (2009 survey, base no. 3004)



Of particular note is that more respondents now consider the Nepal Police to be an efficient security institution (79 percent) than in 2008 (70 percent). This high and increased confidence in police efficiency is also reflected in the high and increasing number of respondents who would first go to the police to seek protection from violence (38 percent in 2007, 46 percent in 2008 and 50 percent in 2009), as detailed earlier.

When asked how much trust they had in the same institutions, the respondents reflected similarly positive attitudes. While only 16 percent of people stated that they trusted the Nepal Police a lot, another 65 percent said that they did somewhat. Thus the Nepal Police would seem to be trusted by the most people (81 percent), with only 6 percent saying that they do not trust the institution at all. Aside from the Nepal Police, the most trusted institutions in Nepal appear to be municipality/VDC/ward and District Administration offices, the Armed Police Force and the Nepal Army. Political youth groups engender less trust than other actors.

**Figure 31: What is your level of trust in the following institutions?** (2009 survey, base no. 3004)



## 4.2 Police

As described above, it seems that there is broad public confidence in the police – a confidence that has been significantly increasing since the signing of the CPA. Nonetheless, 14 percent do not trust the Nepal Police and most people do not think Nepal's security services are adequately representative. Key informant interviews also suggested that the police needed to work harder to generate public trust. Moreover, half of all respondents would still not turn to the Nepal Police first to seek protection if threatened with violence, although the vast majority (89 percent) said they did feel confident reporting crime or acts of violence to the Nepal Police. Nonetheless, despite the value of informal security measures and support networks available to many, it is still of concern that many people, if threatened with violence, would not avail themselves of the services of the formal State institutions mandated to protect citizens and maintain law and order.

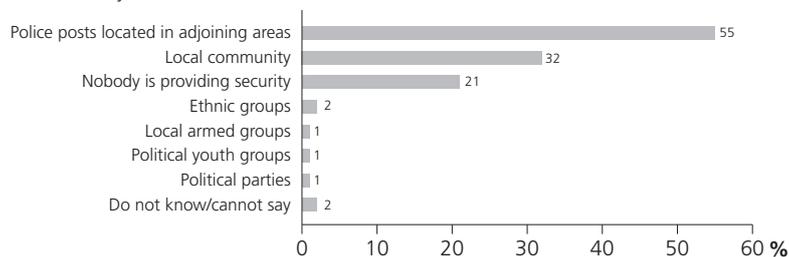
Having said this, the high and increasing belief in the trust and efficiency of the police is encouraging. It was suggested in the 2008 report that the increase may, in part, be due to the increase in the number of police posts since the end of the conflict. Police posts (their number, location, resources, staffing and mandate) are key to being able to provide security and protect society from crime. However, while 54 percent of people said that there was a police post in their area in 2008, only 41 percent do now, while 58 percent say that there is not. However, in 2008, respondents were asked whether there were Nepal Police or Armed Police Force posts in their vicinity, whereas the 2009 responses only concerned Nepal Police posts, which may explain the slight discrepancy.

More than half of the survey respondents (58 percent) say there is no police post in their locality (41 percent said there was). The proportion of those who say there is no police post is very high in the mountains (71 percent), especially compared with the hills (61 percent) and the Terai (53 percent). Likewise, this proportion is higher in the

Eastern (67 percent) and Central (61 percent) Regions compared with the Western (58 percent), Mid-Western (47 percent) and Far-Western (44 percent) Regions. Similarly, 88 percent of urban dwellers say there is a police post in their locality, while 66 percent of the rural residents say there is not.

Just over half (55 percent) of those who say they do not have a police post in their locality say that a police post in a neighbouring locality is providing security. While 32 percent say their local community is providing security (most likely through neighbourhood watch schemes or local security committees), a significant proportion (21 percent) say nobody is providing security. This is particularly prevalent in the mountains and the hills (with 36 percent and 30 percent respectively saying nobody provides security) and more prevalent in rural (22 percent) as opposed to urban areas (9 percent). Very few people mentioned that local armed groups, political youth groups, political parties or ethnic groups provided security in their locality.

**Figure 32: If there is not a Nepal Police post, who is providing security in your locality?** (2009 survey, base no. 1745)

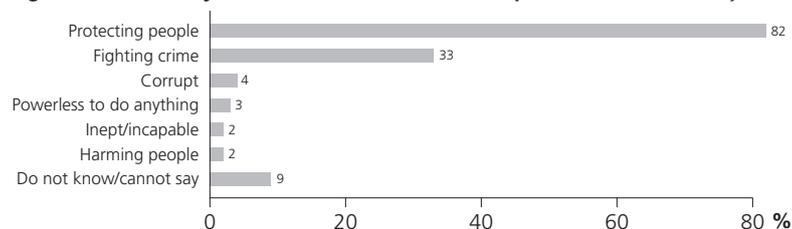


The situation has improved somewhat since 2008, when 27 percent of the survey respondents who did not have a police post in their locality said that no-one was providing security in their locality and only 42 percent said that police posts in adjoining localities were providing security.

In 2009, 81 percent of those who reported that there was no police post in their locality said that there should be one, while 16 percent said that there should not be. The high number of people who would like a police post in their area further suggests that public confidence in the police is widespread. It may also be indicative of security concerns and perceptions of a rising crime rate, as was discussed earlier.

Most people (82 percent) consider that the role of the Nepal Police is to protect people. Only half of the survey respondents consider that the task of fighting crime best describes the role of the Nepal Police. Based upon the survey, very few people consider the Nepal Police to be corrupt (4 percent), powerless to do anything (3 percent) or inept/incapable (2 percent).

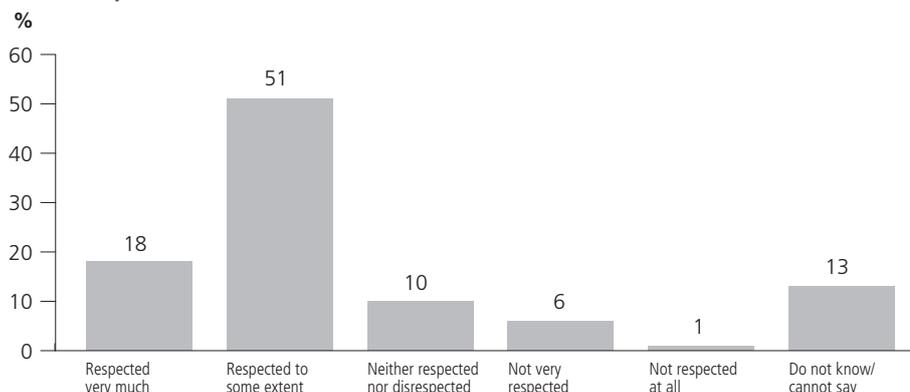
**Figure 33: What do you think best describes the Nepal Police?** (2009 survey, base no. 3004)



Most people (82 percent) appear to be aware of the 2 distinct police organisations of the Nepal Police and the Armed Police Force. In 2007, only 54 percent of the survey respondents knew that there were 2 distinct organisations. Respondents considered the role of the Armed Police Force to be very similar to that of the Nepal Police. Where 82 percent of the respondents considered the role of the Nepal Police to be protecting people and 33 percent to be fighting crime, 72 percent and 35 percent respectively believed these responsibilities to best reflect the role of the Armed Police Force.

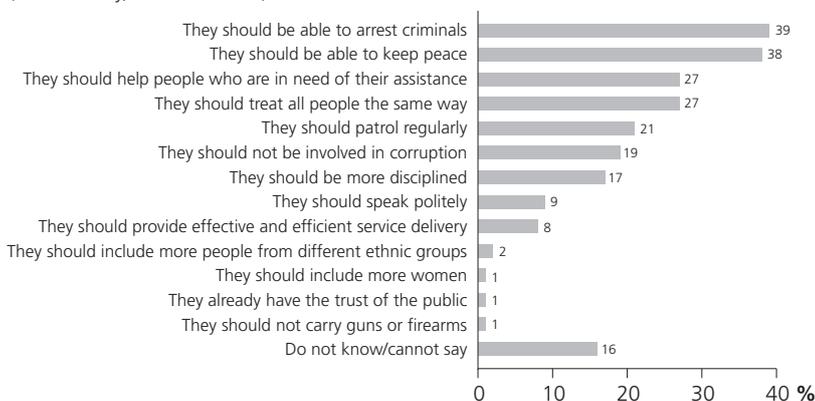
As well as high and increasing trust and belief in its efficiency, the Nepal Police appears to command the widespread respect of the public. While only 18 percent of the respondents think the Nepal Police in their area is very much respected, another 51 percent say that they are respected to some extent. This means 69 percent believe that the Nepal Police are respected to some degree, compared with 31 percent in 2007. A small percentage think they are not respected very much (6 percent) or not at all (1 percent).

**Figure 34: Do you think that Nepal Police officials, in general, are respected in your area?** (2009 survey, base no. 3004)



All respondents were asked what the Nepal Police could do to win more trust. 39 percent said that they should be able to arrest the criminals, and 38 percent said that they should be able to keep the peace. Other popular responses were that the Nepal Police should help people in need of their assistance and also that they should treat people equally.

**Figure 35: What should Nepal Police officials do to win more trust from the public?** (2009 survey, base no. 3004)



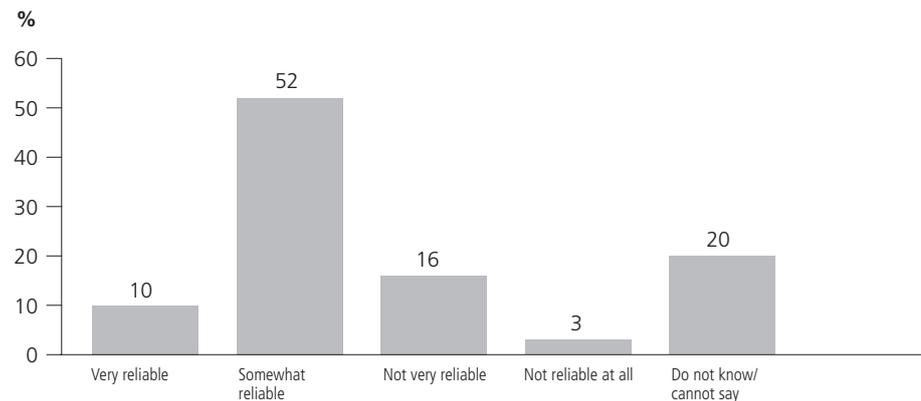
Those who consider the Nepal Police not to be respected in their community (7 percent of the respondents) are more inclined to suggest that the level of trust would be increased if the Nepal Police were not involved in corruption and were more disciplined (33 percent and 27 percent respectively). In comparison, those who believe the Nepal Police are respected in their area are less inclined to think corruption and discipline are issues that need to be addressed: 20 percent and 18 percent respectively think that the level of trust would be increased if the Nepal Police were not involved in corruption and were more disciplined.

Some validation workshop participants in particular expressed concern about the extent and prevalence of corruption in the police and the related lack of transparency and accountability. During a discussion on the issue of smuggling in the Terai, the relationship between criminals and politicians was also raised in the validation workshops as an obstacle to effective policing. Key informants argued that widespread and

increasing political interference hampered attempts to further professionalise the Nepal Police. One interviewee expressed his dissatisfaction at having to spend much of his time addressing political involvement even in such minuscule matters as the transfer of a police constable, distracting him from core police tasks. He also expressed concern about how such political interference, from whoever happens to be in power, undermines police morale as well as the institution as a whole. Others recognised that political interference had also undermined any trust between the public and the police, and suggested that there was no effective system in place other than the one that operated based upon contacts. Lack of action taken against corrupt officials was also highlighted in the key informant interviews. Linked to this, some interviewees highlighted the lack of sufficient social and political support, and even direct opposition, when the police endeavour to ensure alleged criminals are prosecuted and punished. Another interviewee suggested that political interference can result from lack of clarity concerning the distinct mandates and responsibilities of the various actors in the security sector, rather than from any untoward intentions.

62 percent of respondents think the Nepal Police is either very or somewhat reliable in bringing those who have committed crime to justice. While this is much lower than the percentage who consider the Nepal Police to be commanding respect in their areas, there appears to have been a slight increase in public confidence, with respondents who believe the Nepal Police are reliable in this regard having increased from 59 percent in 2008 and 46 percent in 2007.

**Figure 36: In your opinion, how reliable are the Nepal Police at bringing those who have committed crime to justice?** (2009 survey, base no. 3004)



19 percent of respondents think the Nepal Police are either not very or not at all reliable in bringing criminals to justice. A slightly lower opinion of the ability of the Nepal Police to bring alleged criminals to justice is held by Madhesis and those in the Terai, with 23 percent and 22 percent respectively thinking that the Nepal Police are at least somewhat unreliable. This compares with 17 percent of non-Madhesis, 17 percent of those in the hills, and 14 percent of those in the mountains.

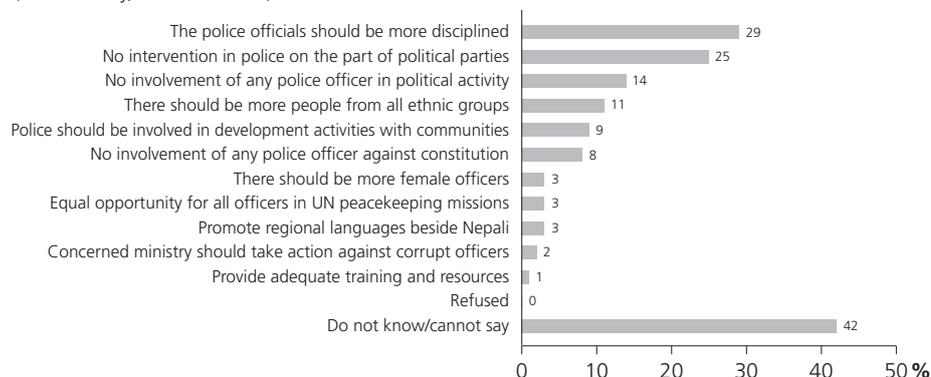
When asked what should be done to improve the Nepal Police, the most popular responses were improving the discipline of police officials, preventing political interference or engagement of police officials in political activities, and improving the representation of all ethnic groups. A very large proportion of the respondents (42 percent) could not give any definitive answer. As we have seen, when considering opinions on how to increase public trust in the Nepal Police, it appears that people are much more reluctant or unable to comment on questions that suggest some intimate knowledge of an institution is required (rather than of individual police officers or local police teams). Consequently, it would seem of enormous importance for security practitioners and policy-makers, particularly those involved in security and justice sector development, to bear this in mind when endeavouring to develop institutions and policies that are responsive to the needs of the people of Nepal.

The validation workshops highlighted the importance of an adequate legal framework and responsible media to effective policing. Both the validation workshops and the key informant interviews drew attention to low police morale, which is often prevalent in post-conflict societies. The validation workshops and the key informant interviews also underscored the lack of sufficient material and human resources, as well as training, all of which undermine effective policing. Indeed, one of the key informants suggested that the Special Security Plan could be extended with additional police resources and staff. Concerns were also expressed about the number of occasions when the police were asked to intervene in areas outside their core mandate, such as labour disputes and escorting VIPs. In light of these concerns, it would be of enormous value to conduct an organisational needs assessment in order to ascertain what resources the police require in order to fulfil their responsibilities. Ideally, this should occur within the context of a wider security needs assessment under the umbrella of security and justice sector reform or the development of a National Security Strategy.

Key informant interviews also showed support for engaging security professionals in development activities. Other interviewees highlighted the willingness of the police to work with the public, understand and respond to public needs and expectations, and become more professional through needs-based training. Interviewees also underscored the value of organisations such as the Public Service Commission, particularly in respect of ensuring transparent recruitment and promotion procedures. Indeed, the professionalism and effectiveness of security and justice sector institutions, as well as public support given to these institutions, is in part dependent upon transparent and fair personnel and disciplinary procedures, including recruitment, promotion and dismissal procedures.

One interviewee suggested the establishment of a Police Service Commission, which would help sever political interference and protect officers who may currently feel unable to challenge inappropriate requests or demands. It was suggested that a transparent system be developed incorporating clearly defined mandates of the key actors. This would bolster accountability, co-ordination and effectiveness within the security sector. Ideally, this should occur within the context of security and justice sector reform or the development of a National Security Strategy. Specifically in relation to the problems of corruption and political interference, it was also suggested that there should be a thorough, transparent and robust investigation into corruption and criminality in the political administration as well as the Criminal Justice System.

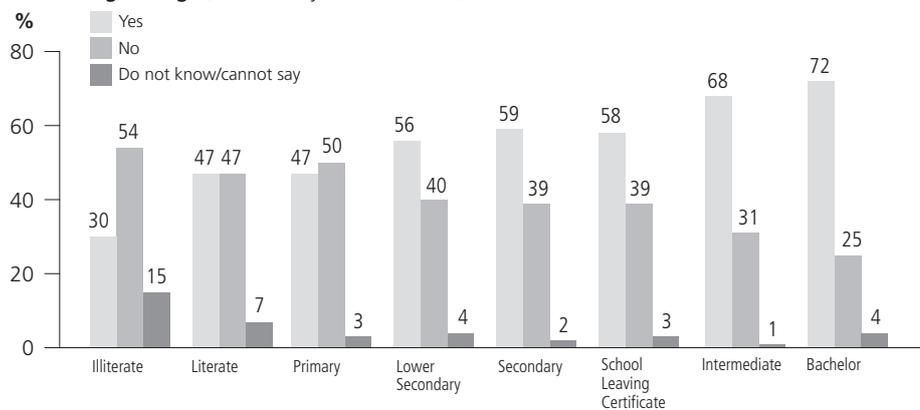
**Figure 37: If the Nepal Police needs to improve, in your opinion, what should be done?**  
(2009 survey, base no. 3004)



Roughly half of the respondents (47 percent) knew there was opportunity to complain if a Nepal Police official did something wrong. Another 46 percent did not. More men (54 percent) than women (39 percent) knew, as did non-Madhesi people (51 percent) compared with Madhesi people (40 percent). The educational level of respondents has a significant bearing upon whether or not they were aware of opportunities to complain, with 72 percent of people who have a bachelor-level education, compared with 30 percent of those who are illiterate, aware of a complaints procedure. An overwhelming

majority (95 percent) of those who were unaware of any complaints procedure said that there should be opportunities to complain if a police official did something wrong.

**Figure 38: Are you aware of any opportunity to complain if a Nepal Police official does something wrong?** (2009 survey, base no. 3004)



Community policing programmes operational in some parts of Nepal endeavour to build stronger relationships between the community and the police and, consequently, reduce crime and increase security. Despite the importance of such programmes and their core focus on police-public engagement, very few key informants who were interviewed, and only 9 percent of survey respondents, knew of such programmes. This is only slightly more than in 2008 when only 6 percent were aware of the existence of these programmes. Of those who have heard of community policing programmes, the vast majority (73 percent) say there is no community police team in their locality. Only 42 of the 3004 respondents said there was a community police team in their locality, 4 people less than in 2008.

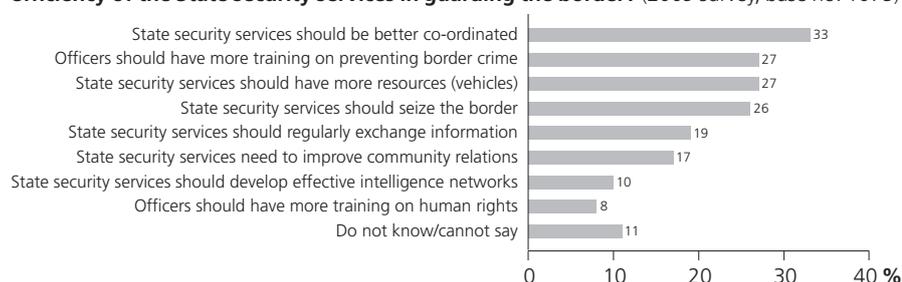
This is very disappointing, particularly given that such programmes could do much to improve the effectiveness of the police. Such programmes also help reassure people about their own security and can contribute to the development of a more realistic perception of the crime rate, as well as better inform people about police complaints procedures and other services available. Raising the profile of such programmes and/or increasing the number of community police teams could help redress the perception that the Nepal Police do not treat all groups equally, thereby improving their image. Community police teams may also be a good vehicle to support outreach programmes that encourage minority groups to use the services of the police, and even encourage the recruitment of women and members of ethnic/caste groups who are not adequately reflected in and throughout the institution.

Community-based policing should, arguably, be the bedrock of any democratic police service, including the Nepal Police, and should be made mainstream throughout the organisation rather than limited to one unit or programme. However, many people seem not to have much faith in community policing; believing it has not worked and will not work. Arguably, community policing is only really effective when the State is fully effective, in terms of guaranteeing police independence and ensuring effective policing is complemented by an adequate court and prison system. Consequently, political stability and a fully functioning Government need to be established for community policing to bear much fruit. In the meantime, communities and other organisations may need to help themselves much more in the maintenance of inclusive community safety and security. Key informant interviews echoed these thoughts, suggesting that the limited success of community policing programmes had been the result of both political instability and lack of public awareness. Nonetheless, one key informant suggested that a new strategy for community-based policing was being developed in an effort to meet public needs and expectations. Given the mutual benefits of community-based policing, it is hoped that an effective strategy will be realised shortly and that it can be implemented in a context of political stability.

### 4.3 Border management

In respect of border management, survey respondents were asked about the effectiveness of the State security services in guarding the border. Most people professed ignorance in this matter. Only 24 percent said that they were effective, while 36 percent said that they were not effective – almost half of these said that they were not effective at all. There thus seems to be quite a significant section of the population dissatisfied with the protection of the border. This was echoed in the key informant interviews. The presence of a nearby border often impacts upon the perception of security. This can be due to the relationships between existing communities and immigrants, as well as actual or alleged illegal trafficking, which itself may attract armed groups and institutionalise corruption within border agencies. A third of those who believed the border was not effectively guarded said that the State security services should be better co-ordinated. Increased training and resources were also mentioned as a way of improving their effectiveness.

**Figure 39: If not very effective or not effective at all, what can be done to improve the efficiency of the State security services in guarding the border? (2009 survey, base no. 1075)**



### 4.4 Armed forces

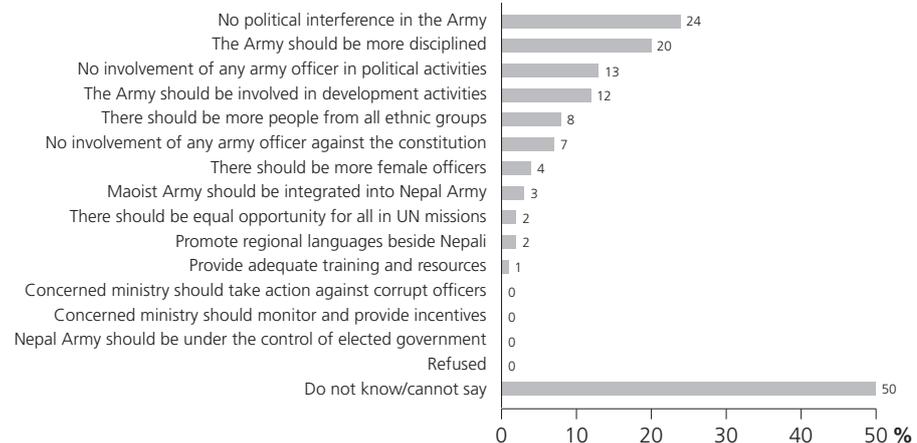
As was mentioned earlier, the Nepal Army holds the trust of the majority of respondents (74 percent). Just over half (50.4 percent) of those who were asked how the Nepal Army could be improved could give no answer. This may suggest either lack of knowledge about or reluctance to criticise the army, or a belief that improvement is not necessary. However, many people chose not to answer certain questions that directly concerned the formal security sector, partly due to the technical nature of the topics and partly due to their politically charged content. In 2008, 59 percent did not or could not answer. Responses roughly mirrored those regarding improvements to the Nepal Police, with 24 percent saying there should be no political intervention in the army, 20 percent saying the army should be more disciplined, and 13 percent saying there should be no involvement of any army officer in political activities (figure 40). More people were concerned about the level of politicisation of army personnel than of police officials, whereas more people believed that the Nepal Police needed to be more disciplined than thought so of the army.

Surprisingly, only 2 people (0.1 percent) considered that, in order to improve, the Nepal Army should come under the control of the elected Government. This might not mean that people do not want civilian control over the army. Civilian oversight and democratic control of the armed forces is a key structural component of any democratic society. The lack of public support for placing the Nepal Army under the control of the elected Government could be symptomatic of the growing public concern over lack of consensus between parties, identified above, and the knowledge that parties have used governmental office to interfere in the affairs of the bureaucracy, in particular by manipulating mechanisms for promotion, transfers, appointments and dismissal. The responses to this question therefore seem to express the wish to ensure that the Nepal Army does not become subject to political interference, but is instead shaped in the interests of the country. The responses may, however, also reflect a failure

to communicate convincingly to the general public the benefits of democratic control of armed forces, a core principle of security and justice sector development.

Particularly given that many people believe the State security services are not entirely representative of the people of Nepal, as will be discussed towards the end of this chapter, it is surprising that only 4 percent consider the recruitment of women, and 8 percent the representation of all caste/ethnic groups, to be an important undertaking in order to improve the Nepal Army.

**Figure 40: What should be done to improve the Nepal Army?** (2009 survey, base no. 3004)



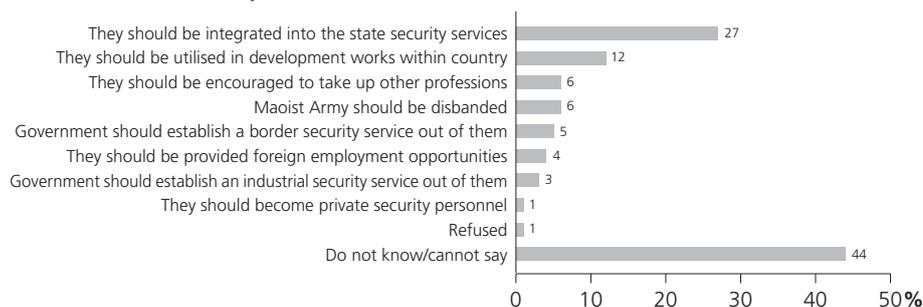
At 44 percent, slightly fewer people knew about an army complaints procedure than a police complaints procedure (47 percent). Again, a person's gender, ethnicity and educational status appeared to have the same significant bearing upon whether or not they knew of such procedures. More men (50 percent) and non-Madhesi (48 percent) knew of such an opportunity than women (38 percent) and Madhesi (36 percent). Those with bachelor-level education (67 percent) were more than twice as likely to be aware of a complaints procedure as those who were illiterate (28 percent). Again, an overwhelming majority (93 percent) of those who said that they were not aware of any complaints procedure said that such procedures should exist. Crucially, unless all communities are made aware of such procedures through an outreach campaign led by security and justice institutions, there will be an enormous disparity in access to information and, ultimately, to justice.

One of the most contentious issues in post-conflict Nepal has been the existence, in effect, of 2 armed forces and the impasse concerning the integration and rehabilitation of Maoist Army combatants, as called for in the CPA and the Interim Constitution of Nepal. The slow progress in this area has reflected the sensitivity of the issue, the lack of trust between key parties and the lack of a common vision for the future of the country. The absence of a constructive political process in relation to this matter, from the signing of the CPA until recently, looked set to hamper Government action in a broad range of areas, including recovery and development efforts and, in particular, security and justice sector development. Integration and reintegration is a matter that is, as the UN Secretary-General puts it in his report to the Security Council of 26 October 2009, one of the cornerstones of the peace process. Some progress is now visible, including the establishment by the Prime Minister of a deadline of April 2010 for completion of integration and rehabilitation, and, by 8 February 2010, the discharge of 2,394 Maoist Army combatants from cantonment sites. Yet political parties were not, at the time of writing, in full consensus, in particular over the key issue of the number of Maoist Army cadres to be integrated into the security services. It should thus be stressed that the responses below relate to the period before the recent progress had been made.

When asked what should be done with the Maoist Army combatants, 44 percent of the respondents could not give any definitive answer (in 2008, 59 percent could not), 27 percent said that they should be integrated into the State security services and

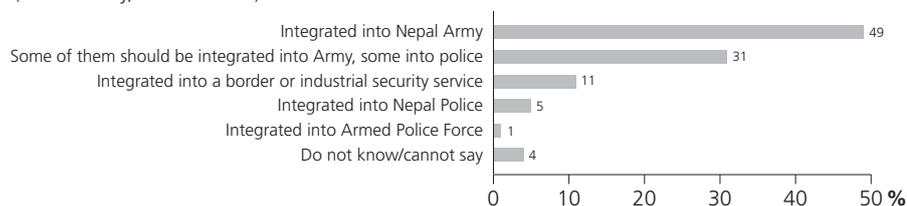
12 percent said that they should be utilised in development works within the country. This also demonstrates a lack of understanding regarding how far it is the role of the state or its partners in implementing reintegration to provide work for ex-combatants. While development projects have temporarily provided work for ex-combatants, lasting employment for ex-combatants and others will need to be achieved in large part through effective investment that enables economic growth, in accordance with the needs of the labour market. While this misunderstanding persists, the burden of expectation on the limited resources of the Nepal Government and its sponsors to provide jobs for those it wishes to reintegrate effectively will remain dangerously high.

**Figure 41: In your opinion, what should the Nepal Government do with the Maoist Army combatants?** (2009 survey, base no. 3004)



Almost half (49 percent) of those who thought that the Maoist Army combatants should be integrated into the State security services believed that they should be integrated into the Nepal Army. Approximately one-third (32 percent) thought that some should be integrated into the Nepal Army and some into the Nepal Police. Those who are responsible for these matters will need to come to a consensus on whether and how to restructure the Nepal Army and other security institutions in order to integrate Maoist Army combatants without creating institutions that are unnecessarily large and unaffordable. When considering these matters, the skills of ex-combatants in relation to the requirements of modern, professional security services, vetting in relation to past involvement in war crimes and human rights abuses, and the need to create institutions that truly reflect the composition of society should be considered, especially in light of the many responses that have highlighted that these institutions do not adequately reflect or respond equally to all groups.

**Figure 42: If you think the Maoist Army combatants should be integrated into the State security services, which State security service should they be integrated into?** (2009 survey, base no. 809)



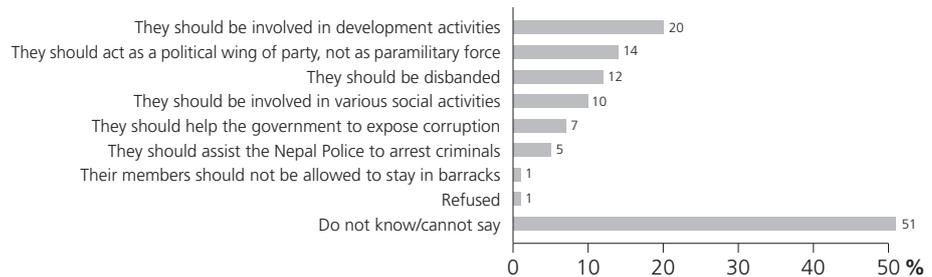
Key informant interviews suggested that there would be more support for integration into the State security services if integration was managed and based upon the individual's skills and whether or not they met entry requirements, rather than if integration was to occur en masse or in groups. Concerns were expressed over whether the skills and experience of Maoist combatants equipped them for service in State services, while integration into an industrial or border security service was suggested as being a viable alternative to integration into existing State security services. Others underscored the importance of any decision on these matters to be taken in the context of a holistic approach to security and justice sector reform and development. One key informant suggested that integration of Maoists into the officer ranks of the Nepal Army would not be regarded favourably. While some feared that integration would

adversely impact the professionalism of the Nepal Army, for instance, it did appear that there could be acceptance for integration of Maoist Army combatants as well as right-sizing of the Nepal Army, should the Government take decisive action on these matters. While further action on the part of the Government and the international community was advocated, some optimism in respect of the likelihood of identifying viable solutions was noted, despite the long delays that have already been faced. In short, while it may be possible to persuade security sector stakeholders to accept managed integration, the major obstacle appears to be lack of political will.

## 4.5 Political youth groups

As already noted, there is limited public trust in political youth groups, compared with other institutions. With regard to what should be done about political youth groups, such as the Young Communist League or the Youth Force, over half (51 percent) of the survey respondents could not give any definitive answer. The starkest contrast was found among those with varying educational levels: only 2 percent of those who had attained a bachelor-level education could not answer this question, whereas 78 percent of those who were illiterate could not. Of those who answered, the most popular suggestions were that they should be involved in development activities (20 percent), act as a political wing of the party and not as a paramilitary force (14 percent), be disbanded (12 percent), or be involved in various social activities (10 percent).

**Figure 43: In your opinion, what should be done with political youth groups?**  
(2009 survey, base no. 3004)

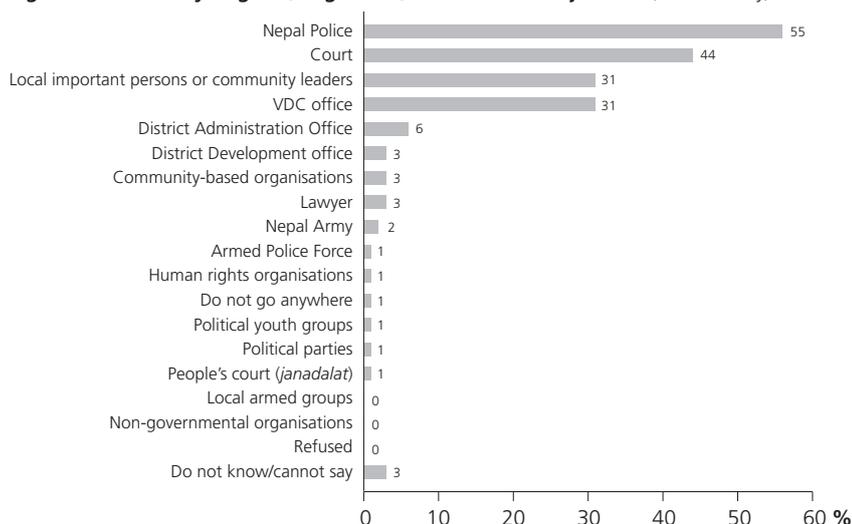


Key informant interviews suggested wide dissatisfaction with the lack of distinction between political groups and criminal groups, and the security threats that such groups posed, as well as the lack of decisive Government action in this regard.

## 4.6 Courts

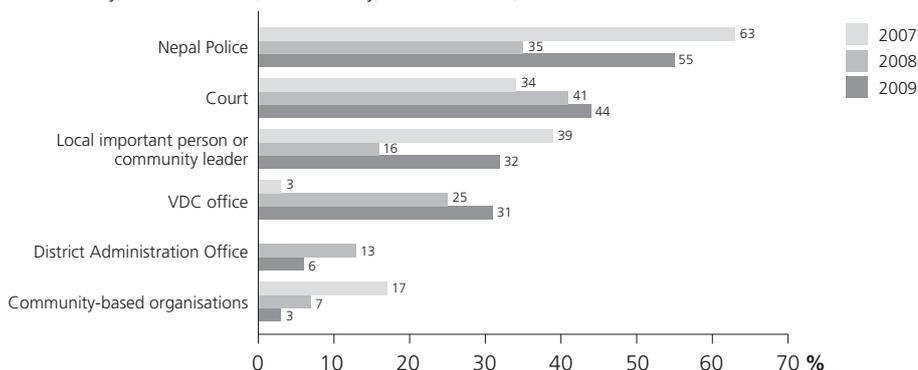
Survey respondents were asked where they would go in order to seek justice. While the most popular responses were the courts and the Nepal Police, 32 percent said that they would go to a local important person or community leader to seek justice. The validation workshops highlighted the fact that it was often community leaders who took an individual's case to court, rather than an individual going directly to the court him/herself. If the community leader is a local politician, this is an effective means of garnering support. 31 percent also said that they would visit a VDC office. Across all demographics, these 4 resources were by far the most popular, with the fifth most popular resource for seeking justice being the District Administration Office, to which just 6 percent of respondents said they would go (figure 44).

**Figure 44: Who do you go to, in general, in order to seek justice?** (2009 survey, base no. 3004)



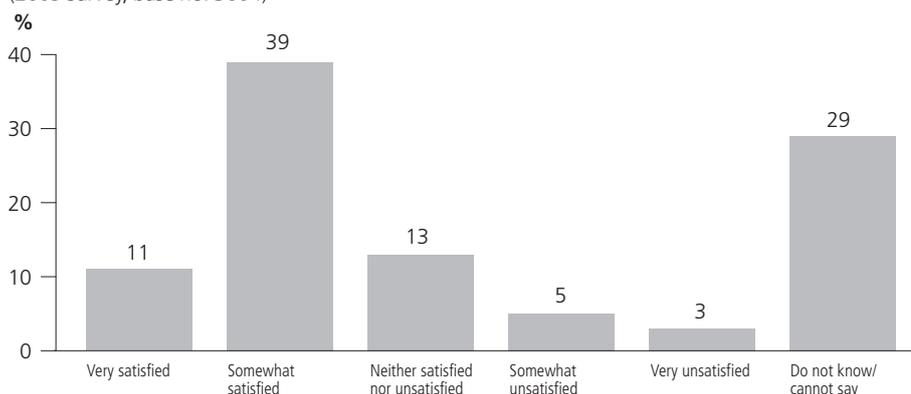
Examined longitudinally, the number of people who said they would seek justice in the courts has increased over the years: from 34 percent in 2007 to 41 percent in 2008 to 44 percent in 2009. The proportion of those who said they would go to the Nepal Police to seek justice increased over the past year. However, it is still lower than those who said they would go to the police in 2007.

**Figure 45: Who do you go to, in general, in order to seek justice?** (2009 survey, base no. 3004, 2008 survey, base no. 3025, 2007 survey, base no. 3010)



In respect of the courts, survey respondents were asked to describe to what extent they were satisfied with the court in their district. About half (50 percent) said that they were satisfied, including 11 percent who were very satisfied. A significant proportion (29 percent) could not give any definitive answer in this regard. Only 9 percent were unsatisfied (figure 46). This is a significant improvement upon 2007, when 32 percent were unsatisfied and only 22 percent satisfied with the court in their district.

**Figure 46: To what extent are you satisfied with the court in your district?** (2009 survey, base no. 3004)



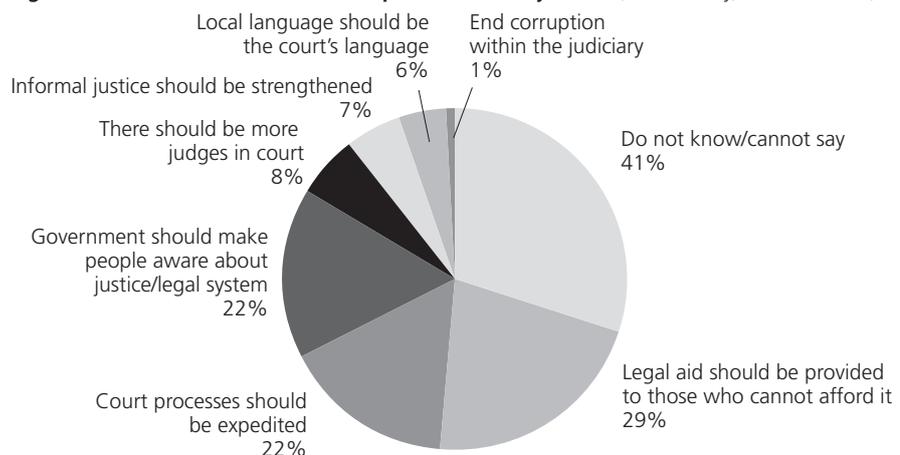
Compared with other Development Regions, many more people in the Far-Western Region reported being at least somewhat satisfied (71 percent, including 23 percent who were very satisfied) with the court in their district. In other Development Regions, between 36 and 39 percent were somewhat satisfied and between 8 and 10 percent very satisfied.

3 percent of the survey respondents had a dispute or a formal case that they could not settle with another party. The majority took the case either to court (41 percent) or to the Nepal Police (24 percent). While a higher percentage said they would go to the police to seek justice than appear actually to go in the event that justice is sought, it is most likely the nature of the case or dispute that would direct people to go first to the courts or elsewhere. Less than 10 percent took the case to a local important person or community leader (7 percent), VDC office (6 percent), lawyer (5 percent) or political parties (4 percent). 6 percent did not take the case anywhere.

Almost half (47 percent) of those survey respondents who had taken a dispute or a formal case to a third party were satisfied with the process. Of the 41 percent who said that they were not satisfied, almost half blamed the length of the process (44 percent) and a little less were dissatisfied with what they considered to be a wrong verdict (40 percent). 24 percent were unhappy with lawyers' high fees. A significant proportion said they were not satisfied with the process due to discrimination based upon caste/ethnicity (20 percent) or wealth/social background (15 percent).

When asked what should be done to improve access to justice, many people (41 percent of the survey respondents) could not give any definitive answer in this regard. Again, as with the Nepal Army and the Nepal Police, this may be due to lack of knowledge (or transparency) or a belief that improvement is unnecessary. 30 percent said that legal aid should be provided to those who could not afford it, while 22 percent said that court processes should be speeded up. A significant proportion (22 percent) said that the Government should make people more aware of the justice and legal systems and, presumably, of available resources. This underscores the vital point that unless people have access to knowledge about their rights and the services that are available to them and how to use them, equal access to justice becomes impossible, as only those with privilege will have the ability to ensure that their human rights are protected and their grievances appropriately dealt with by the criminal justice system.

**Figure 47: What should be done to improve access to justice?** (2009 survey, base no. 3004)



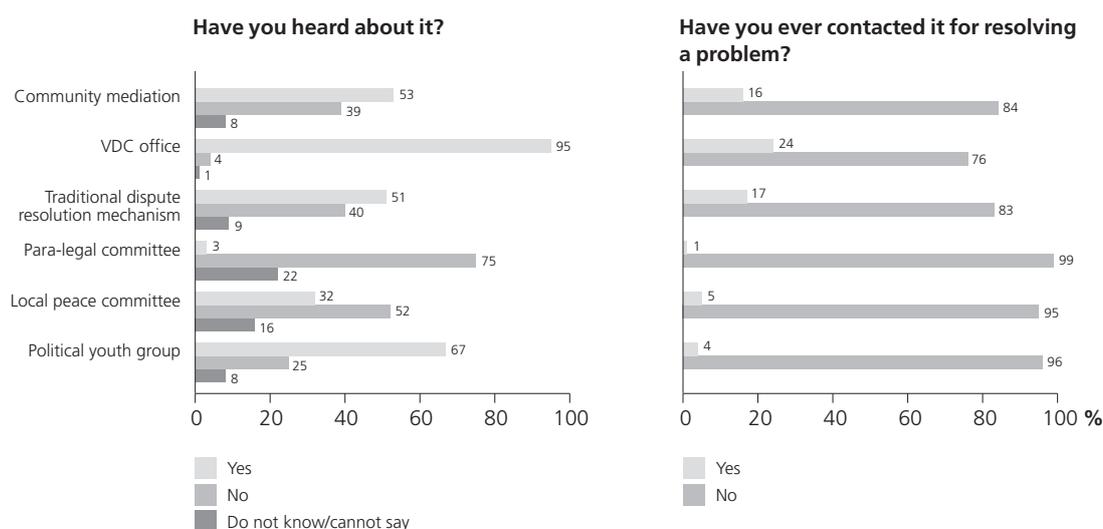
## 4.7 Informal security and justice mechanisms

In order to determine the prevalence of informal security arrangements, respondents were asked whether there was any security arrangement established by the public in their localities. The vast majority (81 percent) said there was not, while 11 percent said that there was. This is similar to the data found in previous years. In 2008, 10 percent said there was a local security arrangement where they lived, while 87 percent said there was not. In 2007, 9 percent said there was a local security arrangement where they lived, while 86 percent said there was not. The number of people who said that there was a local security arrangement where they lived was slightly higher in the Terai (13 percent) than in the mountains (9 percent) or hills (10 percent). Similarly, more Madhesis (14 percent) than non-Madhesis (10 percent) said that there were local security arrangements. Likewise, this proportion was higher in the Eastern (19 percent), Western (14 percent) and Far-Western (15 percent) Regions, compared with the Central (7 percent) and Mid-Western (5 percent) Regions.

Those respondents who said there were security arrangements established by the public in their localities were asked about the nature of these arrangements. Most of them (57 percent) said the arrangement was a neighbourhood watch system. 41 percent of respondents said there was a local security committee and 14 percent said there were community security guards. Only 1 percent said there were private security guards, and 1 percent a communication network system.<sup>12</sup>

The survey also asked if the respondents had heard of various types of informal justice and dispute resolution systems. The most well known of these was the VDC office, about which 95 percent knew. Many had also heard about political youth groups (67 percent), community mediation (53 percent) and traditional dispute resolution mechanisms (51 percent). A very small number of people (3 percent) had heard of para-legal committees. Among those who had heard about these institutions, respondents were asked if they had ever contacted them for assistance in resolving any problem. Among those who had heard of the VDC office, traditional dispute mechanisms or community mediation, 24 percent, 17 percent and 16 percent respectively had availed themselves of their services. Contact with other informal security providers was low.

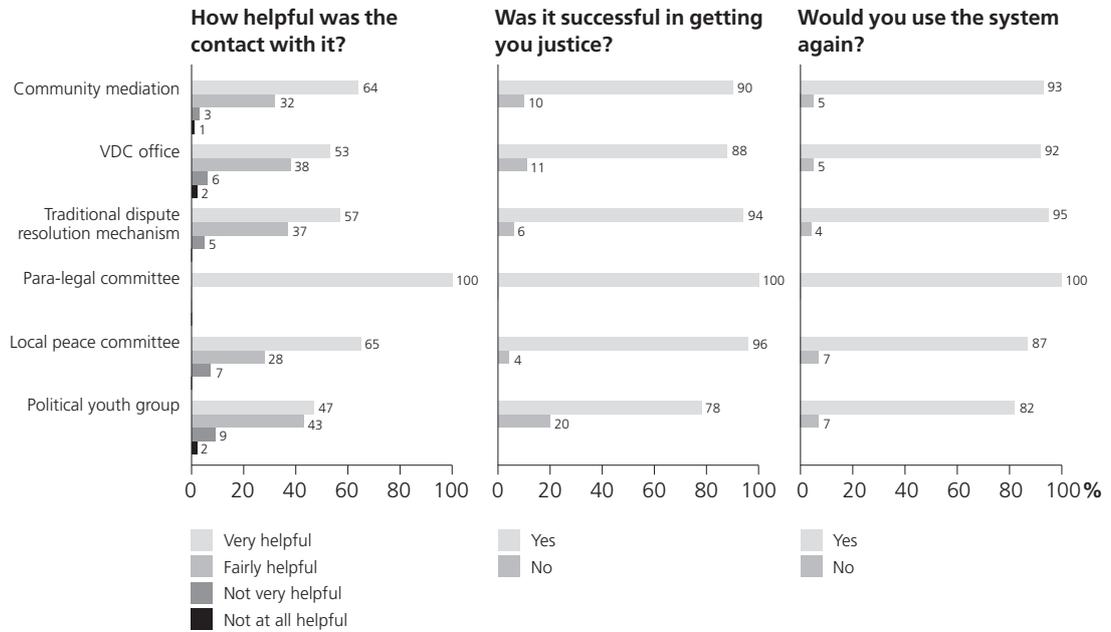
**Figure 48: Those who have heard about various types of justice and dispute resolution systems other than formal courts and the proportion of these people who have ever contacted them to resolve a problem.** (2009 survey, base no. 3004)



<sup>12</sup> Neighbourhood watch systems are primarily informal mechanisms that encourage residents to be vigilant and report suspicious activities or persons. Local security committees tend to be more structured and have more formal and long-term roles and aims. They may also be more proactive in terms of improving local security conditions. Communication network systems operate in a similar way to neighbourhood watch systems, where vigilance is encouraged and specific people are informed in the event of a security concern. Security guards, whether community or private, act as a deterrent and take action in the event of any suspicious or criminal behaviour. Of these informal security systems, all members are voluntary other than the private security guards who are paid for their work.

Most of those who had contacted these institutions considered them to be helpful and successful in helping them access justice. Similarly, most of the people who had contacted these institutions said that they would use the services of these institutions again (figure 49). However, some key informant interviewees suggested that every aspect of Nepali society had been politicised, even informal justice and dispute resolution mechanisms, because of the weakness of the State and the long-term insurgency.

**Figure 49: Level of helpfulness, success and proportion of those who mentioned that they would use these systems again.** (2009 survey, base nos. are those who have contacted these systems)

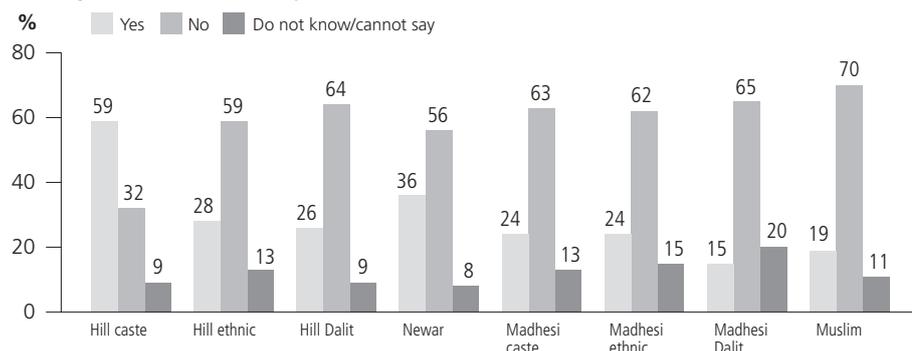


## 4.8 Equality and inclusion in the security and justice sectors

Despite high levels of trust (but low levels of complete trust) and high levels of belief in the effectiveness of formal security institutions to protect society against crime (but limited belief in their complete effectiveness), people generally thought that these institutions were not inclusive and did not represent all castes/ethnic groups. Only 36 percent of the survey respondents thought that the State security services represented their caste or ethnic group, compared with 31 percent in 2008. More than half (53 percent, compared with 49 percent in 2008) thought they did not.

The caste/ethnicity of people clearly has a significant bearing in this regard. Hill castes are the only group whose majority (59 percent) think that there are enough members of their group in the State security services, while the majority of the rest of the caste/ethnic groups think that they are under-represented in these institutions. People are more pessimistic among all Madhesi groups (figure 50), which was also reflected in the key informant interviews.

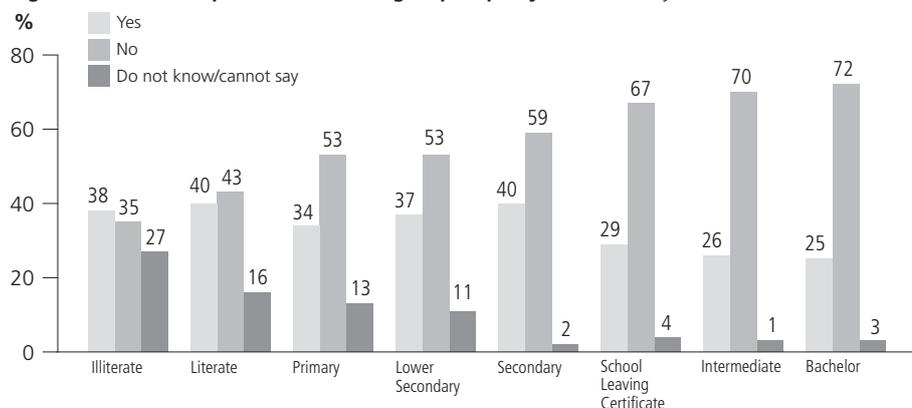
**Figure 50: Do you think there are enough members of your caste/ethnic group in the State security services?** (2009 survey, base no. 3004)



In respect of the representation of women, only 17 percent of respondents think that there are enough women in the State security services. However, compared to 2007 (77 percent), there are now slightly fewer people (71 percent) who believe that there should be more women in the police. Surprisingly, as in past years, more men than women think that there are not enough women in Nepal Police (76 percent compared with 67 percent of women). In 2007, more men (81 percent) than women (72 percent) thought there should be more women in the police. However, as we saw earlier, very few people think that recruiting more women (3 percent) or members of all ethnic groups (11 percent) is a priority in order for the Nepal Police to improve.

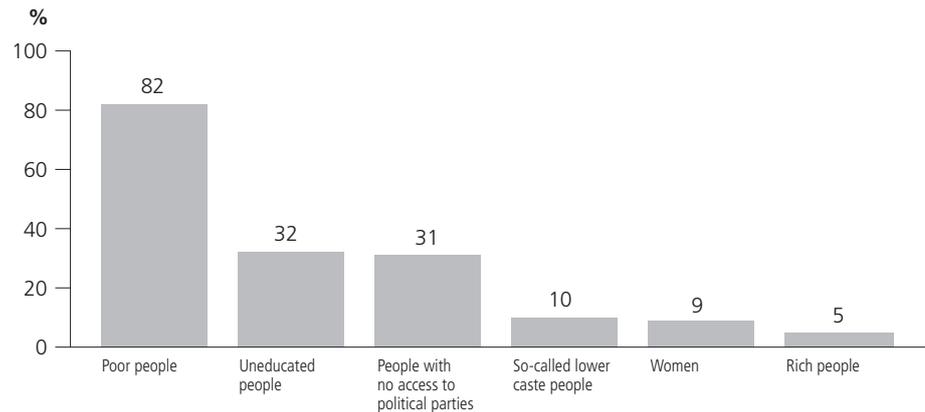
In response to whether people thought that the Nepal Police treated all groups equally, almost half (49 percent) of the respondents thought they did not, while only 36 percent thought they did. This is similar to 2008, when 50 percent of the survey respondents thought they did not and only 33 percent thought they did. There has been little change in people's perceptions on this matter since the 2008 survey. Particularly considering that most people think that the State security services are unrepresentative, it may be assumed that endeavouring to create institutions that are reflective of the demographic of the citizens they serve would also help to address the perception, at the very least, that the Nepal Police and other security institutions do not serve all citizens equally. Mountain dwellers were the only group among whom more than half thought that all citizens were treated equally (52 percent). Educational level also seems to exert an influence on people's opinions on this matter, with a correlation between having attained a higher level of education and the belief that all groups are not treated equally.

**Figure 51: Do the Nepal Police treat all groups equally?** (2009 survey, base no. 3004)



At 82 percent, a huge majority of those who believe the Nepal Police does not treat all groups equally believe that poor people are treated unfairly. Many people also consider that uneducated people and those with no access to political parties are also treated unfairly.

**Figure 52: If the Nepal Police do not treat all groups equally, which group(s) do they treat unfairly?** (2009 survey, base no. 1466)



In 2008, a slightly greater proportion of those who thought that the police did not treat all groups fairly thought that poor people were discriminated against (87 percent) and a few more people thought that people with no access to political parties were discriminated against (36 percent). Coupled with the focus on economic hardship and poor infrastructure as the overriding problems facing many people in their communities today, a picture is beginning to emerge in which poverty is increasingly affecting people's lives: not just in its direct manifestations but also in the way they are treated as a result. In effect, a large group of the most vulnerable people in Nepal are being doubly punished: first, they are denied access to basic services and a means to provide for themselves and their families, and second, they are discriminated against by those organisations that should protect and provide for everyone, particularly the more vulnerable.

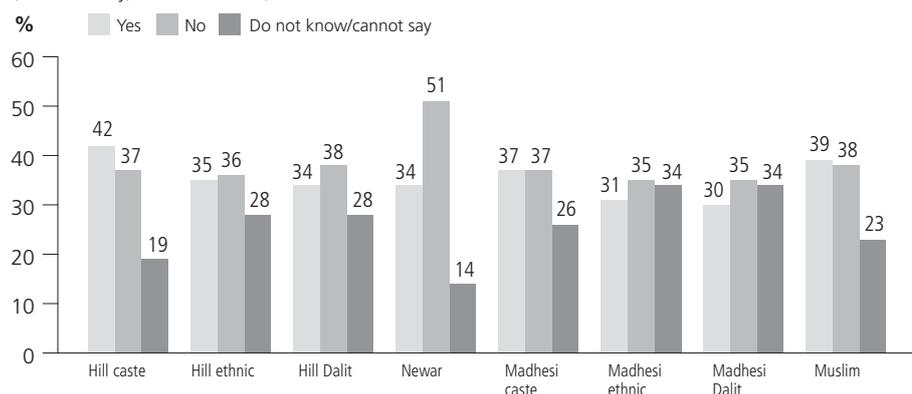
In 2007, 34 percent thought that the police treated men and women differently and 19 percent thought they treated different caste/ethnic groups differently. There does seem to be a marked improvement in this regard with 10 percent or less of the survey respondents believing either group to be discriminated against today.

Nonetheless, of the small number of respondents (6 percent) who have had to deal with the Nepal Police over the past year, most considered them to be helpful (56 percent). However, a significant proportion, 14 percent, said that they were unhelpful. Women, in particular, said that they found the Nepal Police to be helpful (68 percent).

When asked whether courts treated everyone equally, opinion was divided amongst the survey respondents with 37 percent believing that they did and the same percentage believing otherwise: the same as in 2008. This is similar to the number of people believing the Nepal Police treat all people equally (36 percent), but significantly less than those who believe the Nepal Police treat people differently. The disparity is accounted for by the relatively large number of people (25 percent) who did not give an answer. This largely mirrors the findings of the 2008 survey. Again, the higher the level of education attained, the more likely the respondent was to believe that the courts treated people differently: 54 percent of those with a bachelor-level education, compared with 29 percent of those who were illiterate, believed the courts did not treat all people equally. In respect of the different caste/ethnicity of the survey respondents, a slightly higher proportion of hill caste (42 percent), Madhesi caste (37 percent) and Muslim (39 percent) respondents believed that courts treated all groups equally: in the other communities, a higher proportion believed that courts did not treat all people equally. Of Newars, 51 percent believed that courts did not treat people equally, compared with 34 percent who thought they did. This may reflect the treatment they receive from courts due to their caste or due to another factor associated with their caste, such as level of education.

**Figure 53: In your opinion, does the court treat all the groups equally?**

(2009 survey, base no. 3004)



Most of those who believe that courts do not treat people equally consider poor people to be treated unfairly (71 percent). This startling statistic is similar to the high number of people who considered that poor people were treated unfairly by the Nepal Police. This is slightly less than in 2008, when 88 percent of those who believed that the courts discriminated between groups believed that poor people were treated unfairly by the courts. Less than 10 percent of the 2009 survey respondents believed that any other group was treated unfairly. People with no access to political parties were believed to be treated unfairly by 8 percent, rich people and uneducated by 5 percent each, and women by 3 percent of respondents.

While most people would appear to think that the State security services do not adequately reflect the composition of Nepali society and many people believe that security and justice sector institutions do not treat all groups equally, only 14 survey respondents considered ethnic/caste (12 people) or gender discrimination (2 people) to be one of the major problems facing Nepal. Nonetheless, many respondents considered that the Nepal Police and the Nepal Army could improve by recruiting more women and more people from all ethnic groups. Moreover, as we will see in the next chapter, a large number of people believe that the state of law and order will decline in the near future precisely because the demands of Janajatis, Madhesis, Dalits, Tharus, youths and women have not been addressed. Without equal access to justice and protection from crime and violence, the achievement of law and order under a genuinely democratic, egalitarian security and justice system will remain an elusive goal. Having said this, in 2007, more than twice as many people who thought that law and order would not improve considered the reason to be that the demands of minority groups had not been addressed (35 percent compared with 14 percent in 2009). While still a matter of concern, inclusion and equality in the security and justice sectors is either improving or other concerns are taking precedence. As we saw at the beginning of this report, those concerns are most likely to be economic hardship and poor infrastructure, which seriously jeopardise people's ability to provide for themselves and their families.

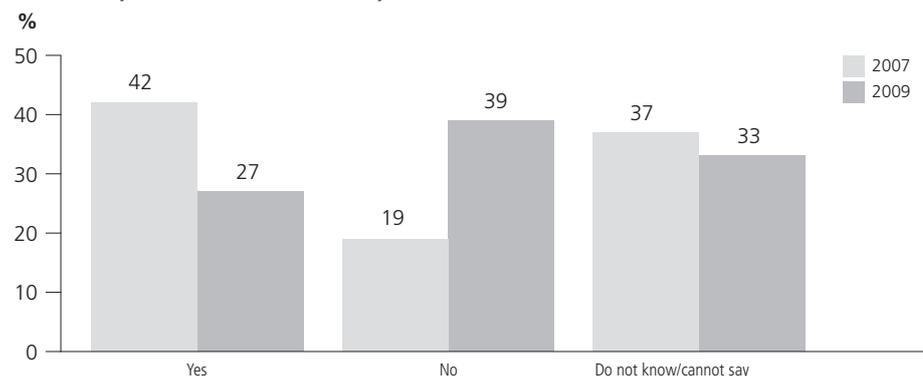
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## Expectations and hopes for the future

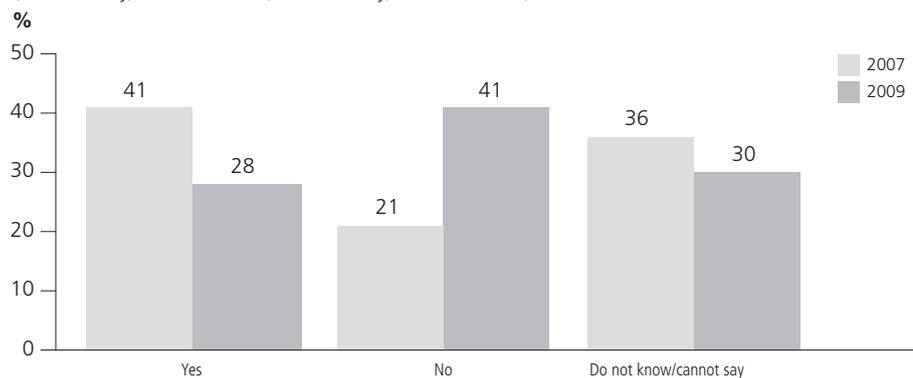
**THE PRECEDING CHAPTER** suggested that people were much more likely to be satisfied than dissatisfied with the formal justice system – more than 5 times as likely, based upon the data from the survey. Crucially, however, as many people think that the courts treat people equally as think that they do not. Moreover, the perception exists that a person's wealth determines the treatment he or she receives – almost three-quarters of those believing the courts do not treat people equally believe poor people are at a particular disadvantage.

Against this backdrop, a large percentage (39 percent) of survey respondents consider that they will not have better access to justice in the future. Only 27 percent believe that the future would provide them with better access to justice. This is not surprising, given that most respondents consider that the country is moving in the wrong direction and that an overriding reason for this is the lack of progress made on law and order. As has been described, the sense of optimism evident immediately after the cessation of hostilities has been in decline over the past couple of years. It is of no surprise that fewer people expect that they will have greater access to justice in the future than they did in 2007, when around two-fifths of the survey respondents believed that they would have greater access to justice in the future and that law and order would improve, and only one-fifth thought things would get worse. In the 2009 survey, around two-fifths believed that they would not have better access to justice in the future and that law and order would not improve.

**Figure 54: Do you think that you will have better access to justice in the Nepal of the future?** (2009 survey, base no. 3004, 2007 survey, base no. 3010)



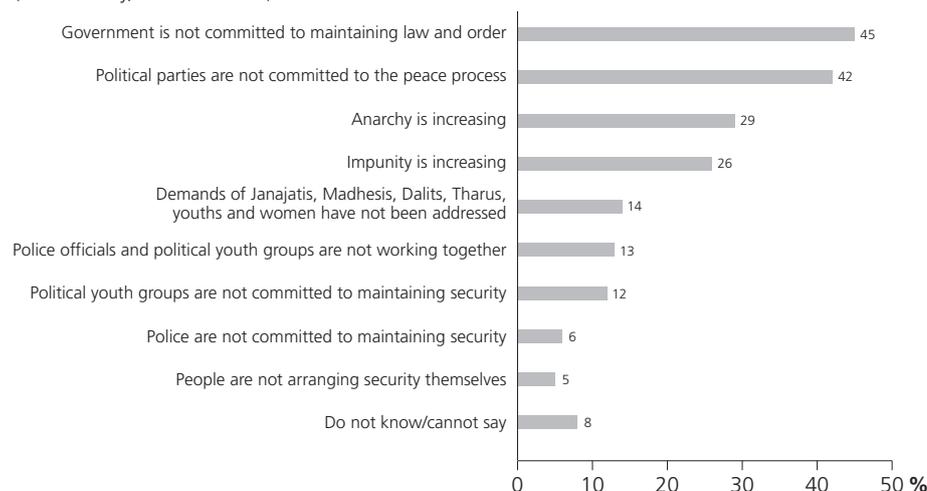
**Figure 55: Do you think that the level of law and order will improve in the months to come?**  
(2009 survey, base no. 3004, 2007 survey, base no. 3010)



People's views on whether or not they expected the level of law and order to improve in the months to come varied depending upon where they lived. People living in the Mid-Western and Far-Western Regions were more optimistic about the prospects of law and order improving in the months to come, particularly compared with people in the Central Region, where the majority of people thought law and order would decline. As we saw earlier, people from the Mid-Western and Far-Western Regions tend to feel safer than people from other Development Regions, have a higher opinion of the Government's ability to maintain law and order and, to some extent, are less afraid of becoming victims of crime. People in urban areas are much more likely to believe that law and order will not improve in the near future, with 51 percent of respondents from urban areas against 39 percent from rural areas pessimistic in this regard.

45 percent of those who said that the level of law and order will not improve over the coming months consider the reason to be lack of commitment on the part of the Government to maintaining law and order. A similar proportion (42 percent) think that the reason is lack of commitment to the peace process by political parties, while others blame increasing anarchy and impunity. In the context of a general low regard for the inclusiveness and fairness of security sector institutions, a large number of people believe law and order is unlikely to improve because the demands of Janajatis, Madhesis, Dalits, Tharus, youths and women have not been addressed.

**Figure 56: If you feel law and order will not improve, why do you think so?**  
(2009 survey, base no. 1233)

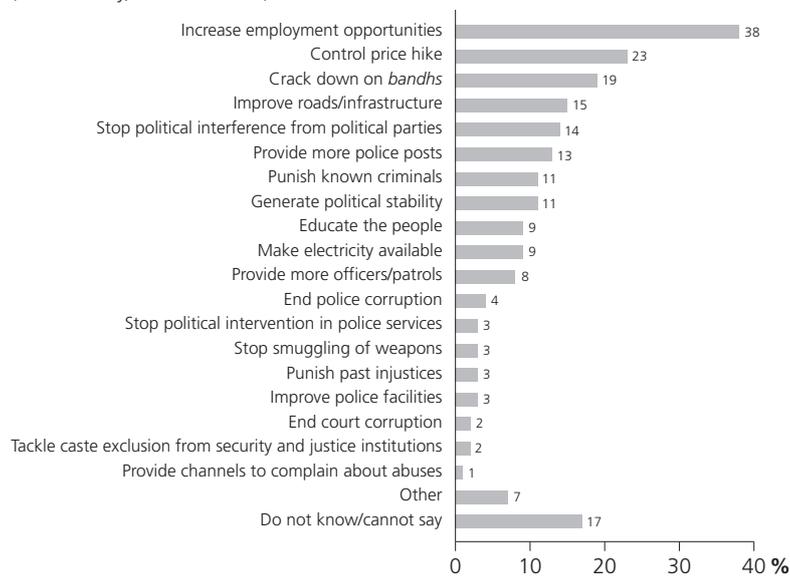


Earlier it was noted that law and order is the key factor determining whether people believe that the country is going in the wrong or right direction. Likewise, perceptions of Government commitment to maintaining law and order play a central role in determining whether people are optimistic or pessimistic about the future. While 42 percent of those respondents who believe that law and order is likely to decline

blame the lack of commitment on the part of the Government, 44 percent of those who anticipate an improvement in law and order credit the Government’s commitment. The vast majority of respondents therefore agree that the Government’s commitment, and awareness of that commitment, is key to the future of law and order in Nepal. Others who expect law and order to improve credit the commitment of political parties to the peace process.

The integral relationship between socio-economic factors and security is further highlighted by the responses to the survey question asking what the Government should do to improve security in Nepal. 38 percent said that the Government should increase employment opportunities, 23 percent that it should control the price hike, and 19 percent that it should crack down on *bandhs*. In the eyes of the public, addressing such socio-economic issues is of more strategic importance in impacting security than even the core tasks of the security institutions. Likewise, addressing conditions that inhibit gainful employment or hinder business, such as the poor condition of roads and other infrastructure, is also of critical importance when it comes to improving security in Nepal.

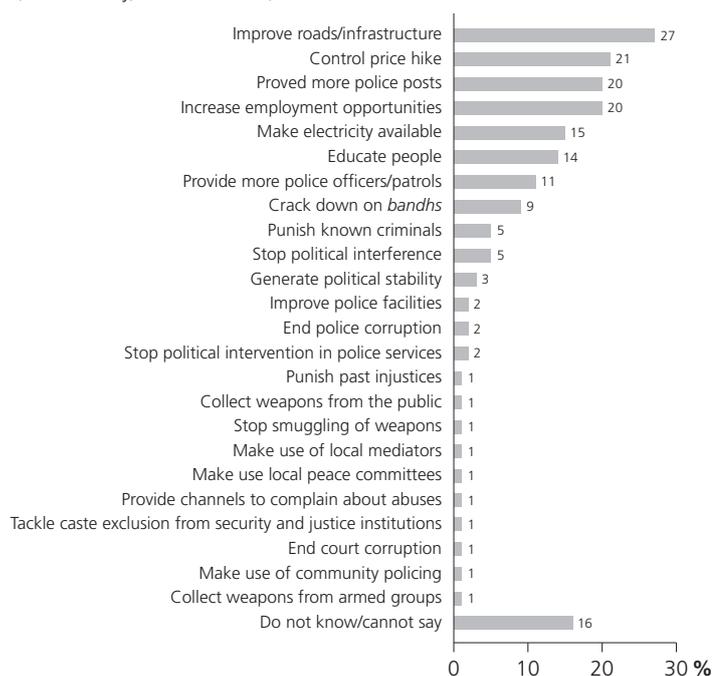
**Figure 57: What should the Government do to improve security in Nepal?**  
(2009 survey, base no. 3004)



In 2008, significantly fewer survey respondents considered that in order to improve security in Nepal the Government should crack down on *bandhs* (6 percent), improve roads and associated infrastructure (9 percent), and stop political interference from political parties (3 percent). Slightly fewer people in 2008 said the Government should increase employment opportunities (33 percent) and provide more police posts (11 percent), whereas slightly more people said that more police officers and patrols should be provided (12 percent). Again, increasing concerns about economic hardship and poor infrastructure are clearly evident.

People also consider that in order to develop security in their own communities, the Government’s priorities should be economic and infrastructural development. The most popular recommendation by survey respondents (27 percent) was that the Government should improve roads and other infrastructure, while 16 percent said it should make electricity available. Other prevalent recommendations were that the Government should control the price hike (21 percent), increase employment opportunities (20 percent) and provide more police posts (20 percent).

**Figure 58: What should the Government do to improve security in your local area?**  
(2009 survey, base no. 3004)



In the 2008 survey, significantly fewer survey respondents considered that in order to improve security in their local area the Government should improve roads and associated infrastructure (15 percent), provide more police posts (10 percent), make electricity available (6 percent), or crack down on *bandhs* (4 percent). This again emphasises the increasing concerns of the public about the current economic situation and the state of Nepal's physical infrastructure.

Key informant interviews underscored the importance of civil society in contributing to security and instigating change. For instance, it can improve security by holding security sector institutions to account as well as presenting informed opinions of these institutions' activities to the public, which often has to rely on the media for such information. This can help make the security sector institutions more professional as well as secure the essential public support that these institutions need in order to be able to provide security and maintain law and order effectively. Civil society in Nepal would require strengthening to effectively fulfil these roles. Politicisation, lack of leadership, lack of awareness-raising among key stakeholders, lack of focus and limited representation were all remarked upon as being among the limitations of civil society organisations in Nepal.

Key informant interviewees also recommended ways in which the international community could assist in improving security and law and order in Nepal. General recommendations included exerting pressure on the Government to progress with the reform process, demanding more concrete results from their donations and support, and investment in development of infrastructure. More specific recommendations on justice and security issues included: visits of diplomats to areas of Nepal to assess the security and justice situation first-hand; policing support such as the provision of financial support for essential equipment and awareness-raising programmes and assistance in the development of working partnerships with the public; and, in terms of integration and rehabilitation assistance, provision of education and training, notably human rights training, to Maoist Army combatants.

Key informant interviewees also underscored the need for political consensus, without which progress in all fields is hampered. Of concern is the impression that many politicians may not be interested in the wellbeing of the country in the long term, which does not bode well for the establishment of political consensus. Key informant interviewees also emphasised the need for the development of a National Security

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Strategy, arguing that an assessment of security threats and needs is necessary to inform a reshaping of institutions to meet these in a co-ordinated, transparent, accountable, independent and efficient way. In addition to political and security sector developments, key informant interviewees also suggested that addressing poverty and unemployment was critical to the achievement of law and order.

In order to improve security at both the local and national levels, the public clearly prioritises economic and infrastructural development over direct security sector interventions. This suggests public recognition for the need for human security in Nepal: that to feel physically secure, the public is aware that economic, food, health, environmental, political, community and personal factors all need to be addressed.<sup>13</sup> We have already seen that there is perceived to be a direct correlation between lack of employment opportunities, poverty, crime and violence, and that theft, an economic crime, is rightly perceived to be the most prevalent criminal offence. It is of little surprise that most people assume that unemployment and poverty are the key factors contributing to crime, and that economic and infrastructural development are the key security priorities of the public. These need to be addressed not simply to reduce the crime rate, but also to increase the level of security, dignity and hope of the Nepali people.

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<sup>13</sup> See United Nations Development Program, Human Development Report (UNDP), 1994.

# 6

## Conclusion and recommendations

### Conclusion

**THE RESEARCH UNDERTAKEN FOR THIS REPORT** in summer/autumn 2009 builds on research conducted in the previous 2 years. It confirms and extends many of the conclusions drawn from the analyses of the reports of 2007 and 2008:

- 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 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. Lack of development, poor infrastructure and *bandhs* are of increasingly high concern, while poverty and unemployment remain the most serious problems that people believe Nepal is facing. At the local level, lack of infrastructure (roads, water and electricity) is of greatest concern, together with anxieties about poverty and unemployment. The price hike and lack of safety also feature among the most widespread concerns.
- People remain concerned that progress has stalled.
- The Terai remains the most insecure region in Nepal.

However, the 2009 research highlights a number of changes that are occurring:

- People are increasingly less optimistic about the future, believing that Nepal is not going in the right direction, that it may even be growing unstable, and that neither law and order nor access to justice will improve. A primary reason is the lack of understanding between political parties.

- Feelings of frustration, particularly with political disagreements and the effect they have on progress, have continued to increase.
- Nonetheless, there is increasingly widespread trust and confidence in the State security and justice institutions, notably the Nepal Police and the district courts.
- While the vast majority of people believe that the misuse of small arms is small and decreasing, there appears to be an increase in the number of civilians carrying small arms.
- It appears that the Special Security Plan has been seen to have had a positive impact upon the crime rate and associated levels of violence in the Terai as well as some other areas.

This report has also extended the previous years' analyses on the following points:

- 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. Children's security has not been addressed in this report, but it is assumed that they are also most likely to suffer as a result of limited information and, consequently, access to justice and protection.
- There appears to be a lack of public knowledge, as well as progress and consensus, on the issue of the integration and rehabilitation of Maoist Army combatants.
- As well as crime itself, the perception of crime and the causes of crime need to be addressed.
- While the number of people who would report on a case of domestic violence appears to have increased significantly, the report suggests that further analysis is required to substantiate and analyse these claims.
- The 2009 research has significantly broadened the focus on informal security and justice mechanisms, underscoring their value and widespread use.
- The 2009 research has significantly broadened the focus on border management, highlighting concerns, particularly in respect of co-ordination between agencies.

As previous reports have shown, the public have strong views on their own security and valid recommendations for how the Government and the various security and justice sector institutions can be improved in order to better provide security and justice. It is hoped that those responsible for providing justice and security for the public take note of these views and recommendations; some of which are outlined below. Without considering the views of the public, the risk is that security and justice sector institutions cannot hope to be inclusive, responsive or, ultimately, effective. The consequences do not bode well for the peace process, for development or, most crucially, for the people of Nepal – particularly the most vulnerable.

## Recommendations

- **Address the perception of instability.** All political parties in Nepal, foreign governments and the UN need to heed the sharply growing public perception that the country is unstable, and identify steps now needed to go forward in co-operation. In particular, foreign governments need to work with and encourage Nepali actors to renew the momentum of the peace process and prevent the emergence of new armed groups through good governance and socio-economic development.
- **Demonstrate commitment.** Public perceptions suggest that the Government needs to demonstrate a renewed focus on the peace process and on addressing issues that are most important to ordinary Nepalis, outlined in detail in this report.
- **Improve understanding between political parties.** In order for any real progress to be made in providing security and improving development, working relationships

between the political parties need urgently to improve. There needs to be more evidence of understanding between the political parties in order to reassure the public that the Government can maintain law and order and that the public has reason to be optimistic for the future. Relatedly, the public also wishes to see more Government effort to ensure that no political/youth groups stray into criminal activities.

- **Reduce reliance on *bandhs*.** The public has lost patience with the prevalence and damaging impact of *bandhs* on every aspect of life in Nepal. Political parties should increase their co-operation to reduce recourse to *bandhs* by their supporters, and campaign to discourage their use. The Government should seek alternative ways for the public to communicate concerns, as well as demonstrate renewed responsiveness to these, so that recourse to *bandhs* can be avoided.
- **Make progress on socio-economic development.** Poverty, unemployment, lack of development and poor infrastructure need urgently to be addressed. These socio-economic factors seriously undermine efforts to improve security and maintain law and order. Conversely, insecurity hampers socio-economic development. Consequently, socio-economic development and security and justice provision need to be pursued simultaneously, in a co-ordinated and mutually supportive way.
- **Localise the security response.** Levels of insecurity are not uniform throughout Nepal. There are specific clusters of the Terai and the Central and Eastern Development Regions where a significant number of people feel more insecure than they did pre-*Jana Andolan II*. It is therefore important that national security strategies recognise and respond to differences in the perceptions and experiences of security and insecurity in different parts of Nepal. Similarly, it is important that the different needs and experiences of men and women, different castes, ethnicities and socio-economic groups are recognised and responded to.
- **Address crime, the causes of crime and the perceptions of crime.** In order to improve security and law and order, it is important to target crime and the causes of crime. It is also important to recognise that people's perceptions of the crime rate are often at variance with the actual or reported crime rates. It is necessary, therefore, to address people's perceptions through methods such as outreach work and community policing. This is particularly necessary given that security, freedom of movement and hope for the future are as dependent upon people's perceptions of, or feelings about, security as the actual security conditions.
- **Fight police corruption.** There is widespread concern about police corruption and lack of discipline. This was particularly evident from the validation workshops. If public confidence in the police is to increase and more people are to avail themselves of their services, action needs to be taken to identify, punish and prevent corruption. The relationship between criminals and politicians was also raised in the validation workshops as an obstacle to effective policing. It is suggested that there should be a wider investigation into corruption and criminality in the political administration as well as the criminal justice system. This investigation should be thorough, transparent and robust.
- **Stop political interference in the security sector.** Concern over the level of political interference in the Nepal Police and Nepal Army suggests action needs to be taken. That action needs to be comprehensive, robust and transparent. Similarly, there is concern about the involvement in political affairs of members of the Nepal Army and the Nepal Police. Similar restorative action needs to be taken. Political interference should not be confused with the much needed civilian oversight of the security sector and, particularly the democratic control of the armed forces.
- **Ensure transparent personnel and disciplinary procedures in security and justice sector institutions.** The professionalism and effectiveness of security and justice sector institutions, as well as public support given to these institutions, is dependent upon transparent personnel and disciplinary procedures, including

recruitment, promotion and dismissal procedures. Steps should be taken to guarantee that such procedures are transparent and fair.

- **(Re)establish police posts.** The number of police posts should be increased and, as recommended in 2008's report, the (re)establishment of police posts should be accelerated. There is evidently a correlation between improved security and the existence of a local police post. There is also much support for establishing police posts where they do not already exist.
- **Promote community policing.** As recommended in the 2007 survey, the principles and philosophy of community policing should be mainstreamed in the Nepal Police and extended throughout Nepal.<sup>14</sup>
- **Publicise procedures for complaints.** There should be clear channels for the public to hold security and justice sector institutions to account and challenge any wrongdoing. The public, especially women, Madhesis and those with limited education, has little knowledge of police or army complaints procedures. Security institutions should ensure that all members of the public are aware of these procedures, so that regardless of caste, ethnicity, gender or level of education, all are equally protected.
- **Implement security and justice awareness and communication strategies.** Many people, particularly women and sometimes other vulnerable groups, felt unable to comment on how to improve security sector institutions and related questions. Raising public awareness of human rights, legal protection, how the justice system works and the Special Security Plan is of critical importance: unless people have access to knowledge about their rights and about the services that are available to them and how to make the best use of those services, there can be no equal access to justice. The public should also be given accurate and adequate information to understand the policies and actions of the security and justice institutions. When endeavouring to develop institutions and policies that are responsive to the needs of the people of Nepal, building on greater awareness, consulting the public on its needs should be an integral part of the process.
- **Inform and empower women.** Given women's relative lack of knowledge of security and justice sector institutions, security and justice sector actors including civil society should inform and empower men and women so that they are equally equipped to use as well as comment upon such institutions and the services they offer.
- **Ensure equal treatment for all.** The concerns or vulnerabilities of those who may feel disadvantaged when dealing with security or justice sector institutions should also be attended to. The poor, minorities and those who lack education should have access to information and receive equal treatment from the institutions that are there to serve them.
- **Make security and justice institutions representative.** One way to address perceived discrimination would be to ensure the State security and justice sector institutions reflect the demographic of the population they serve. These institutions need to reach out to and recruit more women and people from a greater diversity of castes/ethnicities. This could also help in the process of empowering those groups who have been shown to be at a disadvantage in terms of knowing how to use security and justice services.
- **Clarify and distinguish mandates within the security and justice sectors.** In order to facilitate transparency, co-ordination and effectiveness within the security and justice sectors, clear mandates of the various actors within the sectors should be defined. Ideally, this should occur within the context of a wider security needs assessment under a security and justice sector reform or National Security Strategy development process.

<sup>14</sup> Cf Saferworld, 'Public Safety and Policing in Nepal', (Saferworld, London/Kathmandu, 2007), pp iv–v, in which the public demands of the police were summarised as: 'serve society; uphold the law; work with the community; protect human rights; be co-operative and communicative; be polite and respectful; be competent, responsible and accountable; treat everyone equally; represent all communities; be apolitical.'

- **Adequately resource and support the police.** Validation workshops and key informant interviews highlighted concerns about inadequate human and material resources, low police morale and requests to intervene in tasks not considered to be under the core police mandate (such as labour disputes, escorting VIPs). An organisational needs assessment should be undertaken in order to determine what resources the police requires in order to fulfil its responsibilities. Ideally, this should also occur within the context of a wider security needs assessment under a security and justice sector reform or National Security Strategy development process.
- **Extend the reach and responsiveness of State security and justice institutions.** Despite concerns about equality and inclusion in the security and justice sectors, trust and confidence in these institutions, particularly the Nepal Police, appears to be widespread and increasing. Consequently, and as recommended in the 2008 report, it would make good sense for the Government, with the support of interested donors, to extend the presence and responsiveness of State security and justice institutions in communities.
- **Ensure equal access to justice.** Efforts should be made to expedite court processes and provide legal aid to those who need it.
- **Investigate women's security.** Given the incongruity in the data solicited by different methods in this report, and the availability of other research contradicting the current survey's findings, further investigation into women's security would be valuable.
- **Investigate small arms possession.** Officials in the security sector should develop research and analysis on, and look for ways to address, the apparent rise in sightings of small arms and the apparent demographic changes that are occurring in the field of small arms possession and use.
- **Take action on reintegration.** Accelerate progress on the integration and rehabilitation of Maoist Army combatants, as called for in the CPA and the Interim Constitution of Nepal.
- **Strengthen civil society.** Civil society organisations can help improve security by holding security sector institutions to account as well as by presenting informed analysis of their performance to the public, which often has to rely on the media for such information. This can help professionalise the security sector institutions as well as secure the essential support these institutions need from the public in order to effectively provide security and maintain law and order. In order to be able to fulfil these roles, civil society in Nepal would require strengthening.
- **Develop a National Security Strategy.** The capacity and responsibilities of the security sector need to be clarified based on a thorough and realistic analysis of security threats and needs. A National Security Strategy, fully implemented, would enable the Government to consider these issues, and ensure that the security sector achieves co-ordination, transparency, independence, effectiveness and public support.
- **Improve international community engagement.** The international community, particularly if co-ordinated, can effectively influence and build the capacity of the Government of Nepal to benefit from international best practices in its pursuit of security and justice sector development. If sustainability is its goal, the international community must equally recognise that lasting reforms will need to be built on greater knowledge of rights and articulation of needs among the general public, as well as stronger, more vibrant civil society engagement with security and justice sector development debates. In particular, donors should be mindful of elitist and partisan tendencies in Nepali civil society, and be careful to support initiatives that genuinely consult the public, represent its views and are built on local momentum, rather than injecting momentum into local initiatives artificially.

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## ANNEX

### Research methodology and demographics

The 2009 report was based on 3 key sources of primary research:

- a household survey of 3004 people across Nepal, carried out in June/July 2009
- key informant interviews with relevant security institutions, Government officials, political party leaders, donor organisations and representatives of civil society organisations
- validation workshops across Nepal with key stakeholders to discuss initial findings.

#### 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 initially formulated in English and was, thereafter, translated into Nepali. The survey was pre-tested on 9 June 2009 in the districts of Kathmandu and Morang (a Terai district) and the questionnaire was revised and refined as a result.

A nationwide survey of 3004 people aged 15 and above was then conducted between 24 June and 23 July 2009. 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 following table shows the demographic variables of the survey respondents:

#### Ecological Region

	Frequency	Percent
Mountain	210	7.0
Hill	1380	45.9
Terai	1414	47.1
Total	3004	100.0

#### Development Region

	Frequency	Percent
Eastern	621	20.7
Central	1019	33.9
Western	621	20.7
Mid-Western	420	14.0
Far-Western	323	10.7
Total	3004	100.0

#### Residence

	Frequency	Percent
Rural	2570	85.5
Urban	434	14.5
Total	3004	100.0

#### Gender

	Frequency	Percent
Female	1496	49.8
Male	1508	50.2
Total	3004	100.0

**Age group**

	Frequency	Percent
15–25	907	30.2
26–35	765	25.5
36–45	563	18.7
Above 45	769	25.6
Total	3004	100.0

**Educational Status**

	Frequency	Percent
Illiterate	848	28.2
Literate	676	22.5
Primary	390	13.0
Lower secondary	395	13.1
Secondary	113	3.7
School Leaving Certificate	340	11.3
Intermediate level	177	5.9
Bachelor	65	2.2
Total	3004	100.0

**Broad group of caste/ethnicity**

	Frequency	Percent
Hill caste	928	30.9
Hill ethnic	651	21.7
Hill Dalit	213	7.1
Newar	165	5.5
Madhesi caste	527	17.6
Madhesi ethnic	271	9.0
Madhesi Dalit	121	4.0
Muslim	128	4.3
Total	3004	100.0

**Caste/ethnicity by origin**

	Frequency	Percent
Non-Madhesi	1948	64.9
Madhesi	1056	35.1
Total	3004	100.0

**Religion**

	Frequency	Percent
Hindu	2572	85.6
Buddhist	221	7.4
Muslim	122	4.1
Christian	26	0.9
Kirat	60	2.0
Atheist	3	0.1
Total	3004	100

**What is your main occupation?**

	Frequency	Percent
Agriculture	1604	53.4
Industry/business	264	8.8
Service	195	6.5
Labour	188	6.3
Student	370	12.3
Housewife/house-maker	340	11.3
Retired	24	0.8
Unemployed	19	0.6
Total	3004	100.0

**What is the major source of income for your family?**

	Frequency	Percent
Agriculture	2071	68.9
Industry/business	339	11.3
Service in the country	275	9.2
Remittance (service outside the country)	105	3.5
Wage-labour in the locality	179	6.0
Retirement pension	35	1.2
Total	3004	100

**Marital Status**

	Frequency	Percent
Married	2373	79.0
Unmarried	535	17.8
Widow/widower	89	3.0
Separated	5	0.2
Refused	2	0.1
Total	3004	100.0

**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).

**Demographics**

In order to align statistical information of demographic patterns according to the 2001 Census and the corresponding statistics from the demographic breakdown of the household survey undertaken by IDA, the sample was weighted in order to make the survey representative of the caste/ethnic composition of Nepal. A weight of less than 1 is adopted for groups that are over-represented and a weight of more than 1 is adopted for under-represented groups. All further analysis in the study was undertaken on the basis of the weighted sample.

**Key informant interviews**

Key informant interviews were conducted by Saferworld in October to December 2009 with representatives of the State security service providers, Government officials, political party leaders, international organisations and civil society organisations. 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. The open-ended questionnaire was as follows:

### Security services

- What are the main security threats in the country?
- Has the security situation changed since the Constituent Assembly elections? Improving/declining/or the same
- What do you think are the major challenges to providing security?
- Do political parties have a role to play in maintaining security in the country? If yes, what sort of role?
- What sort of groups and which of their activities pose the biggest security problems?
- How can these challenges be overcome? Does civil society have a role to play in overcoming these challenges?
- If you were writing the constitution, what would you prioritise in terms of public security?
- Is your institution committed to being a professional service?
- It is said there is increasing impunity, politicisation of crime, political interference. What should be done to tackle such practices?
- What kind of resources and information do you have on what is happening in different districts? Who do you get information from?
- What should be the job of the Nepal Police/Armed Police Force/Army?
- What will be the role of Armed Police Force in future? (Armed Police Force only)
- Where should Maoists Army combatants be integrated into, Nepal Police/Army/Armed Police Force?
- Are you aware of community-based policing programmes in Nepal? Is this a way forward for the police service?
- How can international organisations help institutions like yours to improve law and order situation?

### Civil Society

- What are the public security problems in Nepal?
- Have local law-enforcement agencies been able to address such problems? If not, why?
- What should be the job of the Nepal Army/Nepal Police/Armed Police Force?
- If you were writing the constitution, what would you prioritise in terms of public security?
- What needs to be done by Government and international organisations to maintain law and order?
- How can we end criminalisation of politics, impunity, political interference etc?
- As a member of a civil society organisation, how are you helping to maintain law and order?

### Government

- What are the main public security problems in Nepal?
- How is your ministry trying to address these problems?
- Has the security situation changed after Constituent Assembly elections? Improving/declining/the same?
- What gangs or groups do you think pose the biggest problem?
- How can political parties and civil society organisations help?
- If you are writing the constitution, what would you prioritise in terms of public security?
- How can international organisations help improve the security situation in Nepal?

## 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. 4 validation workshops were held. These were in Banke (30 October 2009), Kathmandu (6 November 2009), Siraha (9 November 2009) and Nawalparasi (25 November 2009). The participants for the Banke, Siraha and Nawalparasi validation workshops were State security agency personnel, representatives of various political parties and NGO representatives, while the participants for the Kathmandu validation workshop were high-level Nepal Police officers.

**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:** Nepal police on the street during a strike in Kathmandu, May 2008  
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