REPORT

Security in South Asia

Interdisciplinary Analysts and **Saferworld**

On track for improved security?

A survey tracking changing perceptions of public safety, security and justice provision in Nepal

April 2009

On track for improved security?

A survey tracking changing perceptions of public safety, security and justice provision in Nepal

INTERDISCIPLINARY ANALYSTS AND SAFERWORLD

APRIL 2009

Acknowledgements

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 holding 50 in-depth interviews, and assisted in conducting validation workshops organised by Subindra Bogati of Saferworld. Key informant interviews were conducted by Saferworld. Initial analysis of the survey results was prepared by IDA. This analytical report was then written by Duncan Hiscock and Sudhindra Sharma, with support from Larry Attree, Rosy Cave and Rita Khatiwada. It was copy edited by Robert Long and designed by Jane Stevenson.

The project was made possible by the generous support of the Swedish International Development Cooperation Agency (SIDA) and the UK Government's Conflict Prevention Pool.

Saferworld and IDA would like to thank all the people that participated in the methodology design, survey, interviews and validation workshops including the communities of Surkhet and Doti, the police, government officials, political party leaders, national and international NGOs, media and donors.

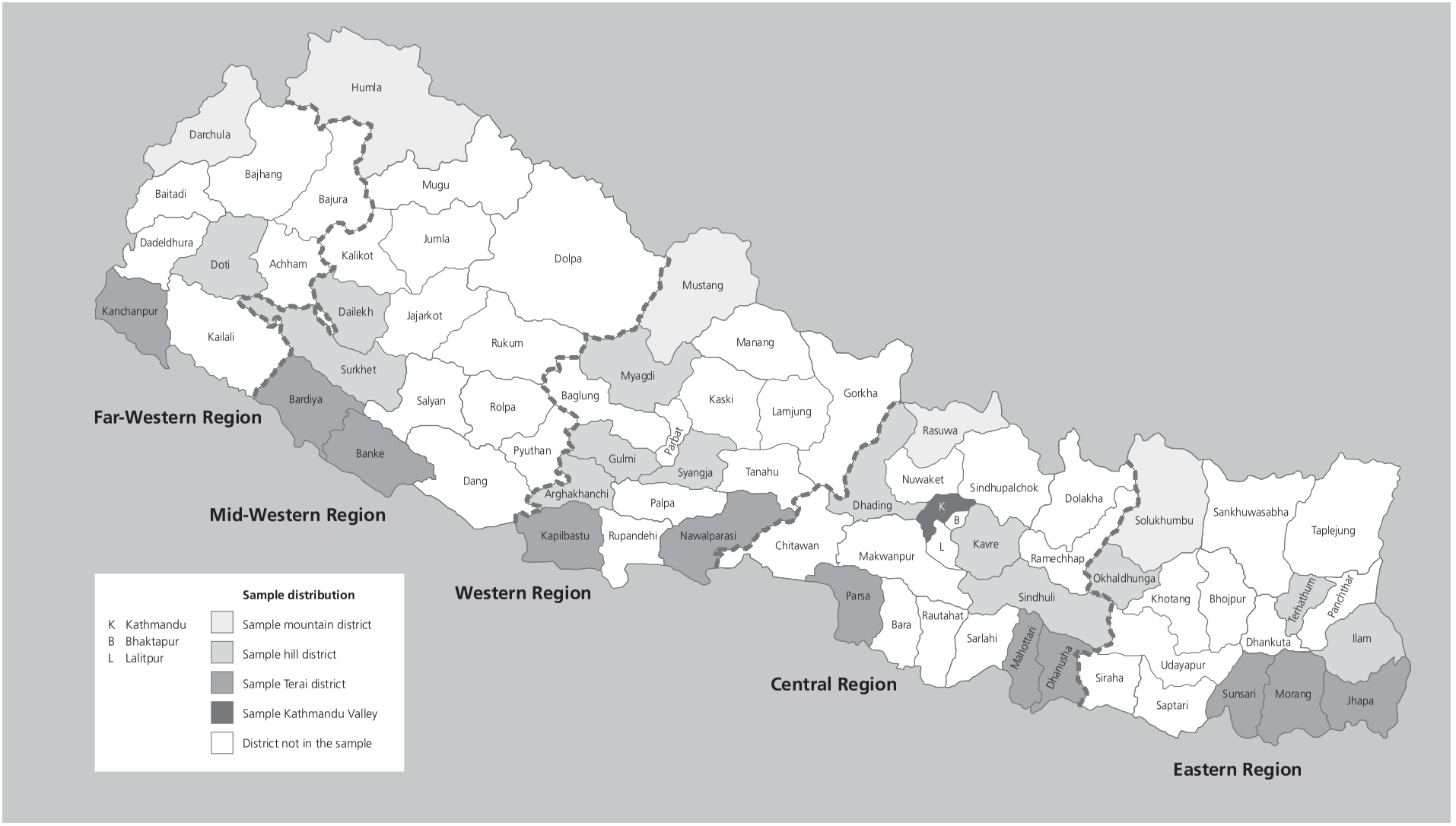
Contents

Acronyms

APF	Armed Police Force
CA	Constituent Assembly
CPA	Comprehensive Peace Agreement
CPN(M)	Communist Party of Nepal (Maoist)
CPN(UML)	Communist Party of Nepal (United Marxist Leninist)
DR	Development Region
GNI	Gross National Income
IDP	internally displaced person
JTMM	Janatantrik Terai Mukti Morcha
NGO	non-governmental organisation
PLA	People's Liberation Army
SALW	small arms and light weapons
SLC	Secondary Level Certification
SSR	security sector reform
UNMIN	United Nations Mission in Nepal
VDC	Village Development Committee
YCL	Young Communist League

List of figures

Nepal


Humla
Darchula
Bajhang
Baitadi
Bajura
Mugu
Dadeldhura
Doti
Achham
Kalikot
Jumla
Dolpa
Mustang
Kanchanpur
Dailekh
Jajarkot
Kailali
Rukum
Manang
Surkhet
Myagdi
Bardiya
Salyan
Rolpa
Baglung
Kaski
Lamjung
Gorkha
Far-Western Region
Banke
Pyuthan
Gulmi
Parbat
Syangja
Tanahu
Rasuwa
Dang
Arghakhanchi
Palpa
Nuwaket
Sindhupalchok
Dolakha
Dhading
K
B
L
Kavre
Solukhumbu
Sankhuwasabha
Taplejung
Mid-Western Region
Kapilbastu
Rupandehi
Nawalparasi
Chitawan
Makwanpur
Ramechhap
Okhaldhunga
Khotang
Bhojpur
Terhathum
Panchthar
Western Region
Parsa
Sindhuli
Rautahat
Bara
Sarlahi
Mahottari
Dhanusha
Dhankuta
Ilam
Udayapur
Siraha
Saptari
Sunsari
Morang
Jhapa
Central Region
Eastern Region
Sample distribution
K Kathmandu
B Bhaktapur
L Lalitpur
Sample mountain district
Sample hill district
Sample Terai district
Sample Kathmandu Valley
District not in the sample

Executive summary

THIS REPORT ANALYSES CHANGING PUBLIC ATTITUDES to community safety and human security in Nepal. It is the second in a series of surveys that will track public perceptions of security over time. This paper is based on four methods of primary research:

- a household survey of 3025 people across Nepal, carried out in August 2008
- in-depth interviews with 50 people of different gender, age, educational background, caste/ethnicity, religion, occupation and location
- key informant interviews with relevant government officials, security and justice professionals, politicians, experts, civil society groups and donor representatives
- validation workshops across Nepal with key stakeholders to discuss initial findings.

People feel things are getting better, but optimism has waned

The conflict and insecurity of recent years is still fresh in the minds of the vast majority of Nepalis. Seventy-four percent of people said that they felt safer than before *Jana Andolan II*, while just ten percent said that they did not. This can be attributed to *Jana Andolan II*, the Comprehensive Peace Agreement (CPA), and the successful holding of elections to the Constituent Assembly on 10 April 2008.

However, the optimism that was noticeable when the 2007 survey was undertaken appears to be dissipating. This shows that the number of people that think the country is moving in the right direction dropped by 20 percent between May 2007 and August 2008, from 57 percent to just 37 percent. There was a corresponding 16 percent rise (from 13 to 29 percent) in those who believe that the country is going in the wrong direction.

This may be largely because of the fragile political situation since the elections. Continued disagreement between key parties on division of responsibilities and immediate priorities has resulted in slow progress in implementing the CPA and in putting in place practical measures to improve people's lives. Growing distrust between political parties and the rift between the Communist Party of Nepal (Maoist) (CPN (M)) and the erstwhile parliamentarian parties are further reasons for slowness in implementing the CPA. Between 40 and 55 percent of the public believed that the Government was making at least some effort to make things better by reducing poverty, improving infrastructure, reducing crime and making the country peaceful, though generally only a small percentage (6 to 16 percent) thought it was making more than a 'small effort' to do so. Overall, people rated the Government more highly for the effort it was making to make the country more peaceful and reduce crime than for economic development, with nearly half (48 percent) of respondents believing it had done nothing at all to reduce poverty.

The socio-economic roots of insecurity

"Poverty, unemployment, lack of roads and lack of land makes me feel insecure."
Mallah male, 26, Morang district

The overwhelming majority of Nepalis tend not to think about their 'security' only in relation to crime and violence; rather, they identify progress in key areas of socio-economic development as of key significance in determining their level of security. Poverty, unemployment, and the rise in prices for essential goods are the most highly-ranked sources of insecurity. Many related aspects of under-development were also identified as sources of insecurity, including the lack of roads, food, water (domestic and for irrigation), land, and electricity, and limited access to education.

However, the predominance of these socio-economic causes of insecurity among the responses does not mean that insecurity related to crime and violence is unimportant. Increased crime and a lack of security was one of the two biggest problems in Nepal for nine percent of people, while ten percent rated *bandhs* (political strikes), strikes and *chakkajams* (traffic blockades) as one of the two biggest problems.

In actual fact, the survey revealed a strong overlap between fear of crime and violence and insecurities related to socio-economic development. For example, *bandhs* exacerbate an already difficult economic situation since the disruption and insecurity they cause hinder people going about their daily business. The unpredictable way in which *bandhs* spring up also discourages people from travelling around the country, with several interviewees saying that they were particularly concerned about female members of their family travelling in areas where *bandhs* occur most frequently. The survey also provides evidence that crime has impacted development by forcing ordinary people to replace damaged property or miss out on economic opportunities.

Law and order and fear of crime

"People don't respect law and order; as things stand, these laws are not effective."
Chamar male, 20, Kapilvastu

Only two percent of people surveyed stated that they had been a victim of crime in the last year. This suggests that the incidence of crime may not be as high as is sometimes perceived. However, even if few people have themselves been victims, the fear of crime and insecurity is still widespread. The majority of Nepalis say that they are not worried about becoming a victim of crime (58 percent), but two-fifths of the population (40 percent) are. There has been no change since May 2007, when 41 percent said they were very or quite worried about being a victim of crime while 56 percent were not so worried or not at all worried.

Gender and security

"Sources of security threats are different for men and women because our social structure is influenced by the patriarchal system. There are boundary lines for women which should not be crossed and in comparison to men, sources of insecurity are more for women."
Gurung female, 40, Mustang

Often there was no major difference to the answers given by women and men, i.e. men and women tended to have similar views about most security problems. The most noticeable distinction was that women were generally much more likely to respond that they 'do not know' or 'cannot say' than men, particularly when asked questions that required them to make value judgements about the effectiveness of various state institutions. This is probably due to some women feeling they do not understand the issues well enough to comment on them.

Nonetheless, there are significant differences between the security of men and the security of women. Women tend to think about security more in terms of physical safety for themselves and their children, while men think more about more 'public' forms of security: men are more likely to be concerned about street crime and political

violence, while women are slightly more worried about general poverty and the price hike. Women were six percentage points more likely to say they feared becoming a victim of crime (43 percent of women, compared to 37 percent of men). Forty percent of respondents thought that it would be a bit or very unsafe for a female family member to go out alone after dark. The security challenges faced by women are also linked to their wider position in a patriarchal society and their lack of economic opportunities.

Three-fifths (59 percent) of respondents said that they would report any incidence of family violence to the authorities, with more men (66 percent) than women (53 percent) claiming that they would do so. However, over one-third of respondents (34 percent) said that they would not report family violence.

Insecurity in the Terai

Insecurity remains much higher in the Terai than in other parts of the country. People in the Terai are much more likely to fear being a victim of crime (47 percent, compared to 33 percent of hill residents and 18 percent of mountain residents) and worry for the safety of female family members going out alone after dark (48 percent compared to 30 percent in the hills and ten percent in the mountains). They are also much more likely to think that the country is going in the wrong direction (36 percent, compared to just seven percent of mountain dwellers) and that the Government is not making any effort to make the country peaceful and reduce crime (32 percent of Terai residents).

People more likely to go to the police, but still cautious

"I am not satisfied with the roles of government bodies because government security bodies have not been able to reach remote places; they are centred in headquarters or developed places. And if there is a presence of any security bodies, arrested criminals are freed on pressure from political parties."

Limbu female, 31, Tehrathum district

"The state has not been able to provide enough security to people. Only last year so many people died in one incident in Chandrauta, Kapilvastu and the state could do simply nothing about it."

Brahmin female, 46, Argakhachi district

The number of people who would go first to the police when threatened with violence has increased by eight percentage points, from 38 to 46 percent, between May 2007 and August 2008. A further ten percent would go to their municipality/Village Development Committee (VDC)/ward office. There is thus an increasing willingness to go to official bodies when threatened with violence, while informal methods of resolving such difficulties, such as going to neighbours, relatives or friends, have declined in popularity. People also said that they would be most likely to go to the police if they were a victim of crime and to report any family violence.

The police were also deemed to be the most effective of five possible structures that could protect people from crime (the others were: Maoist cadres and the Young Communist League; VDCs and municipalities; human rights organisations; and indigenous justice systems and community mediation), with 70 percent of people saying that they were either very (18 percent) or moderately (52 percent) effective.

The vast majority of Nepalis continue to desire effective security provision from the state, and do not seek their own alternatives. Only ten percent of people said that there was some form of informal security arrangement, such as a local security committee or neighbourhood watch, while private security guards are very rare.

Yet it appears that there is still a gap between what the public would like and the security provision that the police is able to provide, particularly in remote areas. Just over half of Nepalis (54 percent) have a police post in their locality, while 79 percent of those that do not have a police post wanted one. Most people who do not have a police

post in their area rely on posts in neighbouring villages for security. However, in some areas there is a pronounced concern that there is no form of formal security provision at all. Though more respondents in the Mid-Western and Far-Western Development Regions said that there was a police post in their locality, 58 percent of respondents said that they did not have a police post in the Mid-Western Region and 83 percent of such respondents in the Far-Western Region said that no one was providing them with security.

While only six percent of respondents were aware of any community policing initiative in their area, those that were aware of one thought overwhelmingly that it had built trust and made their locality safer.

Discrimination and equality

"The courts never treat everyone equally. Because when they are bribed, anything can be done. The rich can escape, while the poor and innocent always suffer."

Kami female, 35, Dailekh

Fifty percent of respondents did not believe that the police treated everyone equally (33 percent thought they did). Opinion was more evenly divided with regard to the courts: 37 percent thought that the courts did treat everyone equally, while another 37 percent thought that they did not. Those that did think that discrimination existed were asked what form this discrimination took. Of those that thought that there was discrimination, 87 percent thought that the police discriminated against poor people and 88 percent thought that the courts did the same. Many people thought that those who lack access to political parties or are uneducated also suffer.

There is also a strong feeling that many groups are under-represented, with 57 percent of all Nepalis saying there are not enough members of their caste/ethnic group in the state security services. In fact, except for Hill caste groups, 60 percent of whom did feel they were well represented, in all other groups a majority of people felt under-represented. This was most pronounced among Dalits, with 74 percent of Hill Dalits and 77 percent of Madhesi Dalits saying that there were not enough of their caste/ethnic group in the state security services. Madhesis also felt strongly about this issue, with 71 percent saying they were under-represented. Fifty-six percent of respondents also stated that women were under-represented in the judiciary (with only 17 percent saying there were enough women).

Other security concerns: small arms and light weapons, and border management

"I feel very insecure from bombs and guns, as they harm both people and property; just one shot can take away a life."

Teli female, 28, Parsa district

Two other important thematic findings emerged relating to small arms and light weapons (SALW) and to border management. The survey found that SALW proliferation is not very pronounced, with 92 percent of people stating that they never see weapons (apart from those belonging to the army and police) in their area. However, in interviews and validation workshops with security officials it was felt that such statistics underestimated the scale of the problem in specific parts of the country, particularly in the Terai (the majority of those respondents that had seen weapons were based in the Terai). Police and other security officials were concerned that there is a growing number of weapons in this region, and that this is fuelling crime and insecurity.

Another is that management of the border with India is quite weak, which allows criminals to slip easily over the border and facilitates the trafficking of human beings, drugs, and weapons. For example, a 38 year old Rai man from Ilam stated that the "border management service in Nepal is extremely weak. It has to be improved a lot in

comparison to neighbouring countries. Crimes have been prevalent in border areas due to weak border management."

Conclusion: What can be done to improve public security in Nepal?

Dialogue about 'security sector reform' (SSR) in Nepal has become trapped around certain issues and has focused on the views and demands of political parties and other powerful elites. Yet this research demonstrates that when people are asked, they *do* have strong views about their own security and about the effectiveness of the state security sector. The debate about the security sector must be transformed, widening its focus to cover more comprehensively what security means for ordinary Nepalis and how the state can provide this security more effectively.

When attempting to develop and implement reforms in the security and justice sectors, some of the key principles that have proved important in other contexts, and which seem most relevant to Nepal, include:

- **A focus on people.** Placing the needs of citizens at the heart of security and justice sector policy and practice.
- **Inclusiveness and fairness.** Including all ethnicities, castes and gender groups in security and justice sector institutions and treating everybody in society fairly.
- **Professionalism and effectiveness.** Ordinary people want SSR institutions to provide security and justice in a professional and effective manner.
- **Transparency and accountability.** The public should be given enough information to understand security and justice institutions' policies and actions, and the public should have the right and clear channels for holding them to account and challenging any wrong-doing.
- **Conflict sensitivity.** All development activities in Nepal, including reform of the security and justice sectors, should be undertaken with great care both to avoid fuelling tensions and to contribute to lasting peace and stability.

It is not possible to give a comprehensive set of recommendations for SSR here, but the following steps would all help to improve security:

- **The Government and its international partners should make a clear public commitment to improving public security.** The public is waiting to be reassured that the Government (and international donors) are committed to responding to their security concerns and have a clear strategy for addressing them.
- **Focus on extending the reach and responsiveness of state security provision.** While recognising that there may be an important role for informal actors in improving justice and security provision, the survey shows an existing and growing degree of public trust in the state's mechanisms for providing security – in particular the police. Thus it appears to make good sense for the Government, with the support of interested donors, to ensure that extending the presence and responsiveness of state security and justice provision in communities is central to justice and security sector reforms.
- **Target development interventions to socio-economic causes of insecurity.** The public identifies socio-economic underdevelopment as the root of insecurity. Using conflict analysis or similar tools, the Government and donors should respond by targeting development interventions towards the root causes of insecurity.
- **Ensure better security and justice provision to create an enabling environment for development.** In some areas, insecurity will continue to hamper socio-economic development. Thus for development to be effective, it needs to be accompanied by more comprehensive security and justice provision that is professionalised and community-based, particularly in insecure areas.

- **Commit to providing adequate security to all sectors of society.** There should also be a firm commitment from all political parties to root out all discriminatory practices, not to politicise security and justice institutions and ensure that all sectors of society are adequately protected.
- **Emphasise professionalism and service delivery.** Security sector reforms should aim to improve the professionalism and effectiveness of security sector bodies while transforming them into institutions with a strong public service ethos
- **Engage the public in the debate about SSR.** The Government and its international partners should provide more information to the public about security policy and engage the public and civil society in relevant discussions.
- **Involve women and women's organisations in discussions on SSR.** Women in particular showed a lack of confidence to express views about security and justice related issues. However, women's organisations are playing an important role in improving security in some communities. Civil society, the Government and donors should make special efforts to involve women and women's organisations in the debate so that their needs and concerns are addressed equitably by the security and justice sector reform process.
- **Civil society should become more representative of diverse groups and political views.** Civil society organisations have been characterised as being politically affiliated and elitist. When advocating on security and justice sector reform issues civil society advocates should seek to ensure all political affiliations and sectors of society are encouraged to enter relevant debates.
- **Address local security concerns.** Local authorities, local security officials, local politicians and local communities should work together to agree how security can be quickly and effectively improved at the local level.
- **Promote community policing.** The principles and philosophy of community policing should be extended more widely across Nepal.
- **Under-reporting of domestic violence needs to be addressed.** The Government should consider launching a campaign to promote reporting of domestic violence and guarantee more effective prosecution of offenders.
- **Improve opportunities for feedback and complaints mechanisms.** A specific need was identified to improve current feedback and complaints procedures to make it easier for people to express their concerns. A thorough review should be made of existing mechanisms to give feedback or to complain about the actions of security sector institutions.
- **(Re-)establish police posts in localities across the country.** The (re-)establishment of police posts in the many areas of the country that currently lack them should be accelerated.
- **A strategy to reduce the impact of *bandhs* and *chakkajams*.** *Bandhs* and *chakkajams* are one of the most high-profile and frequent forms of insecurity in Nepal. Security agencies, particularly the police, need to improve their capacity to anticipate and prevent the use of arms and violence at such protests and to minimise the disruption and danger that *bandhs* and *chakkajams* pose to the general public.
- **A policy to ensure equality for all.** A strong equality policy should be developed for all security institutions, with a clear strategy for combating discrimination against the poor and those without political connections. The justice and security sector reform process should also seek to address the widespread perception by most groups within Nepali society that their members are not adequately represented in the security forces.

- **Find a peaceful and timely resolution to the disagreements over how to integrate the PLA and the Nepal Army.** This highly sensitive matter must be resolved peacefully and in a timely manner with the agreement of all political parties.
- **Analyse small-arms related issues and develop a practical response strategy.** More detailed research is needed on the availability of small arms and the threat they pose to security. The research should help to identify a practical strategy to address the demand, supply and misuse of these weapons, targeted to affected areas.
- **Analyse and improve border management policies and procedures.** Because border management is seen as an area of particular weakness, with knock-on effects in terms of the spread of small arms, insecurity in the Terai, and rising cross-border crime, this is an area demanding concerted attention and improvement at the level of both policy and practice.
- **Study the links between formal and informal security and justice mechanisms.** The linkages between formal and informal security and justice mechanisms need to be better understood; in many cases, it may be possible to build closer links or incorporate informal mechanisms into the development of local security and governance structures.
- **Help to resolve land disputes.** Disputes over land were the most common reason for people to seek outside help on a justice related issue. This suggests the need to consult with the interest groups involved and analyse further the commonness of land disputes, their potential to cause insecurity and ways to ensure their satisfactory resolution in a timely, conflict-sensitive manner that does not exacerbate local or national tensions. Greater capacity and efficiency is also needed for dealing with the existing caseload.

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

1

Introduction

NEPAL WITNESSED SOME MAJOR CHANGES in 2008 that have had an effect on peace and security in the country: the successfully held elections to the Constituent Assembly; the formation of a new government; and the subsequent abolition of the monarchy. In other areas, change has been slower, with the future of the Nepal Army and the People's Liberation Army (PLA) and reform of other parts of the state security sector such as the police and the judiciary making slow progress. In addition, there has been ongoing instability in some parts of the Terai. Questions about peace and security remain critical both to national decision-makers and to the lives of ordinary people across the country.

However, 'security' does not just mean the absence of conflict and the threat of crime. For many people around the world, this 'freedom from fear' cannot be separated from other threats to their lives and livelihoods – their economic security, their health security, their food security, their environmental security. This 'freedom from want' is often equally or more important to people as 'freedom from fear' of crime and violence. In such circumstances, it is appropriate to take a 'human security' approach to understanding security which encompasses both freedom from fear and freedom from want. Human security is achieved when the vital core of all human lives is safeguarded from critical pervasive threats, in a way that is consistent with long-term human fulfilment.[1] In practical terms, this often means that the only way to tackle insecurity is to focus on building livelihoods and functioning markets, infrastructure, disaster resilience, political, social and gender inclusion, or access to food, water, sanitation and health/social services. It also means that such socio-economic development initiatives may not succeed by themselves, but need to be attempted within an enabling and non-coercive security environment in which trust is built within communities through a focus on their needs.

This report presents an analysis of perceptions of public safety and security and justice provision in Nepal in summer/autumn 2008. It builds upon research from spring/summer 2007, the first large-scale study of public attitudes to security to be undertaken in Nepal (published as 'Public safety and policing in Nepal: An analysis of public attitudes towards community safety and policing across Nepal' in January 2008). This report maintains the previous year's focus on policing and community safety, but expands its scope to include an analysis of how Nepalis themselves define their security. It also considers other key security actors beyond the police, in particular the courts and the armed forces.

1 This definition of human security is adapted from a paper by Sabine Alkire, *A Conceptual Framework for Human Security*, Centre for Research on Inequality, Human Security and Ethnicity (University of Oxford, 2003).

This is the second in an intended series of annual 'tracker' surveys of public perceptions of security. On its own, each survey will provide up-to-date information on what makes Nepalis feel secure or insecure, their assessment of how state security institutions are performing and what could be done to improve the situation. Taken together, they will make it possible to track how perceptions of security are changing each year.

The data and analysis presented in this report will be useful for several purposes. For government officials and policy-makers, it should contribute to the development of policies that take full account of public perceptions of human security and are in line with the needs of ordinary Nepalis. This applies also to the international agencies and donor partners (governmental and non-governmental) that are working with the Government of Nepal to support peace, security and development. However, this information will also be useful to a broader audience that includes journalists, academics and civil society groups 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

This report brings together and analyses the results of several primary sources of information:

- a household survey of 3025 people across Nepal, carried out in August 2008
- in-depth interviews with 50 people of different gender, age, educational background, caste/ethnicity, religion, occupation and location
- key informant interviews with relevant government officials, security and justice professionals, politicians, experts, civil society groups and donor representatives
- validation workshops across Nepal with key stakeholders to discuss initial findings.

In order to allow comparisons across years, the survey questionnaire for 2008 largely repeated the questions that had been asked in 2007. However, where appropriate the questionnaire was updated in order to reflect how circumstances had changed in the intervening year. Some questions remained essentially the same but the question or the possible responses were adapted slightly in cases 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:

- security and justice institutions other than the police (particularly the courts and the armed forces)
- gender and security, including gender-related violence
- awareness and perceptions of small arms proliferation and misuse
- perceptions of key SSR issues such as the integration of the Nepal Army and the PLA.

This report highlights the main findings from the 2008 research and compares these results with 2007. The full survey questionnaire and tabulated statistics from the household survey are available online at www.saferworld.org.uk. Further information regarding in-depth interviews and key informant interviews is available on request from Saferworld or IDA (although interviewees' identities are confidential).

Structure of the report

The next section of the report (Chapter 2) establishes the context for the 2008 research. It summarises the most important findings of the 2007 research and describes major relevant events that have occurred since then. Chapter 3 then presents public perceptions of human security and community safety in 2008, showing how security is understood by Nepalis, how their perceptions of law and order have changed in the last year and what they believe to be the main sources of insecurity. It also looks at

how these perceptions vary for different groups and in different parts of the country. Chapter 4 then considers the public's views on how the state is responding to these security challenges and the effectiveness of key security sector institutions. Chapter 5 describes views from the survey and interviews as to how the state can strengthen security and improve the effectiveness of security sector institutions. Chapter 6 identifies perspectives of key informants that have not been raised in preceding sections on some of the key issues on the SSR agenda and challenges to be faced. Finally, the conclusion and recommendations in Chapter 7 bring the key findings together into a potential set of principles and actions for reform of the security sector in the coming years.

2

Findings from 2007 and major recent events

THE PREVIOUS SURVEY, 'Public safety and policing in Nepal: An analysis of public attitudes towards community safety and policing across Nepal', was carried out in spring/summer 2007 in an atmosphere that could be described as 'immediately post-conflict'. One year earlier, in April 2006, street protests known as the *Jana Andolan II* had shifted the political atmosphere. This paved the way for the signing of the Comprehensive Peace Agreement (CPA) between the Government of Nepal and the Maoists in November 2006, thus ending a decade of conflict.

At the same time, however, new insecurities had sprung up in the Terai region, where the 'Madhesi Movement' was giving voice – sometimes violently – to the anger and frustration felt by many people in the area. More widely, there was concern that the state's capacity for law enforcement had deteriorated because of the war and that crime and violence was on the rise. On the political level, although the end of the People's War had brought considerable hope for a better future, this was tempered by unease at the slow progress that was being made in implementing the CPA. In particular, democratic elections to elect a new Constituent Assembly originally planned for June 2007 had been postponed, and some people questioned whether they would be held at all, whether they would be held fairly if they were held, and whether they would be free from violence and intimidation.

The results from the 2007 survey should be interpreted against this background. This short chapter outlines the most important findings from this research; more detail can be found in the 2007 report. It then summarises the major recent events that occurred in Nepal in late 2007 and 2008. This helps to explain the context in which the household survey was taken in August 2008 and interviews and validation workshops that were held in the autumn of the same year.

Key findings of 2007 research

The key findings from the 2007 research were as follows:

- **A sense of optimism.** There was considerable optimism following the end of the conflict and the incorporation of the Maoists into mainstream politics. Fifty-seven percent of people believed that things in the country were moving in the right direction and 70 percent felt safer in their locality than a year before. Around two-fifths of the population believed that law and order would improve and that they would have greater access to justice in future, one-fifth thought things would get worse and the other two-fifths were undecided.

- **Stalled progress and concerns about law and order.** There was concern that progress had stalled since the peace agreement was signed. Only 41 percent thought the Government was able to maintain law and order well, while 28 percent said that it was failing to do so. It was suggested that the Government had not dealt effectively with the Madhesi issue and the demands of Janajati (ethnic) groups; some interviewees argued that political parties were more focused on securing their interests than improving the situation in the country.
- **Insecurity in the Terai.** The survey found significantly higher levels of insecurity in the Terai, where the Madhesi Movement was developing. Thirty-eight percent of survey respondents from the Central Region and 32 percent from the Eastern Region were very worried about being victims of crime, compared with seven percent in the Western Region and only one percent in the Far-Western Region.
- **Consequences of insecurity.** Insecurity was seen to have held back economic and social development. It was also disrupting the holding of Constituent Assembly elections, and there were concerns that there could be further violence around the election. It was also suggested that more people may be considering making their own arrangements for security because they feared the police might not be able to do so.
- **Some trust in the police but little respect.** Sixty-six percent of Nepalis said they had at least some trust in the Nepal Police, but 50 percent of all respondents said they had only 'a little trust'. Forty-seven percent of respondents said the police were not respected, because of bad manners, corruption and partiality.
- **The police are ineffective at bringing criminals to justice.** Only 22 percent of people believed that the police are reliable or very reliable at bringing those who commit crimes to justice.
- **Discrimination and the police.** Only 19 percent of respondents believed that the Nepali Police treat different caste/ethnic groups differently. However, it was argued strongly in interviews and focus groups that there was serious discrimination, but that it was based around people's level of wealth, power and education. Seventy-seven percent of respondents thought there should be more women in the police.

The report also noted that people's expectations of the Nepal Police and other security agencies was changing, and that people expected more democratic policing. Based on interviews and focus group discussions, a list of characteristics were identified for an 'ideal' police service which would:

- 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.

Major events in 2008

At the political level, there were two major events in 2008 that have again dramatically changed the situation in Nepal. Firstly, elections to the Constituent Assembly were eventually held on 10 April 2008. As noted by the United Nations Office of the High Commissioner for Human Rights (OHCHR) in Nepal, which monitored human rights aspects of the elections: "The high voter turnout, including the 53 per cent participation of women and the largely peaceful environment in which the election

was conducted are important achievements. They mark crucial steps forward in the country's transition from conflict to peace".[2]

The results of the election were also remarkable. The Communist Party of Nepal (Maoists) – CPN(M) – polled unexpectedly well, becoming the largest party in the new Assembly with 220 out of the 575 elected seats. The Nepali Congress received 110 seats, and the Communist Party of Nepal (Unified Marxist-Leninist) received 103. Parties representing Madhesi interests also gained a significant number of seats: the Madhesi Jana Adhikar Forum, Nepal won 52 seats and the Terai-Madhesh Loktantrik Party also won 20 seats. Following the elections there were protracted power-sharing negotiations before a coalition government was formed and the CPN(M) leader, Prachanda, was elected as Prime Minister on 15 August 2008.

Secondly, on 28 May 2008 the newly elected Constituent Assembly voted overwhelmingly in favour of the abolition of the monarchy. The royal household was ousted in June 2008 and Nepal was declared a federal republic. The Constituent Assembly is now tasked with drafting a new constitution for the country by May 2010.

Since these momentous events, however, progress towards greater security appears to have stalled. A report from the Secretary-General of the United Nations following his visit to Nepal in October 2008 stated that "since the swearing in of the coalition Government led by CPN (M) in August, there has been slow progress on key peace process-related issues".[3] These include the issue of compensation for victims of the conflict, the investigation of disappearances from the conflict period and the return of property and displaced persons to their homes.

Another major sticking point has been the challenge of implementing the CPA provisions on integration of the Maoist PLA into the security forces, where key parties have entrenched and opposing positions. The Nepali Congress and the Nepal Army have resisted the integration of Maoist cadres into the army, fearing that it will become increasingly politicised. Meanwhile, some Terai-based groups have demanded that the army should include a greater number of Madhesis. The failure to make progress on this issue is also hampering national and international efforts to review and reform the security and justice sector in a comprehensive manner.

As the same UN report notes, however, "the integration and rehabilitation of Maoist army personnel is critical to sustainable peace, but it is only one of the challenges facing Nepal. The need to implement other peace process commitments, improve the security situation, especially in parts of the Terai, end the prevailing impunity and address the wounds of the conflict, reach sufficient consensus in the drafting of a federal Constitution, promote inclusiveness in Government positions, including in the security forces, and, above all, sustain sufficient cooperation among major political forces while those challenges are addressed, reflects the fact that the peace process in Nepal is still a fragile one".[4]

It should be noted that the UN report was written at the end of 2008, whereas the household survey undertaken for the present research took place earlier in the year, in August 2008. As interviews showed, however, even by that time the sense of slow progress was already pronounced. Another apparent cause of this popular frustration is that while political discussion in Kathmandu has become heavily focused on negotiations within the coalition, the security situation in some other parts of the country – particularly the Terai – has been allowed to deteriorate. In some parts of the Terai there are a number of armed groups that operate with relative impunity, frequently blurring the lines between political demands and organised crime.

2 OHCHR-Nepal, *Constituent Assembly Elections of 10 April 2008: Summary of Human Rights Monitoring*. Available online at: <http://nepal.ohchr.org/en/index.html>

3 *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, 2 January 2009: Paragraph 4. Available online at: <http://www.unmin.org.np/downloads/keydocs/2009-01-09-UNMIN.SG.Report.to.SC.ENG.pdf>

4 Ibid: Paragraph 65.

Lastly, the wider economic and social context should also be taken into account. Nepal is a poor country and was ranked 142nd out of 177 countries in the UN's 2007/08 Human Development Index.[5] As such, it faces major problems regarding poverty, food security, unemployment and under-development. A decade of conflict has weakened the state's ability to address these challenges effectively. The decline in the global economic situation from the middle of 2007 onwards has further exacerbated these difficulties. Between late 2007 and late 2008, prices for essential goods such as food and petrol rapidly and dramatically fluctuated. This pushed many Nepalis who were surviving on the edge of the poverty line back into serious poverty, which has led to increased social unrest and protests. Families have also suffered as many Nepali migrant workers based in the Middle East who had previously provided remittances have lost their jobs. Unemployment is a major issue for most Nepalis, but it is a particular concern among young people. There is also a risk that the demobilisation of young ex-combatants could further increase overall levels of unemployment and stir resentment in receiving communities, particularly if the ex-combatants remain jobless thus potentially contributing to crime, violence and/or re-recruitment of ex-combatants into other armed groups.

5 United Nations Development Programme, *2007/2008 Human Development Report*, (UNDP, 2008). Country profile of Nepal available online at: <http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_NPL.html>

3

Public perceptions of human security and community safety

THIS CHAPTER BRINGS TOGETHER findings from the 2008 household survey, in-depth interviews and validation workshops, drawing frequent comparisons with the results of the 2007 research. It looks first at general perceptions of security. It asks whether people feel safer than they used to and then explores what ordinary Nepalis actually mean when they talk about their security and sources of insecurity. It turns to their views on law and order, asking what crimes they believe to be most widespread and analysing levels of fear of crime. The chapter then looks at how security differs for various groups. It first considers the relationship between gender and security, asking whether there are any significant differences in how men and women perceive their security and how families would address gender-related violence. Secondly, it turns its attention to how two different areas – the Terai and the mountains – vary greatly in their views on security and the role of the state in providing security. Lastly, the chapter provides a brief overview of attitudes towards small arms and light weapons, an issue that is increasingly recognised as a problem by the authorities but about which little information is available.

3.1 **General perceptions of security**

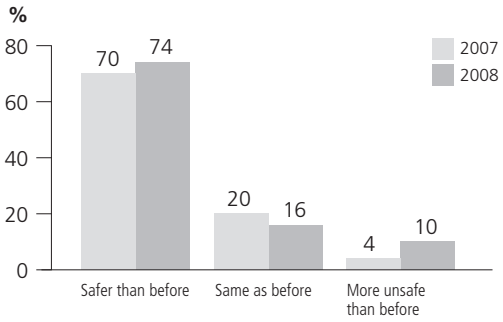
"Before Jana Andolan II *people had to suffer from both the state security forces and the Maoists, but now this has ended."*

Magar male, 29, Myagdi district

"On one hand, it is improving since the conflict has ended and Constituent Assembly elections have been conducted; on the other hand, it looks bad, because there are strikes and bandhs *going on even for small issues, which makes me feel that the situation is worsening."*

Tharu male, 36, Bardiya district

Figure 1: How safe do you feel compared to pre-*Jana Andolan II* (2008 survey, base no. 3025) / **compared to a year ago** (i.e. May 2006 for the May 2007 survey/August 2007 for the August 2008 survey, base no. 3010)**?**



In the 2007 survey, it was found that the vast majority of Nepalis felt safer following the *Jana Andolan II* and the end of the People's War. A year on, it appears that the conflict and insecurity of recent years is still fresh in people's minds. Though there has been a slight rise in the number of people saying that they feel more unsafe than they did a couple of years previously, from four percent to ten percent, overall 74 percent of people still say that they feel safer than they did before *Jana Andolan II*. This suggests that regardless of any security problems that they might encounter, Nepalis still recognise that the end of violent conflict and the moves towards more democratic government have brought them a degree of safety and security that they previously lacked.

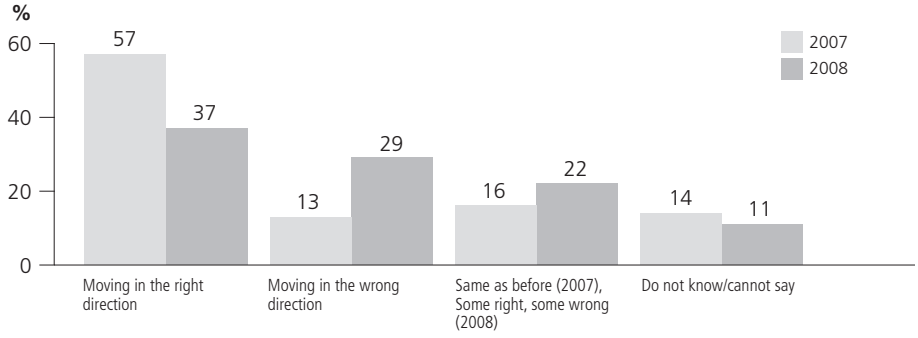
In this regard, the successful holding of elections to the Constituent Assembly has marked another step forward, as several interviewees noted. The 2007 study had recorded significant concerns that the elections would not be held at all or that they would be marred by violence. Though a few interviewees did mention that there had been violence in their area around election time, overall voting passed off largely peacefully:

"I went to cast vote for the Constituent Assembly election and I felt very safe at the election booth."

Tajpuriya male, 49, Jhapa district

However, the optimism that was noticeable when the 2007 survey was undertaken appears to be dissipating. Figure 2 compares people's views on whether the country is generally going in the right direction in May 2007 and August 2008. This shows that the number of people that think the country is moving in the right direction dropped by 20 percent in just over a year, with a corresponding rise of 16 percent (to 29 percent, nearly a third of the population) in those who believe that the country is going in the wrong direction.

Figure 2: 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)**?**



As in 2007, it is also notable that there is greater negativity among urban residents compared to those who live in rural areas. In both 2007 and 2008, urban respondents

were ten percent less likely to say that things are moving in the right direction. In fact, more urban respondents now think that the situation is moving in the wrong direction (37 percent) than in the right direction (29 percent).

Figure 3: Generally speaking, is the country moving in the right direction?
(2007/2008 rural/urban comparison)

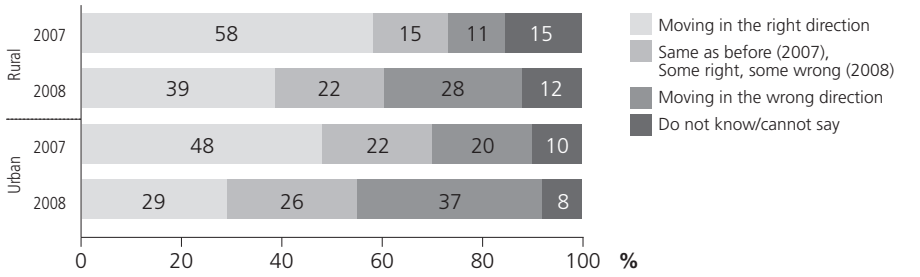
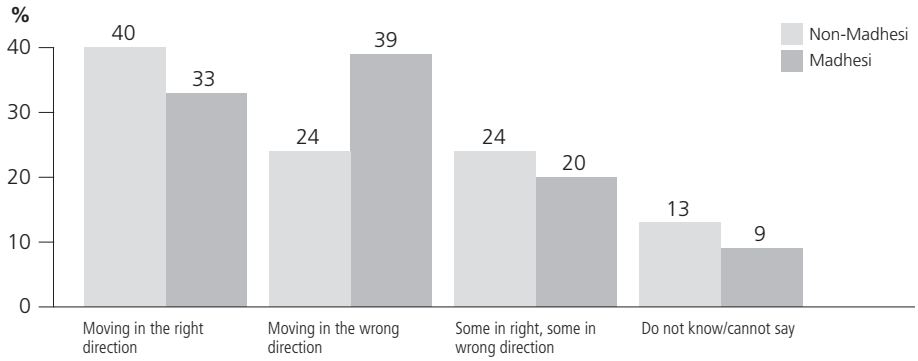


Figure 4: Generally speaking, do you think the country is moving in the right or the wrong direction? (2008 survey, base no. 3025)



There was also a clear distinction between Madhesi and non-Madhesi respondents, with Madhesis on balance much more negative about the direction in which the country was headed (Figure 4). Among non-Madhesis, 40 percent said that the country is moving in the right direction, while only 24 percent said it is going in the wrong direction. By contrast, 39 percent of Madhesis said that the country is moving in the wrong direction, while only 33 percent are still optimistic that things are going in the right direction. This is symptomatic of the ongoing insecurity in the Terai, which is discussed in more detail in Section 3.4 below.

Respondents who had a firm view that the country was moving either in the right or wrong direction were asked to give their reasons for this point of view. It is particularly notable that both the optimists and pessimists were most likely to cite law and order as the prime factor. Over half of those respondents that thought things were getting better saw an improvement in law and order, by contrast, over half of those that thought things were getting worse felt that that there had been no improvement in law and order. This suggests that there may not be a clear pattern across the country, but also that law and order is very important to people (see Section 3.2 below).

Other reasons for optimism that were frequently mentioned by respondents were that ten years of armed conflict had come to an end, that the elections for the Constituent Assembly and also for a President had taken place, relief that the Maoists had entered into open politics, and a general sense that the situation in the country was becoming more normal. Some interviewees also pointed to the return of internally displaced persons (IDPs) and the re-establishment of police posts in their area as positive signs.

Against this, other frequent causes of pessimism included the price hike, the lack of agreement between the main political parties, concern about unemployment and a sense that development activities had stalled. The fragile political situation since the elections was also seen as cause for concern by many interviewees. Continued disagreement between key parties on division of responsibilities and immediate priorities

(at the time of interviews in August 2008) had resulted in slow progress in implementing the CPA and in putting in place practical measures to improve people's lives:

"I feel very insecure thinking that the present state of the country may take us back to conflict again. The failure of the parties to reach consensus and the delay in forming a government makes me doubt whether this peace will continue."

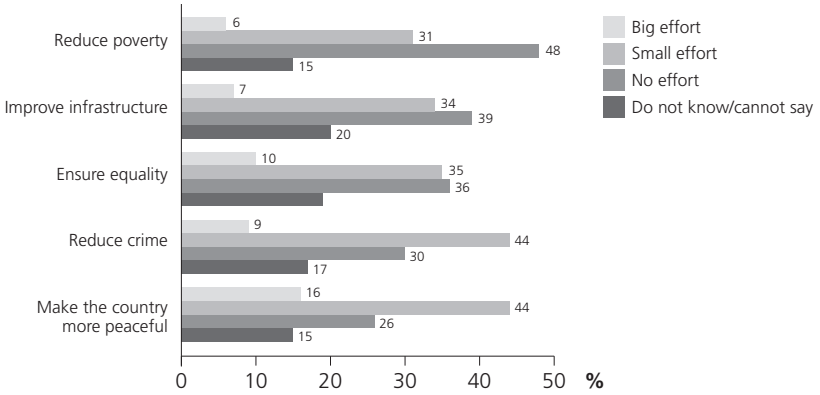
Sarki male, 30, Dailekh district

"The security situation in the country is worsening because there is no political stability. The country will continue to be lawless until a proper government is formed."

Badi male, 40, Banke district

This frustration with the pace of reform is also demonstrated by results from another survey question. Respondents were asked to assess the degree of effort that the Government was making in a number of fields. The graph below shows that while for most answers between 37 and 60 percent of the public believed that the Government was making at least some effort to make things better, generally only a small percentage thought it was making more than a 'small effort'. Overall, people rated the Government more highly for the effort it was making to make the country more peaceful and reduce crime than for economic development, with nearly half (48 percent) of respondents believing it had done nothing at all to reduce poverty.

Figure 5: In your opinion, how much effort is the Government making to reduce poverty/ improve infrastructure/ensure equality/reduce crime/make the country peaceful?
(2008 survey, base no. 3025)



Links between security and socio-economic development

As pointed out in the Introduction (Chapter 1), for many people around the world security and socio-economic development are closely interlinked. The 2008 survey, which included an expanded set of questions about perceptions of stability and security, produced some clear evidence that in Nepal security and socio-economic development are indeed closely connected. Interviewees were asked how they understood the word 'security' (Box 1). It shows that while crime and violence are key sources of threat, economic problems and underdevelopment are just as likely to make people feel insecure.

This was confirmed by the household survey, which asked respondents about the two most important problems facing Nepal as a country, the two biggest problems facing their local area and what makes them personally feel insecure. The responses demonstrate clearly that for Nepalis levels of socio-economic development, crime and violence are all crucial factors in determining their overall sense of security. Poverty, unemployment and the rise in prices for essential goods were the most highly-ranked concerns, with many related aspects of under-development also frequently mentioned, including the lack of roads, food, water (domestic and for irrigation), land, electricity and limited access to education.

The predominance of socio-economic root causes of insecurity among the responses does not mean that crime- and violence-related insecurity is unimportant. Increased crime and a lack of security was one of the two biggest problems in Nepal for nine

percent of people. Meanwhile, ten percent rated *bandhs*, strikes and *chakkajams* as one of the two biggest problems, and victims of crime were unequivocal in illustrating the economic costs of crime, violence and fear for ordinary people.

BOX 1: What does 'security' mean to you?

"For me to be able to go to work safely and be able to work without fear or threat at anytime, including at night, is security."

Musahar male, 31, Sunsari district

"In earlier days even small earnings were sufficient for a living, but now, the price for everything has escalated and it's difficult to save anything. I feel that I may die of hunger. This makes me feel insecure."

Kewat female, 36, Morang district

"Safeguarding of human rights and properties along with personal rights and honour are considered as security for me."

Sherpa male, 21, Solukhumbu district

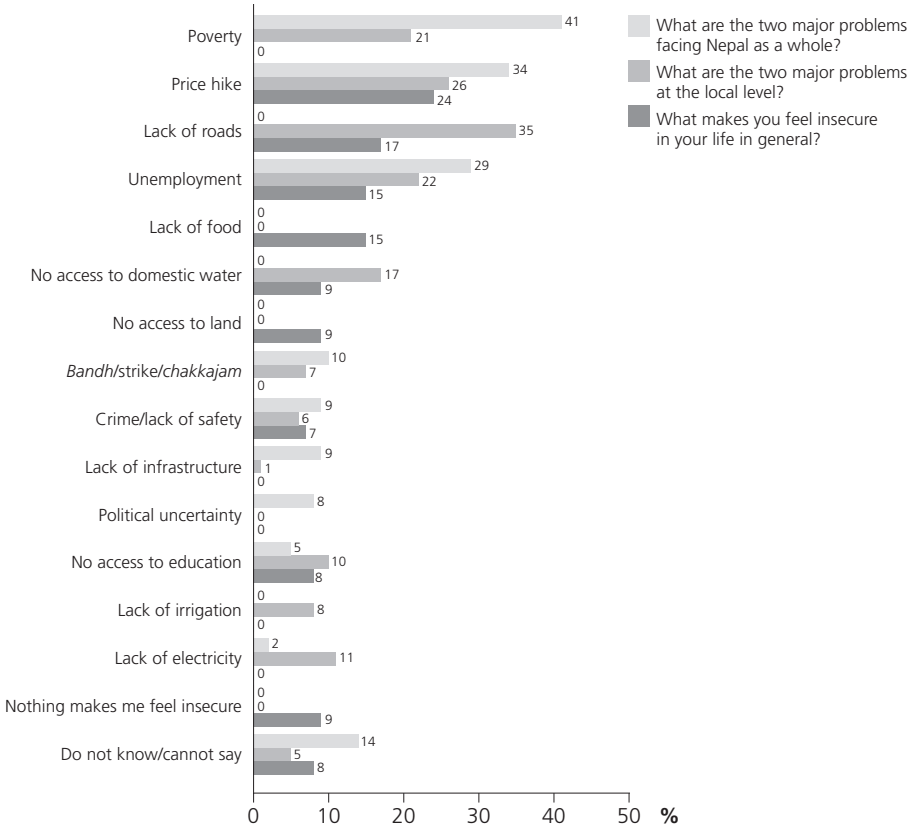
"In my opinion security is protection from sexual violence, physical assault and social discrimination along with protection of my body."

Badi female, 32, Banke district

"Poverty, unemployment, lack of road and lack of land makes me feel insecure."

Mallah male, 26, Morang district

Figure 6: What are the two major problems facing Nepal and in your local area, and what makes you feel insecure? (2008 survey, base no. 3025)



One of the clearest interlinkages between insecurity and a lack of socio-economic development identified by the survey related to *bandhs*. Firstly, many *bandhs* are often sparked by popular concerns over standards of governance or the lack of progress with development. Many interviewees noted that *bandhs* were exacerbating an already

difficult economic situation since the disruption and insecurity they caused hindered people going about their daily business:

"Bandhs *and strikes occur frequently and do not let us work for our daily wages, so I am not satisfied with the present security system of the country.*"

Kewat female, 36, Morang district

"*My life is seriously affected by* bandhs *and strikes because going to work becomes very difficult at such times.*"

Kami male, 20, Dailekh

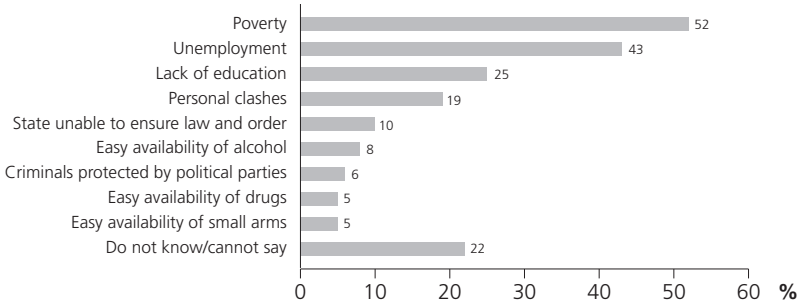
"*If there is a* bandh *or strike, there are no vehicles, which makes it difficult for people to go to work. Shops close and you can't buy essential commodities. This affects our daily lives.*"

Dhanuk female, 39, Sunsari

The unpredictable way in which *bandhs* spring up also discourages people from travelling around the country, with several interviewees saying that they were particularly concerned about female members of their family travelling in areas where *bandhs* occur most frequently.

Another obvious link between the two groups of insecurities is that most people believe that crime is primarily caused by socio-economic problems. The three most frequent drivers of crime suggested by survey respondents were poverty (52 percent), unemployment (43 percent) and lack of education (25 percent). This again reinforces the point that low levels of development cause crime, while crime and insecurity hinder development (Figure 7).

Figure 7: In your opinion, what are the top three causes of crime in Nepal, including in your locality, today? (2008 survey, base no. 3025)



Some further evidence of this interdependence is provided by analysing the data produced by the survey on the economic impacts of crime. As only 74 respondents had been victims of crime in the past year, it is difficult to generalise about the overall impacts of crime suggested by their responses. Nevertheless, in the survey 64 percent of the respondents who had been victims of crime stated that the crime had caused damage to property; likewise, 16 percent of the victims had to replace the damaged item, 12 percent had to stop a new investment, eight percent had to move their business or job to a new location, and 11 percent had to close/quit their business/job.

When comparing the crime victimisation figures from the 2007 and 2008 surveys, there is also a rise in reported victimisation in relation to robbery, theft, extortion, and violence related to smuggling. These types of crime cause loss of and damage to capital and property, disrupt legitimate business, bolster the black/untaxed economy and, in the case of smuggling, may provide the weapons that fuel further organised crime and political violence. The figures suggest that crime and violence are hindering economic recovery and development, and that support to community-based security and justice provision should be a priority for all actors aiming to support and enable poverty reduction and economic development in Nepal.

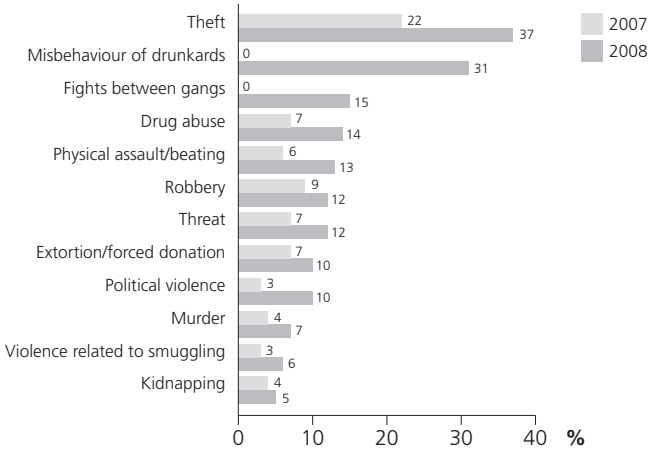
3.2 **Law and order and security threats**

As noted above, whether people felt that the country was going in the right or the wrong direction, they were most likely to point to the law and order situation to explain their views: law and order is clearly very important to people. In the analysis of the 2007 research, it was argued that while the security situation had clearly improved since the end of the conflict, there was growing concern about other forms of crime. It was suggested that a security vacuum could develop where the insecurity caused by the conflict had been eliminated but legitimate actors had not been able to step into the resulting gap, allowing criminals space to flourish. Research in 2008 shows that while crime does not appear to be widespread, there is a perception that levels of crime are rising. As a result, there is significant fear of crime, which leads many Nepalis to feel insecure.

It should be highlighted that very few survey respondents had actually directly witnessed a crime. Only 74 of the 3025 respondents (two percent) said that they or one of their family members had been a victim of crime in the past year. The most common crimes, in order of frequency, were: theft, physical assault/beating, extortion/forced donation, threats and robbery. Overall, this suggests that the incidence of crime may not be as high as is sometimes perceived.

While few of the survey respondents had themselves been a victim of crime, there nonetheless appears to be a perception that levels of crime are rising. In both 2007 and 2008, respondents were asked whether they were aware of any criminal incidents that had happened in their locality in the previous year (Figure 8).[6] The comparison between 2007 and 2008 shows that respondents were more likely to be aware of incidences of all types of crime in their locality. For example, while in 2007 only 22 percent of respondents knew of thefts that had occurred in their area, by 2008 the figure was 37 percent. This may not be entirely attributable to a rise in crime; it might also be that there is more public awareness of crime and that it is discussed more openly in society and in the media. Whatever the causes, however, it does suggest that many people believe that crime is on the rise in their local area.

Figure 8: Have there been incidents of the following types of crime in your locality in the past one year? (2007 survey base no. 3010, 2008 survey base no. 3025)



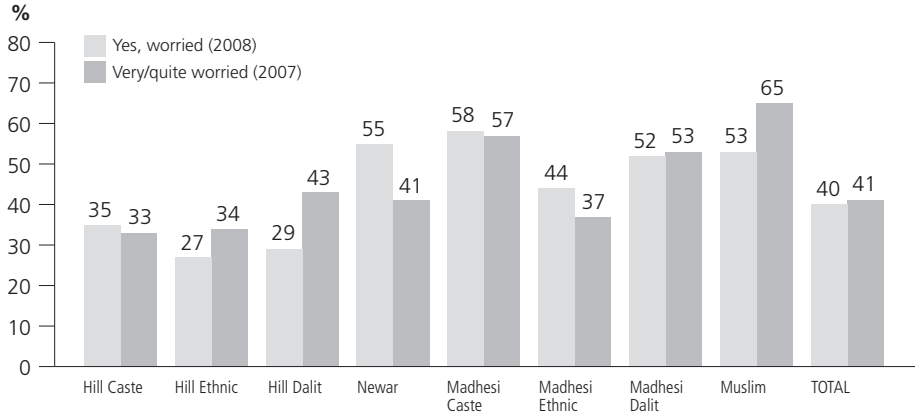
Given this perceived rise in crime, it is perhaps not surprising that fear of crime and insecurity is widespread – although there has been no noticeable change in the number of Nepalis reporting that they are concerned between 2007 and 2008. In May 2007, 41 percent said they were very or quite worried about being a victim of crime while 56 percent were not so worried or not at all worried. This had not changed significantly by August 2008: the majority of Nepalis still say that they are not worried

6 Questions about 'misbehaviour of drunkards' and 'fights between gangs' were not asked in the 2007 survey, but were added for the 2008 survey after being noted as a potential cause of concern. The results of the 2008 survey demonstrate that they are indeed major problems, being identified as the second and third most frequently occurring crimes in respondents' localities.

about becoming a victim of crime (58 percent), while two-fifths of the population (40 percent) remain worried (Figure 9).

The same data also shows that certain groups remain particularly fearful. Madhesi caste, Madhesi Dalit groups and Muslims are the most worried about becoming victims of crime. Hill Dalits appear to be more concerned than they were in 2007, while Newars appear to feel more secure than they did a year previously. There was greater fear in urban (48 percent) than rural areas (39 percent). There was also a notable split by ecological region. In mountain areas, just 18 percent feared being victims of crime, compared with 33 percent in hill regions and 47 percent in the Terai (see Section 3.4 below).

Figure 9: Are you afraid (2008) / How worried are you (2007) that you and your family may become victims of crime? (2007 survey base no. 3010, 2008 survey base no. 3025)



Those interviewed for the 2008 survey said that while most people respected and abided by the law, it was not unusual to see other people breaking the law, because law and order is not as effective at the local level as it should be. They could point to some signs that the situation was improving, such as the return of IDPs to their homes, and that most interviewees had not themselves experienced any kind of insecurity or injustice (although two reported that they had been forced to migrate for political and economic reasons). Nonetheless, they felt that, overall, things had not improved since the conflict as much as they had hoped. This was echoed in some key informant validation interviews, with one interviewee noting that it felt like some criminals could act with impunity: even killers could escape justice by exploiting their links with politicians. Despite this, many interviewees remained optimistic and were hopeful that the state would be able to maintain law and order more effectively once a new constitution is adopted:

"The new constitution has not been made yet. People don't respect law and order as things stand, these laws are not effective."

Chamar male, 20, Kapilvastu

The analysis for the 2007 survey argued that despite some frustration with the Government's capacity to maintain law and order, most Nepalis remained committed to the principle that it is the state's role to provide security. However, there was a risk that if security did not improve, more people might begin to advocate taking the law into their own hands or making their own arrangements for protection. However, it appears that this threat has not materialised so far. Only ten percent of respondents to the 2008 survey said that they were aware of some form of informal security arrangement in their locality, the majority of which were local security committees or neighbourhood watches, with community or private security guards remaining very rare. This represents no change at all from the 2007 survey, which also reported that ten percent of respondents were aware of a security arrangement established by the public locally.

3.3 Gender and security

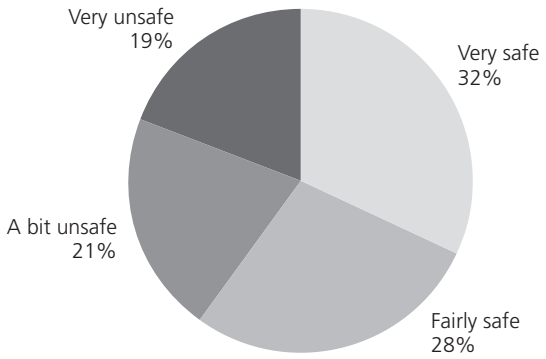
The 2008 research looked in some detail at the differences between the security concerns and perceptions of women and men. This involved disaggregating the results of all survey questions according to gender and also asking specific questions about insecurity and crime that relate specifically to the security of women. The relationship between gender and security was also discussed in the in-depth interviews.

Comparing the responses to all survey questions, the most significant finding was that there is often no major difference to the answers given by women and men, i.e. men and women tended to have similar views about most security problems. The most noticeable distinction was that women were generally much more likely to respond that they 'do not know' or 'cannot say' than men. For most questions about people's perceptions of their own lives, this effect was not very pronounced: the overall number of 'do not know/cannot say' responses was generally around three percent of all responses, but these were nearly all women (2–3 percent of women, compared to less than 1 percent of male respondents). However, when respondents were asked questions that required them to make value judgements about the effectiveness of various state institutions (see Chapter 4), both men and women became more uncertain, but female respondents considerably more so. For example, when asked to evaluate the effectiveness of the Nepal Police in protecting people from crime (Figure 19 below), only seven percent of male respondents could not give a firm answer, but 20 percent of female respondents said that they did not know/could not say. This is probably due to some women feeling they do not understand the issues well enough to comment on them.

Nonetheless, it was felt by interviewees that there were still significant differences between the security of men and the security of women. Women took a more 'personal' view of security that focused on the physical well-being of themselves and their families, while men were more likely to be concerned about protecting their property and with more 'public' forms of security such as the protection of individual rights and the risk of renewed conflict. This is to some extent backed up by the survey results, with men on average more likely to be concerned about street crime and political violence than women. Men are also slightly more worried about unemployment, while women are slightly more worried about general poverty and the price hike.

There are various ways in which women may be more vulnerable to crime and violence than men. The survey showed that women were six percentage points more likely to say they feared becoming a victim of crime (43 percent of women, compared to 37 percent of men). Forty percent of respondents thought that it would be a bit unsafe or very unsafe for a female family member to go out alone after dark (Figure 10). More people in rural areas (62 percent) thought it would be very safe or fairly safe for women to go out after dark than thought so in urban areas (43 percent). There was also a significant disparity between ecological regions: in mountain areas, 87 percent thought it would be very or fairly safe, compared to just 50 percent in the Terai. It was also notable that only 33 percent of respondents in the Mid-Western Region thought it was safe for women to go out alone after dark.

Figure 10: How safe or unsafe would a female member of your family feel to go out alone after dark? (2008 survey, base no. 3025)



Interviewees drew a clear distinction between the safety of women in their own locality and elsewhere. Female interviewees said that they generally felt safe walking around in their local area, and that visiting friends and families and talking to local people was safer now than it had been during the conflict. Some male interviewees also said that women are more aware and educated and can protect themselves in their local area, especially as there are very few strangers. Moreover, women noted that they did not tend to go out that much anyway, as household chores kept them at home much of the time. They rarely went out after dark on their own, but if they had to it would probably not be too unsafe in their own area. By contrast, many felt that because of *bandhs*, strikes and other forms of unpredictable violence, it could be quite dangerous for women to travel about alone in unfamiliar areas even by day, let alone at night.

Interviewees also noted that the security challenges that women faced were also linked to their wider position in a patriarchal society and their lack of economic opportunities:

"Sources of security threats are different for men and women because our social structure is influenced by the patriarchal system. There are boundary lines for women which should not be crossed and in comparison with men, sources of insecurity are more for women."

Gurung female, 40, Mustang

"Sources of security threats for men and women can never be the same because women are not empowered, economically and educationally. If a man does not come home for 15 days, no one would be saying anything; however, in such a case a woman could lose her status in society."

Rai female, 40, Ilam

"There are no economic opportunities for women here; if there were any, we all would be doing something and not depending on the limited earnings of our husbands."

Musahar female, 36, Sunsari

Questions were also asked about gender-specific forms of insecurity such as rape and family violence. Most of those interviewed were unaware of any cases of domestic violence or rape in their local area and thus did not feel able to comment on how much of a threat it was or how well protected women and girls are against such forms of violence. However, some interviewees did suggest that such incidents do happen, and that these may go unreported or not be seriously investigated:

"I am very insecure. I came to live in my husband's house after we got married, but he gave me no food to eat and did not treat me fairly. I suffered a lot, and this made me leave the house. Such incidents are not unusual in our caste and culture."

Satar female, 40, Jhapa

"Women go through domestic violence in every house, but the scale of it has never been measured. There was a case of a man beating his wife severely after alcohol consumption, who was later handed over to the local authority by [the women's non-governmental organisation] *Aama Samuha. But the local authorities let the man go without investigating."*

Gurung female, 40, Mustang

"There was an incident of rape in our area but the law could do nothing to the person and he managed to escape."

Sherpa male, 21, Solukhumbu

Survey respondents were asked whether they would report any incidence of family violence to the authorities (Figure 11). Three-fifths (59 percent) said that they would, with more men (66 percent) than women (53 percent) claiming that they would do so. However, it is surely a concern that over one-third of respondents (34 percent) said that they would not report family violence. It was also notable that those with no or low education were less likely to report family violence (Figure 12): only 52 percent of illiterate respondents said that they would do so, compared to 68 percent of those who had completed secondary education and 70 percent of those who had intermediate

higher education. Awareness raising to encourage reporting of family violence and a commitment to prosecute offenders are options for constructive government engagement with this problem.

The relationship between gender and security should not be seen only in terms of the specific insecurities that women face, however. As one key informant in validation interviews stated, women should not only be seen as oppressed and in danger – they also have a vital role to play in maintaining and strengthening security. This was acknowledged by some of the female interviewees, who referred for example to women's organisations (usually in urban areas) that were supporting women who were threatened by violence and were becoming more engaged in security matters.

Figure 11: Would you feel confident to report on family violence if there was violence in the family? (male/female, 2008 survey, base no. 3025)

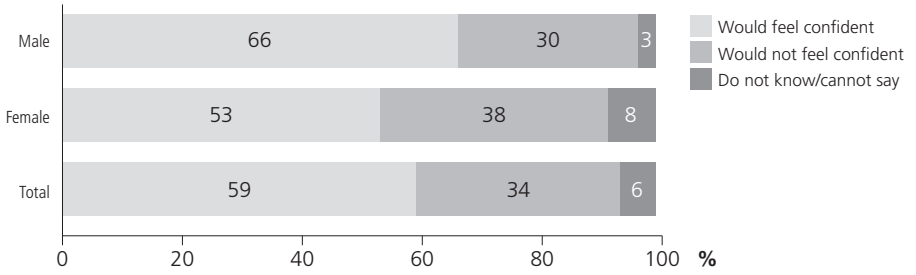
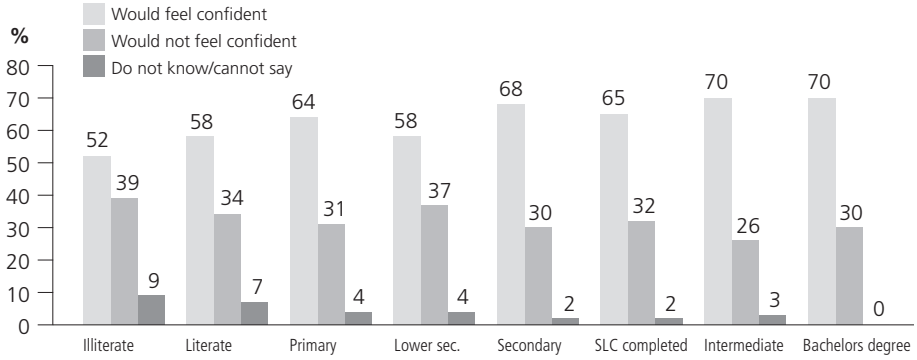


Figure 12: Would you feel confident to report on family violence if there was violence in the family? (by level of education, 2008 survey, base no. 3025)



3.4 Differences in security perceptions in specific areas

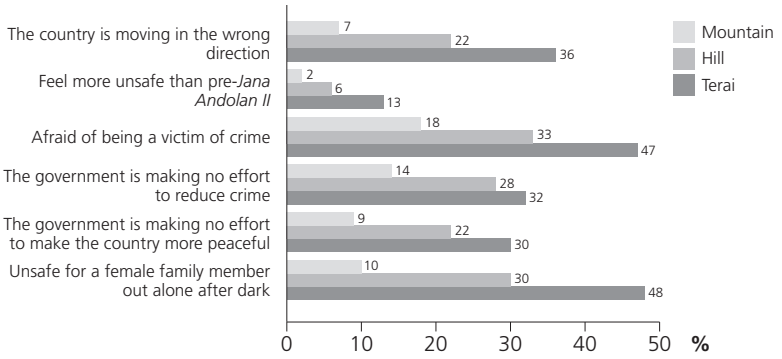
The 2007 research noted that insecurity was higher in the Terai as a result of the Madhesi Movement that was gathering pace, resulting in more *bandhs*, strikes, violent protests and growing concerns about law and order. The 2008 survey confirms that there is greater insecurity in this region than in the rest of Nepal. It also shows that perceptions of what constitutes 'security' and what kind of security provision the state should provide also differs from one part of the country to another. This can be clearly demonstrated by comparing the perceptions of residents of mountain areas with those from other parts of the country.

Insecurity in the Terai

Across a range of survey questions, respondents from the Terai appeared to have more negative perceptions of their security and were more concerned about the direction in which the country was going than respondents in the mountain and hill regions. Figure 13 brings together responses to six different survey questions. As the data shows, in all six cases there is much greater insecurity in the Terai: over a third of people in the Terai believe that the country is moving in the wrong direction, compared to only seven percent of mountain dwellers; nearly half (47 percent) of people in the Terai are

concerned about being a victim of crime, compared with just 18 percent in the mountains; and 48 percent of Terai residents believe that it would be unsafe for a female family member to go out alone after dark.

Figure 13: Comparison of various survey responses demonstrating differences in security between mountain, hill and Terai regions (2008 survey, base no. 3025 for all questions)



This insecurity is the result of two key trends. The first is political, with the continued tension surrounding the Madhesi Movement and the demands by various groups in the region for greater Madhesi political representation and an end to discrimination against Madhesis. The political situation is complex. Some groups advocate a peaceful solution based on reform towards a devolved federal republic. However, there are also more hard-line groups which demand the establishment of a separate state for Madhesis, some of which are armed and use violence to promote their position. The rise of the Madhesi Movement has also led to a rise in tension between different groups living in the Terai, with many people of Pahadi origin feeling threatened by the increasing assertiveness of their Madhesi neighbours.

Secondly, there are a significant number of armed criminal groups operating in the area, as noted in the recent report of the UN Secretary-General: "Public security remained an issue of serious concern in many Terai districts, where the population continued to be subjected to criminal activities by armed groups".[7] These two forms of insecurity are closely related, as it is widely believed that some political groups engage in criminal activities and/or that criminal groups are used by and manipulated by powerful political figures.

Underlying the manifest insecurity are a range of further factors: the proximity of the Terai to the poorly secured Indian border, across which weaponry can be acquired and criminals are able to evade authorities; and the historic underinvestment and lack of government service delivery in the Terai. Much insecurity in the Terai likewise cannot be ascribed to national political concerns: in many cases security incidents are rooted more in local rivalries and vendettas which are played out under the banner of national/regional political party competition. Finally, some Terai districts were affected by flooding in mid-2008.

Whatever the causes of the insecurity, two key informants suggest that both security and socio-economic development will be important in crafting a comprehensive response:

"Terai has become a playground for political power. [...] *It is all because of the lack of policing, ineffective policing or excessive use of force."*

International organisation official

"There are no VDCs functioning, no police, no government bodies. When people face problems, they have nowhere to go but to the streets. The absence of government is

7 *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, 2 January 2009: Paragraph 42. Available online at: <http://www.unmin.org.np/downloads/keydocs/2009-01-09-UNMIN.SG.Report.to.SC.ENG.pdf>

building discontent in Madhesh. [...] *The international community can help by spending more on economic generation activities, education, health and infrastructure.*"

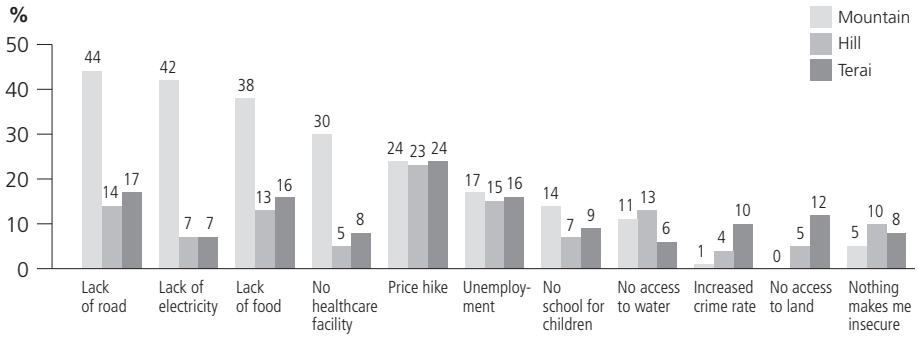
Nepali journalist

Perceptions of security in mountain areas

Figure 13 shows that people in the mountain regions of the country generally feel much more secure than their fellow citizens in the hills and in the Terai. In fact, various other survey responses show that 'security' means something quite different for people living in mountain regions.[8]

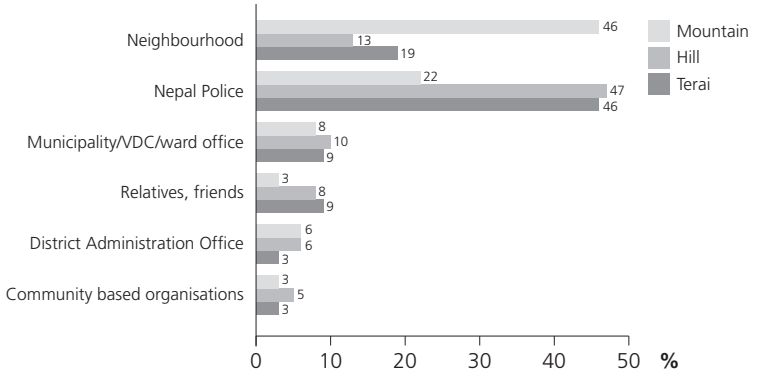
Figure 14 compares respondents' views on what makes them feel insecure, disaggregated by ecological region (this presents some of the same data as Figure 6 above). This shows that people in the mountains are even more likely than other Nepalis to consider their security in terms of poverty and under-development, with the most frequent answers all about things that are lacking: roads, electricity, food and healthcare. Crime hardly figures as a concern at all.

Figure 14: What makes you feel insecure in your life in general?
(by ecological region, multiple responses possible, 2008 survey, base no. 3025)



Given the differences in how people in the mountains understand the concept of security, it is perhaps not surprising that they also have a quite different response to how they deal with security problems. Whereas people in the hills and the Terai would be most likely to go to the Nepal Police if they were threatened with violence (47 and 46 percent respectively), people in the mountains are much more likely to go to other people in their neighbourhood for help (46 percent, compared to only 22 percent who would go to the police). This suggests that mountain dwellers are much more likely to rely on informal networks of friends and neighbours than on formal security structures (Figure 15). This is probably due to very limited security provision in the region and the difficulty people face in accessing the police rather than greater lack of trust for police in mountain areas than elsewhere in the country.

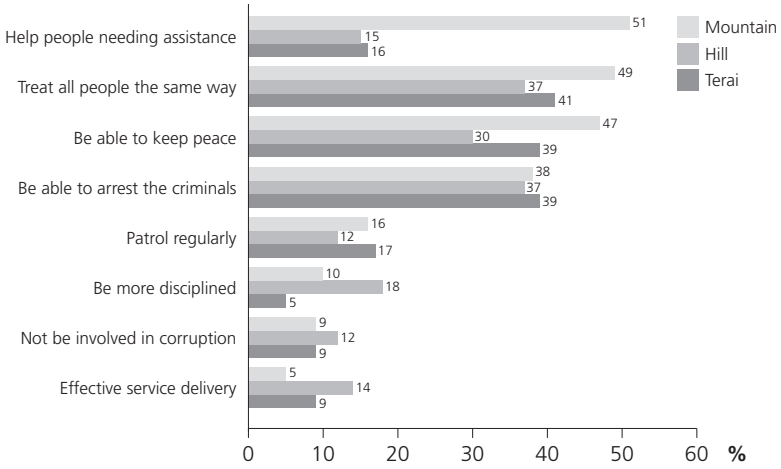
Figure 15: Who would you turn to first for protection if you or any of your family members were threatened with violence? (by ecological region, 2008 survey, base no. 3025)



8 It should be noted that given the relatively low levels of population in mountain areas, the sample size of respondents from mountain areas is also relatively small and thus the margin of error in these results is higher. However, the trends that are identified in this section are quite pronounced, and thus are likely to have been identified in a broadly accurate manner.

The different forms of insecurity that threaten people in the mountains also mean that they have quite different expectations of the role of the police. Figure 16 disaggregates views on what the police could do to win more trust from the public (this presents a different disaggregation of Figure 31 below). It seems that for mountain people, the most important thing that the police can do is to help people who are in need of assistance, which is understandable in areas that are often remote and dangerous. People in the mountains were also much more likely to emphasise the role of the police as keeper of the peace.

Figure 16: What should the police officials do to win more trust from the public?
(by ecological region, multiple responses possible, 2008 survey, base no. 3025)



3.5 **Small arms availability and misuse**

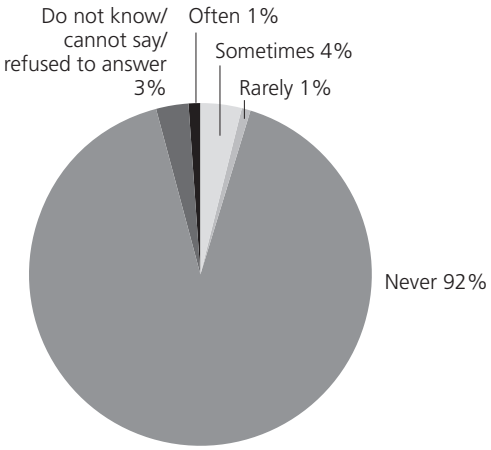
"I feel very insecure from bombs and guns, as they harm both people and property; just one shot can take away a life."

Teli female, 28, Parsa district

The 2008 research included a number of questions on the proliferation and control of small arms. Small arms control is increasingly identified as a problem by security officials in the country, who are concerned that the ready availability of small arms is fuelling a wave of crime and violence in the Terai region.

The survey found that despite the perception that small arms possession is on the rise, few respondents reported seeing a weapon themselves (Figure 17). Ninety-two percent of people said that they never saw any weapons in the hands of anyone but the army or police. Only one percent said that they often saw somebody other than the police with a weapon, while four percent said that they sometimes did and a further one percent said that it happened on occasion. The majority of those respondents that had seen a weapon were Madhesis living in the Terai: only two percent of non-Madhesis reported 'sometimes' seeing a weapon, compared to seven percent of Madhesis. Moreover, while the few respondents who had seen weapons in the mountains thought that they were owned either by hunters or by Maoist cadres, in the hill and particularly in the Terai, respondents thought that smugglers and criminals were also key weapons owners. The most common weapons seen were pistols and revolvers, homemade guns and hunting weapons. Only 12 respondents out of 3050 admitted to owning a weapon themselves.

Figure 17: How often do you see people (other than army and police) carrying small arms in your locality? (2008 survey, base no. 3025)



The majority of in-depth interviewees said that owning small arms was unacceptable, because they might be misused either accidentally or even in fights with friends and families. Some interviewees thought that weapons might also be used for other forms of illegal activity such as wild animal poaching. Only a few people thought that there were legitimate reasons to own weapons:

"It is acceptable to keep guns in some cases, like for self defence."

Thakuri male, 33, Darchula

The survey results, which suggest that small arms proliferation is not widespread, were questioned in validation interviews with key informants from the police and local authorities. Many officials felt that small arms proliferation was a much greater problem than these results seemed to indicate. Some of them suggested that respondents may not have answered entirely truthfully, since they believed that in fact many more people had weapons in their houses. They were particularly concerned about small arms proliferation in the Terai, with weapons coming across the border with India and fuelling an increase in crime in these areas. This suggests that more targeted research on small arms control is required to provide more detailed information about the current and potential availability and impact of small arms, and how to address both the supply of and demand for these weapons.

4

Perceptions of security sector institutions

THE PREVIOUS CHAPTER looked at the public's perceptions of security in general and of some specific security threats. This chapter assesses the response to these security threats by the state's security sector (the police, the justice sector, the armed forces, and other state institutions that are responsible in some way for the maintenance of security). It first considers general public opinions on the responsiveness of the Government and its capacity to provide security. It then analyses public perceptions of different parts of the security sector, starting with police and then looking at justice providers and border management. Lastly, it looks specifically at the issues of equality and discrimination, which were highlighted as being of key concern in the 2007 research.

4.1 General perceptions of the state's capacity to provide security

"The state has not been able to provide enough security to people. Only last year so many people died in one incident in Chandrauta, Kapilvastu and the state could do simply nothing about it."

Brahmin female, 46, Argakhachi district

During 2008, the public started to become frustrated with the Government's slow progress in improving people's lives, as was noted in Section 3.1. While nearly all Nepalis felt more secure since *Jana Andolan II* and the end of the conflict, there was less optimism that the country is moving in the right direction. Many people pointed to the protracted negotiations over power-sharing and ongoing political wrangling as the reason for this. Figure 5 showed that while the majority of people thought that the Government was making at least some effort to make the country more peaceful (60 percent) and to reduce crime (53 percent), they were much more likely to believe that this was a small effort rather than a major effort.

In-depth interviewees confirmed this perception that the state was not as effective as they hoped in providing security and meeting the people's aspirations. Many said that all the main political parties were responsible as they had not been very active at the local level since the elections to the Constituent Assembly had been held:

"I am not satisfied with the roles of government bodies, because government security bodies have not been able to reach remote places; they are centred in headquarters or

developed places. And even if any security bodies are present, arrested criminals are freed due to pressure from political parties."

Limbu female, 31, Tehrathum district

"Due to the absence of proper government the entire administrative machinery has become defunct as a consequence of which the Government has been unable to deliver essential public services."

Magar male, 29, Myagdi

One key informant gave a revealing perspective on this same issue from within the security sector:

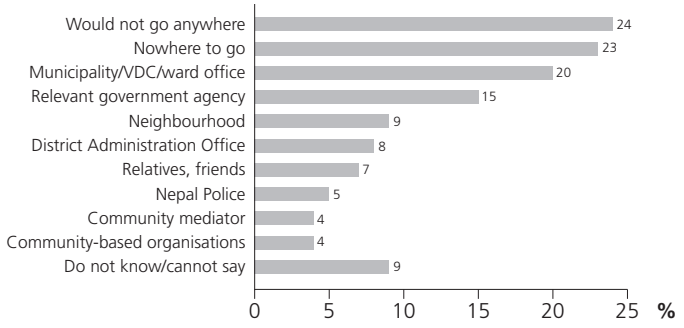
"We can't act promptly because we don't get orders, both written and verbal, from above [...]. *Without clear orders from above, we can't take actions* [...]. *If we take action at the wrong target, who will take responsibility? That is why we need a government to back us up. But at the moment, we feel that we don't have a government, and we don't have the mandate, and things are highly politicised."*

Armed Police Force Officer

When looking at the broad range of socio-economic issues that make people feel insecure (Figure 6), it appears that many people have a sense of powerlessness and do not know how they could improve the situation. The sources of insecurity identified by most people related mostly to poverty, under-development and a lack of infrastructure. When those respondents who had named at least one source of insecurity were asked who they would turn to for protection from these insecurities, the most frequent answers were that they would not go anywhere, or that there was nowhere to go to (Figure 18). This is further evidence that many people feel that the state's capacity to help them meet their basic needs is limited. However, it is not possible in a study of this size to look at the state's capacity to meet all causes of insecurity, because holistically addressing causes of insecurity would involve so many different types of intervention and sectors of government. The focus for the rest of this chapter will be more specifically on the capacity of the state (and relevant non-governmental bodies) to address key security concerns that are more closely related to crime, violence and freedom from fear.

Nevertheless, overall, it is critically important for the Government and development partners to recognise two points: firstly that improvements in security and lasting peace cannot be maintained without targeting development initiatives towards root causes of insecurity; and, secondly, that development goals cannot be achieved without swift attention to security and justice provision in line with the needs of people in communities. Regarding the latter point, it is particularly important to begin providing this enabling environment for development in areas that continue to be worst affected by crime, violence and fear such as the Terai.

Figure 18: Where would you like to approach for protection from the sources of insecurity you have identified in response to the question "what makes you feel insecure in your life in general"? (2008 survey, respondents who identified at least one source of insecurity, base no. 2480)

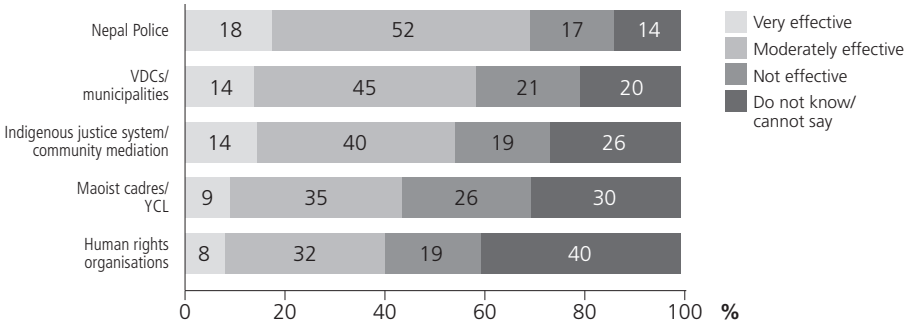


Survey respondents were asked to rate the effectiveness of various institutions in protecting society against crime (Figure 19). The police were deemed to be the most

effective security institution, with over two-thirds (70 percent) saying that the police were at least moderately effective. Village development committees (VDCs) and municipalities were also thought to be reasonably effective, with 59 percent of respondents saying that they were at least moderately effective. These findings support the argument that most people still put their trust in the state security sector, even if they are sometimes critical of its overall capacity.

It is notable, however, that there was also considerable support for non-formal methods of maintaining security, such as indigenous local justice systems and community meditation. Over half (54 percent) of respondents thought these to be at least moderately effective. A significant proportion of people (44 percent) also said that Maoist/Young Communist League (YCL) cadres also played a role in protecting society from crime.[9] There was widespread ignorance about the role of human rights organisations, with two-fifths (40 percent) of those surveyed unable to give any answer at all. This was also reflected in the in-depth interviews, where the majority of interviewees said that they were not aware of any human rights organisations or civil society groups operating in their area. The exception is in urban areas, where such non-governmental organisations appear to be more active.

Figure 19: How effective do you think the following organisations are in protecting society from crime? (2008 survey, base no. 3025)

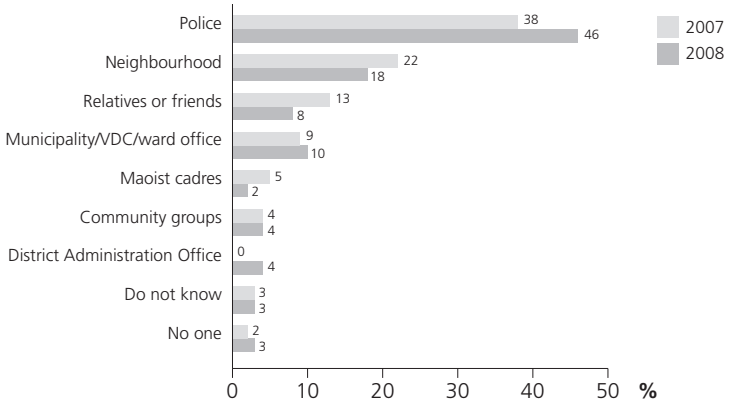


Survey respondents were also asked to whom they would turn if they or any family member was threatened with violence. Figure 20 compares responses to this question from May 2007 and August 2008. This shows that the number of people who would go first to the police has increased by eight percentage points, from 38 to 46 percent. A further ten percent would go to their municipality/VDC/ward office. There is thus an increasing willingness to go to official bodies when threatened with violence, while informal methods of resolving such difficulties, such as going to neighbours, relatives or friends, have declined in popularity.

A rural/urban split is noticeable, with urban residents more likely to go to the police than their rural counterparts (56 percent to 44 percent). However, this split is less defined than in the 2007 survey (when the figures were 62 percent to 34 percent respectively): rural Nepalis appear increasingly willing to go to the police, perhaps because of the re-establishment of police posts in some areas (see Section 4.2). It has also been noted that people in mountain areas are much more likely to depend on their neighbours (46 percent) than the police (22 percent), in contrast to people in the hills and the Terai (Figure 15 in Section 3.4)

9 This survey did not capture public perceptions regarding the CPN-UML's Youth Force, although future surveys will do so.

Figure 20: Who would you turn to first for protection if you or any of your family members were threatened with violence? (2007 survey base no. 3010, 2008 survey base no. 3025)



While recognising that there may be an important role for informal actors in improving justice and security provision, the survey shows an existing and growing degree of public trust in the state mechanisms for providing security. Thus it appears to make good sense for the Government, with the support of interested donors, to ensure that extending the presence and responsiveness of state security and justice provision in communities is central to justice and security sector reforms.

As noted above, only 74 out of 3025 survey respondents (two percent) had themselves been a victim of crime in the last year. Most of them had reported the crime to an official body: either the police, the municipality/VDC/ward office or the district administration office. However, others had only told their neighbours or had not told anyone at all. Also, 70 percent of those respondents who said that they would report any incidence of family violence (Figure 11 above) said that they would go to the police. These figures suggest that support for the police and other official agencies is increasing, but that there is still a very significant proportion of Nepalis who would not turn to the police in order to address their security concerns.

4.2 **Perceptions of policing**

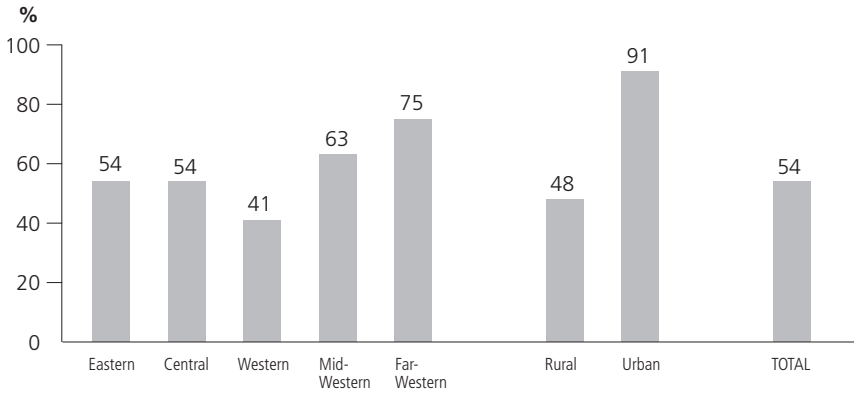
The results above show that support for the police increased between May 2007 and August 2008, but that many people are still cautious about going to the police and still question the police's effectiveness. While it is surely a positive sign that more people would turn to the police if they or a family member were threatened by violence, the fact that only 46 percent of all respondents would go to the police first is still a cause for concern, and compares unfavourably with some other countries in South Asia. For example, in a survey held in Sri Lanka in late 2006/early 2007, 70 percent of respondents said they would turn to the police if they were threatened by violence and 73 percent identified the police as the immediate authority to which they would turn first if a crime was committed.[10]

What has led to this gradual increase in support for the police, and why is this support still relatively muted when international comparisons are made? One reason that was given by some interviewees was that since the end of the conflict, police posts were gradually being established or re-established in areas where there had been no police presence. The 2008 household survey asked people whether a police post existed in their locality. Overall, just over half of respondents – 54 percent – said that there was a police post in their locality. However, there are clear patterns in distribution (Figure 21). Nearly all respondents in urban areas (91 percent) said that they had a police post in their area, compared to only 48 percent in rural areas. There were also significant

10 National Commission Against Proliferation of Illicit Small Arms (NCAPISA), *Survey report on the prevalence of illicit small arms in Sri Lanka,* (Government of Sri Lanka, 2008), pp. 140–142.

variations according to development region, from just 41 percent in the Western Region to 75 percent in the Far-Western Region. The higher availability of police posts in the Far-Western Region seems in some respects surprising, but may be explained by the fact that survey districts in the Far-Western Region happened to be among those with better road infrastructure, as well as by the fact that the Far-Western Region was not as heavily impacted by the conflict as other regions.

Figure 21: Is there a permanent police post in your locality?
(percentage saying yes, by development region and by rural/urban, 2008 survey, base no. 3025)



Police posts appear to be popular: 79 percent of those who did not have a police post in their area would like to see one established. This is further evidence that the public does support the official state security sector and is keen to see the state become more effective in providing security. The police's popularity may thus increase further as it expands its reach across the country. In the meantime, however, it appears that the approximately 45 percent of Nepalis who do not have a police post need to make other arrangements for their security. Forty-two percent of those who did not have a police post in their own locality depended on a neighbouring police post, but there are big differences from region to region (Figure 22). It is a concern that 58 percent of respondents in the Mid-Western Region and 83 percent of those in the Far-Western Region that did not have a police post in their area thought that no one is providing them security, although it should be noted that more respondents said that there was a police post in their locality. This might suggest that the police has a reasonable presence overall but that there are some remote areas in the Mid- and Far-Western Regions which remain poorly covered.

Another key determinant of public support for the police is whether people believe that the police are effective in bringing criminals to justice. Again, it seems that there has been a moderate increase in the number of people who rate the police as being effective (Figure 23): in 2008, 59 percent of respondents thought that the police was at least somewhat effective in bringing criminals to justice, compared to 45 percent last year, while the number of people who say that the police are not very reliable or not reliable at all in this regard fell from 25 percent to 19 percent.

Figure 22: If there is no police presence, who is providing security in your locality?
(2008 survey, by development region, multiple responses possible, base no. 1361)

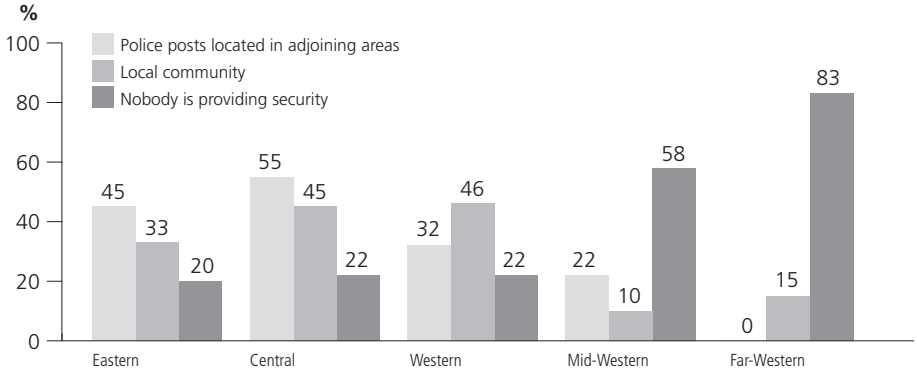
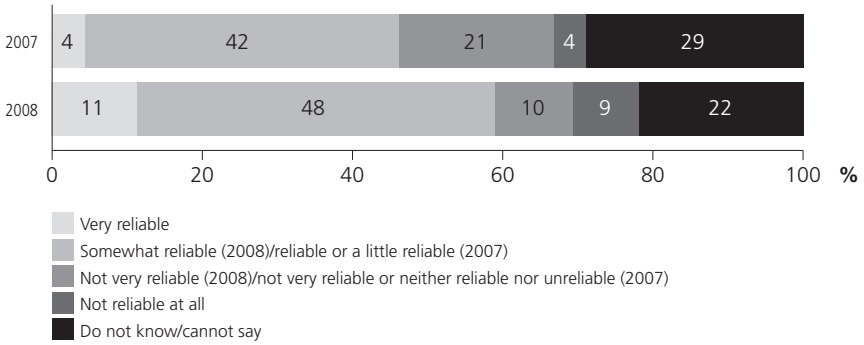


Figure 23: How reliable are the Nepal Police at bringing those who have committed crimes to justice? (2008 survey base no. 3025, 2007 survey base no. 3010)



Survey respondents were also asked about community policing, a form of policing that emphasises building strong links between the police and the community and engaging local communities much more deeply in their own security. A number of community policing pilot programmes have been trialled in Nepal in recent years. However, only six percent of respondents were aware of the concept, demonstrating that knowledge of such programmes is not widespread. As several officials noted in validation workshops, this is disappointing, because community policing is a good way of responding to local problems quickly and effectively and has significant potential to boost the police's capacity to protect the public and provide security. This is confirmed by the small sample (46 respondents, 1.5 percent of all respondents) who said that community policing did take place in their area, who overwhelmingly said that it had built trust and had helped to make their locality safer.

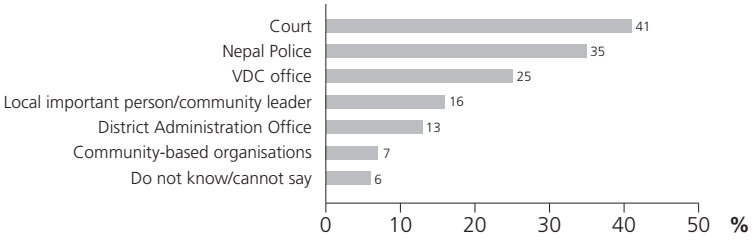
4.3 Perceptions of other state security actors

The police are obviously the most important actors in terms of providing security from crime and violence, but other state institutions also have vital roles to play, including the courts (and the justice system more widely), the army and border management services.

The justice sector

Survey respondents were asked where they would go to in order to seek justice (Figure 24). This is a very broad question, so it would be wrong to draw too many conclusions from the responses it received. However, it is clear that most people would turn first to official parts of the justice system itself (the courts and the Nepal Police) or to local government offices. However, it should also be noted that a significant proportion of people would consider using less formal means of seeking justice, such as going to an important local person or community leader (16 percent) or requesting the support of a community-based organisation (seven percent). It should also be noted that there were significant differences between development regions. In the Far-Western Region, 76 percent of respondents said that they would go to the courts to seek justice, but in the Mid-Western Region only 26 percent said that they would. It is not entirely clear to what these differences are attributable.

Figure 24: Where do you go, in general, in order to seek justice?
(2008 survey, multiple responses possible, base no. 3025)



Some interviewees noted that the courts had more influence in urban areas, but the provision of justice to a mostly rural country remains a challenge. In some areas, the 'People's Courts' set up by the Maoists had been seen as an alternative means of seeking justice, which was often perceived as being simpler and quicker. However, the People's Courts have also had the effect of further distancing people from the official justice system. The future of such mechanisms thus needs to be reviewed and discussed as part of the justice and security sector reform process, with reference to both efficiency and fairness of the system and compatibility with state justice provision.

Only 117 out of 3025 respondents (four percent) had themselves needed to seek justice in the last year. Most frequently, they went to the police to resolve the matter, but a fair number of respondents had gone to important local people to sort out their problem. The most common reason to seek outside help to resolve a problem was a dispute over land. This suggests the need to analyse further the commonness of land disputes, their potential to cause insecurity and ways to ensure satisfactory resolution of land-related disputes.

Questions were also asked about whether the courts were representative and whether they treated everybody fairly. These are considered in Section 4.4 below.

The armed forces

No specific questions were asked on the current effectiveness of the army in the household survey, but some in-depth interviewees did discuss this issue. Some said they trusted the army because it had helped to protect them during the conflict and it also represented Nepal internationally in peacekeeping operations:

"I trust the army because I saw them working very hard day and night to provide security in our local area during the insurgency."

Gurung male, 30, Mustang

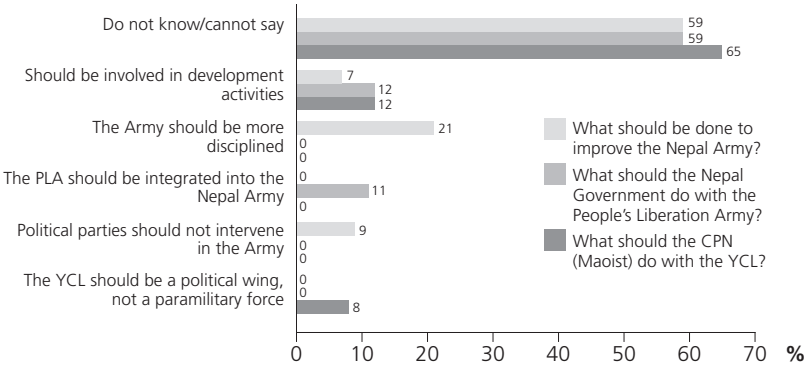
Other people were less positive. Some said that during the conflict, innocent lives had been lost and that they believed that members of the armed forces had been involved in brutal attacks on women and girls. Such interviewees stated that they could never trust the army.

The future of the army is a major point of contention in political circles at the moment, with serious disagreements between the parties about whether and how the Maoist PLA should be integrated into the Nepal Army and how far the Nepal Army should be reformed. However, it appears that most members of the general public do not have clear-cut views about this matter (or that they do not feel comfortable discussing such a sensitive issue). Survey respondents were asked what the Government should do to improve the Nepal Army, what it should do with the PLA, and what the CPN (Maoist) should do with the YCL (Figure 25). For all three questions, around three-fifths of respondents could not give an answer. Those that did were most likely to suggest that the Army, PLA and the YCL should be involved in development activities.

Interviewees were also divided about what reforms were necessary. Some thought that integrating the PLA and the Nepal Army was necessary, that it would help to reform both institutions and that it would lead to a more sustained peace. Others disagreed,

saying that it would be impossible to integrate the two forces without provoking another conflict. Another view was that some PLA members should be integrated into the Nepal Army, but on an individual basis based on their skills and professionalism. There was also support for the idea that many former fighters would be better engaged in development activities, or could be given options for employment in a range of other state security institutions in addition to the army, such as the police and the border control authorities. Arguments raised by key informants interviewed for the report included the view that PLA cadres might not be suitable as soldiers given past human rights infringements, and that the army was in any case already oversized.

Figure 25: What should be done with the different armed forces in the country?
(three questions, all multiple response, 2008 survey, base no. 3025)



Border management

Another concern that arose in some in-depth interviews is that the border with India is not well protected. Interviewees argued that border management is critical to ensure safety and security in border areas, but the border management service in Nepal was not able to do this effectively. Problems include inadequate customs control, human trafficking, the smuggling of illegal weapons, and the smuggling of medicinal plants and herbs. There are not enough security officials present on the border, and this makes it easy for cross-border criminal activities to function:

"The border management service in Nepal is extremely weak. It needs a lot of improvement compared to the neighbouring country. Crime is prevalent in border areas due to weak border management."

Rai male, 38, Ilam

"In my opinion, the border management service has a very significant role in monitoring cross-border crimes. With effective management, serious crimes like arms trafficking, women trafficking, drug smuggling and illegal migration would be checked and controlled."

Gurung male, 28, Rasuwa

One police official noted in a validation interview that it was easy for criminals such as dacoits, robbers and kidnappers to operate in the area near the border: often they would commit crime in Nepal and then hide in India. The trafficking of women and children was seen as a particular problem. Indeed, the survey suggests that violence related to smuggling rose from 2007 to 2008: 6.1 percent of respondents stated that there had been incidences of violence related to smuggling in the past year in 2008 compared to 3.3 percent in 2007. There are some attempts to address these cross-border issues through high-level meetings on security between Nepal and India, but so far this has had little impact on the ground.

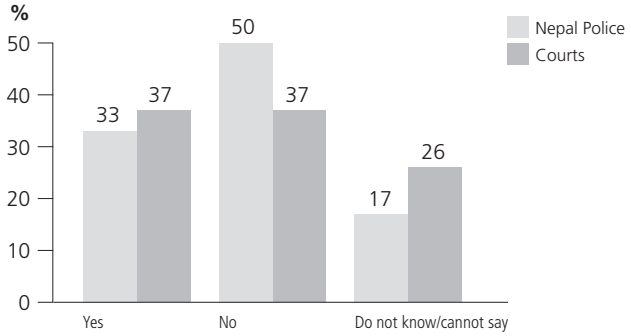
4.4 Equality and inclusion in the security sector

"The security system of Nepal needs to be reformed, because what we have now is the remains of the past regime. Now our security system needs to be inclusive."
Sudhi male, 39, Dhanusa

Interviews and focus groups held in 2007 suggested that although there was some discrimination on the basis of ethnicity/caste or gender, discrimination was much more likely to occur against those who were poor or lacked political connections. To investigate this in more detail, a number of specific questions about discrimination were asked in the 2008 research.

Fifty percent of respondents did not believe that the police treated everyone equally, compared to 33 percent that thought they did (Figure 26). Opinion was evenly divided with regard to the courts: 37 percent thought the courts treat everyone equally, while another 37 percent thought they did not.

Figure 26: Do the Nepal Police/the courts treat all groups equally? (2008 survey, base no. 3025)

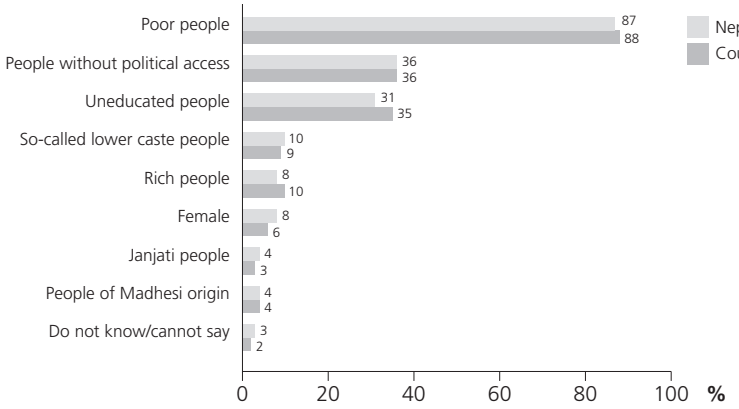


Those that did think that discrimination existed were asked what form this discrimination takes (Figure 27). Overwhelmingly, Nepalis believed that poor people were the most likely to be discriminated against. Of those who thought that the police did not treat everyone equally, 87 percent said that the police discriminated against poor people. This was mirrored by the view of 88 percent of those that said that the courts did not treat all groups equally. Those who lack access to parties (36 percent for both police and courts) or are uneducated (31 percent for police, 35 percent for courts) also suffer from discrimination. Relatively few people identified discrimination on the basis of caste or gender. In-depth interviewees also emphasised that discrimination was largely based on poverty:

"I don't trust the police because they give trouble to poor people. They all are corrupt."
Kewat female, 36, Morang

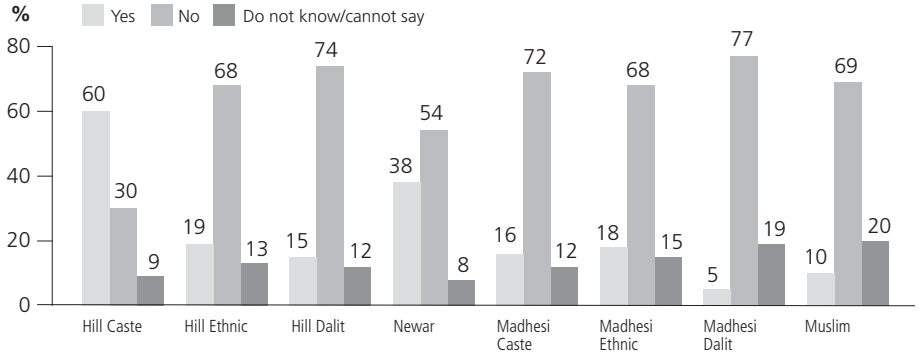
"The courts never treat everyone equally. Because when they are bribed, anything can be done. The rich can escape, while the poor and innocent always suffer."
Kami female, 35, Dailekh

Figure 27: If you do not think that the Nepal Police/the courts treat everyone equally, which group(s) do they treat unfairly? (2008 survey, only those who do not think that the police do not treat everyone equally [base no. 1512] or think that the courts do not treat everyone equally [base no. 1119])



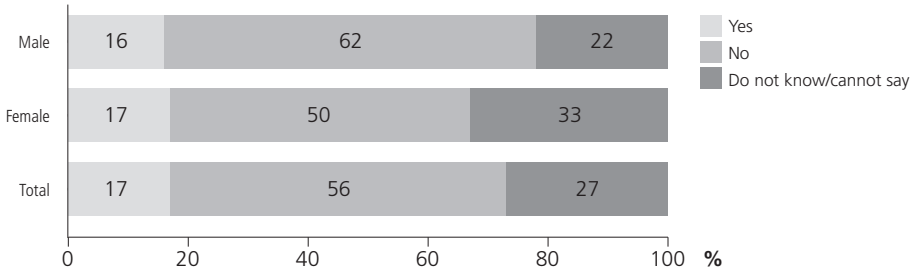
There is also a strong feeling that many groups are under-represented, with 57 percent of all Nepalis saying there are not enough members of their caste/ethnic group in the state security services (Figure 28). In fact, except for Hill caste groups, 60 percent of whom did feel they were well represented, in all other groups a majority of people felt under-represented. This was most pronounced among Dalits, with 74 percent of Hill Dalits and 77 percent of Madhesi Dalits saying that there were not enough of their caste/ethnic group in the state security services. Madhesis also felt strongly about this issue: overall, 71 percent of Madhesis said that they were under-represented. The justice and security sector reform process should seek to address this widespread perception by most groups within Nepali society that their members are not adequately represented in the security forces.

Figure 28: Do you think there are enough members of your caste/ethnic group in the state security forces? (2008 survey, base no. 3025)



In 2007, it was found that 77 percent of all respondents thought there should be more women in the police. The 2008 survey asked whether there should also be more women in the judiciary. Again, there was strong support for this idea, with 56 percent of respondents also stating that women were under-represented and only 17 percent saying that there were already enough women (Figure 29). Men were actually more likely than women to say that there were not enough women working in the courts.

Figure 29: Do you think there are enough women in the judiciary? (2008 survey, base no. 3025)



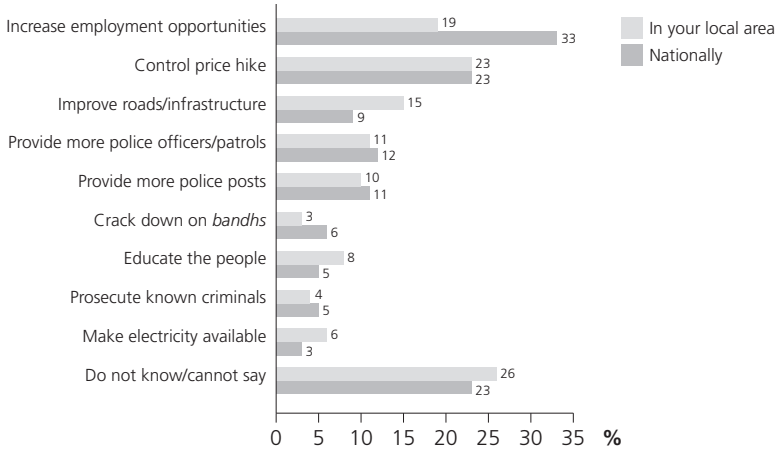
5

Public opinion on how to strengthen security

THIS REPORT HIGHLIGHTS not only that Nepalis are frustrated with the pace of reform in the country and face insecurities in some specific areas, but also that they have strong views on security and law and order. Thus this chapter examines their views on what can be done to improve security sector institutions and provide greater security.

Firstly, survey respondents were asked what the Government should do to improve security both nationally and in their local area (Figure 30). This again showed that most Nepalis think greater security depends on effectively addressing socio-economic development challenges, and that the areas where progress should be prioritised are increasing employment opportunities, controlling price hikes and improving roads and infrastructure. However, measures to make people safer from crime and violence would also gain support: the next three most popular measures would be to increase the number of police officers and patrols, to provide more police posts and to crack down on *bandhs* and strikes.

Figure 30: What should the Government do to improve security in Nepal/in your local area?
(2008 survey, multiple responses possible, base no. 3025)



Looking more precisely at public views on how the state security sector should be reformed, the research identified a number of key factors and principles that should be considered and also suggested some specific changes that could be made. In-depth interviewees discussed possible reform of the security sector in some detail. It was felt that there was a definite need for wide-ranging reform, because the old system was created for a time that had now passed:

"The security system needs to be reformed to meet the demands of changing times."

Magar female, 35, Myagdi

Many interviewees felt that the core state security actors were not adequately trained to provide security with a public service ethos. They did not believe that the police, army or armed police carried out programmes that had a social benefit in their local area, and had limited trust in these organisations. In order to overcome these obstacles, the state security bodies had to become more disciplined and more effective, but at the same time they must also be more public-service oriented. The police, the army and other actors have to be become more inclusive, more transparent, more accountable and employ people-centred working strategies. However, some interviewees noted that this was not a task for these institutions alone, but also depended upon the engagement of the wider population. They noted that political parties, civil society organisations, the judiciary, and important local actors all had crucial roles to play in maintaining security, and that real improvement would come when they all worked together and were all engaged in the reform process. For some interviewees, a bottom-up approach is necessary that starts with ordinary local people:

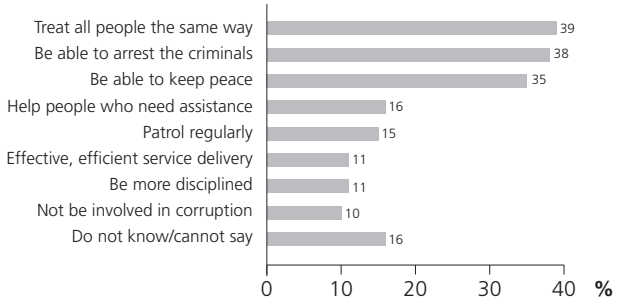
"First, local community people have to be active in maintaining better security services in their area; only then will the district administration and other security institutions work."

Gurung female, 32, Rasuwa district

Interviewees noted that the police would play a crucial role in any reform to the security sector as they are the most visible security actor for most people and the one that is in most frequent contact with the public. Hence it is essential that the police behave in a way that will build greater public trust. Survey respondents were asked how police officials could do this (Figure 31). This shows that the most important aspects are to treat everyone equally (39 percent), to be effective in arresting criminals (38 percent) and to be able to keep the peace (35 percent). Other important tasks include: helping people who need assistance, patrolling regularly, providing effective and efficient service delivery, being more disciplined and avoiding corruption. It is significant that these findings tally closely with the ten ideal characteristics for the police service identified in the 2007 research (see Chapter 2).

It should also be noted that there were some differences in responses according to ecological area, with mountain people placing most importance on the police being there to help people who need assistance (see Figure 16 in Section 3.4). This shows that while there are no doubt a number of principles that apply to good policing anywhere, the police must also be sensitive and adapt to local contexts in order to provide a high standard of service.

Figure 31: What should police officials do to win more trust from the public?
(2008 survey, multiple responses possible, base no. 3025)



Survey respondents were also asked whether they should be able to complain if the Nepal Army, the Nepal Police or the Armed Police Force do something wrong. In all three cases, 96 percent of respondents wanted the right to complain. This suggests that people are prepared to be more actively engaged in security matters and want the opportunity to have their voice heard. It also implies a need to improve current feed-back and complaints procedures so that they are more responsive to people's concerns.

6

The road ahead: perceptions of key informants

ALONGSIDE THE INFORMATION GATHERED ON PUBLIC PERCEPTIONS, the research for this report included a number of interviews with key informants as noted above. The key informants included a range of individuals well informed on security and justice issues drawn from the security establishment, political parties, civil society and the diplomatic/international community. Beyond the findings already highlighted in previous sections, these interviews provided a critical further insight into a number of the issue areas and debates that remain to be conducted in relation to justice and security sector reform in Nepal.

First of all, it was encouraging to note that some at least have recognised the need to broaden the security sector reform debate beyond the question of integration. One such commentator suggested this as an area where international insights could be helpful:

"SSR is being interpreted as just relating to integration of the PLA. The international community can make people aware about broader SSR issues."

Nepal Army Officer

There were strong views expressed by several key informants regarding the need for political leaders to provide a clearer mandate to security agencies and to stop politicisation interfering with the task of providing security.

"The Young Communist League and the Youth Force are creating more security problems. We can't take any legal action against their activities."

Armed Police Force Officer

"We don't have a law on community policing so we haven't been able to run it effectively. Political instability is making us helpless."

Police Officer

The same key informant additionally pointed out some of the further challenges faced by the police in becoming more effective:

"We want to be very well perceived by the people. However, everyone knows that we lack so many of the resources we need to perform in an effective way. [...] *For example, we cannot*

go on patrol because we don't have money to buy petrol for the vehicles."

Police Officer

Key informant interviews also drew attention to the need to examine and clarify the future role of the Armed Police Force, from a variety of perspectives:

"*What the roles and structures of the Armed Police Force will be should be discussed in the days to come.*"

Political party member

"*We need APF because we need to contain any armed violence that appears in the future.*"

Political party member

"*Nepal police can't deal with groups that possess* [*small arms…*]. *As the Armed Police Force is needed by the Country, it has to be provided with more training, so that it becomes professional.*"

Armed Police Force Officer

Another key issue not touched on thus far but raised by key informants was the need for security sector reforms to focus on intelligence. Although intelligence is an area traditionally hidden from public view and therefore was not a key focus of this research, some key informants pointed out that, as in other sectors, it is politicised and professionalism in the sector is perceived as weak:

"*Intelligence service personnel have no training, no ideas about the job – they are all political recruits.*"

Political party member

It will therefore be important to address such perceptions regarding intelligence capacity as a part of wider justice and sector security reform discussions.

The comments of several key informants suggested that donor co-ordination on SSR issues is weak and needs to be strengthened.

"*So many international actors are working independently on security issues. It would be good if they could co-ordinate with each other.*"

Nepal Army Officer

"*We are kind of doing piecemeal work. There are so many organisations working on SSR issues.* […] *I don't have that much contact with donors* […] *we don't communicate that much. We keep doing the programmes for which we have been funded.*"

Diplomat

"*Donors are doing their best to be co-ordinated,* […] *However, we don't know what they* [*other governments*] *are doing. Like everyone, we come to know from the media.* […] *They have their own political and strategic agendas: they neither share with us nor with each other.*"

Diplomat

There were also some contrasting views from key informants regarding the role of informal justice in a reformed security and justice sector. One key informant noted that:

"*People used to go to the Village Development Committee or their own community system for justice. However, these days we neither have functioning VDCs nor traditional practices. So, people either go to the police or NGOs, or stay home cursing their own fate. Once we have local elections, VDCs will be in charge of informal justice.*"

Political party member

"*Traditional justice is strong in hill areas, famous among Tharu communities for conflict resolution.* […] *In indigenous communities, such as Sherpa or Limbu, they have their own leader, and people go to see them when they have problems. Traditional justice*

systems aren't evident where there is a migrant population. In the Madeshi community also, this sort of practice is not prevalent."

Civil society representative

"We need to focus on promoting indigenous justice systems rather than modern policing."

Civil society representative

"When there are traditional healers, there are boksis [witches]*, created by traditional healers so they can have their jobs secure. We really should not forget the other side of the coin. Even in the traditional systems, it is elites who influence decisions, and decide who leads the system."*

Civil society representative

This range of opinions suggests that significant discussion needs to take place on this issue. Importantly, one key informant noted not only that a debate is needed on informal justice in the coming months, but also that there is a need for these to be based on evidence of what is fair and effective:

"I do think some of the practices are good but we haven't done studies on it. People do want quick justice these days but we aren't able to deliver up to their expectations."

Government official

A number of key informants made remarks on the involvement of civil society in justice and security sector reform debates. Some stressed the important role that civil society would have to play in helping to influence, broaden and involve the public in debates on security and justice.

"Civil society organisations can do a lot on security issues, but they aren't taking any initiative here. I think donors should have programmes to strengthen their capacity. Civil society can play a vital role in connecting police and public."

Diplomat

Alongside this sense that civil society has a greater role to play, a number of other key informants sounded a cautionary note, saying that civil society had to overcome some internal weaknesses in order to be legitimate and effective in its role:

"It is not mature enough compared to other countries' civil society. […] *It is divided along party lines."*

Political party member

A related point came in the form of a plea for donors to be more conflict-sensitive in choosing which 'representatives' of civil society to support.

"Civil society is very politicised. Donors know very few names and they support these popular figures. […] *How can donors pick up some politicised names and label them as representatives of civil society?"*

Civil society representative

These views from key informants provide useful clues as to how the broader range of public needs in relation to security and justice can be fed into discussions of justice and security sector reform, and identify some of the key issues and challenges to be overcome. Thus they have been factored into the conclusion and recommendations made in the final chapter of this report.

7

Conclusion and recommendations

THE RESEARCH CARRIED OUT for this report in autumn 2008 builds on the findings of the previous year's research in spring/summer 2007. It confirms and extends many of the conclusions drawn from the analysis of the 2007 research:

- People still feel much safer than they did before *Jana Andolan II* and the signing of the CPA.
- The Terai is the most insecure region in the country – it may in fact have become more insecure in the last 18 months.
- Most Nepalis expect the state to provide security, and are keen to see the police and other actors play a more active role.
- 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 institutions.
- Many people do not believe that the police or the courts treat people equally: the poor, those who do not have political connections and those who are uneducated suffer discrimination.

However, the 2008 survey findings also highlight two changes that are taking place:

- Support for the police and other official state agencies appears to have increased: more people now believe that state institutions are making an effort to maintain peace and prevent crime, and more people are ready to go to the police if they themselves are victims.
- However, there is less optimism about the direction in which the country is going, and many people are frustrated that political disagreements have slowed down progress in implementing real changes. It appears that people are becoming less patient and are keen to see some more tangible improvements in their security in the near future, or at least to be reassured that the Government is strongly committed to improving their security.

This report has also extended the previous year's analysis with the following key insights:

- For Nepalis, the most serious sources of insecurity consist of a lack of socio-economic development in clearly identifiable key areas (poverty, unemployment, price fluctuations, transport, infrastructure).

- Meanwhile, crime and violence are also key concerns, and they are both caused by and result in socio-economic under-development.
- People in different parts of the country have different security concerns and understand security in different ways. As a result, they also have different expectations of policing and what the state should do to improve security.
- There appear to be low levels of small arms ownership in the country, and few people report seeing weapons in their local areas. However, security officials strongly believe that small arms control is an important issue and that the demand for and availability and misuse of weapons in the Terai is contributing to the higher levels of crime and insecurity in the region.
- Border management is also a challenge. People believe that the border with India is poorly managed, and that this facilitates smuggling, human trafficking, arms trafficking and cross-border crime.
- Although state security institutions are the most popular, people often use less formal means of providing security and seeking justice, such as asking important local people or neighbours for help and using indigenous justice systems.

Based on these findings, what can be done to improve security in Nepal? Clearly, it is not possible to recommend a full programme of reform on the basis of this public perceptions survey alone. Nonetheless, it is possible to make a number of important observations about the principles that should underlie the reform process, and some key actions and policies can be suggested.

Widening the debate

Dialogue about SSR in Nepal has become caught up within a narrow range of issues that have been prioritised by political parties and other powerful elites. In particular, discussions about the future of the security sector have become bogged down in a debate about the integration of the PLA into the security forces. This is a highly sensitive matter, and it is crucial that it is resolved in an adequate manner in order to create a stable base for long-term peace and security in the country. However, this research has shown that most Nepalis were unable to state clear views on how this reform should take place. This may imply that this question is not as important to them as it is to the main political parties (and to the international community), and/or that most people do not feel comfortable discussing it.

Yet more generally, both the household survey and the in-depth interviews demonstrate that when people are asked, they do have strong views about their own security and about the effectiveness of the state security sector. This research has also shown an understanding among people that security cannot be achieved just by having an effective army and police service. This suggests the need for wholesale changes to the way in which the state provides security. For them, reform is not only about whether and how to integrate the Nepal Army and the PLA, but also about both tackling socio-economic root causes of insecurity and improving the quality of policing and justice so that it is more effective and fairer. Yet there does not appear to be much awareness about the Government's security policies or initiatives such as community policing.

The first challenge, therefore, is to transform the debate about reforming the security sector. The debate must widen its focus to think more comprehensively about what security means for ordinary Nepalis and how the state can provide this security more effectively. It must engage the public more deeply, taking more account of people's views but also doing more to bring people into the debate and start a real dialogue about what reforms are necessary. Otherwise, any security reform programme risks becoming abstracted from the people whose lives it should seek to improve.

Key principles for improving security

Throughout the research, a number of basic principles and values were repeatedly suggested. These are the key principles on which any security and justice policy should be based:

- **People-focused.** Any policy that seeks to strengthen the security of Nepali citizens must place these citizens at the heart of the policy. In terms of the policy-making process, this means better understanding their needs, engaging them in dialogue, and designing policies where the main focus is on improving the security of the citizen, not that of the state. However, it is also about developing mechanisms where people are more engaged in their own security and work in partnership with the authorities to improve security.
- **Inclusive and fair.** Security sector institutions must become more inclusive and representative in terms of both ethnicity/caste and gender. They must treat everybody fairly, regardless of wealth, level of education, social standing, political connections, ethnicity/caste, gender or any other variable. Moreover, such divisions within society have been a key driver of conflict within Nepal; to reduce the long-term risk of renewed conflict, government and society as a whole must become more inclusive, and the security sector must reflect this.
- **Professional and effective.** The public expects security sector institutions to provide security and justice in a professional and effective manner, whether this means protecting people against crime, dealing with local people, bringing criminals to justice or holding a trial.
- **Transparent and accountable.** It is not only important that security sector institutions are effective, but also that they behave in a transparent fashion, so that it can be seen by all that they are acting honestly and responsibly. The public demands the right to hold these institutions to account and to challenge any wrong-doing.
- **Conflict-sensitive.** The survey has shown that although the immediate risk of a return to conflict is low, major security concerns remain and they are closely linked to 'development' work. There is thus a need for both the Nepali Government and international donors to ensure that all development activities in Nepal, including justice and security sector reform, are undertaken in a conflict-sensitive manner. This means designing them so that they do not add to tension and divisions but instead take advantage of opportunities to reduce tension, increase co-operation and build peace.

Key actions to improve security

As noted above, it is not possible to produce a comprehensive set of recommendations for reform of the security sector on the basis of public opinion alone. However, based on the findings of this research and also Saferworld's ongoing engagement in Nepal, the following steps deserve consideration as ways to improve security in the country over the medium to long term:

- **The Government and its international partners should make a clear public commitment to improving public security.** The public is waiting to be reassured that the Government (and international donors) are committed to responding to their security concerns and have a clear strategy for addressing them. Both the Government and its international partners should make a clear public commitment to improving security in the next few years.
- **Focus on extending the reach and responsiveness of state security provision.** While recognising that there may be an important role for informal actors in improving justice and security provision, the survey shows an existing and growing degree of public trust in the state's mechanisms for providing security – in particular the police. Thus it appears to make good sense for the Government, with the support of interested donors, to ensure that extending the presence and responsiveness of state security and justice provision in communities is central to justice and security sector reforms.

- **Target development interventions to socio-economic causes of insecurity.** The public identifies socio-economic underdevelopment as the root of insecurity. Using conflict analysis or similar tools, the Government and donors should respond by targeting development interventions towards the root causes of insecurity.
- **Ensure better security and justice provision create an enabling environment for development.** Insecurity is hampering socio-economic development, while further conflict would severely affect human welfare and socio-economic development nationwide. Thus development needs to be accompanied by the extension and professionalisation of security and justice provision that engages with communities to build confidence and is not heavy-handed – particularly in insecure areas.
- **Commit to providing adequate security to all sectors of society.** There should also be a firm commitment from all political parties to ensure that all sectors of society are adequately protected. In the short term, this means acknowledging the different security concerns of different areas and groups and committing to address them as effectively as possible. In particular, there is an urgent need for a strategy to address the specific security problems in the Terai in a way that is inclusive and reduces the long-term risk of further violence. Over the longer term, reforms are likely to be needed to make the police and the judiciary more representative of the communities they serve by recruiting more people from disadvantaged ethnic/caste groups and increasing the number of women who serve.
- **Emphasise professionalism and service delivery.** Security sector reforms should have two main inter-related goals. The first is to improve the professionalism and effectiveness of the police, the judiciary and other key actors. The second is to transform them into organisations that are based around an ethos of serving the public.
- **Engage the public in the debate about SSR.** Sustainable long-term reform depends on the public understanding the debate, demanding better performance and holding the Government to account. The Government should provide more information to the public about security policy and should open up discussions on SSR to public engagement. International efforts to support SSR should also emphasise public security needs and should support the engagement of the public and civil society in the relevant discussions to the maximum extent possible.
- **Involve women and women's organisations in discussions on SSR.** Women in particular showed lack of confidence to express views about security and justice related issues. However, women's organisations are playing an important role in improving security in some communities. Civil society, the Government and donors should make special effort to involve women and women's organisations in the debate so that their needs and concerns are addressed equitably by the security and justice sector reform process.
- **Civil society should become more representative of diverse groups and political views.** Civil society organisations have been characterised as being politically affiliated and elitist. When advocating on security and justice sector reform issues civil society advocates should seek to ensure all political affiliations and sectors of society are facilitated to enter relevant debates.
- **Address local security concerns.** This research has found that there is a security vacuum at the local level, as many local areas do not feel that their security is adequately provided for. Many security challenges are essentially local in nature and can best be addressed at the local level. Local authorities, local security officials, local politicians and local communities should work together to agree how security can be quickly and effectively improved at the local level.
- **Promote community policing.** In the few areas where community policing is active, it has helped to build trust and improve security. Community policing is based on a public service ethos and is in line with the type of policing that Nepalis wish to see.

There is thus a need to extend the principles and philosophy of community policing more widely across Nepal, even if a formal reform programme is unlikely to extend nationally in the near future.

- **Under-reporting of domestic violence needs to be addressed.** The Government should consider launching a campaign to promote reporting of domestic violence and guarantee more effective prosecution of offenders.
- **Improve opportunities for feedback and complaints mechanisms.** There is overwhelming support for the principle that the public should be able to give feedback and to complain about wrong-doing. A thorough review should be made of existing mechanisms to give feedback or to complain about the actions of security sector institutions, looking not only at what exists on paper but how effective they are and what can be done to make the system more responsive to public concerns.
- **(Re)-establish police posts in localities across the country.** In the short to medium term, one of the most effective means of improving public perceptions of safety and security is to accelerate the establishment of police posts in the many areas of the country that currently lack them. This would appear to be popular with the vast majority of Nepali citizens.
- **A strategy to reduce the impact of *bandhs* and *chakkajams*.** *Bandhs* and *chakkajams* are one of the most high-profile and frequent forms of insecurity in Nepal. It is unlikely that such protests can be prevented by more aggressive policing, which is likely to be seen as heavy-handed and may actually aggravate the situation. In the short term, security agencies, particularly the police, need to improve their capacity to anticipate and prevent the use of arms and violence at such protests and to minimise the disruption and danger that *bandhs* and *chakkajams* pose to the general public. This must go hand-in-hand with a longer-term strategy to promote peaceful forms of democratic public protest.
- **A policy to ensure equality for all.** A strong equality policy should be developed for the police, the judiciary and other security services. There should be a clear strategy for combating discrimination and related corruption against the poor and those without political connections. Likewise, the policy should seek to address the widespread perception by most groups within Nepali society that their members are not adequately represented in the security forces, by making security institutions more representative of all sectors of Nepali society including its diverse ethnic/caste groups and women.
- **Find a peaceful and timely resolution to the disagreements over how to integrate the PLA and the Nepal Army.** It is clear that this highly sensitive matter must be resolved, both because it is an important issue in its own right and because it is hindering other urgent reforms to the security sector. It should be resolved peacefully in a timely manner with the agreement of all political parties.
- **Analyse small-arms related issues and develop a practical response strategy.** There is concern among security officials about the scale of SALW proliferation in the country, but insufficient information about the problem. There is thus a need for more detailed research on the availability of small arms and the threat they pose to security. The research should help to identify a practical strategy to address the demand, supply and misuse of these weapons, targeted to affected areas.
- **Review existing border management policies and procedures.** Because border management is seen as an area of particular weakness, with knock-on effects in terms of the spread of small arms, insecurity in the Terai and rising cross-border crime, this is an area demanding concerted attention and improvement. A review of the existing arrangements should identify what weaknesses exist and what impacts these have. On this basis, border management reforms should be built into the wider process of SSR.

- **Study the links between formal and informal security and justice mechanisms.** It was noted that in some areas, indigenous justice systems also have a role to play in maintaining security and ensuring justice; a significant number of people will also use non-formal means of resolving problems such as asking for the support of neighbours or influential local people. The linkages between formal and informal security and justice mechanisms thus need to be better understood; in many cases, it may be possible to build closer links or incorporate informal mechanisms into the development of local security and governance structures.
- **Help to resolve land disputes.** Disputes over land were the most common reason for people to seek outside help on a justice related issue. This suggests the need to consult with the interest groups involved and analyse further the commonness of land disputes, their potential to cause insecurity and ways to ensure their satisfactory resolution in a timely, conflict-sensitive manner that does not exacerbate local or national tensions. Greater capacity and efficiency is also needed for dealing with the existing caseload.

ANNEX 1:
Research methodology and demographics

The 2008 research was based on four key sources of primary research:

- a household survey of 3025 people across Nepal, carried out in August 2008.
- in-depth interviews with 50 people of different gender, age, educational background, caste/ethnicity, religion, occupation and location.
- key informant interviews with relevant government officials, security and justice professionals, politicians, experts, civil society groups and donor representatives.
- 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 later translated into Nepali. It was pre-tested on 28 July 2008 in both rural and urban areas of Kathmandu, Lalitpur and Kavrepalanchowk districts. Minor amendments were then made before the full survey was carried out.

A nationwide survey of 3,025 respondents of age 18 and above was then conducted on 3–23 August 2008. In regions and communities, where the mother tongue was a language other than Nepali, the interviewer translated the questions into the local language (without deviating from the meaning of the original questions) and then administered the questionnaire.

Sampling for this process was conducted in five inter-related stages. Nepal was divided into its three ecological regions (mountain, hill and Terai) and its five development regions. The resulting 15 sub-divisions, and Kathmandu Valley which was addressed independently given its demographic size, were further divided into their respective districts. From this, 30 of Nepal's 75 districts were selected for investigation, based upon a proportional allocation. In the second stage, a representative number of village development committees (VDCs) and/or municipalities were selected at random from every sample district. The number of sample VDCs varied in accordance with the size of the sample districts, with one VDC selected for every 20 respondents. In the third stage, the VDC sample was further broken up into two wards. In the fourth stage, households for interview were randomly selected. The final stage involved a member of each selected household was selected for interview using a Kish-grid.[11]

This sample size produces results with a margin of error of +/- 1.8 percent at a 95 percent confidence level at the national level. The survey does not claim the same level of precision at the regional level.

Demographics

The following tables give statistics for demographic patterns according to the 2001 Census ('Population') and the corresponding statistics from the demographic breakdown of the opinion survey carried out by IDA. The sample was weighted in order to make the survey consistent with the national distribution of caste/ethnic groups. 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.

11 This method ensured that all household members above 18 years of age had an equal chance of being selected for interview.

Sex

Sex	Population (%)	Weighted sample (%)
Female	50.10	50.4
Male	49.90	49.6
Total	100.00	100.0

Age group

Age group	Weighted sample (%)
18–25	22.3
26–35	27.7
36–45	21.3
Above 45	28.7
Total	100.0

Residence, by development region

Development region	Population (%)	Weighted sample (%)
Eastern	23.1	24.9
Central	34.7	36.2
Western	19.7	19.6
Mid-Western	13.0	12.7
Far-Western	9.5	6.6
Total	100.0	100.0

Residence, by ecological region

Ecological region	Population (%)	Weighted sample (%)
Mountain	7.3	3.3
Hill	44.3	42.4
Terai	48.4	54.3
Total	100.0	100.0

Rural/urban settlement

Settlement	Population (%)	Weighted sample (%)
Rural	86.1	85.1
Urban	13.9	14.9
Total	100.0	100.0

Caste/ethnicity

Caste/ethnicity (%)	Population (%)	Sample* (%)	Caste/Ethnicity (%)	Population (%)	Sample* (%)
Chhetri	15.8	13.4	Kanu	0.4	0.4
Bahun	12.7	18.9	Sunuwar	0.4	0.5
Magar	7.1	5.9	Sudhi	0.4	0.2
Tharu	6.8	9.4	Lohar	0.4	0.3
Tamang	5.6	4.1	Tatma	0.3	0.1
Newar	5.5	6.6	Khatwe	0.3	1.3
Muslim	4.3	4.5	Dhobi	0.3	0.6
Yadav	3.9	4.4	Majhi	0.3	0.3
Kami/Biswokarma	3.9	2.0	Nuniya	0.3	0.3
Rai	2.8	1.2	Kumhar	0.2	0.0
Gurung	2.4	1.8	Danuwar	0.2	0.3
Damai/Pariyar	1.7	1.5	Chepang	0.2	0.2
Limbu	1.6	0.9	Haluwai	0.2	0.3
Thakuri	1.5	1.2	Rajput	0.2	0.1
Sarki/Mijar	1.4	0.8	Kayastha	0.2	0.1
Teli	1.3	1.5	Badahi	0.2	0.4
Chamar/Harijan	1.2	0.9	Marwadi	0.2	0.1
Koiri	1.1	0.9	Satar	0.2	0.5
Kurmi	0.9	1.0	Jhangar	0.2	0.1
Sanyasi	0.9	0.3	Bantar	0.2	0.3
Dhanuk	0.8	1.3	Kahar	0.2	0.2
Sherpa	0.8	0.9	Barai	0.2	0.2
Musahar	0.8	0.7	Rajbhar	0.1	0.1
Dusadh/Paswan	0.7	0.4	Bhediya/Gaderi	0.1	0.0
Kewat	0.6	0.8	Thami	0.1	0.0
Terai Brahman	0.6	1.6	Dhimal	0.1	0.1
Baniya	0.6	0.2	Bhote	0.1	0.0
Gharti/Bhujel	0.5	0.6	Bind/Binda	0.1	0.1
Kalwar	0.5	0.2	Thakali	0.1	0.1
Mallaha	0.5	0.4	Tajpuriya	0.1	0.1
Kumal	0.4	0.1	Pahari	0.1	0.5
Hajam/Thakur	0.4	0.6	Chhantel	0.0	0.2
Rajbansi	0.4	1.7	Lepcha	0.0	0.1
			Others (Terai)	3.3	1.3
			Total	100.00	100.00

* i.e. actual sample before weighting. Samples were weighted according to the national distribution of ethnic/caste groups as given in the Census. The weighted sample is therefore equal to the 'Population' figures given here.

These caste/ethnic groups were re-classified into eight broad groups for the purposes of analysis. These are: Hill Caste; Hill Janajati, Hill Dalit; Newar; Madhesi Caste; Madhesi Janajati; Madhesi Dalit; and Muslim. Although there are internal variations within Newars and Muslims, they have been taken to be single categories for the purpose of this study.

The specific caste/ethnic groups were thus divided into six groups:

Hill Caste	Chhetri; Bahun; Thakuri; Sanyasi; Dhami
Hill Janajati	Bhote; Sherpa; Thakali; Magar; Tamang; Rai; Gurung; Limbu; Sunuwar; Danuwar; Maihi; Thami; Chepang
Hill Dalit	Biswokarma (Kami); Badi; Pariyar (Damai); Kumal; Mijar (Sarki); Gharti
Madhesi Caste	Yadav; Terai Brahman; Sudhi; Teli; Hajam; Dhanuk; Kanu; Baniya; Kurmi; Mallaha; Marwadi; Halwai; Kewat; Badahi; Kayastha; Chaurasiya; Nuniya; Gupta; Patel; Lodha; Kahar; Rajput; Khatwe; Bind; Koiri; Kalwar; Kumhar
Madhesi Janajati	Tharu; Rajbansi; Satar; Jhangar; Dhimal; Gangai
Madhesi Dalit	Dusadh; Chamar; Lohar; Bantar; Musahar; Sonar; Dhobi; Tatma

Religion

Religion	Population (%)	Weighted sample (%)
Hindu	80.7	83.2
Buddhist	10.7	8.8
Muslim	4.2	4.4
Christian	0.5	1.9
Kirat	3.6	1.6
Atheist	0.0	0.1
Total	100.0	100.0

Educational status

Educational status	Weighted sample (%)
Illiterate	31.2
Literate but no formal education	19.4
Primary	11.2
Lower secondary	10.5
Secondary	8.5
SLC completed	11.3
Intermediate	6.1
Bachelor degree and above	1.8
Total	100.0

Occupation

Occupation	Weighted sample (%)
Agriculture	55.2
House wife/house-maker	11.2
Industry/Business	9.5
Labour	8.0
Service	7.2
Student	6.5
Unemployed	1.6
Retired	0.7
Total	100.0

In-depth interviews

In-depth interviews were conducted with 50 individuals (20 male and 30 female) from across Nepal. They represented people of different age groups, education, caste/ethnicity, development-geographic regions, sex, religions and occupations. Some of these 50 individuals were selected from among the larger sample of 3,025 respondents and some of them were not. Sufficient time was given to build a rapport with the interviewee before the interview began. A one-to-one interview was then conducted with each individual in a private setting, guided by an open-ended questionnaire. The interviews were recorded with tape recorders and later transcribed.

The open-ended questionnaire was as follows:

A. General perception of security, security system and services

1. What do you understand by security?
2. From what do you feel insecure most and why?
3. In your opinion, what constitutes the security system?
4. Are you satisfied with the present security system in the country?
5. Is the security situation improving or worsening in the country at present and why?
6. Do you know you have right to live free from fear and harm?
7. How do you perceive the security system in your local area?
8. Who do you think should be responsible for maintaining better security in your local area?
9. How safe/unsafe do you feel at present compared to pre *Jana Andolan II* in your local area?
10. How safe/unsafe do you feel at present compared to pre *Jana Andolan II* outside your local area (for example while travelling to other places of Nepal)?
11. If you participated in CA election voting procedure, how safe did you feel to vote?

B. State, security and delivery of security services

12. In your opinion, what is meant by the state?
13. In your opinion, is the state able to provide you enough security?
14. In your opinion, what is/are the major threat/s for security of people?
15. In your opinion, has the Government been able to deliver essential services to the public in the past one year?
16. Are you satisfied with the roles of government bodies in your local area as far as safety provisioning is concerned?
17. In your opinion, which institution/s should have a major role in security and justice provision?
18. How have *bandhs* organised by various political parties and student organisations during the past one year affected your life?
19. Do you think security system of Nepal needs to be reformed? If yes, then why?

C. Roles of political parties and other actors

20. Are you satisfied with the roles of political parties in your local area?
21. Are you aware of the existence and the work of any civil society group/organisation in your local area?
22. Are you satisfied with the current roles of political parties in the country?
23. Do you think present political parties are concerned about providing security to the general public? What are the reasons for your thinking so?

D. Law, order and access to justice

24. In your opinion do people respect the law? Why do you think so?
25. Is there effective law and order in your local area?
26. Were you or any of your family member/s ever displaced or resettled in another location against your will?
27. Have you or any of your family member/s been a victim of crime in the past one year?
28. Have you had to face any injustice during the past one year?
29. Have you had to deal with the court during the past one year?
30. How capable are the police of bringing criminals to the court in your area?
31. Do you think court treats all people equally?

E. Insecurity faced by women

32. In your opinion, how safe/unsafe are women in your local area at present and why?
33. In your opinion, how safe/unsafe is it for women to walk at night time in your local area at present and why?
34. In your opinion, how safe/unsafe is it for women to travel outside your local area at present (for example travel to other places of Nepal) and why?
35. How often are women and girls legally protected from domestic violence and rape in your local area?
36. Do you know of any institutions beside the police where women can report cases related to trafficking and sexual exploitation?
37. In your opinion, are there enough economic and social opportunities for women in your local area?
38. In your opinion, are there different sources of security threat for men and women?

F. Perception of state's security forces, its work and its relationship with civilians

39. How much do you trust the police and why?
40. How could the police's public relations be fostered?
41. How much do you trust the Nepal Army and why?
42. In your opinion, what should be the relation between the civilians and the army?
43. In your opinion, should the Maoist militia be integrated with the Nepal Army? If you think so then why?
44. How much do you trust the Armed Police Force and why?
45. In your opinion, what should be the relationship between the Armed Police Force and civilians?
46. In your opinion, are security people (for example the Nepal Police) adequately trained to provide public service and security? Why do you think so?
47. Do you know of any socially benefiting programs such as health care camps provided by the military, police or armed police in your local area?

G. Miscellaneous

48. In your opinion, is it acceptable for general public to own small arms (home-made or factory made pistols and guns)? If yes then why?
49. In your opinion, how effective are border management services in Nepal to ensure safety and security of people?
50. In your opinion, how effective are border management services in Nepal at monitoring cross border crime such as arms trafficking, human trafficking, drugs smuggling and illegal immigration?

Key informant interviews and validation workshops

Key informant interviews were conducted by Saferworld between August and October 2008 with political party leaders and Constituent Assembly members (including the CPN-Maoists, Nepali Congress, CPN-UML), security service providers (Nepal Army, Armed Police Force, Nepal Police), government officials (Ministry of Home Affairs, Ministry of Defence), UNMIN, donors including the Embassies of Finland, the United Kingdom, the United States of America, civil society organisations and the media. The interviews were semi-structured, based on guiding questions to ensure consistency between the interviews.

Validation workshops were conducted by Saferworld and IDA to share the key findings of the research with a number of different stakeholders and to provide an opportunity for comments and feedback on the findings that were then considered in the final analysis for this report. Five validation workshops were held between September and December 2008. In September, there was a workshop for a range of stakeholders including the police, civil society organisations and international donors. A workshop for the Nepal Police was held in November in Kathmandu with participants coming from a range of policing backgrounds in different parts of Nepal. Two workshops were held in districts during November: one in Surkhet, Mid-Western Region; and the other in Doti, Far-Western Region. Participants at these district-level workshops included the chief district officer, local development officer, regional administrator, police, political parties and civil society representatives such as Dalits, lawyers, human rights, women's rights and academics. Finally, the key findings were shared with UK Government staff from the Department for International Development and the Foreign and Commonwealth Office.

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: Police patrolling in Kathmandu during the 2008 elections.

Interdisciplinary Analysts

Interdisciplinary Analysts
GPO Box 3971
Kathmandu
Nepal
Phone: +977-1-5528111/
+977-1-5542354
Fax: +977-1-5524816
Email: ida@wlink.com.np

Saferworld
The Grayston Centre
28 Charles Square
London N1 6HT
UK
Phone: +44 (0)20 7324 4646
Fax: +44 (0)20 7324 4647
Email: general@saferworld.org.uk
Web: www.saferworld.org.uk

ISBN 1–904833–36–5

Registered charity no. 1043843
A company limited by guarantee no. 3015948