Snapshot of Local Security and Justice Perceptions in Selected Districts of Nepal

District assessment findings

MARCH 2013

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Forum for Women, Law and Development
Informal Sector Service Center
Institute of Human Rights Communication Nepal
International Alert
National Business Initiative
Saferworld

MARCH 2013

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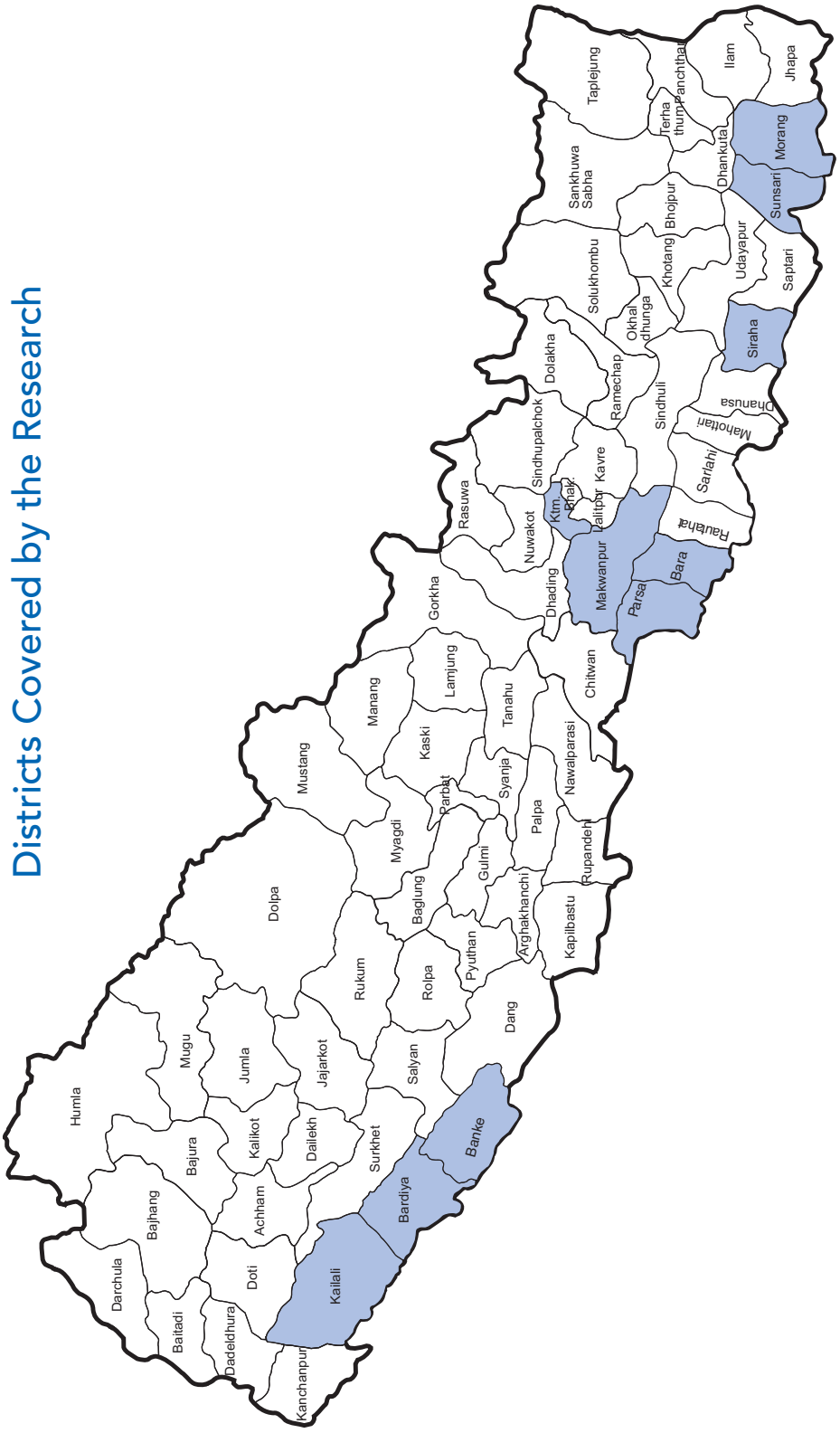
Districts Covered by the Research



Abbreviations

Alert	International Alert
BiCCI	Birgunj Chamber of Commerce and Industries
CA	Constituent Assembly
CBO	Community-based Organisation
CDO	Chief District Officer
CPN Maoist	Communist Party of Nepal (Maoist)
DAO	District Administration Office
DRG	District Resource Group
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FWLD	Forum for Women Law and Development
GEFONT	General Federation of Nepalese Trade Unions
IHRICON	Institute of Human Rights Communication Nepal
INSEC	Informal Sector Service Center
KII	Key Informant Interview
LPC	Local Peace Committee
NBI	National Business Initiative
NGO	Non-governmental Organisation
NP	Nepal Police
PLC	Para-legal Committee
PRT	Participatory Research Tool
SALW	Small Arms and Light Weapons
SGBV	Sexual and Gender-based Violence
UCPN Maoist	Unified Communist Party of Nepal (Maoist)
UNICEF	United Nations Children's Fund
UNSCR	United Nations Security Council Resolution
VAW	Violence Against Women
VDC	Village Development Committee
WCO	Women and Children Office
WCSC	Women and Children Service Centre

Executive Summary

After more than a decade of conflict, Nepal is now on the road to consolidating democracy and forging a sustainable peace. This has provided opportunities for building state infrastructure and further strengthening security and justice provision in response to the needs of Nepal's citizens. However, ongoing and emerging political and security challenges, as well as inadequate resources, have challenged the strengthening and further improvement of effective, accountable and accessible security and justice sector institutions. Political instability, marked by a stall in the redrafting of the Constitution and the dissolving of the Constituent Assembly (CA) in May 2012, has undermined the peace process and surrounded the political direction of the country with uncertainty. This will have implications on the future state security and justice architecture, as it relates particularly to issues such as federalism and the demands of marginalised groups. In this context, it is increasingly important that people's security needs are met. While the delivery of security and justice continues to be weak in many areas, particularly in remote locations, and the reasons why people feel insecure differ depending on factors such as their economic status, geographical location, gender, ethnicity, caste, age and political associations, there are also good examples where security and justice providers are able to reach out to citizens and collaborate with them to make local security and justice provision more people centred and effective. These good practices should be built upon. Clear opportunities exist for further strengthening the effectiveness of security and justice provision and, in turn, improving the real and perceived public safety, security and justice of the Nepali people.

This report investigates the security- and justice-related experiences and perceptions of people living in nine districts in Nepal affected by insecurity and weak governance, representing geographically, ethnically and economically diverse communities: Kathmandu, Sunsari, Siraha, Morang, Parsa, Bara, Makwanpur, Banke and Kailali. It focuses specifically on assessing the perceptions of various stakeholders – including communities, civil society, local authorities, the private sector, media, and security and justice providers – on local public safety, security and justice; how they have changed over the past two years;[1] key causes of insecurity. Some of the problems highlighted in this report are specific to certain groups, while others are more generally shared. However, particular focus is placed upon identifying the perceptions of the private sector and communities towards security and justice providers, and their relationships with them, as well as the differing perceptions of men and women from a gender perspective. Research was conducted from February to April 2012 in nine districts of Nepal covering Morang, Sunsari, Siraha, Kathmandu, Makwanpur, Bara, Parsa, Banke and Kailali, which involved the use of KIIs and PRTs (for more information on the methodology, see Annex 1).[2]

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1 A previous district assessment was undertaken in 2010, see Antenna Foundation et al (2010). *Security and justice in Nepal: District assessment findings*. Kathmandu. Available at http://www.internationalalert.org/sites/default/files/publications/Security%20and%20justice%20in%20Nepal_distirct%20assesment%20findings.pdf

2 Data collection took place before the protests and *bandhas* related to the dissolution of the CA. The district of Bardiya was also included later in the research period.

Key Findings

Trends and causes of public insecurity

The overall security situation has improved. There is a general perception that the local security situation has improved. This was largely related to a perceived decline in incidences of kidnapping and extortion, and an improvement in responding to these crimes by security and justice providers compared with 2010.[3] In addition, respondents highlighted the fact that the frequency and intensity of *bandhas*[4] and labour strikes had generally declined; however, they were continuing to affect the private sector (see below).

There has been a decline in certain aspects of security. Although security has reportedly improved in general, the research identified a perceived decline in certain aspects of security:

- **Women have a sense of declining security in recent years.** In particular, women identified a rise in sexual and gender-based violence (SGBV), emerging as a result of:
  - Insecurity experienced at home in the form of intra-familial and domestic violence, where marital partners, in-laws and extended family members are the main perpetrators.
  - Entrenched violence in the broader community as a result of socio-economic exclusion. In particular, the widespread social and cultural acceptance of patriarchy and the associated subjugation of women reinforces their inferior socio-economic status and exposes them to a heightened risk of violence. For example, patriarchy underpins the continued use of exploitative traditional and social practices which exacerbate women's vulnerability to SGBV. Such practices include *chhaupadi*;[5] polygamy; child marriage; dowry-related traditions; allegations of witchcraft; limited access to property and citizenship rights. In addition, a growth in male economic migration (to urban hubs in Nepal or to foreign countries) is amplifying incidences of polygamy, which increase women's socio-economic vulnerability, particularly those without birth or citizen certificates who are unable to access state health and educational benefits in the absence of their husbands.
  - A growing threat of public insecurity. This undermines women's freedom of movement, particularly at night, and their ability to do business. It was reported that criminal groups of young men, increasingly under the influence of drugs and alcohol, are posing a growing threat to women's public safety and security. There were reports of SGBV and other forms of physical attack targeted at women, such as mugging and robbery.

- **Community perceptions of insecurity are increasingly linked to contraband trafficking.** Male respondents residing close to the India-Nepal border, as well as representatives from security and justice providers, identified greater risks of insecurity as a result of the open border with India and black

[3] See Antenna Foundation et al (2010). *Op. Cit.;* International Alert et al (2011). *A safer future? Tracking security improvements in an uncertain context.* IDA and Saferworld: Nepal.

[4] *Bandha,* a Nepali word meaning "closed/shut", is a form of protest which often involves the organised shutdown of public spaces, such as markets and motor vehicle transport routes, for a day or number of days. They can be district- or nationwide.

[5] The prohibition of menstruating women in western Nepal from participating in normal family activities, as they are considered to be impure.

market economy in contraband such as drugs, small arms and light weapons (SALW) and human beings (particularly young women). Smuggling and trafficking of these goods/people across the border is reportedly having a negative impact upon the daily lives of communities in border areas and their perceptions of security. In addition, this trade is allegedly increasing access to drugs and alcohol in border communities, which is leading to a rise in drug abuse and alcoholism, particularly among young unemployed men. In turn, this is fuelling public insecurity and SGBV.

- **Political party interference continues to be the key factor driving insecurity.** Political party interference in security processes, as in previous years, was regarded by respondents in all districts – including representatives from security and justice agencies – as a constant and key factor which continues to fuel insecurity and is closely linked to impunity. Political party interference in criminal investigations was identified as a particular obstacle undermining effective security and justice provision.

- **Weak rule of law and impunity are the key structural cause of insecurity.** Closely linked to the political interference outlined above, respondents defined the lack of rule of law as a "state of public disorder" caused by poor political leadership, political party interference and weak governance, which undermines the state's ability to deliver effective security and justice. Weak governance and state delivery were also identified as a structural cause of insecurity, particularly with regards to the perceived limitations of the state to manage security and justice services and provide adequate infrastructure and human and financial resources (see below). In addition, the perceived low capacity of police personnel and insufficient accountability within the Nepal Police (NP) were highlighted as key factors undermining effective security and justice provision by community and private sector respondents.

- **Poverty and unemployment are key structural causes of insecurity.** Unemployment was identified as the key factor driving many young men to join criminal gangs (see below) or migrate overseas. Unemployment is also the main reason why so many rural residents have migrated to urban centres to find work, especially Kathmandu. The mismanagement of the socio-economic transformation associated with this urbanisation and migration was identified as a structural cause of insecurity, as urbanisation has given rise to the emergence of densely populated towns, such as Kathmandu, as hubs for criminal activity, and the out-migration of labour has undermined economic development.

- **The private sector continues to be undermined by insecurity.** Private sector respondents identified the threat of multiple forms of direct violence to themselves and their families – extortion, coercion, forced donations, as well as threats of (and actual) kidnapping by political party members – as key factors undermining private sector growth and the development of a conducive investment environment. The obstruction and manipulation of tender-bidding processes by political parties and associated political youth wings and criminal groups, particularly in the construction sector, were identified as a significant factor undermining the private sector. In addition, frequent *bandhas* and strikes called by political actors and trade unions continue to have an adverse effect on the private sector, especially regarding the transportation of goods, and this is perceived to be exacerbated by inadequate responses to road and highway insecurity by state security providers.

- **Identity-based tensions are not highlighted as a major threat.** Only a few respondents perceived tensions around identity-based issues, for example the idea of a future federal structure, as a major actual or potential threat. The research was, however, undertaken before the dissolution of the CA in May 2012. The topics of federalism and ethnicity have since been at the forefront of political discussions, and the impact of this on local security and justice should thus be assessed in future research.

Actors responsible for causing and addressing insecurity

Communities perceive that security provision by the Nepal Police has improved. Community respondents who felt that public security had improved over the past two years attributed this to efforts by the NP to be more proactive and strengthen security provision, especially in Bara, Parsa, Morang, Banke and Makwanpur. These efforts reportedly included improved commitment and leadership illustrated by individuals within the NP; re-establishment of police posts at the local level in some areas; improved patrolling at night time and in border areas; better efforts to collaborate with communities in security provision, which is regarded to be necessary for adequately responding to security needs. Respondents stressed that the NP had collaborated with communities in community policing through the establishment of Community Service Centres; on community security initiatives; by partnering with non-governmental organisations (NGOs) to better reach communities. Interestingly, the NP was referred to by respondents more than other security and justice providers, such as the court system, Armed Police Force, or Village Development Committee (VDC) Secretaries. This may suggest that communities associate state security providers with the term "security", particularly the NP; the NP is better known by communities and maintains a greater presence at the local level; the NP is preferred or regarded to be more effective than other security providers. At the same time, however, the research identified a need for improvement within the NP in the following areas: greater responsiveness; increased presence, especially in remote areas; greater resilience to political party interference and corruption.

Women and Children Service Centres (WCSCs)[6] within the NP and Para-legal Committees (PLCs)[7] play a positive role in addressing insecurity faced by women. Women reported that they felt most comfortable approaching WCSCs and PLCs and discussing security concerns with the female staff of those institutions. This means that these providers are playing a key role in addressing security threats faced by women, especially SGBV. Both providers also act as effective referral mechanisms, given their collaboration with the NP and local courts. PLCs work with the Women and Children Office (WCO) and WCSCs cooperate with NGOs for counselling/legal aid services. PLCs were, however, perceived as vulnerable to political pressure: this is most evident

6 Established in 1983 by the NP and currently operating in all districts to deal with specific women- and children-related cases, such as women and child trafficking, domestic violence, child labour and SGBV.

7 PLCs were initially established by UNICEF at the end of the conflict in 23 districts (currently being rolled out to all 75 districts). PLCs are targeted at women and children and address issues including SGBV, domestic disputes, divorce, alimony, child support, child trafficking and child labour. PLCs consist of ward and VDC-level committees, which are supported by a District Resource Group (DRG) of lawyers and a 15-member committee of legal experts. Most committee members are women, including representatives from marginalised groups. These committees are the first point of contact for women experiencing discrimination. These committees receive training and are provided with technical advice on legal issues.

when a perpetrator of SGBV is linked to a particular political party and when they sometimes act arbitrarily based on personal interests or associations with particular caste, ethnic, political or gender groups.

Informal security and justice mechanisms are commonly used at the local level. Local civil society is reportedly playing a key role in the provision of security and justice. In addition to the PLCs outlined above, respondents identified various informal mechanisms established by NGOs, such as Community Mediation Committees; by Community-based Organizations (CBOs), such as mother's groups, forest-user groups, women's groups and youth groups; by community leaders – including teachers, lawyers, traditional leaders and social workers. These mechanisms are allegedly playing a key role in raising awareness on security and justice, in the mediation of disputes, and in victim support.

Security and justice mechanisms available at the local level are preferred. A key reason why community respondents are using informal security and justice mechanisms established by CBOs and NGOs, including PLCs, is because they are easily accessible and available within their vicinity at the VDC/ward level. These mechanisms are filling the vacuum in state security and justice provision at this level. For this reason, the recent re-establishment of police posts at the local (often ward) level was overwhelmingly welcomed by communities. Comparatively, VDC secretaries and local courts were not generally mentioned by respondents, most likely because of their weaker presence at the VDC and ward level (many of them are still based in district headquarters). This could be a result of damage inflicted during the conflict, resource constraints and the continued threat of criminal attack on local authorities. WCSCs face similar resource constraints, undermining their presence at the local level (see below).

The private sector feels neglected by state security and justice providers. Although some private sector respondents did highlight positive efforts by the NP to better consult and collaborate with them, most felt that state security and justice providers, particularly the NP and Chief District Officers (CDOs), were not adequately responding to the security threats they face, particularly in the transportation and hospitality sectors. Respondents from the transportation sector stated that security providers should play a greater role in addressing road and highway insecurity experienced by transportation sector employees and passengers as a result of bandhas and robberies/attacks carried out by criminal groups and political youth wings. Respondents from the hospitality sector felt that the NP should improve patrolling at night time and better address the pressure they face from the criminal groups using their services, which are associated with, and protected by, political parties. As a result of this feeling of neglect, the private sector is hesitant about reporting crimes to the NP.

Collaborative approaches to security and justice provision are perceived as the most effective. Respondents perceived collaboration between different security and justice providers and between security and justice providers and communities or the private sector to be fundamental for effective security and justice provision; the level of collaboration illustrated by a particular provider has influenced the way they are perceived by communities. Collaboration is important as it ensures that different providers are working together towards an overall system of security and justice, and not competing. Respondents perceived there to be effective collaboration between some formal and informal security and justice providers, particularly between PLCs, the NP, local courts

and the WCO;[8] between Local Peace Committees (LPCs)[9] and the NP; between the NP and Indian Police Service with regard to addressing India-Nepal border insecurity. The importance of collaboration with communities, civil society and the private sector was also highlighted by respondents.

Political actors are the key drivers of insecurity. Respondents in all districts identified political parties (including all major political parties and smaller identity-based groups) as the principal, yet indirect, drivers of impunity and insecurity at the district and national level. This refers particularly to their influence over security processes and protection of criminals, rather than direct engagement in insecurity or physical violence. Political youth wings[10] were also identified as significant actors responsible for causing insecurity, particularly regarding the enforcement of *bandhas*, demands for donations from local authorities and the private sector, and the obstruction of tender-bidding processes in line with the particular interests of their associated political party.

Criminal groups[11] are playing an increased role in undermining security. These groups, often consisting of young men, are perceived to be directly responsible for insecurity and be involved in a range of criminal activities, including extortion, kidnapping, theft, robbery, SGBV, and drug- and alcohol-fuelled violence. These groups are largely motivated by economic gain as opposed to political agendas. As a result of this some groups – particularly those based in Banke, Parsa, Bara and Makwanpur districts given their proximity to the border – are involved in organised criminal activity, such as extortion, kidnapping, and trafficking of SALW, drugs and human beings (particularly women). Criminal groups, particularly those involved in organised crime, are allegedly using SALW when carrying out criminal activities.

Poverty and unemployment are driving many young men to join criminal groups. A growing number of young men are joining and/or forming criminal groups, particularly in the *Terai*. Respondents attributed poverty, unemployment and a growth in drug use/alcoholism by young men as influential factors. Patriarchy and gender roles, which pressurise men to act as "bread winners", also play a part in influencing men to find alternative ways of earning a living where employment options are limited.

Challenges to the provision of security

State-citizen trust is undermined by political party interference and instability. Political party interference in security processes was identified as a key factor undermining the rule of law and damaging public trust in state security and justice providers. Political instability at the national level is perceived as exacerbating the politicisation of government authorities and state security

8 The Women and Children Office (previously known as the Women Development Office) constitutes district-level local government bodies which target and provide support to women and children. They are overseen by the Ministry of Local Development and have been established in all 75 districts.

9 A commitment to establish LPCs in all 75 districts was stated in the 2006 Comprehensive Peace Agreement. LPCs have not yet been established in all districts and in some cases are inactive.

10 "Political youth wings" are regarded to be distinct from "criminal groups" in terms of their differing motivations. Members are thought to be motivated primarily by particular political beliefs (opposed to economic interests) and aligned to one political party.

11 "Criminal gangs" are regarded to be distinct from "political youth wings" in terms of motivation and membership. Members are thought to be motivated by economic gain and usually only take on a political identity when they are paid to do so, or offered protection by political parties.

and justice provision at the local level. The lack of community knowledge of security and justice mechanisms – particularly in remote areas and among women in terms of knowledge on entitlements; legal rights; formal procedures and where to go to access these rights; national policies articulating these rights – perpetuates a cycle whereby communities do not approach and make demands from the state, and the state does not sufficiently reach out or respond to the security and justice needs of communities.

The lack or misuse of resources and state infrastructure undermines security provision. State absence in more remote areas compounds the lack of awareness among communities on security and justice entitlements, and in turn undermines effective security and justice provision. Human and financial resource constraints are largely responsible for this absence of infrastructure in more remote areas, yet can be exacerbated by the misuse of public resources. Respondents criticised the state for using police vehicles and staff to escort high-level state authorities and central-level politicians, diverting precious resources away from security and justice provision.

Asymmetrical budget allocation across security services undermines provision to vulnerable groups. Community and security provider respondents highlighted the fact that services targeted at women were under-funded and not prioritised (as a result of their inferior socio-economic status). This undermines the ability of the NP and other security and justice providers to respond to women's specific gender-related security needs. In particular, security provision for women is weakened by inadequate resource allocation for the recruitment of more female personnel; for training staff to more effectively respond to SGBV and gender-related insecurity; for establishing WCSCs at the VDC/ward level, which would enable them to reach women in remote areas more effectively.

There is insufficient coordination, oversight and accountability of security and justice provision. The absence of formal oversight mechanisms to monitor the implementation of state security and justice policy is felt to be weakening effective and equitable service provision, and exacerbating vulnerability to corruption and political party interference. A civilian oversight mechanism was recommended by respondents as a means to increase state accountability and good governance. In addition, the need for better collaboration between the state administration and formal and informal security and justice providers was emphasised by the private sector in particular as a prerequisite for improved security and justice provision at the national and district level.

Introduction

The Nepal context

The signing of the Comprehensive Peace Agreement in November 2006 ended a decade of fighting between the then Communist Party of Nepal (Maoist) (CPN Maoist) and the Government of Nepal. This provided an opportunity to build state infrastructure and further strengthen security and justice provision in response to the needs of Nepal's citizens. However, ongoing and emerging political and security challenges alongside inadequate resources have challenged the strengthening and further improvement of effective, accountable and accessible security and justice sector institutions. Political instability, marked by a stall in the Constitution redrafting process and the dissolution of the CA in May 2012, has undermined the peace process and surrounded the political direction of the country with uncertainty. This will have implications on the future state security and justice architecture, particularly as it relates to federalism and the demands of marginalised groups. In this context, it is increasingly important that people's security needs are met. While the delivery of security and justice continues to be weak in many areas, particularly in remote locations, and the reasons why people feel insecure differ depending on their economic status, geographical location, gender, ethnicity, caste, age and political associations, there are good examples where security and justice providers reach out to citizens and collaborate with them to make local security and justice provision more people centred and effective. These good practices should be built upon. Clear opportunities exist for state security and justice institutions to work together with the government to strengthen the effectiveness of security and justice provision, and in turn improve the real and perceived public safety, security and justice of the Nepali people. In addition, there is a clear role for the international community to support ongoing efforts by state security and justice institutions to strengthen service delivery, professionalism and public accountability.

Research objectives and methodology

This report investigates the security- and justice-related experiences and perceptions of people living in nine districts in Nepal affected by insecurity and weak governance, representing geographically, ethnically and economically diverse communities: Kathmandu, Sunsari, Siraha, Morang, Parsa, Bara, Makwanpur, Banke and Kailali. It assesses the perceptions of various stakeholders – including diverse communities (at the district and VDC level), civil society, local authorities, media, security and justice providers, and the private sector (such as business associations, Chambers of Commerce, and trade unions). The findings are anticipated to inform security and justice stakeholders, as well as governmental and non-governmental agencies which implement policies or programmes on security and justice provision, and to provide a basis for building on existing good practices and capitalising on the opportunities identified. Some of the problems highlighted in this report are

specific to certain groups, while others are more generally shared. Throughout the report, emphasis is placed on outlining the differing perceptions of men and women in order to provide a gendered analysis, and on drawing out the views of communities and the private sector in particular. It is foreseen that this report will provide key stakeholders with useful information necessary for tailoring security and justice provision to respond to the specific needs of the Nepali people.

Chapter 1 provides an overview of how people understand safety and security; the local public safety, security and justice situation; how this has changed over the past two years;[12] the key proximate and structural causes of insecurity. It also assesses the security threats faced by specific groups, particularly the private sector and women. Chapter 2 assesses the effectiveness of key formal and informal security and justice providers identified during the research. It focuses specifically upon highlighting the perceptions of communities and the private sector towards these providers, and their relationship with them. Chapter 3 provides an overview of the challenges faced in the provision of security and justice. Annex 2 provides an overview of the socio-economic profiles of each of the 9 researched districts, and the key security and justice issues experienced.

The research was conducted between February and April 2012. The research methodology involved 128 KIIs with representatives from the NP, VDCs and other local government bodies; political parties; the private sector; civil society (advocates, media personnel, teachers and NGO workers). It also involved 33 FGDs with district- and VDC-level stakeholders through the use of PRTs. PRTs were used in order to ensure that the approach taken included marginalised groups, was sensitive to the context and to the different needs of participants, and created an environment where participants felt comfortable engaging in open discussions. FGDs were held with four target groups and participants were selected in a gender- and conflict-sensitive manner; mixed- and single-gender community groups; mixed- and single-gender youth groups; mixed- and single-gender private sector groups; Muslim community groups. At all stages of the project, its aims and objectives were clearly communicated with all stakeholders to ensure conflict sensitivity.[13] See Annex 1 for more information on the methodology.

The report reflects the perceptions of community members and key stakeholders from 10 districts,[14] and draws its findings and analysis from field research with only limited usage of additional desk research. Thus, it mainly presents perceptions from key local- and district-level stakeholders rather than a full analysis of the issues, and there are certain findings which require more in-depth research. Limitations in the number of informants, geographic coverage and time mean that the research findings cannot necessarily be generalised for all of Nepal. In addition, data collection was conducted before the dissolution of the CA, and perceptions of informants on the broader political context and its impact on security and justice, including identity-based matters, may since have changed.

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12 Antenna Foundation et al (2010). *Op. Cit.*

13 Being conflict-sensitive is about understanding local conflict dynamics; analysing the potential effects of activity by governments, donors and other organisations on these conflict dynamics, and vice versa; ensuring that any actions that are undertaken avoid negative impacts and maximise positive effects.

14 Bardiya was added later as one of the working districts; KIIs and FGDs took place within the district at a later phase of the research data collection.

Chapter 1 Understanding trends and causes of public security and insecurity in Nepal

This chapter provides insight on respondents' understandings of safety and security; the main safety and security threats to specific groups; analysis of the causes of insecurity in all districts, both structural and proximate.

1.1 Understandings of safety and security

International definitions of safety and security[15] range from the very general to the complex and technical; there is ongoing debate around definitions of "hard" and "soft" aspects of security. Similarly, in this research, it was difficult to find a universal, simple definition of security given by respondents. When asked about their understanding of "safety" and "security", complex and technical definitions from respondents were rare. There was often a lack of in-depth responses to questions relating to meaning, particularly from community members, the majority of whom were only able to provide short, basic answers. Security and justice providers did not have a common definition of "safety" and "security"; however, their answers were generally more complex and they were more able to engage in discussion about definition and meaning. One individual working in security provision highlighted that 'generally speaking, security is a very vague thing for me. It covers a wide range of issues. Personally one may think of his own safety at the first glance. But if you think deeply there are many other issues that are closely connected with personal security'.[16]

The lack of detailed responses from many community members to these questions, as well as their brief answers, indicate two things. Firstly, it seems that most people are not used to discussing the concepts of safety and security, and are probably even less accustomed to being asked for their opinions on related issues. As a consequence, they remained vague and unsure when asked to explain what security meant to them or to move beyond relatively superficial descriptions. Secondly, discussions around such concepts are taking place in a post-conflict environment, a context in which meanings and conceptualisations of security are likely to have been distorted. As one community member clearly put it, 'we are in a process of moving ahead after insurgency and regional agitation. Thus, security has been understood as individual security but it is beyond that limitation, to include issues such as rights to education, health, wellbeing, etc.'[17] Lastly, the apparent unwillingness or hesitancy to respond might also indicate that people are concerned about discussing these issues openly, and might fear negative consequences.

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15 It should be noted that in contrast to English, the Nepali language only has one word for "safety" and "security". Almost all interviews were conducted in Nepali; therefore, the paper uses the word "security" as a catch-all for both "safety" and "security". Where possible, and where the respondents made it clear that they were referring to a "safety" issue, this paper attempts to differentiate between the two English language concepts.

16 KII with security provider (male), Morang, 17th March 2012.

17 KII with civil society member (male), Banke, 7th April 2012.

There were groups, however, that were more willing and able to provide detailed understandings. In particular, both the business community and those in local government (including some police personnel) were more forthcoming about "safety" and "security" and what it meant to them. This may be due to their (perceived) proximity to security concerns, either as those affected by insecurity (business community members and some local government officials) or as providers of security and justice (some local government officials, in particular the CDO, District Attorney and local police personnel). In the case of the business sector, some had actively engaged with police in tackling local security issues and thus had experience discussing security-related issues. More broadly, these groups may also have greater access to security-related information, such as the monthly district-level interaction between the Birgunj Chamber of Commerce and Industries (BiCCI) and the Parsa District Police office, or to relatively higher levels of education than the average.

Overall, across all groups, three central themes emerged from respondents' understandings of "safety" and "security": freedom; rights;[18] the rule of law. Respondents identified freedom of movement,[19] freedom from fear,[20] and the freedom to conduct their everyday activities and business interests[21] as being prevailing concerns linked to safety and security. One respondent said 'security means the freedom to live our daily lives, to walk freely and to do business without any complication',[22] with another adding, 'if people can live freely without fear, this is security'.[23] Linked to freedoms, over half of the respondents also discussed the issue of rights in relation to safety and security. Specifically, and linked to freedoms, the right to live in peace was raised on most occasions,[24] while the right to physical security was also prominent:[25] 'the protection of life, health and family from harm due to revengeful behaviour…if other cannot harm me then I am secure'.[26] The right to basic needs[27] and the right to

18 PRT with community members (male), Banke, 5th April 2012.

19 KII a businessperson (male), Sunsari, 17th March 2012; KII with a businessperson (male), Sunsari, 19th March 2012; KII with a businessperson (male), Sunsari, 19th March 2012; KII with a businessperson (male), Morang, 17th March 2012; KII with a local government official (male), Kathmandu, 19th April 2012; PRT with business stakeholders (male), Sunsari, 18th March 2012; PRT with community members (male and female), Kathmandu, 23rd April 2012; PRT with community members (male and female), Kathmandu, 24th April 2012.

20 KII with a local government official (male), Sunsari, 20th March 2012; KII with a businessperson (male), Sunsari, 17th March 2012; KII with a businessperson (male), Sunsari, 19th March 2012; KII with a security provider (male), Morang, 17th March 2012; KII with a member of the Bar Association (male), Siraha, 23rd March 2012; KII with a civil society member (male), Siraha, 25th March 2012; KII with a businessperson (male), Makwanpur, 31st March 2012; KII with a local government official (male), Kathmandu, 19th April 2012.

21 KII with a businessperson (male), Sunsari, 17th March 2012; KII with a businessperson (male), Sunsari, 19th March 2012; KII with a businessperson (male), Morang, 17th March 2012; KII with a teacher (male) Siraha, 23rd March 2012; KII with a businessperson (male), Bara, 27th March 2012; KII with a businessperson (male), Makwanpur, 31st March 2012; KII with a businessperson (male), Kathmandu, 16th May 2012; KII with a businessperson (female), Kathmandu, 29th May 2012.

22 KII with a businessperson (male), Morang, 17th March 2012

23 KII with a member of the Nepal Bar Association (male), Siraha, 23rd March 2012.

24 KII with a local government official (male), Sunsari, 20th March 2012; KII with a businessperson (male), Sunsari, 19th March 2012; KII with a member of the Nepal Bar Association (male), Siraha, 23rd March 2012; KII with a businessperson (male), Makwanpur, 31st March 2012; KII with a local government official (male), Kathmandu, 19th April 2012.

25 KII with a security provider (male), Morang, 17th March 2012; KII with a teacher (male), Siraha, 23rd March 2012; KII with a member of the Nepal Bar Association (male), Siraha, 23rd March 2012; KII with a businessperson (male), Bara, 27th March 2012; KII with a businessperson (male), Makwanpur, 31st March 2012; KII with a local government official (male), Kathmandu, 19th April 2012; KII with a businessperson (male), Kathmandu, 16th May 2012; PRT with community members (male), Banke, 5th April 2012.

26 KII with a businessperson (male), Makwanpur, 31st March 2012.

27 KII with a businessperson (male), Sunsari, 17th March 2012; KII with a civil society member (male), Banke, 7th April 2012.

equality,[28] perhaps as a result of a changed socio-political environment, were presented as core aspects of a broader interpretation of human security.[29] The overall tendency of respondents to couch security in terms of human security,[30] rather than more traditional notions of national security or security of the state, was a significant finding of the research.

1.2 Security threats to specific groups

The research found that women and the private sector were particularly affected by safety and security issues. In addition, it was noticeable that community and local state bodies, as well as the media, repeatedly face specific forms of insecurity. The following section details the key security threats as they are perceived by community members and key informant respondents.

1.2.1 Perceptions of threats to women's security

Both men and women felt women to be vulnerable to specific forms of insecurity, with domestic violence and private and public forms of SGBV cited as major concerns. Indeed, some respondents stressed that, overall, women were more vulnerable to violence and insecurity: 'the security situation of women in the community is not good. Women are more insecure compared to men. Women are suffering greatly from domestic violence and SGBV'.[31] Interviewees' responses revealed women as being vulnerable to insecurity in terms of domestic violence, mainly in the form of intra-familial violence; socio-cultural violence as a result of cultural and traditional practices; forms of public insecurity, such as the presence of armed or criminal gangs, which have specific and unique consequences for women.

Intra-familial violence, i.e. domestic violence, was identified as the most recurring security threat for women. Domestic violence against women was recognised as being a serious cause for concern across all research districts and a major threat to women's security. This was particularly the case in Banke, Sunsari, Morang, Siraha, Bardiya, Parsa and Bara (see Annex 2). One Morang police officer noted that in her district 'approximately eight to ten women-related cases are being filed daily – of them domestic violence, beating and intimidation are the majority.'[32] Many cases of domestic violence and SGBV acts were committed by family members, including marital partners, in-laws (especially mothers-in-law), extended family members and, in a few cases, neighbours. One local government official described major forms of such violence as the 'beatings by husbands, mothers-in-law or other family members; not giving enough food and clothes to women…and accusing women of witchcraft'.[33]

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28 KII with a businessperson (male), Sunsari, 17th March 2012; KII with a businessperson (male), Sunsari, 19th March 2012; KII with a security provider (male), Morang, 17th March 2012; KII with a teacher (male), Siraha, 23rd March 2012; PRT with community members (male), Banke, 5th April 2012; PRT with community members (male and female), Bara, 24th March 2012.

29 "Human security" in this report means an integrated, sustainable, comprehensive security free from fear, conflict, ignorance, poverty, social and cultural deprivation, and hunger, resting upon positive and negative freedoms (H. van Ginkel & E. Newman (2000). 'In Quest of "Human Security"', Japan Review of International Affairs, Vol. 14, #1).

30 Further research needs to be carried out on human security in order to identify the proximity between security in terms of "freedom of want" and "freedom from fear".

31 KII with a local government official (female), Sunsari, 20th March 2012.

32 KII with a security provider (female), Morang, 15th March 2012.

33 KII with a local government official (female), Sunsari, 20th March 2012

Socio-cultural violence against women in the family and wider community was also recognised as a major concern. Traditional customs and social practices are wide ranging. The research highlighted, *inter alia*, practices such as *chhaupadi*, polygamy, child marriage, dowry-related violence, discriminatory aspects of the patriarchal system, such as limited access to property and citizenship rights, and allegations of witchcraft. These all persist in the majority of the communities researched.[34] *Chhaupadi* was more prevalent in the western districts of Kailali and Bardiya, where the cultural practice is known to exist, whereas polygamy and child marriage were identified as threats in all the districts researched, except for Kathmandu. In communities in Sunsari, Morang, Banke and Bara the practice of early marriage was explicitly linked to SGBV.

The widespread social and cultural acceptance of patriarchy, alongside its associated subjugation and oppression of women, entrenches women's risk of violence. Women have fewer avenues available to them to escape such indirect and direct violence due to socio-economic disempowerment and inequality. For example, the trafficking of women, particularly noticeable in transit sites such as Makwanpur and Banke, was viewed as a particular security threat rooted in the patriarchal system: 'women are the group the most hit… they are only regarded as housekeepers/housewives. Such a concept has caused trafficking of females to other countries due to lack of opportunity'.[35] Here the respondent makes the point that women's lack of socio-economic opportunities in fact perpetuates their vulnerability to traffickers and this form of violence.

Finally, the overall public security situation has unique consequences for Nepali women. Insecurity in many districts, in particular Sunsari, Siraha, Kailali, Banke and Kathmandu, was highlighted as being driven by groups of (young) men, who are sometimes reported as being armed and often under the influence of alcohol and drugs. Threatening male group behaviour in public spaces has specific gendered implications. Women expressed fear of and related actual experiences of sexual harassment and violence on the street, including rape and other forms of physical attack such as murder and mugging. Female community members associated the presence of drunken youths in public spaces with SGBV towards women.[36] Women's fear of these groups was reported to have resulted in a reduction of their freedom of movement and a disinclination to leave home after dark: 'it is very insecure for women to go out from their houses in the evening and at night, as anything can be happen to them through different groups and individuals such as drunken individuals, criminal gangs... these people can steal… they could kidnap or rape women if they found women

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34 KII with an informal justice provider (female), Siraha, 22nd March 2012; KII with a member of the Nepal Bar Association (male), Siraha, 23rd March 2012; KII with a local government official (female), Parsa, 25th March 2012; KII with a security provider (male), Parsa, 27th March 2012; KII with asecurity provider (female), Bara, 27th March 2012; KII with an informal justice provider (female), Bara, 27th March 2012; KII with a civil society member (male), Makwanpur, (date missing); KII with a local government official (female), Kailali, 5th April 2012; KII with a security provider (male), Kathmandu, 25th April 2012.

35 KII with a businessperson (male), Kathmandu, 16th May 2012.

36 PRT with community members (female), Sunsari 21st March 2012; PRT with community members (male and female), Morang, 17th March 2012; PRT with youth community members (male and female), Siraha, 23rd March 2012; PRT with community members (female), Siraha, 24th March 2012; PRT with community members (male and female), Siraha, 26th March 2012; PRT with businesspersons (male), Bara, 23rd March 2012; PRT with community members (male and female), Makwanpur, 2nd April 2012; PRT with community members (male and female), Banke, 4th April 2012; PRT with community members (female), Banke, 4th April 2012; PRT with community members (male and female), Banke, 6th April 2012; PRT with businesspersons (female), Kailali, 6th April 2012; PRT with businesspersons (male and female), Kailali, 7th April 2012; PRT with youth community members (male and female), Kathmandu, 23rd April 2012.

walking alone in the street in the evening or at night'.[37] Such fears can entrench oppressive societal notions of female vulnerability and foster patriarchal control of women's movement

1.2.2 Threats to the private sector and businesspeople

…The business community faces insecurity and is still victimised through forceful donations and different kinds of personal and family threats…[38]

Insecurity, in particular violence and corruption, is seen by business sector respondents as having severe consequences for businesses and the country's economic development. Respondents identified multiple forms of threats of direct violence for themselves and their families. Coercion, extortion and forced donations were the most frequently identified risks, along with threats of (and actual) kidnapping (including kidnapping of family members). In each district, a significant number of respondents stated that businesspeople had been manipulated or coerced into recruiting a relative of a political party member or members of party cadres. Private sector respondents in Sunsari, Parsa, Banke, Bara, Morang, Makwanpur, Kathmandu and Kailali also identified physical torture and murder as a threat to their security. Private sector members and companies in all the districts researched reported to have developed a growing fear of moving freely and expanding their businesses, as well as a reluctance to engage in new business activities, which risked their property and assets being exposed to further violent attacks or threats of extortion: 'the trend of doing business is getting worse. I had to sell off my factory due to high overhead costs. I now outsource and this has helped in my business. There is no motivating environment to expand my business'.[39] These obstacles to security appear to adversely affect the private sector and its growth by inhibiting the development of a conducive investment environment.

Corruption was of substantial concern to the business community. A smaller but clear group of respondents, particularly from Bara, Siraha and Banke districts, also referred to cases where police personnel were involved in illegal business activities and corruption, which had created a heightened risk of insecurity for the business community. One particular respondent from Makwanpur stated that 'security is related to human lives and our business starts with a tender process. However, this is highly insecure due to gangs…even the administration is involved in corruption; it is very difficult'.[40] Such interference in tender processes was noted as not only coming from external forces but also from businesspersons themselves, either through the hiring of criminal gangs and individuals or by providing commissions to government authorities. These practices were highlighted by one Kathmandu-based businessman: 'in order to work, businesses are compelled to hire gangsters, or provide commission for construction activities. The biggest problem is that politicians are providing protection to these criminal gangs'.[41] Obstruction and manipulation of tender-bidding processes, particularly in the construction sector,[42] were described as a threat to individual businesspeople, as well as the private sector as a whole.

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37 KII with a local government official (female), Sunsari, 20th March 2012.
38 KII with a civil society member (male), Banke, 6th April 2012.
39 KII with a businessperson (female), Kathmandu, 29th May 2012.
40 KII with a businessperson (male), Makwanpur, 31st March 2012
41 KII with a businessperson (male), Kathmandu, 15th May 2012.
42 KII with a businessperson (male), Sunsari, 18th April 2012; KII with a businessperson (male), Morang, 17th March 2012; KII with a businessperson (male), Bara, 27th March 2012; KII with a businessperson (male), Makwanpur, 31st March 2012; KII with a businessperson (male), Kathmandu, 29th April 2012.

Across all districts bandhas (organised shutdowns of public spaces), as well as labour strikes and unrest called by political and ethnic groups and trade unions, were highlighted as being a security threat to businesspeople and their working environments. In particular, it was argued that the transport sector was most adversely affected both by district- and nationwide shutdowns, and ad hoc roadside protests: 'roads are used by everybody from politicians to students to press their demands. Even schoolteachers do not close their schools but close streets to protest. So the transport sector is the most insecure business sector'.[43] Respondents also said that mistrust between labourers and business owners over unmet demands negatively affected business productivity as a result of strikes called by unions affiliated to various political and ethnic groups. Explicit linkages were made by respondents between obstructive party politics at the national level, inadequate rule of law, and labour unrest, which was preventing the state from providing sufficient security: 'over the last 3 years, due to the political transition, we have heightened conflicts. This has affected many sectors. There is lack of trust and cooperation between employer and employees'.[44]

Perceptions among some respondents that state security providers did not have the capacity to respond to labour-related disputes due to a lack of knowledge/training on the issue have meant that the business community frequently approaches the Labour Office for support. In particular, private sector respondents from the industrial sectors in Bara, Makwanpur, Sunsari and Kathmandu districts seek support from the Labour Office[45] with regard to insecurities faced as a result of labour disputes: 'more serious labour related issues are not sent to the police. They are handled by the Labour office'.[46] In addition, some private sector respondents stated that they took matters into their own hands by negotiating directly with perpetrators: 'relationships with the police are weak…we need to take matters in our own hands and deal with negotiations. The police do not take the initiative and investigate issues when we complain to them'.[47] However, in Parsa and Morang the District Police Office was perceived to be more supportive towards the private sector.

Some private sector respondents stated that they had established internal mechanisms for addressing security risks faced by vulnerable staff, particularly labourers and women, as they felt that state security agencies were not adequately protecting their security: 'our society is not gender friendly…in handling workplace harassment, we have a women's committee where issues are discussed. In these discussions we include both men and women'.[48] However, little is known of such internal mechanisms and more research is required in order to understand the complaint process and the subsequent provision of security and justice.

43 KII with a businessperson (male), Sunsari, 17th March 2012.
44 KII with businessperson (male), Parsa, 26th March 2012.
45 These district offices are under the authority of the Ministry of Labour and Transport and have been set up primarily to ensure the wellbeing of labourers and workers.
46 KII with a representative from the General Federation of Nepalese Trade Unions (GEFONT) (male), Makwanpur, 31st March 2012.
47 KII with a businessperson (female), Kathmandu, 29th May 2012.
48 KII with a businessperson, male, Kathmandu, 30th May 2012.

1.2.3 Threats to the security of other groups: media, the wealthy and institutions

Media personnel were identified as being acutely vulnerable to becoming victims of violence and insecurity. For example, in Kailali,[49] one journalist was reported to have been a victim of robbery and physical intimidation due to reporting on local crime. Women journalists are perceived to be especially vulnerable and were reported to be subjected in particular to sexual harassment and SGBV in addition to the direct violence which their male colleagues face: 'in the case of women journalists the security situation is more vulnerable. They are ragged teased, manhandled and sometimes sexual abuses…happens when they collect news'.[50] Threats to the media sector and journalists in particular were explained in two ways: firstly, media personnel engage with a large number of stakeholders working on or otherwise linked to security and justice. One the one hand this includes state actors, informal security and justice providers, the private sector and civil society, as well as victims; on the other hand this also includes actors involved in increasing insecurity and in carrying out violence, such as armed groups or criminals. Secondly, the nature of their work requires that they ask exposing questions and investigate issues linked to corruption, crime and violence. This can often endanger media workers' individual safety, especially when they report on particular actors: 'threats emerge if journalists write about corruption-related and financial activities or criminal activities by any group in the districts'.[51]

Furthermore, recent research by Alert about the role of the media in public security reveals that there is a growing opinion among the public that the increasing rate of threats among journalists is due to their own actions, including unprofessional reporting, use of inflammatory and biased language, and involvement in illicit behaviour. Attacks on journalists are also used to bring attention to an issue which has not been raised by the media, as after an attack on journalists many of the newspapers and television channels provide more space to the issues of marginalised groups.[52]

Research respondents also identified other key stakeholders such as VDC Secretaries and Local Development Officers who administer state development budgets and who, as a consequence, become targets of politically-motivated armed groups, as well as criminal groups attempting to extort money. Some respondents also stated that rich and wealthy individuals, such as businessmen and their family members, were more at risk of insecurity (mostly abductions) from criminal armed groups as they were perceived to have good financial standing: 'rich people or businessmen or people who have cash in their hands are more insecure'.[53]

1.3 Perceptions of safety and security trends in Nepal

This section outlines significant trends identified by respondents with regard to safety and security over the past two years. Asked about whether and how

[49] KII with a civil society member (male), Kailali, 05th April 2012.
[50] KII with a civil society member (female), Sunsari, 20th March 2012.
[51] KII with a civil society member (female), Bara, 28th March 2012.
[52] *Role of Media in Public Security,* (forthcoming). International Alert, Nepal
[53] KII with a local government official (male), Siraha, 22nd March 2012.

the public security situation has and continues to change over time, there were marked gendered trends as well as differences between male and female responses. The research identified six perceived trends in security across the researched districts from 2010-2012.

Overall public security: Most male respondents[54] thought that safety and security had, to a certain extent, improved over the last two years. Indicators for this perceived improvement include a decrease in abductions, kidnapping, murders, beatings and gambling, as well as the increased surveillance of security providers. In Morang a local government official emphasised that 'the security situation has improved compared to recent years … there has been a decrease in the cases of extortion, kidnapping, and forced donation as compared to two years ago…'[55] The decrease in high-profile kidnapping cases has also been reported in the media and other public reports: 'based on the police custody visit report, the number of murders and abductions has been minimised in Kathmandu...'.[56] In a few cases, this decrease was attributed to successful police investigations of kidnappings/abductions: 'a businessman reported this extortion/kidnapping threat to the police and immediately the culprit was captured... Now, due to tight administration, there is less crime and less kidnapping. Bandha and strikes continue but are not intense'.[57]

SGBV: While some female respondents agreed that some improvement with regard to certain public security issues had occurred, many thought that there had been little or no improvement for women. Female respondents from all districts stated that they had not seen any progress in terms of their security in the last two years, specifically due to continued incidences of SGBV.[58] There were reports of higher levels of insecurity for women within their homes in the form of intra-familial violence against women (VAW), and entrenched violence and exclusion due to socio-cultural customs. This was particularly the case for women from Bahun/Chhetri, Muslim and Madheshi communities. Such gendered insecurity has had implications for the freedom of movement for women, with one respondent clearly stating that 'the security situation has improved in comparison to the past; however, women do not feel safe to travel at night time due to the insecurity of being…sexually abused'.[59]

Political party interference: As in previous years,[60] there was a perception among respondents that political interference by party officials, closely linked to impunity, continued to fuel insecurity. Although it is hard to establish if political inference is in fact on the rise, it was repeatedly mentioned as blocking improvements to public security across all districts: 'Nepal is going through a transitional period…the culture of impunity is massive within the country in almost all sectors'.[61] Some community respondents from Siraha and Bara

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54 Male respondents from the civil society, private and security sectors from Sunsari, Morang, Banke, Makwanpur and Parsa districts.
55 KII with a local government official (male), Morang, 15th March 2012.
56 KII with a civil society member (male), Kathmandu, 27th April 2012.
57 KII with a businessperson (male), Morang, 15th March 2012.
58 According to the INSEC database, 272 cases of domestic violence were reported in Nepal between 1st January and 31st December 2011. The same period in 2009 counted 349 cases of domestic violence and 297 cases in 2010. This shows a decreasing trend of domestic violence over the three-year period of 2009-2011. Primary data is collected by INSEC representatives from all 75 districts of Nepal, which is then collated into a national figure for the INSEC annual yearbook publication on human rights violations. All figures and documents are available at http://www.inseconline.org/.
59 KII with a local government official (female), Banke, 6th April 2012.
60 Antenna Foundation et al (2010). *Op. Cit.*
61 KII with a security provider (male), Morang, 17th March 2012.

explicitly stated that corruption within state security services had compounded the problem further in recent years.[62] In other districts, such interference was understood as simply blocking security. Respondents blamed political interference in criminal investigations,[63] dispute resolution and development activities for the passive attitudes of security and justice providers while dealing with such cases: 'the police cannot act as per the stipulated laws. They are guided by "groups". No matter what type of case you present to the District Administration Office, they suggest "dealing with it and solving amongst yourselves". They are under the extreme influence of political parties'.[64]

***Bandhas* and strikes:** Most community respondents, including labour union members, saw a positive trend in terms of the reduction in the number and intensity of *bandhas* and labour strikes in the districts researched. However, this was not reflected by the private sector, who saw shutdowns and labour strikes as a constant problem: 'the business community has been facing insecurity and is victimised by forceful donation… and also the lack of a secure business environment due to frequent *bandhas* and strikes'.[65] Business sector respondents saw political strikes and shutdowns, coupled with persistent trade and labour union demands within industries, as creating constant pressure on the security and safety of investment. These trends were negative and, they said, had gradually led the private sector to stagnate and to limited opportunities for foreign direct investment (FDI).

Contraband and substance abuse: Some, mostly male, respondents identified a greater risk of insecurity due to the open border and the black market economy in contraband, such as SALW and drugs, as well as human trafficking. This was particularly evident in districts close to the India-Nepal border, in districts such as Sunsari, Siraha, Banke, Parsa, Bara and Makwanpur. Increased substance abuse, especially alcohol and drug consumption, was identified as a serious concern for many community members, with both men and women linking it to the fear of crime and insecurity. Respondents attributed many cases of physical attacks, domestic violence and wider SGBV, theft, muggings, and fights between criminal gangs to growing levels of substance abuse. While community members from all the districts researched discussed increased addiction and usage of drugs and alcohol as an emerging trend which fuelled insecurity, this was most evident in Sunsari, Banke, Kailali, Bara and Kathmandu.

Male migration and women's security: The growing trend of male economic migration either to foreign countries or to urban hubs in Nepal is blamed for an increase in the incidence of polygamy. Respondents also reported that increasing numbers of women with husbands abroad for long periods of time were seeking extra-marital relations or even marrying again (polyandry) for both emotional and financial reasons. Such male migration trends and the absence of husbands were seen as impacting negatively on women's overall human security by increasing women's and children's socio-economic vulnerability. This

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62 PRT with community members (male and female), Siraha, 23rd March 2012; PRT with community members (female), Siraha, 24th March 2012; PRT with community members (male and female), Siraha, 26th March 2012; PRT with community members (male and female), Bara 24th March 2012; PRT with businesspersons (both male and female), Bara, 23rd March 2012.

63 For more information on the effects of political interference in prosecutorial decision making, see Enabling States Programme, Nepal (2011). *Access to Security, Justice and Rule of Law in Nepal. An Assessment Report.* DFID, Danida HUGOU, and UN Resident and Humanitarian Coordination Office: Kathmandu. Available at http://www.esp-nepal.org.np/document/downloads/Access%20to%20Security%20Justice%20Rule%20of%20Law%20in%20Nepal.pdf

64 KII with a businessperson (male), Sunsari, 17th March 2012.

65 KII with a civil society member (male), Banke, 6th April 2012.

is particularly the case for those women without marriage,[66] birth,[67] or citizenship certificates, as they and their children are left unable to access state health and education entitlements, are unable to travel abroad, and are unable to seek formal employment. It was also reported that this "informal" status was making it easier for husbands and fathers to refuse to provide financial support or compensation, particularly if they had remarried. One local official in Kathmandu stressed the issue of marriage certificates as key to women's broader human security: 'women have been suffering due to alcoholism, polygamy and gambling…they are not able to fight for their rights due to a lack of marriage certificates'.[68]

1.4 Proximate and structural causes of insecurity

Political actors, security and justice stakeholders, local communities and private sector individuals put forward a combination of nine causes of insecurity in Nepal. These causes can be most usefully divided into proximate and structural causes of insecurity. This paper understands proximate factors as those which directly influence and contribute to a climate of insecurity. Systemic or structural determinants are understood as more pervasive, affecting larger numbers of people and as having a slower operating influence on the security context (i.e. poverty and lack of economic development, exclusion, ethnic marginalisation, and weak democratic and governance systems).

1.4.1 Proximate causes of insecurity

Respondents clearly identified four factors which prompted more immediate insecurity in their lives: political party interference in criminal cases and trials; illegal activities conducted across the open border with India;[69] abuse of alcohol and drugs; bandhas and strikes.

Political party interference and coercion

As Nepal is in a political transitional phase, national level political instability and its repercussions at the local level have been a constant cause of insecurity over the past decade.[70] Many respondents identified political instability and political transition as causes for increasing political party interference in security processes and consequent impunity: 'political instability is the key challenge for the security of the district'.[71]

In all districts, the majority of those interviewed (including members of civil society, the private sector and the media, security and justice providers, and

66 The process of applying for a marriage certificate is based on the husband's presence, his family name and approval, and is registered in the husband's VDC/municipality-of-origin. In many cases, due to a lack of awareness, women fail to apply for marriage certificates, which puts them at greater risk of vulnerability.

67 A birth certificate for any child in Nepal can only be obtained if the father is Nepali and provides written evidence to support his claims to Nepali citizenship and paternity.

68 KII with a local government official (male), Kathmandu, 19th April 2012.

69 This was mainly mentioned by respondents from the *Terai*.

70 For more information, see Y. Bastola. 'Political Transition in Nepal and the Role of the International Community', *Transcend Media Service,* 1st January 2012. Available at http://www.transcend.org/tms/2012/01/political-transition-in-nepal-and-the-role-of-the-international-community/

71 KII with a government official (male), Makwanpur, 30th March 2012.

male and female community members) frequently referred to political party interference, with over half of respondents seeing it as the main cause of insecurity and the largest contributing factor to the growth in criminal activity. This interference was reported to occur both during criminal investigations and during disputes in formal and informal justice systems.

The vast majority of respondents perceived political interference as an unnecessary politicisation of disputes and criminal investigations. Many respondents from Sunsari, Banke, Siraha and Bardiya reported that political parties agreed to support criminal or civil cases on behalf of a disputant or family member in an attempt to achieve a favourable outcome. They then used the case as a demonstration of political power, coercing individuals involved to directly influence investigation processes. As a result, disputants with connections could more easily evade punishment.[72] Political party interference also included the direct intimidation of individuals to ensure that they would not report crimes. Female respondents, in particular, reported such pressure from politically-affiliated individuals: 'a woman was raped for 6 months and left after an abortion. All political leaders and elites have supported the perpetrator…she was unable to get justice even though she had approached several justice and security providers'.[73]

Open border and black market activities

In districts along the open India-Nepal border, activities such as smuggling and human trafficking were cited as a direct cause of insecurity and as having negative security impacts on respondents' daily lives. Sunsari, Siraha, Parsa, Bara, Mankwanpur, Banke and Kailali were reported as being more vulnerable to violent crime as a result of their geographic location. The southern border is perceived as facilitating the trafficking of both goods and people, particularly women, SALW and drugs: 'because of the open border …looting, dacoity, smuggling and extortion are normal'.[74] In addition, another respondent noted that 'large numbers of youths travel daily to Indian towns and cities across the border, and drugs suppliers are taking advantage of this situation. Drugs…are sold for INR5 in India and NPR25 in Nepal'.[75] Many security personnel from these districts supported communities' perceptions regarding the open border, with one security provider from Kailali naming it as one of the top three causes of insecurity.[76]

Drug and alcohol abuse

Related to illegal border activities and smuggling (including drugs[77]), many respondents perceived the trend of increased drug abuse and alcoholism as a proximate cause of public insecurity. High intake of alcohol and drugs was highlighted as a problem associated with unemployed men and male youths in districts such as Banke, Sunsari, Kailali, Bardiya, Kathmandu, Makwanpur and Parsa. In particular, it was female respondents who identified drugs and alcohol as a direct trigger for violence, especially domestic violence and sexual

[72] As discussed in validation FGDs with community members and key informants in Sunsari, Siraha, Banke and Bardiya districts on 26th, 27th, 30th and 31st August 2012.
[73] KII with a civil society member (female), Banke, 5th April 2012.
[74] KII with a businessperson (male), Banke, 6th April 2012.
[75] KII with a businessperson (male), Morang, 17th March 2012.
[76] KII with a security provider (male), Kailali, 5th April 2012.
[77] During the validation FGDs, drugs such as hashish, marijuana, cocaine, and different versions of heroin were mentioned.

harassment of women on the street. In the case of domestic violence against women, security personnel from Parsa stressed that 'many husbands or male family members in local areas beat their wives in an inebriated condition'.[78] Antisocial behaviour linked to alcohol and drug consumption was also directly attributed to a wider range of criminal activities such as robbery, theft, gambling and hooliganism in the districts of Sunsari, Banke, Kailali, Bardiya, Kathmandu, Siraha, Parsa and Makwanpur.

Labour unrest, bandh and road blocks

In all districts, strikes and ad hoc road blocks were perceived as causing public insecurity for local populations. In Sunsari, Morang, Banke, Kailali, Makwanpur, Parsa, Bara and Kathmandu, activities linked to strikes and bandhas, such as the burning of objects and aggressive behaviour, were perceived as being proximate causes of public insecurity. Similarly, labour unrest and industrial closures, which were closely linked by respondents to political instability and more systematic political interference, were also found to have a direct impact on the safety of those working in the private sector.

Social and ethnic conflict

Lastly, a few respondents from the Terai[79] mentioned that ethnic tensions, for example between the Madheshi and Pahadi communities, continued to exist and were a cause of public insecurity. However, at the time of research the number of respondents identifying identity-based tensions as a proximate cause for insecurity was not significant. The assessment was conducted before the dissolution of the CA in May 2012 and, although the validation phase took place after the dissolution, researchers still did not identify ethnic tensions as a significant cause of direct violence and insecurity in the districts of Banke, Bardiya and Kathmandu; only in Siraha, Sunari and Makwanpur was it viewed as a sensitive issue, with some respondents from Sunsari expressing a fear that identity-based ethnic tensions, unless managed by communities, government and political parties, could escalate and cause insecurity between Limbuwan and Khumbuwan groups in the eastern hills.[80]

1.4.2 Structural causes of insecurity

Stakeholders were also able to identify more deeply-rooted causes of insecurity, many of which are closely interrelated. The five areas to emerge from interviews were the lack of rule of law and impunity; social marginalisation; weak governance and state delivery; poverty; poorly-managed socio-economic transformation, most noticeably migration and urbanisation.

The lack of rule of law and impunity (which was closely linked to weak governance and political instability) were routinely identified as a significant cause of insecurity. Respondents mostly defined the lack of rule of law as a state of public disorder caused by poor political leadership and weak governance,

[78] KII with a security provider (male), Parsa, 27th March 2012.
[79] Community and civil society members from Siraha, Bara, Parsa and Makwanpur districts.
[80] Validation FGD with community members (male and female), Sunsari, 26th August 2012.

which undermined the state's ability to deliver security and justice services. Political party interference and protection were seen as a driver of impunity – respondents across all nine districts identified political interference and impunity as the most frequently occurring cause of insecurity and a threat to their safety:[81] 'activities of political parties also affect law enforcement. There is unnecessary interference by political parties…it is obvious that there are some bad results affecting the security situation because of this'.[82] Many respondents pointed to political party members as providing protection for their cadres and, when there were vested interests, also to criminal groups. However, respondents, including those from security agencies, also identified the role of security personnel in fostering impunity: 'Political protection and political intervention for a criminal is a major challenge to maintaining security… Some police are also involved in different illegal and criminal activities but that is individual crime, not institutional'.[83]

The second-most recurring cause identified was **deep-rooted social marginalisation**, stemming from patriarchal structures and traditions. Respondents listed polygamy, the dowry system, early/child marriage and trafficking as direct forms of violence and insecurity, particularly for women. These patriarchal social practices continue to entrench the economic and social exclusion of many groups of women, inhibiting them from exploring opportunities for employment and from reaching out to the state for services. In particular, patriarchal structures feed social taboos which prevent women from reporting direct violence, such as domestic violence, sexual harassment, rape and other crimes committed against them: 'around 90 percent of cases related to domestic violence are not coming out due to various reasons such as social stigma, family pressure, further feelings of insecurity, economic dependency, and a lack of knowledge and education'.[84]

Weak governance and state delivery were cited by community members, in particular the inability of the state to provide and manage security and justice services as a structural cause of insecurity, linked to the weak rule of law. Community members reported poor infrastructure, a lack of financial and human resources, and low personnel capacity among security and justice providers: 'Everyone in the village is demanding separate police offices, but we are operating the police office from a health office… Our job is to give 24-hour security but we don't even have a proper place to reside'.[85] The low capacity of police personnel was raised as a reason for ineffective policing and a structural cause of insecurity in the districts researched. Furthermore, it was found that respondents perceived insufficient accountability within the NP itself as further undermining the safety and security of communities and the private sector: 'we accept that not all police personnel are accountable. But if key persons were accountable for the improvement of the security situation, then I am sure about 99 percent of the security situation would be improved'.[86] This perception was prevalent among community members from all districts.

The majority of respondents also mentioned their **lack of knowledge and awareness of security and justice mechanisms.** Efforts undertaken by

81 PRT with community members (male and female), Sunsari, 16th March 2012; PRT with businesspersons (male), Sunsari, 18th March 2012; PRT with community members (female), Sunsari, 19th March 2012; PRT with businesspersons (male and female), Sunsari, 19th March 2012.
82 KII with civil society member (male), Siraha, 25th March 2012.
83 KII with a security provider (male), Kathmandu, 25th April 2012.
84 KII with a government official (male), Kathmandu, 19th April 2012.
85 KII with a security provider (male), Siraha, 24th March 2012.
86 KII with a security provider (male), Bara, 26th March 2012.

security and justice providers were welcomed, but there were not yet sufficient outreach and public information campaigns. Almost all respondents at the community level stated that the level of education of many individuals who lived in communities remote from district headquarters remained unaware of state security policies, acts and reporting mechanisms; therefore, they ended up either resolving disputes within their own community or remaining silent for the fear of being socially ostracised.[87]

Some respondents perceived **poverty** and a lack of access to employment as deep-rooted structural causes of insecurity. Poverty and low prospects for employment are inter-related; many community members stressed that people who were trapped by poverty were unable to afford quality education and were forced to start working from a very young age. The cyclical nature of poverty, limited skills and knowledge, decreasing prospects for employment, and access to resources was also linked to coercion and even attraction to criminal activity: 'due to a lack of awareness and education… people get involved in drugs smuggling and women trafficking due to poverty'.[88]

Poorly-managed socio-economic transformation, including urbanisation and migration, was seen as a deeply-rooted cause of public insecurity. Respondents associated migration with poverty and a lack of employment, as more and more people were travelling in search of better jobs and quality of life due to the lack of opportunities within their communities of origin. Respondents perceived densely-populated areas, such as Kathmandu, which experiences high levels of in-migration, as hubs for illegal activities.[89] Some respondents felt that fierce competition and poor living conditions in cities led some people to engage in criminal activities for survival. Private sector respondents highlighted the problematic issue of the out-migration of labour, particularly of young workers, as further undermining well-managed economic growth. Labour migration impacts negatively on businesses and economic growth as it is starving them of skilled, as well as unskilled, labour: 'migration of Nepali labourers has caused a decrease in skilled manpower. Most Kailali residents go to Delhi to work, which is only 8 hours away'.[90] Finally, factors such as poor energy management, such as year-round load shedding and persistent fuel crises, were said to be continuing to undermine economic development.

High levels of migration and populations shifts were linked to simmering ethnic and caste tensions within and between the Pahadi, Madhesi and Tharu

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87 PRT with community members (male and female), Sunsari, 16th March 2012, PRT with community members (male and female), Sunsari, 17th March 2012, PRT with community members (male and female), Sunsari, 19th March 2012, PRT with community members (male and female), Sunsari, 21st March 2012; PRT with community members (male and female), Siraha, 23rd March 2012 PRT with community members (female), Siraha, 24th March 2012, PRT with community members (male and female), Siraha, 25th March 2012, PRT with community members (male and female), Siraha, 26th March 2012; PRT with community members (male and female), Parsa, 26th March 2012; PRT with community members (male and female), Bara, 24th March 2012; PRT with community members (male and female), Makwanpur, 1st April 2012; PRT with community members (male and female), Banke, 4th April 2012, PRT with community members (female), Banke, 4th April 2012, PRT with community members (male), Banke, 5th April 2012, PRT with community members (male and female), Banke, 6th April 2012; PRT with community members (male and female), Kailali, 6th April 2012; PRT with business community members (female), Kailali, 6th April 2012; PRT with business community members (male and female), Kailali, 7th April 2012; PRT with community members (male and female), Kathmandu, 23rd April 2012; PRT with community members (male and female), Kathmandu, 24th April 2012.

88 KII with a local government official (female), Kailali, 5th April 2012.

89 KII with a local government official (male), Sunsari, 18th March 2012; KII with a security provider (male), Kathmandu, 25th April 2012.

90 KII with a businessperson (male), Kailali, 6th April 2012.

communities. Population shifts in the *Terai* belt, particularly in the districts of Parsa, Makwanpur, Siraha and Banke, were blamed for the breakdown of trust, traditions and, as one respondent put it, 'a lack of culture; it is destroyed. People in the community do not show collective efforts… this is because of a massive increment in "new citizens", and they are slowly stabilising their presence in the local economy and government authorities… Local people have shifted to northern areas, mostly during conflict periods'.[91]

[91] KII with a civil society member (male), Parsa, 25th March 2012.

Chapter 2 Key actors, relationships and collaboration between them, and implications for security

This chapter explores how community and private sector respondents perceive different formal and informal security and justice providers and their relationships with them; collaboration between different formal and informal providers and implications for security and justice provision; the key actors regarded to be primarily responsible for causing insecurity.

2.1 Perceptions of formal and informal security and justice providers

This section assesses community and private sector perceptions toward, and their relationships with, different formal and informal security and justice providers. Differing views between men and women have been highlighted in order to outline gender-specific findings.

The research assessed community perceptions towards the NP, WCSCs within the NP, PLCs, and other civil society- and community-led informal mechanisms in particular, as well as private sector perceptions of the NP and CDOs. These providers were more predominantly mentioned by communities and the private sector during the research in comparison to other providers. It is worth noting that respondents did not mention the Nepal Army or Armed Police Force when asked about their first point of contact for security. However, this is most likely due to the fact that the research focused on public, not national, security.

Nevertheless, it is important to note that both communities and the private sector referred to the NP most as a security provider. This is an interesting finding; this could potentially suggest that respondents associate state institutions with "security and justice", particularly the NP. This might also suggest that the NP is either better known by communities, more present and/or accessible than other providers, or preferred by communities/regarded as being more effective. Interestingly, VDC Secretaries and courts were not generally referred to by respondents during the research. This is evidence of their weaker presence at the VDC and ward level, most likely as a result of damages incurred during the conflict and resource constraints. Most VDC Secretaries and courts are only present at district headquarters.

2.1.1 Community perceptions of, and relationships with, security and justice providers

NP

Community respondents who felt that public security had improved over the past two years (see Chapter 1) attributed this to efforts by the NP to strengthen security provision. This was particularly evident in a number of *Terai* districts, including Morang, Parsa, Banke, Bara and, to a lesser extent, Makwanpur. Respondents identified a number of positive steps taken by the NP over recent years which had led to improved community security provision and public trust in the police:

The dedication illustrated by a number of individuals within the NP to be proactive and prevent political party interference. For example, a local government representative from Parsa explained about the Parsa Superintendent: 'after his appointment, the situation has improved a lot. Under his leadership political interference has been minimised'.[92]

Improved patrolling initiatives within the NP to strengthen security, particularly an increase in night-time and border patrols (see information in Section 2.2 on collaborative initiatives to address India-Nepal border insecurity).

Re-establishment of police posts in some areas in order to strengthen the NP's presence and outreach: 'the police post has been re-established which is a good sign of improvement in the security situation'.[93] However, as will be outlined in Chapter 3, the absence of police posts in many areas continues to undermine the effective provision of security and justice.

Efforts to better collaborate with communities in addressing security concerns. Collaboration is critical to ensure that security provision responds to the specific needs of communities, and this has been achieved by:

Working in collaboration with the community on community-based policing through the establishment of Community Service Centres.[94] Respondents from Parsa,[95] Banke,[96] and Kathmandu[97] districts felt that these centres were effective mechanisms which had enabled community members to interact with the police at a more local level and had strengthened their trust in the NP.

Partnerships with NGOs, community leaders, and the media in order to better reach out to communities. For example, in Banke, Parsa, Makwanpur and Bara, respondents reported positively on the outcomes of community awareness initiatives conducted by the NP in partnership with NGOs on road safety and the prevention of drugs and human trafficking. These initiatives had reportedly helped to build community-police relations and improve security provision: 'a development organisation (NGO) hosted different interaction programmes between the police and the community'.[98]

Promoting community security initiatives in collaboration with the community and the private sector. For example, in Birgunj, Parsa, respondents stated that the NP had worked with the community and the private sector to establish the "Safer Birgunj" project:[99] 'the Inspector General of the Police of the NP inaugurated a unique initiative on security provision termed "Safer Birgunj", that can be considered a model for community security in Nepal. This project

92 KII with a local government official (male), Parsa, 25th March 2012.
93 KII with a journalist (male), Makwanpur, 30th March 2012.
94 Community Service Centres were established as a community-based policing model by NP in 1992. They are currently present in 141 locations within 75 districts in Nepal.
95 KII with a security provider (female), Parsa, 27th March 2012; KII with a businessperson (male), Parsa, 26th March 2012.
96 KII with a civil society member (male), Banke, 7th April 2012.
97 KII with a local government official (male), Kathmandu, 19th April 2012; KII with a security provider (male), Kathmandu, 7th May 2012.
98 KII with a civil society member (male), Parsa, 25th March 2012.
99 Safer Birgunj is a joint initiative set up by the private sector and civil society with the NP in Birgunj, Parsa. In order to address safety concerns, the Secretariat of Safer Birgunj, currently chaired by the BiCCI has set up 13 closed circuit cameras in streets which are at a higher risk from crime. The control room is in the District Police Office of Parsa and has been successful in monitoring activities on the streets.

is running with the 3 "Ps" (Public-Police Partnership) concept'.[100] The outcome of the project was held in high regard by respondents: 'the outcome was marvellous, with very high reduction in crime rates, raised morality and conscience of the public, raised confidence of police force and a deeper working relationship between civil society and the government service delivery agency'.[101]

However, community respondents also identified some limitations associated with the NP relating to political party interference; governance and accountability; inadequate resources, which undermine their presence and ability to respond quickly (see Chapter 3 for more details).

WCSCs

Most women at the district level responded positively with regard to WCSCs within the NP. In Banke district, women reported that the establishment of WCSCs had provided them with better access to security and justice, as they felt more comfortable discussing their security concerns with the female officers who staff these centres. In addition, WCSCs were regarded as effective referral mechanisms: a number of respondents provided examples of when female officers referred them to appropriate counselling and legal aid services. However, respondents also noted that these district-level centres faced limitations, particularly in terms of resources, which undermined their ability to reach rural women at the VDC or ward level (see Chapter 3 for more details).

PLCs

Community respondents, particularly women, regarded PLCs as important mechanisms for responding to security and justice concerns. In particular, most female respondents felt that PLCs filled a vacuum in access to justice at the ward and VDC level in the post-conflict era, as most state mechanisms (e.g. local courts and VDC Secretaries) were based in district headquarters. As PLCs are targeted at, and are largely comprised of, women, female respondents reported that they felt more comfortable approaching them than other security and justice providers: 'I guess it's because of the patriarchal society that women still don't directly approach the police. They will either go to the local political leader or the para-legal committee for justice'.[102] In addition, community members perceived PLCs to be approachable given that they largely consisted of local people who shared the same cultural beliefs and local languages. Respondents also regarded PLCs as effective referral mechanisms due to their successful collaborations with the NP, WCO and, in many cases, the courts (see Section 2.2).

However, some community respondents did highlight challenges faced by PLCs in providing civil justice.[103] In particular, some respondents felt that PLCs sometimes acted arbitrarily in the civil cases they were mediating due to the personal interests or associations (i.e. with particular caste, ethnic or gender groups) of committee members, which could undermine access to justice.[104] For example, one community respondent from Sunsari provided an example of where a PLC committee member had obstructed justice being upheld in one case as it involved her husband: 'a PLC

[100] KII with a businessperson (male), Parsa, 26th March 2012.
[101] *Ibid.*
[102] KII with a security provider (female), Bara, 27th March 2012.
[103] PLCs only mediate civil cases. By law all criminal cases should be heard through formal justice mechanisms.
[104] D. Coyle & S. Dalrymple (2011). *Snapshots of informal justice provision in Kaski, Panchthar and Dhanusha Districts, Nepal*. Saferworld.

member's husband was caught raping a girl but the PLC member did not report the case to the police. Later on, due to community pressure she reported it to the police, but the girl was already sent away from the village and the perpetrator is now back in his home'.[105]

In addition, respondents reported that PLCs faced immense political pressure. Sometimes this pressure could be avoided or deflected, but in other cases, as a result of this pressure and/or the political associations of PLC committee members, outcomes could be politicised: 'sometimes there is a tussle between political parties and committee members. The political parties want to release the perpetrators who support their ideology…the political parties are reluctant to support the committee in promoting justice'.[106] Respondents from PLCs in a number of districts reported that political pressure was most difficult to avoid when cases were related to SGBV and involved male perpetrators who were associated with, and protected by, political parties.

Other civil society-led informal mechanisms

Local civil society in districts such as Morang, Siraha, Bara and Banke is reportedly playing a key role in the provision of security and justice. In addition to PLCs, respondents identified various informal mechanisms that had been established by NGOs and CBOs, such as mother's groups, forest-user groups, women's groups and youth groups. Community leaders, including teachers, lawyers, traditional leaders and social workers, have also established mechanisms. These mechanisms are reportedly having a positive impact upon the provision of security and justice at the local level and are improving access at the ward and VDC level. Similar to PLCs, they are reported to be filling a vacuum in the provision of state security and justice: 'many groups, like women's groups, forest user groups and health groups, are already in existence and active, they provide awareness on security at the local level'.[107] These groups are allegedly playing a key role in raising awareness on key security and justice issues, mediating disputes and supporting victims at the local level. This research does not provide an in-depth assessment on the accessibility, accountability, and effectiveness of these mechanisms; however, this issue was explored in more detail through research undertaken by Saferworld in 2011.[108]

2.1.2 Private sector perceptions of, and relationships with, security and justice providers

NP

The provision of security to the private sector by the NP has, according to some private sector respondents, improved over recent years as a result of their attempts to strengthen collaboration. For example, in Morang, Parsa, Bara, Sunsari, Banke, Kathmandu and Makwanpur districts, the NP has reportedly held regular discussions with the private sector – which also involve civil society and local authorities – on security concerns and strategies to address them. Private sector respondents reported that there had been positive outcomes from these discussions, in some cases leading to greater security.For example,

[105] PRT with community members (female), Sunsari, 21st March 2012.
[106] KII with an informal justice provider (female), Bara, 27th March 2012.
[107] KII with a local government official (male), Morang, 16th March 2012.
[108] D. Coyle & S. Dalrymple (2011). *Op. Cit.*

as an outcome of discussions, the NP is allegedly able to use surveillance equipment more widely in a number of districts and strengthened private sector security, resulting in a fall in kidnappings of and racketeering against private sector workers: 'due to tight police administration, incidences of extortion and kidnapping have come to a full stop…one businessman faced continuous threats of kidnapping and murder…he reported this threat to the police and immediately the culprit was captured'.[109]

The private sector regarded this collaboration as critical to effective security provision, given the important role it plays in economic development and addressing unemployment – a key structural cause of insecurity (see Chapter 1) – and potentially in monitoring the local security situation by informing the NP of developments and working with it to address threats. This is illustrated by the important role of the private sector in working with the NP on community security initiatives, such as the "Safer Birgunj" project (see Section 2.1.1).

However, private sector respondents raised concerns over responses by the NP and other state security and justice providers to the security threats they faced. In particular, they perceived that state providers had neglected them and failed to adequately address their needs (see Section 1.2.2). Concerns were raised by respondents from the transportation and hospitality sectors in particular:

- Respondents from the transport sector felt that the NP and other state security providers had not adequately addressed insecurity caused by *bandhas* – which are regularly called by political parties and ethnic/identity-based groups – and by highway robberies and attacks, all of which undermined their ability to carry out daily business activities: 'nobody thinks or cares about us. So, the transport sector is the most insecure business sector. In public vehicles, anyone can ride in them, be it a normal person or a criminal. Every bus has only 2 staff members and it is up to them to handle all types of situations'.[110] Private sector respondents felt that the NP and other security providers should be taking greater steps to improve security and safety on roads and highways for transport sector employees and passengers.

- Similarly, respondents from the hospitality sector in Sunsari, Morang, Kailali, Makwanpur and Kathmandu districts felt that the NP and other state security providers were not adequately addressing threats posed by customers from criminal gangs and youth political wings who, given the nature of their activities, brought with them a heightened risk of violence and insecurity. Customers from these groups often refuse to pay for services and, because they are usually associated with political parties, are often protected from arrest and prosecution due to political party interference in the security sector (see Chapter 3): 'there are youth organisations such as *Youth Force*, *Recovery Nepal* and *Tarun Dal* who don't even pay for the services we provide and we can't do anything as they have connections with political parties'.[111] Respondents from this sector felt that state security providers should conduct more effective patrols in order to address and prevent the insecurity they experienced. They considered that the policy within the NP of closing all restaurants and shops by 10pm was only shirking this responsibility, and that it had a negative impact on the economic development of the country: 'the

[109] KII with a businessperson (male), Morang, 15th March 2012.
[110] KII with a businessperson (male), Sunsari, 17th March 2012.
[111] KII with a businessperson (male), Sunsari, 17th March 2012.

police should be more active in limiting and controlling gangs rather than bringing about laws like closing restaurants after 10pm. Instead of saying that gangs will not move around at night if restaurants close after 10pm they should be active in patrolling and policing'.[112]

CDOs

Private sector respondents in Morang,[113] Bara,[114] and Makwanpur[115] districts demanded more support and responsive services from CDOs, as they perceived the District Administration Office (DAO) as being slow to respond. They perceived that the DAO did not initiate coordination with other security providers to address security threats faced by the business community, even when an issue had been explicitly brought to their attention: 'we requested the CDO to hold an interaction that discussed problems relating to the construction sector, such as threats by criminal/youth groups, the lack of a proper policy in this sector, and politicisation…but the CDO did not believe that construction… faces insecurity'.[116]

2.2 Collaboration between security and justice providers

Respondents perceived there to be effective collaboration between some formal and informal security and justice providers, particularly between PLCs, the NP, local courts and the WCO; between LPCs and the NP; between the NP and the Indian Police Service with regard to addressing India-Nepal border insecurity. Respondents largely regarded this collaboration to be fundamental for effective security and justice provision. This section focuses specifically on outlining the collaboration between these particular providers, even though there is a slight mismatch between the providers assessed in Section 2.1 and those assessed here. This is because respondents made specific reference to these particular providers on the topic of collaboration and not others, potentially indicating that they were better known, maintained a greater presence than others, and/or were perceived to be more effective than others.

Collaboration between PLCs, the NP, local courts and the WCO

Respondents representing the community, local authorities, security and justice providers and PLCs from Sunsari, Siraha, Parsa, Bara and Banke districts[117] stated that PLCs worked closely and effectively with the NP and, to a lesser extent, with the local courts: 'the PLC does coordinate with local police and also the Itahari district police, and will sometimes link with the District Court also'.[118] Respondents representing PLCs and the NP shared many examples

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112 *Ibid.*

113 KII with a businessperson (male), Morang, 17th March 2012.

114 KII with a businessperson (male), Bara, 28th March 2012.

115 KII with a businessperson (male), Makwanpur, 31st March 2012

116 KII with a businessperson (male), Morang, 17th March 2012.

117 KII with a local government official (male), Sunsari, 20th March 2012; KII with a local government official (female), Sunsari, 20th March 2012; KII with a local government official (male), Sunsari, 18th March 2012; KII with an informal justice provider (female), Sunsari, 18th April 2012; KII with an informal justice provider (female), Siraha, 22nd March 2012; KII with a local security provider (male), Parsa, 26th March 2012; KII with an informal justice provider (female), Parsa, 25th March 2012; KII with a security provider (female), Bara, 27th March 2012; KII with an informal justice provider (female), Bara, 27th March 2012; KII with a youth community member (male), Bara, 28th March 2012; KII with security provider (male), Banke, 6th April 2012; KII with an informal justice provider (female), Banke, 7th April 2012.

118 KII with an informal justice provider (female), Sunsari, 18th April 2012.

of effective collaboration, particularly with regard to addressing SGBV: 'we built good coordination with the police to solve domestic violence problems…we collect data on domestic violence cases and keep a record of what is happening in the community'.[119] However, this collaboration is narrowly focused on issues relating to women's insecurity – involving predominantly WCSCs and rarely other departments – and does not thus address issues affecting men's security, which is necessary for improved broader public security. Respondents also reported that PLCs worked closely with the WCO, whereby the WCO supported PLCs by mobilising communities, by helping in the formation of committees, and by providing technical support during mediation trainings.

Collaboration between the NP and the Indian Police Service

Respondents from security and justice agencies stated that the NP had established modes of cooperation with their Indian counterparts to address cross-border security issues, such as human and SALW trafficking. Discussions have been held between the NP and the Indian Police Service, in some cases involving VDCs, LPCs and civil society, in a number of border districts such as Siraha, Banke, Parsa and Bara: 'Board District Coordination Committee meetings are held every 2 to 4 months between the NP Superintendent, the CDO, the Indian District Magistrate and Deputy Superintendent on issues related to border security'.[120] Respondents reported that this collaboration was beginning to effectively address border insecurity.

Collaboration between LPCs and the NP

LPC respondents reported that they had effectively collaborated with the NP to strengthen security provision, particularly with regard to addressing ethnic and/or religious disputes, and to organising public meetings and discussions on security issues and events to support conflict victims. This was particularly evident in Sunsari, Banke and Kailali districts: 'the LPC is also conducting an interaction programme between conflict victims and security agencies. The LPC has been successful in reconciling conflict victims when there is debate on their reparation'.[121] In addition, it was reported that LPCs also played a role in facilitating collaboration between the NP and the Indian Police Service to address cross-border insecurity: 'the LPC had also organised a meeting with the Indian authorities in order to prevent incidences related to cross-border violence'.[122] Local government respondents endorsed the positive role that LPCs were playing in security and justice provision through their collaboration with the NP, although the views of communities towards LPCs were unclear from the research. This research does not, however, seek to provide an in-depth analysis of perceptions towards LPCs and their role in security provision.[123]

2.3 Actors responsible for causing insecurity

This section assesses the key actors perceived by respondents to be directly or indirectly responsible for insecurity: political parties; youth political wings; criminal youth groups.

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119 KII with an informal justice provider (female), Parsa, 25th March 2012.
120 KII with an Indian government official (male), Parsa, 25th March 2012.
121 KII with a LPC representative (male), Kailali, 5th April 2012.
122 KII with a LPC representative, (male), Banke, 7th April 2012.
123 For more information on the role of LPCs, see Carter Center (2011). *Carter Center: Local Peace Committee functioning has improved, but overall effectiveness remains unclear.* Atlanta/Kathmandu. Available at http://www.cartercenter.org/resources/pdfs/news/pr/nepal-LocalPeaceCommittees-update-051011-ENG.pdf

Political parties

Respondents in all districts reported that political parties were key indirect drivers of impunity and insecurity at the district and national level, particularly in terms of their influence over security processes: 'political parties are playing a vital role in disturbing security and justice…major perpetrators of insecurity are cadres of political parties who are attached to criminal groups, corrupt bureaucrats, security and justice persons, underground armed groups and business-related brokers'.[124] Political parties often provide protection to criminal actors and youth groups involved in creating insecurity, undermining justice and contributing to impunity for the crimes committed by these groups. Respondents from the hospitality sector provided examples of where criminal groups had been protected by political parties (see Section 2.1). A female civil society leader from Banke shared another example where 'a woman was raped for a period of 6 months and left after she had an abortion. All political leaders and elites have supported the perpetrator…she is not able to get justice even though she has approached several justice and security providers'.[125] Respondents from all districts felt that all major political parties provided political protection to such groups.

Political youth wings

Respondents identified political youth wings attached to political parties as key perpetrators directly responsible for insecurity. Political youth wings are directed by the political interests of their parties. They play a particularly significant role in enforcing *bandhas*, demanding donations from the private sector and local authorities, and obstructing government tender-bidding processes (see Chapter 1):[126] 'Youth wings of political parties are interfering in mainly tender processes of any development or other activities. They also organise *bandhas* or *chakka jams*,[127] even in a small issues or disputes'.[128] Respondents from Sunsari, Morang, Banke, Bara and Kailali reported that newly-formed and/or existing ethnic-based political youth wings were increasingly demanding donations and enforcing *bandhas*.

Youth, especially young men

Respondents from Siraha, Banke and Kailali stated that a growing number of young men[129] were joining and/or forming *Terai*-based criminal groups. These groups were perceived to be directly responsible for insecurity, and to be involved in a range of criminal activities, including extortion, kidnapping, theft, robbery, SGBV, and drug- and alcohol-fuelled violence. Respondents reported that some crimes were random and motivated by economic gain, and that others were motivated by politics, i.e. where political parties hire criminal youth groups to undertake particular activities.

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124 KII with a civil society member (male), Banke, 6th April 2012.
125 KII with a civil society member (female), Banke, 5th April 2012.
126 Saferworld (2012). *Briefing: Perceptions of Public Security and Crime in Kathmandu Valley.* Kathmandu. Available at http://www.saferworld.org.uk/downloads/pubdocs/Public%20Perceptions%20of%20Security%20and%20Crime%20in%20the%20Kathmandu%20Valley%20English.pdf
127 A ban on vehicular movement on the road.
128 KII with a civil society member (male), Sunsari, 20th March 2012.
129 Feedback from NGOs and media reports suggests that it is unemployed young men with limited literacy who are most at risk of getting involved in violence or criminal activities.

Respondents reported that some (more professional) criminal groups[130] – particularly those from Banke, Parsa, Bara and Makwanpur districts given their proximity to the border – were becoming involved in organised criminal activity across the India-Nepal border. These criminal groups are reportedly involved in a range of organised criminal activities, including extortion and kidnapping (where it relates specifically to organised crime), and human, drugs and SALW trafficking: 'there are frequent incidences of trafficking of drugs and explosive materials used for making bombs. It is not possible to check the belongings of passengers'.[131] According to research undertaken by Saferworld, these criminal groups are also involved in cyber-crime, money laundering, currency counterfeiting, and the smuggling of red sandalwood.[132] This research also identified Kathmandu to be the key focal point for organised criminal activity in Nepal, where criminal groups operating in Kathmandu connected with those in the *Terai*, India, and elsewhere, especially with regard to trafficking.[133]

Poverty and unemployment were regarded as the key factors driving many young men, even those who are educated, to join criminal groups. One local government representative from Siraha explained that 'youth are involved in criminal groups, even college students and bachelor-level degree holders, in most of the cases'.[134] Another local justice provider from Siraha stated 'youth aged between 18 and 25 are involved in kidnapping. They are working in the name of underground armed groups…they are unemployed and don't have money…they have expensive demands which their parents can't fulfil…they regard kidnapping as an easy way of earning money'.[135] Many respondents from Siraha, Banke and Kailali also attributed a (perceived) growth in drug use among young men as an influential factor for involvement in criminal activity. Patriarchy and gendered expectations that men fulfil the role as breadwinners for the family also play a part in pressuring men to find alternative ways of earning a living when employment options are limited.

Respondents from the private sector, civil society and security agencies – particularly those from Siraha, Bara, Parsa and Makwanpur – reported that criminal youth groups, particularly those involved in organised crime, were often armed, and used SALW when undertaking criminal activities. For example, one business man from Bara explained: 'those who hold guns are based in a 20km stretch encompassing the border area of both countries; Raxaul, Adapur, Thodano and Ghoda Sano are the key hubs. These people include cadres of Jwala Singh'.[136]

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130 For this report, criminal groups are armed groups, defined by the UN as groups that 'have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate' (United Nations (2006). *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners.* OCHA and IASC: New York, p.6. Available at http://ochanet.unocha.org/p/Documents/HumanitarianNegotiationswArmedGroupsManual.pdf).

131 KII with a businessperson (male), Bara, 28th March 2012.

132 Saferworld (2012). *Op. Cit.*

133 *Ibid.*

134 KII with a local government official (male), Siraha, 24th March 2012.

135 KII with an informal justice provider (female), Siraha, 22nd March 2012.

136 KII with a businessperson (male), Bara, 27th March 2012. Jwala Singh is the head of *Janatantrik Terai Mukti Morcha,* a Madhes-based terrorist organisation, and was previously a Maoist cadre.

Chapter 3 Challenges to the provision of security and justice

This chapter identifies challenges specific to the formal provision of security and justice in Nepal. The analysis emerges from perceptions of both security and justice officials themselves and community members and private sector actors. Challenges to the provision of security and justice are closely linked to the *causes* of insecurity, so efforts have been made to provide explanations, from the perspective of security and justice providers, as to where such overlaps exist. An effort also has been made to consider and analyse the perceptions of women with a view to highlight some gender-specific blockages to security services provision. The challenges identified have been grouped under three broad themes: state-citizen relations, resources (human and financial), and governance.

3.1 State-citizen relations: neutrality, trust and outreach

Most respondents, both men and women representing the security and justice sectors, highlighted the very negative impact of political party interference in their work and how this undermined trust in the system, confirming the key concerns of community respondents. Police and security personnel were clear in stating that all political parties and ethnic groups had been involved in the politicisation of disputes at both the district and national level: 'Political protection and political intervention on the behalf of the criminal presents a major challenge for maintaining security. Similarly, ethnic and communal groups sometimes try to influence investigation processes'.[137] Pressure to release alleged perpetrators or to stop collecting evidence blocks police from running neutral, fact-based criminal investigations: 'Political interference is high in security agencies – if any small case comes to the police, telephone calls from political parties come to the police saying that he or she is "our party's cadre" and to release them without taking any action'.[138] Both the police and communities see such endemic interference in security and justice processes as seriously undermining the rule of law and natural justice (the duty to act fairly). In turn, this damages state-citizen relations by weakening citizens' trust in the police and security and justice agencies.

More than half of the respondents attributed political instability at the national level to the exacerbation of the politicisation of government agencies and to the undermining of effective security and justice provision by the state: 'de-politicisation of government organisations is required to strengthen security and justice mechanisms. The State Secretary and General Secretary are tied up with politics; the bureaucrats are guided by them'.[139] Communities recognised that, without political cooperation and positive developments at the national level, this would not translate to the local level and political interference in justice and security procedures would continue, to the detriment of state-citizen trust and security.

[137] KII with security provider (male), Kathmandu, 25th April 2012
[138] KII with security provider (male), Kailali, 5th April 2012.
[139] KII with a businessperson (male), Morang, 14th March 2012.

A lack of knowledge and awareness amongst communities, in particular women and rural communities, of security and justice mechanisms was raised repeatedly by those interviewed. Unfamiliarity regarding security entitlements, legal rights, formal procedures and where to go to access such rights perpetuates the vicious circle whereby communities do not approach state providers and the state fails to reach out and effectively meet the needs of all Nepali people. The security and justice system appears insensitive to the needs of the illiterate sections of Nepali society, which contributes to community members' disenchantment: 'the government needs to deal with the illiterate and the poor…there is a need to reform the judiciary system in order to increase access to justice and security'.[140] As one individual from Banke pointed out, 'women in particular are not aware of their rights. They don't know the due process of law to get justice, and their knowledge on security and justice is very limited'.[141]

Knowledge of key security policy, such as the Domestic Violence Act, was scant, and in some cases even local administrations and the police were accused of not being sufficiently familiar with their content: 'Community members are completely unaware about the Domestic Violence Act and, in many places, even VDC secretaries and local police authorities are unaware... it is important to raise awareness on the Domestic Violence Act in community and government line agencies at the VDC and district level'.[142] It was argued that improving public knowledge would contribute to increased reporting of domestic violence, provided the police were sensitised to VAW and the relevant security mechanisms were in place to support and facilitate the process. Female respondents in particular felt that gender-insensitive security mechanisms, a lack of female police personnel and a lack of existing WCSCs within the NP were obstructing the effective provision of security for many rural Nepali women.

In Siraha, this dissatisfaction manifested itself in particular ways, whereby 'some community members obstruct government initiatives on law enforcement because they are not aware enough',[143] and there is a 'lack of awareness among the people about where they can go to seek security and justice…many people think that the security and justice service is too expensive so they think that they should have enough money to seek justice'.[144] Whilst some in civil society recognised that 'security is not only the police's responsibility'[145] and that 'the community itself also needs to co-operate with government agencies',[146] the state does have a responsibility to reach out and to conduct public awareness campaigns on legal rights, laws and procedures in more marginalised communities. Community-centred policing is central to building trust: 'Public support and interaction is a very necessary element to improve the efficiency of the police'.[147]

That said, public outreach by the state is not without its challenges. Strong patriarchal norms can prevent communities from accessing state security and justice provision. For example, deeply-rooted gender roles and socio-cultural practices within Madheshi and Muslim communities lead communities towards

[140] KII with a civil society member (female), Banke, 5th April 2012.
[141] KII with a civil society member (male), Banke 6th April 2012.
[142] KII with a local government official (male), Kathmandu, 19th April 2012.
[143] KII with a civil society member (male), Siraha, 25th March 2012.
[144] KII with a local government official (female), Kailali, 5th April 2012.
[145] KII with a civil society member (male), Banke, 7th April 2012.
[146] KII with a civil society member (male), Siraha, 25th March 2012.
[147] KII with a security provider (male), Morang, 16th March 2012.

resolving security and justice issues internally.[148] Respondents gave examples of dowry violence and the social ostracising of women for reporting against their family and community members: 'the dowry system is very prevalent in our community, which causes insecurity for the life of the girls…women from the Madhesi community do not want to divorce so they are compelled to tolerate domestic violence in their homes'.[149] Furthermore, female community members also highlighted the sustained use of informal justice providers, specifically in *Terai* communities, to access justice: 'women still don't directly approach the police. They will either go to the local political leader or PLC for justice…most of the people will try to resolve the cases within the community'.[150]

3.2. Human and financial resources and state infrastructure

The state's absence in more remote areas is compounding communities' lack of awareness regarding security entitlements. Communities repeatedly identified the need to have more police posts visible and accessible to all: 'there are not enough police stations at the local level, they should be established in every VDC'.[151] Most community members felt that the presence of police posts in remote VDCs would not only improve the security situation considerably, but also increase their trust in the state. Most respondents linked improved trust with the inclination to report crimes, particularly for female members of the community, provided that the posts would be sensitive to gendered security issues.

However, deficiencies in policing infrastructure and inadequate resources continue to have an impact on the ability to provide security services. In particular, the NP identified that its limited number of vehicles and inadequate levels of staff had resulted in restricted patrols and even the unavailability of security providers. In many cases, both security personnel and community members pointed out that vehicles and staff were consistently being used to escort high-level state authorities and central-level politicians, diverting precious resources away from public services: 'one police officer has to look after 3,000 community members. Finally they are compelled to provide security to VVIPs and VIPs; thus, the police are not able to provide security to community members'.[152]

In some cases, asymmetrical budget allocation across security services also challenges the ability of the police to provide sufficient security for particular groups. Respondents highlighted a lack of resources allocated to WCSCs and the inability of the police to respond to gendered security needs. As one police officer from Makwanpur pointed out: 'Adequate budgets should be allocated at the District Police Office, especially for women'.[153] A major obstacle for WCSCs in most districts is not having a separate office space or room which is dedicated to dealing with sensitive cases relating to women and children: 'there is no separate custody for women in the District Police Office. So women whose cases being processed are kept in the women's cell quarter'.[154] Despite numerous

148 KII with an informal justice provider (female), Siraha, 22nd March 2012.
149 KII with an informal justice provider (female), Parsa, 25th March 2012.
150 KII with an informal justice provider (female), Siraha, 22nd March 2012.
151 KII with a local government official (male), Morang, 17th March 2012.
152 KII with a civil society member (male), Banke, 7th April 2012.
153 KII with security provider (female), Makwanpur, 30th March 2012.
154 KII with security provider (female), Morang, 15th March 2012.

policies developed to help meet women's security needs, including the Domestic Violence Act, the National Action Plan for United Nations Security Council Resolution (UNSCR) 1325 and UNSCR 1820, the state budget allocated to implement them is insufficient, which delays service provision for women.

In addition, a lack of human resources compounds problems for effective security provision. A clear example of this remains the persistently low numbers of female police personnel. The availability of only male officers continues to act as one of the many deterrents for female community members when reporting to the police: 'we have three policewomen in our cell and our officer is male, so sometimes women feel uneasy about discussing their problem in front of the male officer'.[155] This challenge has remained unresolved.[156] A lack of investment in gender awareness in the security sector obstructs the state's ability to provide security in an equitable manner. One example mentioned was a rape case in Banke, where a woman was raped for 18 hours. The perpetrator was known but as a result of evidence not being gathered in a timely, professional or sensitive manner, he was not prosecuted.[157] However, with recent initiatives adopted by the government and the NP to increase the number of women police officers by 20 percent, this challenge could be more adequately addressed in the coming years.[158]

Even where there are resources allocated, for example to Local Development Offices for infrastructure and the socio-economic development of local communities, there have been examples of targeted criminal attacks on VDC Offices. In Sunsari, local officials stated that 'there are still forced donations and cases of extortion... The ones targeted are mostly VDC offices and government offices…as people know that they have money'.[159] Such activities are reportedly affecting government authorities and generating fear amongst VDC Secretaries and other government actors; communities repeatedly reported recurring absences of VDC Secretaries. Furthermore, VDC offices, which were vacated during the conflict era for safety reasons, are yet to re-open.[160] This research shows that, although government-appointed VDC Secretaries continue to function, in around 75 percent of districts researched the Secretaries are housed either in district headquarters or a location far from the actual VDC.[161] These absences are hampering the provision of security by quasi-judicial offices in more remote communities.

3.3 Governance: coordination, oversight and accountability

The absence of formal oversight mechanisms which monitor the implementation of state security and justice policy was identified as weakening effective and equitable service provision in half of the districts researched.

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155 KII with security provider (female), Parsa, 26th March 2012.
156 Antenna Foundation et al (2010). *Op. Cit.*
157 KII with a civil society member (male), Banke, 7th April 2012.
158 For more information on the gender equality policy of the NP, see NP (1959, amended 2010). *Nepal Police Regulations.* Kathmandu.
159 KII with a local government official (male), Sunsari, 20th March 2012.
160 D. Coyle & S. Dalrymple (2011). *Op. Cit.* However, as of late September 2012, the government and the Supreme Court have directed VDC Secretaries to return to their working VDCs in order to provide timely services to the people.
161 Banke, Morang, Siraha, Makwanpur, Kailali, Parsa and Bara.

As one citizen pointed out, 'the government should establish a system of monitoring to check the implementation of the verdicts, speed of access to justice and security, and maintenance of law and order'.[162] In relation to the lack of accountability and high levels of impunity, state institutions have yet to create a clear mechanism which checks and balances the line of authority and hierarchy. Similarly, the lack of accountability across formal security systems was seen as compounding corruption and interfering in the provision of security. The inability of the state system to ensure that politicians, criminals, and authorities do not encourage or engage in illegal activities, such as the use of state resources for personal gain or diverting justice processes, undermines public trust and the efficacy of the system. One respondent expressed concern about the use of police vehicles: 'we invested NPR400,000 to repair a police vehicle. Now, instead of using that vehicle for patrolling, they are using it for escorting VVIPs and VIPs'.[163] Questions arise as to whether the police should accept private donations to support their duties and how this may contribute to the diversion of resources for particular groups. Some respondents recommended a civilian oversight mechanism as a means to increase state accountability and good governance: 'they should create a watchdog forum comprising of journalists in the security- and justice-provision sectors for monitoring. On the basis of monitoring outputs, it could pressurise the concerned agencies with advocacy tools'.[164]

Difficulties in coordination between the state administration, security personnel, and justice providers further limit the effectiveness of the system. The private sector made particular reference to this, stating that the coordination and communication vacuum created missed opportunities for improving community security: 'there should be good coordination among stakeholders, such as the CDO, District Police Office, Superintendent of Police, and attorneys in order to improve the security situation in the district'.[165] Business leaders went further, highlighting government and security providers' lack of coordination with non-state actors. Coordination and outreach policies which included businesses people would help to identify and respond more effectively to societal needs: "for the business sector to be involved in security issues, government policy is the obstacle. Government policies should match societal changes and crimes'.[166] Despite efforts to engage with the security sector, business leaders emphasised state actors' reluctance to respond and link private sector working conditions, insecure mobility of workers and products,[167] health and safety hazards for the public and workers,[168] and corruption, such as commissions during tender-bidding processes,[169] with public insecurity: 'In Makwanpur we went as a

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162 KII with a civil society member (female), Banke, 5th April 2012.
163 KII with a businessperson (male), Banke, 6th April 2012.
164 KII with a local justice provider (male), Morang, 16th March 2012.
165 *Ibid.*
166 KII with a businessperson (male), Sunsari, 17th March 2012.
167 PRT with businesspersons (male and female), Sunsari, 19th March 2012; PRT with businesspersons (male and female), Parsa, 25th March 2012; PRT with businesspersons (male and female), Bara, 26th March 2012; PRT with businesspersons (male), Makwanpur, 31st March 2012; PRT with businesspersons (male and female), Kailali, 7th April 2012; PRT with businesspersons (male), Kailali, 7th April 2012.
168 PRT with businesspersons (male), Sunsari, 18th March 2012; PRT with businesspersons (male and female), Parsa, 26th March 2012; PRT with businesspersons (male), Makwanpur, 31st March 2012; PRT with businesspersons (female), Kailali, 6th April 2012; PRT with businesspersons (male and female), Kathmandu, 9th May 2012.
169 PRT with businesspersons (male), Sunsari, 18th March 2012; PRT with businesspersons (male), Morang, 16th March 2012; PRT with businesspersons (male and female), Parsa, 25th March 2012; PRT with businesspersons (male), Bara, 23rd March 2012; PRT with businesspersons (male), Makwanpur, 31st March 2012; PRT with businesspersons (male), Kailali, 7th April 2012.

delegation to all government offices including the CDO and the police. They talked politely but there have been no observable actions or outcomes'.[170]

It is important to note that, in the face of these challenges of governance, respondents from two thirds of the districts researched[171] perceived certain security actors as being more proactive in dealing with security problems over the last two years: 'the main reason for some improvements is the new Superintendent of Police…who is very active and competent'.[172] Individual commitment and leadership at the senior level in the districts was attributed to increased security patrols and improvements in provision. Such leadership, along with strengthening governance within the security sector, is critical to addressing the wide range of challenges confronting the sector.

[170] KII with a businessperson (male), Makwanpur, 31st March 2012.
[171] Male and female respondents belonging to communities, civil society and the private sector in Morang, Sunsari, Banke, Parsa, Bara and Makwanpur districts.
[172] KII with a civil society member (male), Bara, 28th March 2012.

Chapter 4 Conclusion and ways forward

Overall security is perceived to have improved in the districts researched. This is an encouraging finding, and reflects positive efforts taken by security and justice agencies to strengthen the effectiveness of security and justice provision, as well as progress in the wider peace process. Most notably, the **NP is regarded by communities to have improved service delivery** through better leadership, patrols, the re-establishment of police posts and collaboration with communities. Such practices and efforts should be further encouraged and strengthened.

However, security and justice provision in the post-conflict era continues to face a number of key challenges. Political instability and political party interference are the key factors undermining public trust in the state and effective security and justice provision, especially with regard to the protection of criminals by political parties, which is closely linked to impunity. To address this, there is a need to **establish formal oversight mechanisms** to monitor the accountability of state security and justice provision, such as a civilian oversight mechanism. Furthermore, **public awareness of security and justice-related rights and entitlements** needs to be raised in order to strengthen public demand for effective security and justice provision and greater public accountability.

Although overall security is perceived to have improved, some aspects of security have reportedly declined. In particular, women's sense of security has reduced and incidences of SGBV have allegedly increased. To address this, there is a need for **greater allocation of resources towards security and justice services which specifically target women**, such as WCSCs. In particular, the recruitment of more female personnel within the NP should be prioritised, as it should build capacity for WCSC staff to respond more effectively respond to SGBV and gender-related insecurity. More female personnel within the NP should also lead to the establishment of more WCSCs at the ward and VDC level, enabling them to reach women in remote areas more effectively. Socio-cultural resentment against women working in the police also needs to be addressed.

As a more general point, this lack of necessary resources undermines all aspects of security and justice provision. Communities prefer security and justice mechanisms which are easily accessible and available within their vicinity, which emphasises the importance of **allocating resources to establish more police posts at the ward and VDC level,** especially in remote areas. It is important that the practice of using public funds to escort high-level state authorities and central-level politicians, which diverts resources away from local security and justice provision, be addressed.

Informal security and justice mechanisms are commonly used, for example PLCs and other civil society-/community-led mechanisms, especially at the local level, where a vacuum in state security and justice provision persists. The importance of collaboration between security and justice providers has been highlighted as fundamental to effective security and justice provision by the research; therefore, the importance of **establishing effective mechanisms for**

collaboration between informal and formal security and justice providers at the community, ward, VDC, district and national level is paramount.

Criminal (often armed) youth groups are emerging as key drivers of insecurity. These groups are driven more by economic than political motivations, and are becoming ever more involved in organised crime, which reflects growing crime trends in Nepal. Poverty and unemployment are the key factors compelling young men to join these groups. To address this issue, security and justice providers should continue to **strengthen efforts to combat cross-border SALW, drugs and human trafficking**, in which many of these criminal groups are involved. This is also important because the relative ease of accessing drugs and alcohol by these groups is allegedly fuelling antisocial behaviour and insecurity in communities, especially SGBV against women. Collaboration with Indian counterparts on cross-border trafficking should continue. To address unemployment, the **government should work closely with the private sector to strengthen economic development**. To address rapid urbanisation, which is closely linked to the emergence of criminal hubs, the **government should develop systems for managing socio-economic transformation**.

The private sector continues to be threatened and undermined by various forms of insecurity – particularly the transportation, hospitality, industrial and construction sectors – and generally feels neglected by state security and justice providers. To address this, **state security and justice providers should strengthen consultation and collaboration with the private sector**, building on existing cooperation on community security initiatives. The **NP should also strengthen efforts to address road and highway insecurity**, and the exploitation of the hospitality sector by politically-protected criminals.

Annex 1 Methodology

The research comprised of Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) (using Participatory Research Tools (PRTs)) in nine districts: Kailali, Banke, Kathmandu, Makwanpur, Bara, Parsa, Morang, Sunsari, and Siraha.

The criteria for the selection of districts included:

- A mixture of geographical locations, including both Hill and *Terai*, as well as all five regions of Nepal
- Being representative of ethnically diverse communities
- Being representative of economically diverse communities
- Being representative of various political associations
- Having a mixture of rural and urban locations

KIIs

128 KIIs were held at the district and VDC level across all 9 districts. KIIs were held with a range of local actors including: the Nepal Police; representatives from VDCs and other local government bodies; local political actors; members of the private sector; representatives of local civil society, advocates, media personnel, teachers, youth activists and NGO workers.

The table below provides a summary of the total number of KIIs undertaken with representatives from different stakeholders in each of the 9 districts:

District	Nepal Police	VDC and local government	Civil society	Private sector/ trade unions	Total
Sunsari	1	4	5	5	15
Morang	2	4	4	11	21
Siraha	1	3	5	0	9
Parsa	3	2	3	7	15
Bara	2	1	3	5	11
Makwanpur	2	4	2	6	14
Banke	1	1	7	2	11
Kailali	1	2	3	6	12
Kathmandu	2	1	2	15	20
Total	15	22	34	57	128

PRTs

33 FGDs using PRTs were undertaken across all 9 districts. The table below provides a summary of the total number of group discussions held in each of the 9 districts:

District	Number of FGDs (using PRTs) held
Sunsari	5
Morang	2
Siraha	4
Parsa	3
Bara	3
Makwanpur	3
Banke	5
Kailali	4
Kathmandu	4
Total	33

FGDs were held with four mixed-target groups and single-gender community groups; mixed- and single-gender youth groups; mixed- and single-gender private sector groups; Muslim community groups. These groups were selected in order to draw out the different perceptions of men, women, youth, the private sector and Muslim communities (identified as a marginalised group which would feel most comfortable being interviewed separately), which corresponds with the explicit focus in the research on the views of communities (especially women) and the private sector. Participants from these target groups were selected in a gender- and conflict- sensitive manner, and identified and accessed through partner networks within the districts (specifically existing networks established by INSEC, IHRICON and through NBI district contacts).

Why PRTs were used

- PRTs were used in order to ensure that the approach taken:
- Was inclusive of marginalised groups
- Was sensitive to the context and to the different needs of participants
- Created an environment where participants felt comfortable engaging in open discussions

Types of PRTs used

Two specific PRTs were used in group discussions to explore particular issues in depth:

- Pairwise Ranking: this is a structured technique which enables the ranking of small lists in priority order. This was a particularly useful technique for identifying and ranking community priorities.
- Institutional Diagramming and Analysis: Through visual means, this tool helps to identify the security and justice institutions which are regarded as most important to the community, and to identify who participates in and is represented by which institutions (formal and informal). It facilitates a deep understanding of the roles of local organisations in security and justice provision, and the perceptions which people have about them.

In addition, in order to ensure the research was participatory, consortium members involved in the project and based in the districts researched were involved in carrying out the research activities. This ensured a greater sense of ownership, and that those responsible for delivering project activities (i.e.

consortium members) were involved in the collection of baseline data and were aware of the security and justice needs and priorities of communities to be addressed throughout the project.

Capacity building for researchers

In order to ensure high quality data collection, researchers received training in different areas. Consortium members were provided with training on how to use PRTs, and divided into groups for carrying out the assessment. Each group comprised of at least one member with considerable research experience to guide other group members.

Analysis process

Research outcomes in each separate district were analysed and captured in "district briefs". These findings were validated through discussions with consortium members and respondents at the district level. Following on from this validation process, an experienced team of researchers synthesised the district research findings, analysed the data, and drafted the final report.

Annex 2 District socio-economic profiles at a glance

Makwanpur[173]

Area 2,426 sq km
Total Population 478,385
Major Religious Groups
Hindu: 49.4%
Buddhist: 47.6%
Christian: 2.1%
Major Caste/Ethnic groups
Tamang: 47.34 %
Brahman Hill: 14.92 %
Chhetri: 10.56 %
Newar: 6.82 %
Magar: 4.57 %
No. of VDCs 43
No. of Municipalities 1
No. of Electoral Constituencies 4
Administrative Capital Hetauda
Borders Bara, Parsa and Rautahat (south), Dhading and Kathmandu (north), Chitwan (west) and, Lalitpur, Kavrepalanchowk and Sindhuli (east)
Sources of Livelihood Agriculture (rice, wheat maize, corn, millet, barley, potato, lentils, beans, vegetables, poultry, dairy and, spices); people are engaged in the public and private sectors as well. The industrial sector (manufacturing, production, construction and mining) and the mining of minerals, such as limestone, copper, kaolin and uranium, are also contributing to the revenue of the district.

Makwanpur was significantly affected during the Maoist conflict due to its centralised location. It was used by Maoist leaders as an administrative hub and to monitor surrounding districts such as Bara, Parsa and Rautahut.

Key security and justice concerns and trends identified during the research include:

- **Involvement of youth in crime.** Youth are perceived to be more actively engaging in various criminal activities such as threats, extortion and physical violence. They have also been obstructing tender-bidding processes of the private sector and using violent and intimidating ways to swing contracts in their favour. Community members identified political youth wings, as well as other youth gangs with criminal motives, as part of this increasing insecurity trend.
- **Contraband trafficking and substance abuse.** In some VDCs local people are still planting marijuana and opium for easy financial gain. Many unemployed youth are engaged in this occupation. Makwanpur has also been linked with being a transit location for the trafficking of drugs and women. Approximately four cases of drugs smuggling are being filed in the courts every day.
- **SGBV.** Women are perceived to be at greater risk of violence due to alcohol abuse by men, which is reportedly a key cause for domestic violence. Furthermore, sexual harassment and the rape of women and girls in the evening has restricted women's mobility; they fear going out after dark.

[173] District Office (2005). *District Profile Makwanpur 2061*. Hetauda.

Parsa[174]

Area 1,353 sq km
Total Population 497,219
Major Religious Groups
Hindu: 82.37%
Muslim: 15.40%
Buddhist: 1.98%
Major Caste/Ethnic Groups
Muslim: 15.41%
Tharu: 8.24%
Kurmi: 8.21%
No. of VDCs 83
No. of Municipalities 1
No. of Electoral Constituencies 5
Administrative Capital Birgunj
Borders Bihar State of India (south), Bara (east), Chitwan (west) and Makawanpur (North)
Sources of Livelihood Manufacturing and export-orientated industries (wool, leather, paper, textiles), as well as agro-based industries.

Parsa was significantly affected by the conflict and more recently by the *Terai* (Madhesi) movement. Parsa has been declared by the government as one of eight "security-sensitive" districts.

Key security and justice concerns and trends identified during the research include:

- **SGBV.** Domestic violence as a result of a lack of financial independence among women, a lack of public awareness on women's rights, accusations of witchcraft, and dowry traditions, which heighten intra-familial violence against girls, particularly in Madheshi communities. As a result, cases of suicide in women are believed to be significant in the district.
- **Political interference during criminal investigation.** Political parties protect criminals and trade unions, thus promoting a culture of impunity and undermining the industrial sector.
- **Corruption within the government administration.** Civil society respondents reported that some government officials collected bribes in border areas, allowing trafficking to take place. However, corruption has reportedly recently decreased in recent months.
- **The open border with India.** This heightens criminal activity related to smuggling of SALW, drugs and human beings (especially young women). Communities reported high levels of insecurity as a result of this cross-border trade.
- **Criminal groups comprised mainly of young men are emerging as key threats to security.** These groups are allegedly responsible for extortion, kidnapping, smuggling of drugs and SALW, and demanding donations from the private sector. Communities feel that these criminal groups are motivated by economic gain more than political agendas, and that unemployment is the key factor driving them to join these groups.
- **Lack of state infrastructure.** Respondents feel that the presence of state security providers at the local level is inadequate for effective security provision, especially WCSCs and services targeted at women.

[174] Branch Statistic Office (2005). *District Profile Parsa 2061*. Birgunj.

Bara[175]

Area 1,190 sq km
Total Population 559,135
Major Religious Groups
Hindu: 81.14%
Muslim: 13.42%
Buddhist: 4.48%
Major Caste/Ethnic Groups
Muslim: 13.43%
Tharu: 11.31%
Yadav: 10.43%
Bahun Hill: 5.29%
No. of VDCs 98
No. of Municipalities 1
No. of Electoral Constituencies 15
Administrative Capital Kailali
Borders Makwanpur (north), Rautahut (east), Bihar state of India (south) and, Parsa (west)
Sources of Livelihood Agriculture (paddy, wheat, maize, millet, barley, potato, sugarcane, poultry, dairy and, fish). Bara also has an industrial sector and has more than 250 industries within the district.

Key security and justice concerns and trends identified during the research include:

- **Domestic violence.** Practices such as polygamy, early marriage, and the dowry system continue to take place which increases vulnerability for women and girls. Due to employment opportunities overseas, many men take a second wife and women have followed similar patterns – this puts women at increased risk of insecurity due to economic dependency upon male household members.
- **Social violence.** Practices like accusations of witchcraft continue to exist and it is mostly women who are vulnerable to these practices.
- **SGBV.** Women are reportedly physically and sexually attacked outside of homes, especially in the evenings. Many respondents felt SGBV was high as perpetrators could easily move to India to escape prosecution.
- **Trafficking and an open border.** The open border is perceived as a key cause of insecurity which encourages the trafficking of contraband (drugs, poached items, SALW) and women across the border. The easy availability of SALW and drugs in the Bara market has been attributed to this open border.
- **Underground groups.** These groups are usually armed and conduct activities such as extortion, kidnapping for ransom and murder. There have been talks between criminal groups and the state 3-4 times, after which cases of kidnapping decreased; however, underground armed groups continue to be a cause of concern for security.
- **Unwillingness to report crimes to police.** People living in villages near border areas are reluctant to lodge complaints to the police for fear that their names might be disclosed to criminal groups.
- **Political interference.** The perception of political parties protecting criminals and underground groups is a key cause of concern in this district. A major cause for this is the pressure exerted by political parties upon security providers to withdraw complaints against perpetrators and criminal groups

[175] Central Bureau of Statistics (2012a). *Statistical Book of Bara District.* Government of Nepal National Planning Commission Secretariat. Available at http://cbs.gov.np/wp-content/uploads/2012/District%20Profiles/District%20profile_33.pdf

Sunsari[176]

Area 1,257 sq km
Total Population 625,633
Major religious Groups
Hindu: 77.09%
Muslim: 11.06%
Kirant: 6.73%
Major Caste/Ethnic Groups
Tharu: 14%
Muslim: 11.06%
Chhetri: 8.38%
Brahmin: 7.93%
No. of VDCs 49
No. of Municipalities 3
No. of Electoral Constituencies 6
Administrative Capital Inaruwa
Borders Saptari and Udaypur (west), Dhankuta (north), Morang (east), and Bihar (India) (south)
Sources of Livelihood Agriculture (rice, wheat, maize, sugarcane and jute), manufacturing and export industries such as jute, cooking oil, instant food products, soap, plastic and construction materials.

Key security and justice concerns and trends identified during the research include:

- **Political interference.** Political parties protect criminals and trade unions, contributing to a culture of impunity and undermining the security and justice sector. Political parties are also perceived as organising frequent *bandhas*, protests and demonstrations in order to exert pressure for the release of connected perpetrators.
- **Easy availability of SALW.** Criminal activities are increasing due to easy availability of SALW and are frequently used by criminal groups.
- **SGBV.** There is restricted movement for women and girls on roads and after dark for fear of sexual harassment, abduction or rape. Women and girls are increasingly being sexually assaulted and traded for sexual purposes within this district. Establishments such as cabin restaurants, dance bars and local liquor stops usually have young women and girls as waitresses and have often been accused of procuring girls for sex trafficking.
- **Alcoholism and substance abuse.** Male youths have been identified as perpetrators of crime under the influence of alcohol and drugs. This has led to increased domestic violence within homes, sexual harassment on the streets and marketplaces, robbery and theft in houses and on the street.
- **Political youth wings.** These groups create a lot of fear and insecurity in the district, which includes extortion, abduction, blackmail, obstruction in the delivery of security and justice, and contraband trafficking. They have a negative impact on the private sector by obstructing tender processes. Furthermore, they are mobilised by political parties for violent protests as they organize *bandhas* and/or *chakka jams*, even over small disputes.
- **An open border.** Sunsari shares an open border with India on the south side of its geographical territory. The open border has resulted in many unpunished cases of rape, sexual harassment, robbery and theft as perpetrators cross the border to escape justice.

[176] Branch Statistic Office (2006c). *District Profile Sunsari 2062.* Inaruwa.

- **Domestic violence:** practices such as verbal rebukes, physical harassment and accusations of witchcraft continue to create vulnerability for women. Unemployment, a lack of education and patriarchal society are cited as the main reasons for high levels of SGBV and domestic violence. Polygamy is a major problem within the Muslim community.

Morang[177]

Area 1,855 sq km
Total Population 843,220
Major Religious Groups
Hindu: 80.12%
Kirant: 7.38%
Muslim: 4.39%
Buddhist: 4.39%
Major Caste/Ethnic Groups
Brahmin: 13.04%
Kshetri: 11.22%
Tharu: 7.55%
No. of VDCs 65
No. of Municipalities 1
No. of Electoral Constituencies 9
Administrative Capital Biratnagar
Borders Sunsari (west), Dhankuta and Panchthar (north), Jhapa and Ilam(east), and Bihar (India) (south)
Sources of Livelihood Agriculture (rice, wheat, maize, sugarcane, lentil and jute); an industrial district (295 industries) which primarily focuses on jute, cooking oil, snack food processing, soap manufacturing, plastic manufacturing; a construction sector.

Key security and justice concerns and trends identified during the research include:

- **Improving the security situation.** There are positive perceptions that the overall security of the district has been improving over the past few months. This is due to increased police investigations in cases like extortion, trafficking, domestic violence, rape and other criminal cases compared with previous years. This has led to increased trust between the police and the community, and increased reporting of crimes. Criminal activities along the border and within the district are decreasing due to good coordination between Nepali and Indian security agencies.
- **Political interference.** Political parties protect criminals and trade unions, promoting a culture of impunity and undermining the security and justice sector.
- **Forced *bandhas* and road-related conflicts.** The transportation sector is heavily affected by large numbers of forced *bandhas*, shutdowns and *chakka jams*. These affect businesses in the transportation sector, as well the security of drivers and passengers. Demonstrators burn tyres, damage vehicles and physically attack people during these shutdowns. These *bandhas* and shutdowns are usually called by political parties (through their youth wings), identity-based groups or trade unions.
- **Power cuts/load shedding.** This decreases productivity and creates a gap between production and demand in the market, directly hampering profits for the owners and reducing their ability to pay wages. This creates unrest between workers and their employers, leading to heightened insecurity in many cases.

[177] Branch Statistic Office (2006b). *District Profile Morang 2062*. Biratnagar.

Siraha[178]

Area 1,228 sq km
Total Population 572,399 (Male: 293,933 and Female: 278,466)
Major Religious Groups
Hindu: 90.77%
Muslim: 7.18%
Buddhist: 1.74%
Kirat: 0.14%
Major Caste/Ethnic Groups
Yadav: 24.15 %
Muslim: 7.28 %
Musahar, Koiri, Teli: 16%
No. of VDCs 106
No. of Municipalities 2
No. of Electoral Constituencies 5
Administrative Capital Lahan
Borders Udaypur and Dhanusa (north), Saptari (east), Bihar state of India (south), and Dhanusa (west)
Sources of Livelihood Agro-based economy (rice, maize, wheat, millet, barley and potato) and fisheries comprise 47% of the population. 11% are engaged in carpentry/ labour and around 10% are engaged in the services of the governmental and non-governmental sectors.

Key security and justice concerns and trends identified during the research include:

- **Abduction and killings.** Armed criminal groups have been involved in abduction, killings and kidnappings within this district; the affected have ranged between a 3-year-old child to a 65-year-old elderly person. These groups remain hidden and are not visible within communities, making it difficult for the police to deal with such cases.
- ***Bandhas*/forced shutdowns.** *Bandhas* and forced shutdowns have increased insecurity and occur frequently for many reasons, both political and social. Youths, political parties and identity-based groups have been involved in calling for *bandhas*, as well as implementing them. This has a negative impact on peace as people are forced to shut down their businesses and shops, and it restricts their mobility.
- **Availability of SALW.** Due to the open border with India, SALW are easily available compared to other districts which heighten insecurity. The use of arms has been observed in various criminal activities such as abduction, killings, physical torture, demonstrations, robbery and theft.
- **Lack of accountability within security providers.** There is the perception amongst community members that the administration and some security providers are corrupt and are engaging with criminals who are active in abduction, killing and kidnapping for ransom. As a result there is less trust between community members and the police.
- **Political interference.** Political actors are perceived to be interfering with criminal investigations and pressuring security providers to stop arresting criminals who are close to them. People also perceive them to be engaging in criminal activities along with security providers. This has led to increased impunity within the district.

[178] Central Bureau of Statistics (2012c). *Statistical Book of Siraha District.* Government of Nepal National Planning Commission Secretariat. Available at http://cbs.gov.np/wp-content/uploads/2012/District%20Profiles/District%20profile_16.pdf

- **An open border with India.** The open border is perceived to be a key reason for the increase in trafficking and kidnapping, as criminals frequently take their victims to India, from where they are perceived to be expanding their criminal activities. Perpetrators usually hide in India to escape prosecution. Furthermore, most of the SALW used in this district are manufactured in India.
- **Domestic violence and SGBV.** Practices such as the dowry system, allegations of witchcraft against female members of the household, and physical and mental harassment by husbands and in-laws are a few examples given in Siraha. Patriarchal systems and values such as the dowry system, early marriage, and preference for male children is key reason for domestic violence against women. Women continue to face violence outside their homes as well, with rape and sexual harassment posing a key security problem. Patriarchal norms make it increasingly difficult for women to report crimes and seek justice for fear of being socially ostracised.

Banke[179]

Area 2,337 sq km
Total Population 385,840
Major Religious Groups
Hindu: 78.49%
Muslim: 18.99%
Buddhist: 2.02%
Major Caste/Ethnic Groups
Muslim: 21%
Tharu: 16.42%
Chhetri: 12.30.%
Brahmin: 5.94%
No. of VDCs 46
No. of Municipalities 1
No. of Electoral Constituencies 4
Administrative Capital Nepalgunj
Borders Dang (east), Surkhet, Salyan and Dang (north), Bardiya (west) and, Uttar Pradesh State of India (south)
Sources of Livelihood Economically, Banke is growing as a commercial and administrative hub for the mid-western region with increasing road networks, hotels, trade markets and educational institutions. The district capital, Nepalgunj, is connected with the border town of Uttar Pradesh in India; it takes only fifteen minutes to reach Indian markets from the city. The economy in Banke is largely agro-based, particularly on grain and vegetables.

There are four electoral constituencies in Banke District. In the last CA election in 2008, the CPN-Maoist was elected in three electoral constituencies and the Madhesi Janadhikar Forum was elected in one electoral constituency. Banke was also one of the most affected districts during the Maoist conflict.

Key security and justice concerns and trends identified during the research include:

- **Substance abuse.** It was identified as the major reason for insecurity in the community. People perceive that it is mainly male youths who abuse substances, which are easily trafficked from India across the open border. Substance abuse has not only affected young school-going children as drug peddlers look to sell more, but it also has other consequences within the district, namely SGBV. Community members reported various acts of sexual and physical harassment, molestation and rape of young girls and women by groups of male youths high on drugs.
- **Easy availability of SALW due to an open border.** The use of small arms among perpetrators involved in trafficking and selling drugs, arms and natural resource items such as wooden logs, sand and stones are reportedly common in the district, especially in VDCs located along the India-Nepal border. The main reason for this is easy access to local Indian markets and the open border between Banke and India. Many villages have roads going back and forth to India which are unmanned by security agencies of either country, which makes transportation of illegal items such as SALW and drugs easy.
- **VAW.** Levels of domestic violence and SGBV are high in the communities, particularly in Muslim and Madhesi communities. Patriarchal values and practices such as the dowry system, child marriage, and preference for

[179] Statistics Office (2006). *Banke District Profile 2005/06,* Banke.

male children are found to be prevalent and are the cause of many forms of domestic violence, such as physical torture, mental torture, physical and sexual assault, murder, and accusations of witchcraft against female members of the household. Economic dependency upon male members of the household increases women's vulnerability in this situation. According to community members and civil society, rape cases have been increasing due to political interference and impunity, a lack of access to justice and security, and the economic dependency of women in the community.

- **Increased reporting.** That said, people also perceive that reporting cases of domestic violence and VAW is more frequent now due to increased levels of awareness among women and community members. Some people perceive that, although the data shows that VAW and SGBV levels are higher, community members now trust the police more than before and lodge complaints against perpetrators. In March alone, 5 cases of domestic violence were reported in Muslim communities.
- **Political interference.** This has been cited as a major reason for increasing insecurity in the district. Most people perceive political parties to be pressuring security providers to not arrest political youth wing members and individuals close to them. Furthermore, as criminals seek (and many receive) political protection, people think that many crimes go unpunished. However, community members also state that the current police administration has initiated measures to improve the situation.
- **Underground groups (armed).** These groups are comprised of mostly male youths and are not politically powerful; therefore, they do not have the capacity to challenge the government. However, community members feel that they are terrorising the community. They are mostly involved in extortion, kidnapping, and SALW and drugs trafficking. Their motives are financial rather than political or ideological.

Kailali[180]

Area 3,235sq km
Total Population 616,697
Major Religious Groups
Hindu: 97.49%
Buddhist: 1.45%
Muslim: 0.55%
Major Caste/Ethnic Groups
Tharu: 43.7%
Chhetri: 17.4%
Brahmin: 10.7%
No. of VDCs 42
No. of Municipalities 2
No. of Electoral Constituencies 6
Administrative Capital Dhangadhi
Borders Bardiya and Surkhet (east), Kanchanpur and Dadeldhura (west), Uttar Pradesh State of India (south), Doti and Surkhet (north)
Sources of Livelihood The economy of Kailali is largely agriculture-based, particularly grain products. Due to political uncertainty and insecurity during the conflict and since the signing of the Comprehensive Peace Agreement there has been little investment by businesses and unemployment is high. Many youths have migrated abroad to the Middle East, the Gulf, and India in search of job opportunities.

It is the second largest district in Far West region, comprising 42 VDCs, and was highly affected by Maoist activity during the conflict. Out of the majority of the population, i.e. the Tharu population, many were forced to live as bonded labourers (*Kamaiya*) until the system was outlawed in 2000. Large tracts of land are still owned by a few landlords (mostly non-resident landlords originally from hill areas) and substantial inequalities prevail in Kailali as many groups remain landless and poverty stricken.

Key security and justice concerns and trends identified during the research include:

- **An improved security and justice situation.** Over the past two years community members believe the local security and justice situation has improved. A key reason for this improvement is that VDC Secretaries can now work from their working VDCs and not be restricted to district headquarters for safety reasons. Forced donations and extortions have also been reportedly decreasing, according to community members and key informants.
- ***Bandhas* and strikes.** *Bandhas* and strikes have continued to take place and people associated them with political parties, identity-based groups and youth wings calling for shutdowns to make demands on any issue, minor and/or major. This was perceived to have had negative impacts on local markets, the transportation and education sectors, and the daily movement of people. People perceive that every week there is a *bandha* organised by different groups, such as the Tharuhut, Brahmin Samaj, Chhetri Samaj and, Akhanda Sudur Pashchim.
- **An open border with India.** Due to the open border with India, there are some incidences of armed theft and robbery. These were perceived to be

[180] Branch Statistic Office (2006d). *Kailali District Profile 2005/06.* Kailali,

taking place as perpetrators usually commit crimes and escape to India using various routes; alternatively they originate in India. Trafficking of natural resources such as logs, sand and stones from Kailali to India have also been reported by community members.

- **Political interference within security agencies, particularly the NP.** Community members perceive that any criminal case (small or large scale) that is reported to the police is usually followed by political intervention. Political parties exert pressure on the police to release criminals without taking any action against them. People also perceive that the trend of "shopping" for political parties by perpetrators or the accused and their families is developing as individuals usually approach a certain political party for support and, if they do not agree, then they approach another political party.
- **Drug/alcohol abuse.** Due to poverty and unemployment many people, specifically male youths, are involved in drug and alcohol abuse, and criminal activities such as drugs and women trafficking, which has increased insecurity. Drug abuse is perceived to a problem in urban areas, such as the Dhangadhi municipality. This has led to as fear of travelling in the dark for women and children, as well as increased and theft and robbery after dark.
- **VAW.** Cases of violence against women are increasingly being reported, linked to increased awareness amongst female community members. Nonetheless, practices of domestic violence, linked to with strong patriarchal values and beliefs such as dowry, *chhaupadi*, child marriage, inter-caste marriage, and preference for male children, persist. Outside of their homes, women and young girls from marginalised communities also face SGBV threats such as rape and sexual harassment, particularly from both younger and older men.

Bardiya[181]

Area 2,025sq km
Total Population 382,649
Major Religious Groups
Hindu: 95%
Muslim: 2.78%
Buddhist: 1.57%
Major Caste/Ethnic Groups
Tharu: 52.59%
Chhetri: 10.63%
Brahmin-Pahadi: 9.45%
Muslim: 3.02%
No. of VDCs 31
No. of Municipalities 1
No. of Electoral Constituencies 3
Administrative Capital Gulariya
Borders Banke (east), Surkhet (north), Kailali (west) and Uttar Pradesh (India) (south)
Sources of Livelihood The economy of Baridya is largely agriculture-based, particularly grain, corn, potato, wheat, along with forestry and fishery products. Bardiya also has a National Park and employment is generated through tourism linked to the forest reserves and rivers which flow through it.

Key security and justice concerns and trends identified during the research include:

- **Substance abuse.** Similar to Banke, a major reason for insecurity in the community was, reportedly, substance abuse. People perceive that it is mainly male youths who abuse drugs, which are easily trafficked from India across the open border. Substance abuse has not only affected young school-going children as drug peddlers look to sell more, but it also has other consequences within the district, namely SGBV. Community members reported various acts of sexual and physical harassment, molestation and rape of young girls and women by groups of male youths high on drugs.
- **Gambling.** This has been identified by many community members as a contributing cause of violence, as many youths and men often gamble away their property and assets, leading to violence. Many of these cases are not reported to the police, but there are tensions among community members.
- **VAW.** Domestic violence and SGBV levels are high, particularly in Muslim and Madhesi communities. Patriarchal values and practices such as the dowry system, child marriage, and preference for male children are found to be prevalent and cause many forms of domestic violence, such as physical and mental torture, physical and sexual assault, murder, and accusations of witchcraft against female members of the household. Economic dependency on male members of the household increases women's vulnerability.

[181] Branch Statistic Office (2006a). *Bardiya District Profile 2005/2006.* Bardiya.

Kathmandu[182]

Area 395 sq km
Total Population 1,081,845
Major Religious Groups
Hindu: 75.49%
Buddhist: 21.66%
Muslim: 1.11%
Kirat: 0.70%
Major Caste/Ethnic Groups
Newar: 29.60 %
Brahmin: 20.51 %
Chhetri: 18.76 %
Tamang: 8.54 %
Magar: 3.24 %
No. of VDCs 57
No. of Municipalities 1
No. of Electoral Constituencies 10
Administrative Capital Kathmandu
Borders Lalitpur and Makwanpur (south), Nuwakot and Sindhupalchowk (north), Dhading and Nuwakot (west), and Bhaktapur and Kavrepalanchowk (east)
Sources of Livelihood The major source of livelihood is non- agriculture, such as the government and private sectors, which comprise 78.73% of the population. Only 21.27% are engaged in the agricultural sector (paddy, wheat, maize, millet, barley, potatoes, peas). Tourism is another source of revenue.

Key security and justice concerns and trends identified during the research include:

- **VAW.** Women have been suffering from domestic violence, such as mental and physical torture, as a result of polygamy, preference for male progeny, and the dowry system, linked to patriarchal values and beliefs, as well as economic dependency on male household members. In many cases, respondents identified that they were unable to access justice due to a lack of legal documents, such as marriage certificates. Informants perceive that around 90 percent of cases related to domestic violence are not reported due to reasons such as social stigma, family pressure, feelings of insecurity, economic dependency, a lack of knowledge and education. In many cases they are dealt with by family member and, community leaders.
- **Illegal alcohol production and consumption.** Due to low incomes and the lack of employment opportunities, many local people are perceived to be producing local wine (*raksi*) through unhygienic and illegal practices. This was reported to be encouraging alcoholism amongst community members, particularly male adults and youths, due to the easy availability and comparatively cheaper prices of *raksi*. Illegal alcohol production has also been linked to deaths within the district by community members and security providers.
- **Political protection and political intervention for criminals.** This poses a major challenge to maintaining security. Similarly, ethnic/communal groups sometimes try to influence investigation processes and demand the release of perpetrators who are close to their group or political party. This has a negative impact on the rule of law and has been perceived as encouraging impunity.

[182] Central Bureau of Statistics (2012b). *Statistical Book of Kathmandu District (In Nepali).* Government of Nepal National Planning Commission Secretariat. Available at http://cbs.gov.np/wp-content/uploads/2012/District%20Profiles/District%20profile_27.pdf

About the Partners

Forum for Women, Law and Development (FWLD) is an NGO established to work for the protection, promotion and enjoyment of women's human rights. In order to eliminate all forms of discrimination, FWLD uses law as an instrument. FWLD works to ensure women's, children's and minority's right and implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and other human rights instruments in the domestic level.

Informal Sector Service Centre (INSEC) was founded in 1988 with the objective of protecting the rights of people engaged in informal sectors. It works for the promotion of policies, institutions and capacity that contribute to the protection and promotion of human rights and democratic freedom. Its core competency areas are organizing campaigns, victims' reparation, reconciliation, awareness creation and education programmes for making people capable of asserting their civil and political rights, and documentation of human rights situation of the country and its dissemination at national and international arenas. INSEC works with disadvantaged groups such as agricultural labour, conflict victims, underprivileged women, and socially discriminated people, including Dalits and children.

Institute of Human Rights Communication Nepal (IHRICON) is a non-profit, non-political human rights NGO established by a group of media professionals and is actively involved in human rights monitoring, reporting and advocacy. IHRICON conducts in-depth investigations and research along with implementing innovative and high-profile advocacy campaigns that endeavour to bring positive changes to human rights related issues.

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National Business Initiative (NBI) was founded by fourteen major Nepalese business associations, federations, and individual companies in 2005 with the objective to strengthen the role and capacity of the Nepalese private sector to contribute to sustainable peace in Nepal. NBI currently has a total of 27 members and is working under four thematic areas; Peace Building and Conflict Mitigation, Economic Opportunities, Sustainable Business Practices and, Enabling Business environment.

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe that everyone should be able to lead peaceful, fulfilling lives, free from insecurity and violent conflict.

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Forum for Women, Law and Development
PO Box 26538, Kathmandu, Nepal
Tel +977 (0)1 4242683 / 4266415
Fax +977 (0)1 4240627
Email fwld@fwld.wlink.com.np
Web www.fwld.org

Informal Sector Service Center
GPO Box 2726, Kathmandu, Nepal
Tel +977-1-4278770
Fax +977-1-4 270551
Email insec@insec.org.np
Web www.inseconline.org; www.insec.org.np

Institute of Human Rights Communication Nepal
PO Box 5188, Kathmandu, Nepal
Tel +977 (0)1 4253943
Fax +977 (0)1 4216148
Email ihricon@mos.com.np
Web www.ihricon.org.np

International Alert
PO Box 24118, Lalitpur, Nepal
Tel +977-1-5523620
Fax +977-1-5528468
Email nepal@international-alert.org
Web www.international-alert.org

National Business Initiative
PO Box 24247, Kathmandu, Nepal
Tel +977 1 423 0947
Fax +977 1 422 9998
Email info@nbinepal.org.np
Web www.nbinepal.org.np

Saferworld
Nepal Country Office
PO Box 13576, Kathmandu, Nepal
Tel +977- (0)1 5522 491
Email general@saferworld.org.uk
Web www.saferworld.org.uk