Security and justice in Nepal

District assessment findings

MARCH 2010

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Acronyms

APF	Armed Police Force
CBO	Community-based organisation
CDO	Chief District Officer
CPA	Comprehensive Peace Agreement
CSO	Civil society organisation
FGD	Focus group discussion
GBV	Gender-based violence
JSSR	Justice and security sector reform
KII	Key informant interview
LDO	Local Development Officer
LPC	Local Peace Committee
NGO	Non-governmental organisation
VIP	Very important person
VDC	Village Development Committee
WDO	Women's Development Officer
WHRD	Women Human Rights Defenders

Glossary of terms

aama samuha	mother's group
bandhs	general strikes or shutdowns
bhadghar	traditional Tharu mechanism to resolve disputes
bhalmansa	traditional mechanism in Raji community to resolve disputes
chhaupadi	social practice under which women are kept in a small hut away from home during their menstrual cycle and during childbirth
kachahari	a village 'court', traditionally presided over by the village elder(s)
Khas	rice growing communities, thought to have been settled in the Karnali region since prehistoric times, who have maintained strong traditions, including the practice of decision-making by a village court, or *kachahari*
madrasa	a Muslim school
maulana	traditional leader in the Muslim community
Musahar	Dalits from the Terai. This group faces a lot of discrimination, even from the already marginalised Dalit caste.
mukhiya	traditional village leader

Executive summary

The signing of the Comprehensive Peace Agreement on 21 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 for security and justice providers in the country to refocus on meeting the needs of all Nepal's citizens. However, ongoing and emerging security challenges and a lack of resources have hampered the establishment of accountable, affordable and accessible security and justice sector institutions. People continue to feel insecure, although the causes of this insecurity differ from group to group, geographically and depending on people's gender and economic status. At the same time, there are clear opportunities for effective donor support to the sectors to assist Nepalis in building up their security and justice sector institutions, and thus improving the real and perceived safety and security of the population.

This report investigates the security- and justice-related experiences and perceptions of people living in six districts in Nepal affected by insecurity and weak governance, representing geographically, ethnically and economically diverse communities: Banke, Jumla, Kailali, Nawalparasi, Siraha and Sunsari. It focuses on the concerns of particular groups, including women, youth, marginalised ethnic, caste and religious communities, and security service providers. Some of the problems highlighted by this report are specific to certain groups, while others are more generally shared. The research was conducted in April and May 2009.

Key findings

The security situation is deteriorating in many areas. The Comprehensive Peace Agreement has improved security in some districts but new armed groups are emerging in others; it is difficult to identify whether their principal motives are criminal or political. Moreover, high levels of violent crime such as extortion, rape, kidnap and murder continue to undermine many ordinary citizens' security.

Gender-based violence remains a grave concern. Violence against women is a serious problem in all the assessed districts. Women do not feel safe to walk alone, suffer harassment in the workplace and experience domestic violence including marital rape in the home. There are also reported incidents of women and children being forced to work for the sex industry.

Political interference damages the security and justice sectors. In all the districts assessed, the public and often representatives from the police and justice sectors complained of political parties or powerful people interfering in the free and fair workings of the security and justice sectors. This undermines trust in police and judges and causes people to turn instead to informal justice mechanisms. Moreover, at the national level, threats to justice workers and political interference hamper the proper conduct of justice.

Political strikes have a debilitating effect. The practice of holding *bandhs*, which close businesses, roads and state institutions including schools for days at a time, is a serious security concern in almost all the districts assessed. However, in Nawalparasi, an agreement between all local parties, including the police, to stop the *bandhs* continues to function and an agreement to halt political interference in security agencies has helped the police to maintain law and order.

There are limited mechanisms for women to access security and justice sector institutions. This is in large part due to a lack of female police – which discourages the reporting of crime – and poor training of police (male and female) in women-related issues. This affects women's overall feelings of security.

Police forces are not representative, in terms either of women or of minority groups in a given area. Minority groups in many districts interact with the police less than those from majority groups, while sometimes being more likely to be arrested for crimes. This means the little interaction they have is largely negative.

Police are poorly resourced, with insufficient funds, personnel and/or equipment. Where they have resources such as vehicles, they cannot pay the fuel or maintenance costs. Police often need to travel large distances, either to monitor subordinates or to carry out standard duties. Officers interviewed often complained that they had to focus on non-core duties such as guarding VIPs – hampering normal policing duties.

Poor people have little or no access to justice. The cost of travel to often distant district police headquarters or courts, the expense of using lawyers and a perception that justice is reserved for the rich and powerful means poor people struggle to access the formal justice system, and instead turn to informal justice mechanisms.

Informal justice and dispute resolution mechanisms are in common use. Vehicles of justice such as paralegal committees and non-governmental organisations (NGOs) are generally perceived to be more efficient and cheaper than the formal mechanisms of the state, but some women in particular risk being marginalised from informal mechanisms that are male-dominated.

Chronic poverty causes deep-seated economic insecurity among some groups, as people are unable to afford food, shelter or medicine. Such extreme poverty, where it occurs, needs to be addressed first before higher needs, such as community-police relations or a functioning women's cell, can be confronted.

Recommendations

In some of the districts and areas assessed there is chronic insecurity (i.e. people fear for their lives on a daily basis). All stakeholders should consider whether, in these cases, there is an overriding need to improve security to a minimum level before undertaking any reform efforts.

There is also a need to link economic insecurity with physical insecurity in reform programmes. For example, employment is also a security need – both because a lack of any legitimate income-generating opportunities can lead people to engage in criminal activities, and because, for the extreme poor, the daily struggle to survive is itself a direct form of insecurity.

Below are suggestions for improving Nepali citizens' experience of and access to security and justice institutions.

To security and justice providers

- Establish an independent service commission to oversee the recruitment, transfers, promotions, incentives and punishment of security providers.
- Institute a zero-tolerance policy towards internal corruption including an appropriate disciplinary system with civilian oversight (could be linked to an independent service commission).
- Increase the representation of women in the security and justice sectors. Also increase the outreach and personnel of the women and children's cell of the Nepal Police so that it is able to respond to the security needs of women and children across the district by being represented at every police post.

- Prioritise improving approaches to gender-based violence in all areas of the security and justice sectors.

- Ensure fairness to all, regardless of gender, age, caste, religion, ethnicity or language. Orientation and capacity-building activities to change the attitudes of security personnel and justice providers regarding marginalised communities would increase their efficiency in tackling such cases.

- The police should increase their visible presence and trust among the local people through interaction, community policing and joint initiatives to address justice and security needs and concerns.

- Introduce citizen charters and provide for a public relations officer at courts to assist public understanding of the judicial process and legal services.

To national and local government

- Support the police in developing short- and long-term strategies to improve access to justice and security, including the provision of more resources to local-level policing initiatives.

- Introduce appropriate criteria to establish police stations and deploy police personnel on the basis of population and geographical conditions.

- Establish a common understanding among politicians, youth political wings and other stakeholders to respect humanitarian needs during the protests.

- Build capacity for and enforce gender-sensitive practices and approaches in the justice and security systems and all related government agencies.

- Introduce mechanisms to become more inclusive of marginalised groups, including at the more senior levels in the justice and security sectors. Existing acts related to inclusion need to be revised to close loopholes.

- Explore the current role of the informal justice system in Nepal and examine ways in which such mechanisms can a) respect certain justice 'norms', including human rights norms, and b) be used to relieve pressure on the formal sector, in a way that does not undermine the state's right to maintain a monopoly on provision of security and justice for its citizens.

To civil society

- Work with the police to develop local coalitions – including political parties, labour unions and other key stakeholders – that aim to limit the practice of *bandhs* and violent protests.

- Raise public awareness about the issue of gender-based violence, including laws and procedures, support mechanisms and knowledge of women's rights.

- Work with men to raise understanding and awareness of the concept and impact of gender-based violence in order to change deep-seated attitudes.

- Build upon existing networks and alliances, and create new ones with a larger diversity of sectors and stakeholders, to speak out against political interference in security and justice.

- Increase public discussion of security and justice issues, including respect for the rule of law, by working with security and justice providers, and with younger people.

To donors

- Take a co-ordinated, holistic and long-term approach on assistance to Nepal's security and justice sectors.

- Undertake a thorough assessment of the security and justice sectors at the programme-design stage.

- Support initiatives that make the link between security and economic development. Insecurity in parts of Nepal threatens to undermine economic recovery by severely restricting economic activity (e.g. through *bandhs* or extortion of businesses in the eastern Terai). Draw attention at the decision-making level to the economic costs of insecurity. Work with economic actors to advocate for improved security and justice provision.

- Support initiatives that aim to understand better the role of informal justice and security mechanisms at the local level. Look at ways in which these mechanisms can be better co-ordinated with the formal sectors – this may include supporting initiatives that seek to build the capacity of these informal mechanisms to be inclusive, transparent and respect human rights norms.

- Support initiatives that aim to reduce the information gap between Kathmandu and the districts. This could include supporting media initiatives that aim to share information, or initiatives that aim to increase local participation and consultation in issues related to security and justice provision/reform.

- Support the government to ensure that security and justice policy reform is gender-sensitive.

- Support programmes focusing on improving access to justice for women, the very poor, marginalised religious, ethnic or caste groups, geographically remote communities and youth.

Introduction

The signing of the CPA on 21 November 2006 ended a decade of fighting between the Government of Nepal and the then Communist Party of Nepal – the CPN(M).[1] This provided an opportunity for security and justice providers in the country to refocus on meeting the needs of all Nepal's citizens. However, ongoing and emerging security challenges and a lack of resources have hampered the establishment of accountable, affordable and accessible security and justice sector institutions. People continue to feel insecure, although the causes of this insecurity differ from group to group, geographically and depending on people's gender and economic status. At the same time, there are clear opportunities for effective donor support to the sectors to assist Nepalis in building up their security and justice sector institutions, and thus promote overall feelings of security and safety among the population.

This report documents the findings and recommendations that emerged from conducting district assessments on security and justice in the districts of Banke, Jumla, Kailali, Nawalparasi, Siraha and Sunsari for the project, 'Enabling Civil Society to Contribute to the Democratic Reform of the Justice and Security sector in Nepal'. The assessments investigated the security- and justice-related experiences of people living in the six districts affected by insecurity and weak governance, representing geographically, ethnically and economically diverse communities in four development regions. The report focuses on the concerns of particular groups including women, youth, marginalised ethnic, caste and religious communities, and security service providers. Some of the problems highlighted by this report are specific to certain groups, while others are more generally shared. The research was conducted in April and May 2009.

This research methodology involved 34 focus group discussions (FGDs) and 60 key informant interviews (KIIs): 48 in the districts researched (eight in each) and 12 in Kathmandu to supplement the findings of the district assessments. Two pilot FGDs were also held in Kathmandu to test the research methodology. The information from the FGDs and KIIs is supplemented with desk research of secondary sources and, where appropriate and available, with observations and information from local security providers. At all stages of the project its aims and objectives were clearly communicated with all concerned stakeholders to ensure conflict sensitivity.[2]
The participants of the FGDs were also selected in a gender- and conflict- sensitive manner and participatory tools were employed throughout the assessments to ensure inclusion and gender-sensitivity. For more information on the methodology used, refer to Annex 1: district assessment methodology.

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1 Now the Unified Communist Party of Nepal (Maoist) – the UCPN(M)
2 Conflict sensitivity means to understand the context; the interaction between a stakeholder, their activities and the context; and, to act upon the understanding of this interaction so as to avoid negative impacts and to maximise positive ones.

Security and justice in Banke District

1. Introduction

1.1 District context

Banke District is located in the Mid-Western Development Region of Nepal. The district covers an area of 2,337 sq km and at the time of the most recent national census in 2001 had a population of 589,150. The district is predominantly rural, with the exception of the Nepalganj and Kohalpur areas. Banke is bordered by the Nepali districts of Bardiya to the north-west, Salyan to the north-east and Dang to the east. It shares its southern border with the Indian state of Uttar Pradesh. The district has 46 Village Development Committees (VDCs), one municipality and three electoral constituencies. At the time of the census, the total literacy rate was 73 percent (55 percent for women). There were 480 government and 65 private schools, six government colleges and 31 private colleges, as well as 16 health posts. The population of Banke was 21 percent Muslim, 16.4 percent Tharu, 12.3 percent Chhetri, 5.9 percent Brahmin and 5.4 percent Magar. Linguistically, 44.2 percent of the people spoke Awadhi, 35.1 percent Nepali and 15.0 percent Tharu. There were 88,013 families in Banke, of which 51.4 percent were engaged in agriculture and 1.6 percent were landless.[3]

1.2 Security provision

There are 32 police posts in Banke, including one District Police Post, eight Area Police Posts in the areas surrounding Nepalganj, 14 Village Police Posts, two Border Police Posts and seven other posts. Temporary police posts are sometimes set up in areas of need. When the research was conducted, there were 30 temporary police posts in Banke. The district has one women's police cell, located at the district police headquarters.

In addition, there are 660 Armed Police Force (APF) members and 1,000 to 1,200 members of the Nepal Army located in the district.

Police cases in Banke in 2008 and 2009[4]

Death and murder	66
Suicide	73
Abduction	4
Small arms	17
Human trafficking	7
Drug use and smuggling	10
Polygamy	5
Rape	12
Robbery	1
Theft	1
Forgery (currency)	1
Forced donation	1
Public crime (vandalism of public property)	78
Forgery (citizenship)	2
Road accidents	26

Prison information[5]

PRISONERS IN JAIL FOR	TOTAL	OF WHICH WOMEN
Murder	60	8
Human trafficking	12	3
Drug use and smuggling	23	5
Rape	23	5
Theft and robbery	44	–
Small arms	15	–
Attempted murder	6	1
Public crimes	21	–
OF WHICH WERE		
Non-Nepali (mainly Indian)	29	3

1.3 Justice provision

In Banke, there is one Appeals Court, one District Court and one Bar Association. A judge from the District Court noted that the courts were overburdened with many pending cases and that they lacked human capacity and other resources to deal with their caseload in a timely way.

2. Community perceptions

For this district assessment a variety of communities in Banke were selected where FGDs and KIIs were conducted. During these discussions and interviews, participants were asked to define both security and justice. The following is a summary of their responses.

2.1 Security

The different participants in the FGDs varied in their understanding of security. Most stated that the protection of human rights and freedom of expression and movement were essential parts of security. Some equated security with the ability to work without fear. Participants felt that it was the state's responsibility to provide security to the people.

Civil society Civil society participants equated security with the fulfilment of fundamental rights. They saw a safe environment in which to work, without any difficulties e.g. without *bandhs*, harassment, violence etc, with respect for individual rights and freedom from fear as an integral part of security. They also expressed concern about the protection of their life and property. It was felt that free mobility and an absence of strikes and terror from criminals and armed gangs would bring security to the lives of the people.

Youth Younger participants equated security with happiness. Security was also mentioned in terms of an absence of clashes between youth groups, and the presence of political stability, elected local representatives and a transparent and accountable administration. The youth also thought that citizens should protect themselves.

4 District Police Office, Banke
5 District Police Office, Banke

Marginalised communities

The Tharu and Muslim community participants defined security in terms of the protection of life and property. Those from the Tharu community in particular mentioned that they considered security to mean a safe working environment. Those from the Muslim community related equality to security, and discrimination to insecurity. Muslim community participants asserted that there was discrimination from both the state and society in areas such as education. Muslims in Banke send their children to a *madrasa* to learn the Qu'ran and read Namaj. However, there was a perception among Muslims at the time of the assessment that the government was not providing equal subsidies to *madrasas* to enable them to provide the same level of education as other government schools.

Women

The women's focus group defined security as physical and mental peace and stated that violence against women should be stopped. For female participants, security involved living peacefully without any fear or tension. They also stated that frequent strikes were a major source of insecurity.

Women said further insecurity was being caused by threats from armed groups. They said emerging armed groups and criminal gangs were causing a security problem for the people, and that the police should do something about them in order to protect the people.

Government officials and service providers

Stakeholders from the security sector, army and civil service and Chief District Officers (CDOs) defined security as absolute peace. They stated that people's lives would be secure if there was no fighting between husbands and wives, no consumption of alcohol, no fighting in the village, frequent police presence in the community and protection of life and property.

2.2 Justice

Different groups have different understandings of justice, though most of the focus group participants defined justice as the protection of basic rights and the punishment of those responsible for crime.

Tharu community

Participants from this marginalised group equated justice to impartiality in the courts. They also thought justice involved the equal treatment of all, the punishment of a crime's perpetrators and the compensation of its victims.

Muslim community

Muslim focus group participants defined justice as the fair treatment of all with no discrimination against any caste or ethnicity.

Women

Female participants saw justice as freedom from fear. They stated that women were living in fear of domestic violence. They said women's lack of awareness of the formal justice system, as well as their economic dependence, prevented them from seeking justice in cases of domestic violence, which resulted in such behaviour being perpetuated.

Civil society and youth

Civil society and youth focus group participants defined justice as the fair treatment of all people. Freedom of speech and movement were also identified as essential elements of justice. They also considered government provision of food, clothing and shelter to helpless and landless people to be justice.

Other stakeholders including government officials and service providers

Stakeholders, including lawyers, judges, CDOs, the Superintendent of Police (chief of the District Police) and the Local Development Officer (LDO), all voiced similar opinions about justice, saying that justice involved the punishment of perpetrators and the compensation of victims.

3. Informal mechanisms

Banke District has some traditional mechanisms that handle communities' security and justice concerns, such as the *bhadghar* (a traditional Tharu mechanism to resolve disputes) and the *maulana*, a traditional leader in Muslim communities. Other dispute-resolution mechanisms include the services of SAATHI – an NGO providing psychosocial counselling and shelter to women – paralegal committees, community mediation centres and some other NGOs working with female victims of crime. It is only when cases are not resolved through such mechanisms that people will turn to the formal justice mechanisms.

4. Key concerns

4.1 Security

The situation in Banke is insecure. There are various armed groups operating in the district and it is very difficult to identify whether these groups are politically or criminally motivated. The major menaces to security are strikes, domestic violence, death threats, abduction threats, extortion and drug abuse.

Strikes, protests and road blocks have caused the situation in Banke to deteriorate since mid-2009. When strikes are underway, students are unable to go to school regularly and even ambulances are stopped, hindering patients from getting to hospital.

There have been some improvements to security since the election of the Constituent Assembly, but a large number of criminal cases are still being reported to the police. There are three major armed groups that are active in Banke – Himali Tiger, Terai Mukti Morcha and Jawala Singh – and the police have arrested criminals allegedly affiliated with these groups. In 2007–2008, the police arrested 22 people for murder, 18 for theft and robbery and nine for rape, including some Indian nationals, but there is no regular patrolling of the district's VDCs as there are not enough police or vehicles to do so. In some VDCs, the police posts are very far away from each other and there is no meaningful presence of security providers in the community. In addition, civil society groups are concerned that these groups can cause a possible escalation of religious conflict in the Nepalganj area of Banke where the majority of Muslims live, as Himali Tiger is a Hindu armed group.

Prostitution in Banke is an open secret, with members of the indigenous Badi community, a caste traditionally linked to cultural activities but more recently prostitution, said to be engaged as sex workers in the district, as well as in Bardiya, Dang and Kailali. Despite the visibility of the problem, the police take no action to stop it. The open border with India is also increasing the rate of drug abuse due to illegal drugs coming into Nepal and the availability of drugs over the border. These factors combine to make the people of Banke lose faith in the police.

Another major problem in the district is political interference in the security agencies. Police cannot punish criminals due to political pressures and in many cases criminals are given political protection and impunity.

Violence against women is another major security concern in most communities, with domestic violence being more prevalent in the Muslim community. There are many triggers for domestic violence, including dowry disputes, failure to produce a male heir, child marriage, etc. Female participants consulted in this study believed that impunity for the perpetrators of such violence was leading to an increase in

violence against women. Security providers are not pro-actively trying to prevent cases of domestic violence. In some cases, the police do not take domestic violence seriously if the perpetrator has links to political parties who pressurise the police, or if the perpetrator bribes the police. Additionally, the patriarchal beliefs of the police can cause them to take little action on such matters – this includes female police officers who have to follow the orders of their superiors and so may do nothing. The police also lack resources and staff capacity, including female police officers, which hampers the provision of security and justice.

Finally, the proliferation of small arms in Banke is a major security challenge. With various armed groups operating in the district and an open border with India in the south, the police have become unable to control the flow of small arms.

4.2 Justice

In Banke, many people, particularly those from marginalised communities, do not have access to state-provided justice. Communities including Muslims and Tharus resolve their disputes through traditional justice mechanisms, which command greater trust than the state mechanisms. Most disputes are settled locally between villagers, often with the mediation of village elders or respected men and women known for their integrity and honesty. Moreover, members of such communities mentioned that they did not have the time or resources to turn to the state justice mechanisms as these were lengthy and expensive. Some of the participants in the FGDs said that they occasionally visited VDCs to resolve disputes. However, VDCs also lack the resources and skills to resolve disputes and some VDC secretaries have not had adequate dispute-resolution or mediation training.

Many participants believe that the involvement of lawyers in simple cases complicates the dispute and delays the delivery of justice. A lack of transparency in the legal system and the weak presence of the justice system in rural areas make the state justice system irrelevant to many local people. Participants suggested that simplifying the existing trial procedures was necessary for better delivery of justice.

Judges interviewed agreed that the judicial process was cumbersome and that people did not trust the system. They believed that the whole system should be reviewed. Moreover, there should be a mechanism to protect evidence, as judges were facing difficulties in trials due to a lack of evidence. People are not aware of the need to protect the evidence pertaining to a case. Community representatives, particularly from marginalised groups, are not aware of the justice system or its procedures. Judges therefore think it is very important to increase legal awareness in Banke.

In terms of sexual violence, the Domestic Violence and Punishment Act passed in 2009 now needs to be implemented. Participants who live near the Badi community stated that sexual violence was not regarded as a crime. As a result, many women who suffer sexual violence cannot get any justice from the state. Badi sex workers are subject to sexual violence; in the general population, some women who have suffered sexual violence are forced to become sex workers. The law is seen as only being available to those who have power and property. Most women have neither power nor property, and are thus vulnerable to all kinds of violence in the community.

5. Participants' suggestions

Participants of the FGDs and KIIs made the following suggestions to reform the existing security and justice systems:

Increase political commitment: There should be a commitment from all political parties to support security and justice agencies in implementing all existing laws. There should be an end to political interference by the security and justice agencies or through their affiliated groups.

The police should interact with the communities: Regular interaction between communities and the police would help both sides to understand each other better. Without the support or co-operation of civil society, the police can do very little. Thus, to improve the security situation, there should be better co-operation between the police and civil society.

Provide more resources to security and justice agencies: These agencies need essential infrastructure and equipment in order to perform better.

Appoint more women police: Women recommend that there should be more female police officers at each police post. This would help them to share their problems openly without hesitation.

Crack down on criminal groups: Alleged criminals should be prosecuted and sent to jail if found guilty.

Declare Banke a *bandh*-free zone: People are tired of regular *bandhs* (strikes or closures) and wish for Banke to be declared a *bandh*-free zone. The people want schools, markets and hospitals to be open regularly.

Raise awareness: A number of stakeholder groups mentioned the need for greater awareness and understanding of legal issues, including women's rights, through awareness-raising programmes. For example, if women were to gain legal awareness, they could become more active in resolving women's security and justice problems.

Security and justice in Jumla District[6]

1. Introduction

1.1 District context

Jumla at a glance

Area 2531 sq km*

Population 105,001**

Major ethno-religious caste groups
Brahmin 74%
Dalit 19%**

VDCs 30

Municipalities 0

*Source: Development Profile of Nepal 2008, Shishir Vaidya and Ram Prasad Gautam
**Source: Annual District Development Plan, Fiscal Year 2065/066, District Development Committee's Office, Jumla

Jumla is the zonal headquarters of the Karnali Zone in the Mid-Western Development Region. It is one of the poorest districts in Nepal: it is rated 68th out of 75 districts on the most recent composite poverty index (2001) and until 2007 had no road links with the rest of the country. It covers an area of 2,531 sq km, and shares a border with Mugu to the north, Jajarkot to the south, Dolpa to the east and Kalikot to the west. According to a 2007 survey, Jumla had a population of 105,001.[7]

The same survey reveals that Brahmins/Chhetris represent the highest proportion (74%) and Dalits the second highest (19%) of the population. The economy consists largely of crop cultivation and the collection and trade of herbal products, such as *yarchagumba*. Seasonal migration of men to India for employment after the rice harvest is substantial, with women, children and the elderly left behind. With a tarmac runway and now a (poor) road link to the Terai, Jumla District headquarters is an important trading centre for a region with extremely poor access to the rest of the country.

Jumla was heavily affected by the conflict between the Maoists and the Nepal government. Two attacks by Maoist forces during the conflict destroyed or displaced the majority of government infrastructure and land seizure was widespread. Since the signing of the CPA in November 2006, security has been improving in the district and land is being returned, although in an ad hoc manner.

1.2 Security provision

Total police 224
Police per civilian ratio 1:469
Female police officers 6

Source: District Police Office, Jumla

At the time of the research there were seven police posts in Jumla to cover all 30 VDCs. There were 224 police personnel present in the district, approximately half of whom were located in and around the district headquarters. Only six of these personnel were female. There are a women and children's cell, a community policing unit and a human rights cell. However, these are all located within the district headquarters. The district police office had one vehicle, which was rarely used due to the poor state of the roads outside of the district headquarters. This lack of police capacity was reflected in community perceptions of the state security providers, with most participants and respondents lacking faith in the ability of the police to respond to their security needs, and instead preferring to use alternative mechanisms. This was particularly true of female and Dalit respondents.

The district jail serves both Jumla and Mugu districts and at the time of the research housed 18 prisoners, including five women. Most of the prisoners had been convicted of murder. Those convicted in Mugu are taken on foot to Jumla, regardless of their health – a walk of up to three days. There are frequent demonstrations by

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6 For more information on security and justice in Jumla, please see International Alert, 2008, Snapshot 1.3, *Security and Justice from a District Perspective.*
7 District Development Committee's Office, Jumla, Annual District Development Plan, Fiscal Year 2065/066.

prisoners to protest against late payments of allowances or poor-quality food supplies. The prison is a poor-quality stone and tin structure – fuel for heating is limited and prisoners are not entitled to a blanket until they have been there for a year, the expectation being that the prisoner's family/friends will supply the necessary clothing etc during the first year. For those prisoners who are taken from Mugu or remote parts of Jumla district, families are rarely able even to visit, let alone provide supplies. The police guarding the prisoners then take it upon themselves to find a spare blanket or spare clothing. At the time of the research, the jail was in debt to local government line agencies and businesses supplying food and electricity etc as prisoner's allowances (from which the payment for these essentials is taken and which are supposed to arrive from the central administration in Kathmandu) were reportedly four months in arrears.

1.3 Justice provision

As a zonal headquarters, Jumla houses both a District Court and an Appellate Court. Both of these see only limited numbers of cases, and are therefore assigned judges only part of the time, not the whole year round. In theory, this means that a judge based in Banke makes trips to Jumla to dispose of cases on a regular basis. In practice, the assigned judge visits Jumla only once a year and cases must wait until that time to be heard. At the time of the research, Jumla had seen neither a District Court judge nor Appellate Court judge for more than eight months, according to an official of the Appellate Court. There were 45 cases pending in the Appellate Court, relating to land, murder, robbery and divorce. Only one of these cases, a land case, had been brought by a member of the Dalit caste. There were no cases brought by women. Officials at the court felt that its decision was largely respected, but that it was generally only the middle classes who used the court system; the poor could not due to the distance and relative expense. It was felt that people were more disposed to use the police as mediators for smaller cases, as they gave an 'instant' verdict.

2. Community perceptions

As part of the assessments, participants in FGDs were asked to define both security and justice. The following is a summary of their responses.

2.1 Security

When asked what it meant to them, most participants understood security to be freedom from fear, freedom to move around, the right to live a peaceful life and the implementation of law by the state. Dalit participants in particular understood security more in terms of freedom from discrimination and access to basic rights.

Dalit community The major security concern of Dalit participants was the threat of violence on the basis of caste status. For example, a disagreement with a nearby Brahmin community in 2008 over the use of a community forest for the collection and sale of firewood ended in the Brahmin community setting fire to haystacks in the Dalit village, putting homes, livestock and villagers at risk.

Young men In contrast to the other groups, young male participants perceived the security situation to be getting worse. They attributed this to the 'increasing power' of political parties, which was leading to increased interference in the security and justice system. As one participant explained: "One party wants to demonstrate its power over the other, most often by ensuring 'justice' and 'security' for its

own cadres." Young men are mistrustful of the police, believing them to be biased against young males, and against urban youth in particular.

The young men interviewed also asserted that the increase in gang fights in the bazaar area had become the 'fashion', in that people did not worry about being arrested – if they were, then they became a 'hero' when their family or friends mobilised whatever power they had to get them released.

Women   By far the largest security threat raised by female participants was domestic violence. But none of the community members spoken to said that they would report a domestic violence case to the police, due to the absence of any female personnel. This reluctance to approach state mechanisms for such an issue could also be indicative of a culture of 'resolving' what is seen as a family problem within the family, and not seeking help from outside.

2.2 Justice

Participants defined justice largely as a mechanism through which rights were provided and protected, the perpetrator punished, the victim compensated and the innocent set free.

Dalit community   The Dalit communities and participants consulted did not use formal justice providers for fear that they would be discriminated against on the basis of caste. Instead, they preferred to resolve problems at village level, within their caste, believing this to be simpler, more accessible and instant.

Women   It was found that few women reported cases to the District Court – most cases in which the victim was female were addressed at the community level. It was felt by both male and female participants that the formal mechanisms were not 'sensitive' to the nature of the cases (for example, rape, domestic violence etc), and were therefore not appropriate. This lack of sensitivity was attributed to long, drawn-out processes that were often quite public, and the fact that the judicial system remained male-dominated. By contrast, there was a perception that 'only a woman can understand women's problems', suggesting the need both for more female personnel for security and justice providers and more training for all personnel in how to handle cases of gender-based violence.

Kachahari

A *kachahari* is in effect a village 'court', traditionally presided over by the village elder(s), usually male. Cases are presented to the *kachahari* and decisions are made and announced to the villagers assembled there. Nowadays, *kachahari* elders also consult other sectors of the community when making their decision, including women's groups and political parties.

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3. Informal mechanisms

Jumla District has a historical significance in the political history of Nepal. Once an ancient *Khas*[8] state, many traditional practices remain to this day. One such practice still widely used in Jumla for community decision-making is the *kachahari*. There are also other organisations and NGOs contributing to local decision-making and

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8   The *Khas* were rice growing communities, thought to have been settled in the Karnali region since prehistoric times. These communities maintained strong traditions, including the practice of decision-making by a village court, or *kachahari*.

dispute resolution through their groups and committees. Paralegal committees, the women's groups set up by the Women's Development Office (WDO) and village-level peace groups are the most common examples, and most local disputes are addressed through such mechanisms. Community participants felt that such mechanisms were very effective as they were locally accountable and provided cheap, accessible and instant justice. Female participants in particular found women's groups far more approachable and understanding than state mechanisms for the provision of security and justice.

> **Case study – community forest dispute, Haku VDC**
>
> Two nearby villages were both collecting firewood and fodder from the local forest. However, one village then decided to 'claim' the forest and stop the other village from accessing it. When villagers attempted to use the forest they were then stoned by members of the other village.
>
> The local Maoist leaders brought the villages together to resolve the dispute. It was decided that the forest would be divided in two, with a 'common area' in the middle. The villagers went along with the solution for fear of reprisals from the Maoists, and the arrangement was still in place at the time of the research.

4. Key concerns

After defining concepts of security and justice, participants were also asked to prioritise key security and justice issues as pertaining to a) the district as a whole, and b) their particular group.

4.1 Security

On the whole, participants felt that the security situation in Jumla had improved since the CPA. This was linked to a sharp decline in incidences of murder and violent crime. However, participants across the board also believed that other types of crime such as theft and gang fighting were on the increase. It was felt that this was due to the removal of the curfew in place during the conflict, resulting in an increase in alcohol abuse, which in turn had led to fights in the bazaar. An increase in burglary and theft was also attributed to increased mobility in the current context (i.e. the ability to move around freely, particularly at night, without fear of being questioned or suspected by the conflicting forces).

Theft and gang fights were largely believed to be perpetrated by people coming from 'outside' the village or the district headquarters. Participants based in the district headquarters in particular believed that these people came to Jumla bazaar to drink and commit crimes such as theft, vandalism and gang violence before escaping back to the protection of their villages, out of the reach of the police. Rural participants in particular felt that an increase in population, without a corresponding increase in economic opportunities or resources, was at the heart of an increase in petty crime.

Participants were generally sceptical about the ability of the security forces in the district to address their security needs. There is a general mistrust of security providers, partly as a result of the legacy of ten years of violent conflict in which state security forces were the perpetrators of countless human rights violations, but also stemming from the strong belief that security and justice are only provided to those who have access to power (be that political, economic, or social power).

4.2 Justice

Given the delay in moving cases through the District Court, and the length of time it takes for residents of some of the more remote VDCs to reach the district head-quarters, most disputes that take place in Jumla are addressed at the community level, using non-state mechanisms. When cases are taken to the District Court, it is believed that the response is better if one is accompanied by an NGO or community-based organisation (CBO). Generally, the formal court system is only used for cases such as land disputes, divorce or serious crime (such as murder), for which there is no alternative system of redress.

5. Participants' suggestions

Participants were asked their opinion on what measures could be taken (by the state and/or communities themselves) to improve security and justice in their district. Their responses are summarised here:

Extend the reach of the state: Participants expressed not only a need for more police posts and a stronger and more diverse police presence (with more female police in particular), but also the need to increase the reach of state judicial services beyond the district headquarters, where it remains inaccessible for the majority.

Increase dialogue: Young participants in particular felt that there was not enough discussion of security and justice issues, and that more space should be created for dialogue on these issues to take place.

Increase awareness: Throughout Jumla, participants felt the need for greater public awareness of issues and procedures relating to the provision of security and justice, in particular the judicial system, how it works and how to access it. Women participants also argued for greater awareness of women's rights related to security and justice, and how to access them.

Acknowledge the relationship between economic insecurity and physical insecurity: Dalit participants in particular stressed the need to recognise and understand the link between poverty and security, for example recognising employment as a security need – both because a lack of any legitimate income-generating opportunities can lead people to engage in criminal activities and because, for the extremely poor, the daily struggle to survive is itself a direct form of insecurity.

Address political interference: Civil society participants called for the need to address the issue of political 'interference' in civil society activism (i.e. threats and warnings to those who speak out against the activities of political parties). Participants felt that civil society could not engage in local debates on justice and security sector reform (JSSR) until its own security was ensured.

Conduct public audits: Civil society participants felt that public assessments of the performance of service providers would be a fast, effective way to improve service at the local level.

Security and justice in Kailali District

1. Introduction

1.1 District context

Kailali district comprises 35 VDCs in the plain area (Terai) and seven VDCs in the Shiwalik Hills area. India lies to its south, with Kanchanpur District to the west, Bardiya District to the east and the hill districts of Dadeldhura, Doti and Surkhet to the north. Out of a total population of 616,697, Tharus make up 43.7 percent.[9] There are other ethnic groups such as Raji and Chidimar which are listed as in danger of disappearing by the government. Other caste/ethnic groups include Brahmins, Chhetris, Thakuris, Kamis and Damais. According to the District Development Plan, 52.4 percent of people speak Nepali, 41.8 percent Tharu and the rest other languages. The economy is largely agricultural, with a strong emphasis on grain products. The east-west highway and the north-south road in west Kailali are central to the local economy. Following the ten-year Maoist conflict, the confidence of the private sector is now recovering, and investment in new business areas such as tourism and hydropower has begun, led by an energetic Chamber of Commerce.

The Raji community

According to the latest population censuses, the Raji community numbered 3,274 in 1991, dwindling to 2,399 in 2001.

Thousands of Raji families depend on traditional means of survival – fishing and hunting in the forest – according to the Nepal Federation of Indigenous Nationalities (NEFIN), a national body of indigenous groups at the forefront of the country's ethnic-identity movement.

Source: http://www.irinnews.org/Report.aspx?ReportId=77852, accessed 3 July, 2009

1.2 Security provision

Together with the District Police Office at the district headquarters there are six Area Police Posts and 35 Police Posts throughout the district.[10] There is also an Armed Police Border Security Unit of approximately 250 personnel. There is a women's police cell, but it is based in the district headquarters and lacks outreach capacity, in terms both of personnel and vehicles. There are approximately 500 police in the district. Police officers consulted for this research felt that the ratio of one officer to 1,200 residents was not enough to maintain law and order in the district. Police also lack the required equipment to pursue investigations, such as vehicles, radios, and fingerprint and DNA testing technologies. Senior police and

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9 Population figure: District Development Plan for the fiscal year 2065/66, District Development Committee, Kailali, Jestha 2065; Tharus are an indigenous community of the Terai; the proportion of the district population that is Tharu is derived from: Population Census, 2058.

10 This is a marked improvement on a reported 24 police posts in June 2008. See International Alert, September 2008, *Snapshot Series 1: Security and Justice from a District Perspective*, 1.1 Kailali; p.4.

government officials spend much of their time dealing with regular strikes, protests, road blocks and VIP visits (such as by politicians) in the district. Consequently, they have not been able to pursue other duties, such as investigating crime or other activities they feel constitute 'real policing'. Police officials also felt that the service providers were often under extreme pressure to give in to the demands of the public, however unreasonable those demands might be: interviewees characterised this as 'decision-making by the mob'. In the face of such 'mob' power, it was felt that the police and the administration were powerless to enforce the rule of law. This has given the police a feeling of both physical and professional insecurity.

1.3 Justice provision

There is one District Court located in the district headquarters, which is overburdened with pending cases. As the court is in the process of developing its five-year strategy, the District Judge was hopeful that much of its backlog could be cleared within that fiscal year (BS 2065–2066 i.e. 15 June 2008 to 14 June 2009). The judge also felt that the lack of basic computer equipment available for case management in the court had weakened its efficiency.

2. Community perceptions

2.1 Security

As part of the assessment, participants in FGDs were asked to define both security and justice. In general, the different groups within society defined security as a fundamental right, to be provided by the state. For them, 'security' was a situation where person and property were protected from harm. Similarly, freedom to move around, speak and work were also considered fundamental to feeling secure.

Youth Youth groups in particular spoke about security as an absence of fear, rather than in more physical terms.

Women Although agreeing with the general definition outlined above, female participants were relatively more concerned about the protection of self, children and community members, including from disease. They also emphasised freedom to move around as an important aspect of security.

Raji community The Raji community defined security as the provision of justice to those who are suffering from violence, and the support of innocent people in order to enable them to access justice. In contrast to other groups, participants from this community raised the open border with India as an issue of particular concern, and something that must be considered in any definition of security. Additionally, they raised the differing security needs of men and women. For example, local women do not have freedom of mobility or rights over property, while men are targeted for recruitment by emerging political groups (such as the Tharuhat National Council, an armed movement that wants an autonomous Tharu state) – a security concern specific to men that requires its own specific responses. Further, for the Raji community, security constitutes self-reliance, being able to exercise its rights as an indigenous community (for example access to natural resources such as water (*jal*), forest (*jungle*) and land (*jameen*). However, they were also of the opinion that security was a matter that could be managed by the state and the community.

2.2 Justice

Participants defined justice, like security, as a fundamental right that the state must safeguard. The general perception of justice was that it existed to acquit the innocent, punish the guilty and compensate the victim.

Youth For young participants, justice was about equitable distribution of services provided by the state. Young people also talked about justice as the abolition of 'social ills', including discrimination against women.

Women Female participants defined justice more in terms of freedom from violence against women and various types of discrimination such as caste discrimination, *chhaupadi*,[11] persecution of 'witches' or restrictions on the remarriage of widows. They perceived there to be justice when men and women were treated equally.

Raji community As well as the rule of law, justice for the Raji community was defined as the guaranteeing and upholding of the rights of indigenous peoples.

Tharu community For Tharu participants, justice was equated with the judgements made by traditional village mechanisms. Participants from this community believed that the verdicts given by the community leader (*badghar*) were fair and acceptable to all. While giving such verdicts, the *badghar* also consults community members. This practice was felt to be very efficient as justice was not subject to the delays of the formal system and was free of costs. However, it is not known to what extent the system can objectively be described as 'just': discussions with local CBOs and civil society organisations (CSOs) revealed that there might be weaknesses within the system when cases were brought by women (the *badghar* system is traditionally all-male), or where the *badghar*'s own family members were concerned.

Civil society Civil society participants defined justice as being broader than the upholding of fundamental rights and the rule of law. They felt it should go beyond this to citizens themselves having a sense of 'civic duty' while knowing their rights. They were concerned about a perceived deterioration of this sense of duty among citizens and instead felt that citizens were increasingly demanding their rights without considering their duties. They felt the justice systems should be easily accessible to the general public and should function much more quickly.

3. Informal mechanisms

Alternative, non-state dispute-resolution mechanisms used by Tharus and other communities, such as *badghar*[12] and *bhalmansa*[13], are prevalent in Kailali. The Tharu and Raji communities depend almost solely on their own informal systems and seldom approach the formal security and justice mechanisms. However, the chief conducting such mechanisms has so far always been male. As opposed to previous practices, such chiefs these days are practising consensual decision-making. Until now, they have approached the formal mechanisms only with regard to murder cases.

As well as these indigenous mechanisms, there are also mothers' groups and women's groups promoted by NGOs to help female victims of domestic violence. The groups dealing with violence against women primarily help the victims to follow the formal channels. However, these groups also mediate such cases locally

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11 *Chhaupadi* is a social practice under which the women are kept in a small hut away from home during their menstrual cycle and during childbirth. Often, such huts are not hygienic to live in.

12 This is a traditional mechanism in Tharu communities to take care of their security and justice concerns.

13 This is a traditional mechanism in Raji communities to take care of their security and justice concerns.

by bringing both parties together, witnessed by community members, to discuss the problem and commit to workable solutions.

4. Key concerns

4.1 Security

In general, most interviewees felt the security situation had been improving in this district since the Constituent Assembly elections. However, petty crimes such as theft were believed to have increased. The overriding concern regarding the provision of security in Kailali was political interference. People wanted to be accompanied by party leaders when they approached security and justice service providers, and party leaders themselves wanted to be present. People believed that it was only when accompanied by a political cadre that they would receive fair treatment and an outcome in their favour. Service providers did not oppose this practice, claiming that given the unstable political situation, they did not want to take sole responsibility for decision-making for fear of upsetting someone in power (either within a political party or higher up in the police force), and thereby putting their career on the line. This had led to a lack of accountability and low public trust in service providers.

People understood security as their fundamental right and the service providers also acknowledged this. However, there were no initiatives yet in place in the district to strengthen the capacity of security providers to uphold this right. As noted above, there were too few police posts and officers throughout the district to maintain law and order and there was also a shortage of the necessary equipment.

Bandhs and strikes called by various groups were making people's lives more difficult by disrupting the daily supply of goods, closing the markets and stopping industries and educational institutes from functioning. Unlike in the eastern Terai, until recently there had been no armed groups reported active in the district. However, there was now increased fear surrounding the recent inception and perceived growth of the Tharuhat Liberation Army, formed under the aegis of the Tharuhat Autonomous State Council in late-2008.

Another important concern in this district is violence against women. Although there are several mechanisms, such as the police, courts and legal aid, to deal with this issue, the general public was not aware of these mechanisms or whom to approach for what.

The Chief District Officer acknowledged that there was room for much improvement in the provision of security, but claimed the security situation was largely under control.

4.2 Justice

The Tharu and Raji communities, who together constitute the majority of the population in Kailali, heavily depend on their traditional justice systems (the *badghar* and *bhalmansa*) for settling disputes. These people have strong trust in their own systems and hence rarely approach state systems. The majority of cases brought to the district court are divorce cases, land disputes and disputes over property.

Similar to the security system, the justice system also faces interference from political parties. Under the Local Self Governance Act, the VDC has been given a judicial role at the local level. However, local people seldom approach VDCs

because there is a lack of human resources (particularly with no elected committees in place), and the secretaries have too many other responsibilities to perform the judicial aspect of their roles as well. Interviewees perceived the secretaries to be powerless in the absence of elected representatives in the VDCs. The ineffectiveness and unaccountability of state mechanisms were largely attributed to the 'chaos' in national politics.

Community members and service providers agreed that local, informal justice mechanisms were more effective at providing justice in petty crime cases. However, participants also highlighted many challenges in making informal mechanisms capable of fairly addressing such cases. These included whether mechanisms were formed democratically, with the inclusion both men and women, or were able to make fair judgments regarding all types of people (e.g. people of lower caste); whether the persons chosen had enough knowledge about existing state laws and acts; and whether there was recognition of such mechanisms by the state. Community members and service providers felt that there should be more inter-action and connections between the formal and informal justice sectors.

Community participants, including from the indigenous groups, were not aware of the systems and procedures in place for the provision of security and justice. The indigenous people rely more on their own systems, which are not recognised by the formal system. As there were no women police in police posts, women were hesitant to approach police and said they approached local women's organisations instead. Youth focus group participants were more concerned about equal access for all to the resources provided by the state (including, but not limited to, security and justice provision).

5. Participants' suggestions

Participants were asked their opinion about what measures (to be taken by the state and/or communities themselves) could improve security and justice in their district. Their responses are summarised here:

Spread knowledge: The participants involved in the research in both FGDs and KIIs suggested that to help civil society play a role in security and justice, there was a need for awareness-raising through local civil society of laws and rights relating to security and justice – and how to access them.

Address political interference: In order to avoid interference by political parties, participants suggested that civil society play a role in developing a list of agreed 'dos' and 'don'ts' for political parties and service providers. However, it was felt that this would need to be well discussed and agreed with the political parties at both district and local level to ensure that the process was constructive and had political support.

Provide better equipment: Security and justice service providers lack the basic infrastructure and equipment to pursue cases and investigate properly. Adding more police posts with enough equipment would ensure the security of people.

Increase access to justice by linking the formal and informal systems: Recognising alternative dispute resolution mechanisms by linking them to formal mechanisms and improving the legal knowledge of those involved would help people to access justice more quickly. However, any such mechanism would need first to be assessed as to its 'justness' and inclusivity. There should also be efforts to ensure that the representation of women, lower castes or others is not disadvantaged during the linkage process.

Fill the community service provider gap: Participants from the general public and service providers alike realise that the limited contact between the two parties creates a gap that leads to low trust in service providers and creates a window for political parties to manipulate the investigation and decision-making process. Both parties recommend more dialogue and interchange between service providers and citizens.

Appoint more women police: Female participants recommended having women police in each police post, as this would help them disclose problems openly and without hesitation. They also said that if they were provided with legal awareness on domestic violence, they could be active in supporting friends and family to seek help and legal recourse.

Security and justice in Nawalparasi District

1. Introduction

1.1 District context

Nawalparasi at a glance

Area 2,162 sq km

Population 562,870 (2001)

Major ethno-religious/ caste groups
Muslim 22.09%
Magar 17.21%
Tharu, Kami, Yadav, Gurung, Kumal, Brahman and Teli

VDCs 73

Municipalities 1

Source: District Development Committee and INSEC Human Rights Report 2009

The Nawalparasi District in Nepal is located in the southern part of the Western Development Region and shares a border with India. It also borders the Nepali districts of Chitawan to the east, Tanahu to the north, Palpa to the north-west and Rupandehi to the west. Nawalparasi covers an area of 2,162 sq km and had a population of 562,870 in 2001. The district headquarters is the small town of Parashi.

Geographically, Nawalparasi is quite varied, ranging from Terai plains to hilly areas to interior Terai. Economically it is a largely agricultural area, with over 80 percent of people engaged in agriculture.[14] The district is made up of one municipality and 73 VDCs. It has a heterogeneous population comprising both hill caste and Madhesi caste. Nawalparasi's multiple ethnic communities include Muslims (22.1 percent of the population) and Magars (17.2 percent), as well as Tharus, Kamis, Yadavs, Gurungs, Kumals, Newars, Brahmins and Teli groups. The total literacy rate in Nawalparasi is 53.3 percent, with male literacy at 66.0 percent and female literacy 40.9 percent. There are 456 government schools, 93 private schools, seven colleges and 55 higher secondary schools. Linguistically, 39.6 percent of the population speaks Nepali and 32.6 percent Bhojpuri, while the rest speak other local languages.

In Nawalparasi, there are many armed groups, such as Terai Mukti Morcha, Terai Tiger and Virus Killers.

1.2 Security provision

Total police 428
Police per civilian ratio 1:1,315
Female police officers 22
Madhesi police officers 77

Source: District Police Office, Nawalparasi

There are 31 police posts in Nawalparasi, including one district police headquarters and one Border Police Post. There is one women's police cell in the district.

The vast majority of participants in this research thought there were too few police and that they were ill-equipped. Due to a lack of resources, police could not react immediately when needed, resulting in a loss of the people's trust. Law and order were found to be deteriorating in the district as the security agencies were unable to maintain them.

The major causes of insecurity in Nawalparasi are the various armed groups operating there and road blocks. Quite often there are cases of rape and threats both from organised gangs and individual criminals, but because many police officers are occupied with *bandhs* and opening road blocks, there are very few personnel deployed to deal with general public security issues. In April 2009, however, the security agencies, civil society, the chamber of commerce and political parties made an agreement to stop *bandhs* and political interference in Nawalparasi, which has improved the situation in Parashi Bazaar.

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14 Agriculture Development Office, Nawalparasi.

The state of the prisons in the district is very poor and all the prisoners, including females, complained about the facilities. There was also overcrowding in the prisons. Most prisoners had been charged with crimes relating to small arms, drugs, murder, human trafficking, poisoning, rape or attempted rape. Nawalparasi District had a low number of prisoners convicted for murder compared with Banke District, which had a similar population.

Police cases in Nawalparasi in 2008 and 2009

Murder	17
Attempted murder	3
Accidental death	54
Deaths from traffic accidents	50
Attempted suicide	85
Dacoit	1
Abduction	1
Human trafficking	4
Arms trafficking	12
Drug trafficking	3
Rape	6
Attempted rape	1
Polygamy	6
Public crime (vandalism of public property)	26
Forgery of documents	1

Source: District Police office, Nawalparashi

1.3 Justice provision

In Nawalparasi, there is one District Court, one government lawyer's office and one Bar Association at the district headquarters. Though these institutions provide some legal aid services to those in need, very few people know about them. The Bar Association also lacks resources. As a result, people have lost faith in the formal justice system.

There is a lack of legal awareness in the district, resulting in most people trying to resolve their disputes through informal justice mechanisms. Poor people in particular thought that the court and Bar Association were only for rich people, believing that court procedure was lengthy and costly, and that lawyers were corrupt and expensive.

2. Community perceptions

During the FGDs and KIIs, participants were asked to define both security and justice. The following is a summary of their responses.

2.1 Security

FGD participants in Nawalparasi equated security with freedom from fear and want. Most thought that security meant ensuring human rights. Freedom of expression and mobility were also identified with security. In addition, even though some of the participants did not have an in-depth understanding of security, they held the view that it was the responsibility of the state to provide it.

Civil society Participants in the civil society FGD mentioned that political confusion had brought a lot of security problems to the district. *Bandhs* were the biggest concern in

Nawalparasi. Others included the various underground criminal groups who extort money from people, the proliferation of small arms, corruption, killings, abductions and rape – or threats thereof.

Women Women participants in Nawalparasi saw walking in the dark as a major security problem, as they felt threatened by all the armed groups in the district. They also mentioned feeling insecure within their families, communities and even the country itself due to the threat of rape and domestic violence. They said that domestic violence was prevalent in their families, often caused by dowry disputes. For these women, gender-based violence and discrimination amounted to insecurity. In some communities, women even mentioned that they were not given enough to eat, which they believed to be a form of injustice.

Musahar community People of the Musahar community did not have any knowledge about security or justice. Most said that the biggest cause of insecurity in their community was alcoholism. They said that men in particular started drinking alcohol from early in the morning and then would fight with their neighbours or beat their wives. For this reason, the Musahar community identified security as a way of protecting against domestic violence. Some people also mentioned that poverty and landlessness caused food insecurity and a lack of social status in the community.

Muslims Muslim participants had their own concerns regarding security. They believed that political interference in security agencies was one of the major problems in Nawalparasi. They wanted to practise Islamic law in their community, particularly in cases of divorce, and they felt that not having their own cemetery was a major security problem, as they did not want non-Muslims or animals to enter their cemetery for religious reasons. They complained that when they filed a case, the police and administration were not co-operative. Due to this, Muslims try to settle their issues at the community level and only go to the district administration office or police when such efforts fail to resolve the problem.

Youth Young people defined security as the freedom of expression and the right to life. They mentioned that trafficking, both of drugs and humans, was the biggest problem in Nawalparasi. Hooliganism was also identified as a security problem.

2.2 Justice

FGD participants in Nawalparasi defined justice as the punishment of perpetrators and the compensation of victims. They also perceived that receiving fair treatment from the police and judiciary to be a part of justice.

Civil society For civil society participants, justice was said to be the just treatment of everyone and equal opportunities for all. Participants also mentioned that human rights had to be respected and that the state's rules and regulations had to be followed.

Women Female participants said that, for them, justice was fair judgment against domestic violence, protection from the family and society (which promote the dowry system) and respect for women's rights.

Musahar community The Musahar community participants equated justice with equal treatment from all sectors, both governmental and non-governmental. Discrimination and exploitation from rich people, on the other hand, was regarded as injustice.

Muslims Key justice concerns for Muslim participants were the implementation of their own law (Sharia law) and having a private cemetery for the Muslim community. Participants felt that the government's imposition of the national law on their community was an injustice.

Lawyers For lawyer participants, justice amounted to the punishment of a crime's perpetrator and the compensation of its victim. In addition, transparency, good co-ordination with civil society, the impartial function of the judiciary and proper investigation of cases by the security sector were seen as important components of justice.

Youth Young people defined justice as equal access and opportunity for all. Justice was also seen to exist when a perpetrator was punished, when a victim received sympathy and support, when the authorities behaved impartially towards all sides and when a verdict was reached on the basis of right and wrong.

3. Informal mechanisms

As the state justice systems are expensive and the processes lengthy, people turn to informal justice systems to get instant justice. People in general do not trust the official justice mechanisms in Nawalparasi, and they think that there is no easy access to justice for the poor. There are local justice mechanisms such as paralegal committees, pressure groups and women's security networks that are actively dealing with security- and justice-related issues. The paralegal committees are particularly active. For cases of domestic violence, women go to paralegal committees for support; women from various castes have also taken paralegal training. The Muslim community has its own traditional justice system. If some incidents occur in the village, people report to the village leader, NGOs or *aama samuha* (mother's group). In cases involving women, social organisations play the role of mediators. About 75 percent of cases are resolved by these community organisations.

There are paralegal committees in 40 of the 73 VDCs in the district. The members of these paralegal committees are from various sectors of society. They include members of political parties, housewives, civil society members and VDC secretaries. Paralegal committees mainly advocate on legal issues, provide legal advice and education, and manage small disputes in the district. When more serious crimes occur, they refer the disputes to the formal justice system. The public appreciate these committees because they provide legal advice and support to the people.

4. Key concerns

4.1 Security

Since the CPA, the situation in Nawalparasi has not improved as expected. To a certain extent, violence, killings and terror have decreased but human trafficking, rape and communal violence have increased with the ethnic violence in the district. Frequent *bandhs*, strikes and blockades, have led to a deteriorating security situation. Political parties are recruiting youth into their political youth groups, which take law and order into their own hands thus becoming another source of insecurity in the district as they do not always abide by the law.

Geographical inaccessibility is another major problem for some of the VDCs in Nawalparasi. It takes around two days to reach the district headquarters from 17 of the VDCs. The nearest police post in these VDCs is about 30 km away. Of particular interest is that many participants said that when someone went to the police to report a theft or threat, the police would ask the victim to bring the perpetrator with them. This is one of the reasons why people go to informal service providers,

i.e. village committees, respected persons of the community, paralegal committees or the Centre for Legal Research and Resource Development (CeLLRD).

After the first Tharu *bandh* in April 2009, representatives from all local parties, including the police, CDO and other concerned agencies, made a joint agreement to stop the *bandhs*. Since the agreement, there have been no more *bandhs* in Parashi Bazaar. Similarly, the representatives made an agreement that there would be no more political interference in security agencies in Nawalparasi. After that agreement, police were able to arrest many armed criminals in the district, causing criminals to flee the district. However, the police have not been able to stop highway blockades by various political parties and individuals trying to put pressure on the government.

The emergence of various criminal groups is another concern in Nawalparasi. These groups indulge in crimes such as extortion, abduction, ransom, looting and murder. On this point many participants shared their experiences of receiving threats for ransoms. However, participants also mentioned that these groups' motives were more criminal than political.

Another security concern is that, although violence against women was increasing, women rarely visited the women's police cell. People mentioned that there should be regular police patrols in their areas to make them safer. However, the police were characterised as ineffective and inefficient. People pointed out that there was a nexus between the police and criminals regarding smuggling in the border area where both groups wished these activities to continue. This is a major obstacle to cracking down on criminality. One participant said that he had once reported drug smuggling in the border area to the police, with evidence, but the police administration had not paid any attention.

Finally, the proliferation of small arms is also a major problem in Nawalparasi. Police are unable to control arms trafficking due to the open border with India. Various armed groups are operating in Nawalparasi; they smuggle small arms from India and use them for their own purposes.

4.2 Justice

The people of Nawalparasi are well aware of the District Court and Bar Association, but the poor and the marginalised have limited access to justice. Many complained that the court and Bar Association were geographically inaccessible and had lengthy and costly processes. Participants said that the court favoured the rich and powerful. Political interference in the course of justice was identified as one of the major problems in Nawalparasi. For this reason, people preferred to use informal justice mechanisms which gave them instant justice without any cost. However, some participants complained that perpetrators of gender-based crime escaped punishment because of a lack of evidence. As a result, victims and their families were forced to withdraw their complaints.

5. Participants' suggestions

Participants in the FGDs suggested the following points for JSSR:

Provide local justice: There should be a state mechanism to give instant justice or legal advice to people at the local level. To provide justice in a timely fashion, there should be contact points in some of the local areas as opposed to just in the district headquarters.

Appoint local government representatives: VDCs and Ward Development Committees are needed at the local level to fill existing gaps – i.e. resolve local disputes – provide recommendations for citizens or refer to higher government authorities.

Build trust between communities and security and justice providers: Participants suggested running security sector reform programmes (such as awareness-raising, advocacy initiatives or workshops) in the district with a bottom-up approach. These could help increase trust between security personnel, justice providers, civil society and the community – and most importantly between the public and police.

Provide more training for security personnel in responding to public security needs: Training would help security personnel improve their relationship with the public and respond better to the public's needs – and understand the importance of doing so.

Prevent political interference: The security and justice sectors should be free from political interference.

Provide more paralegal training: Participants mentioned that more training was needed at the local level to raise awareness on legal issues and thereby help people to work on paralegal committees.

Boost the participation of women in the security and justice sectors: Women feel that there should be more female police officers and lawyers. This would give women greater confidence to report crimes and to take their cases to court. Whether staffed by males or females, security and justice institutions need to improve their commitment and effectiveness in tackling gender-based violence.

Increase police deployment: More police need to be deployed in each ward of the VDCs. There should also be female police officers in each police post.

Security and justice in Siraha District

1. Introduction

1.1 District context

Siraha at a glance

Area 1,188 sq km
Population 572,399
Major ethno-religious/ caste groups
  Yadav 23.99%
  Muslim 7.25%
  Musahar 5.51%
  Koiri 5.49%
VDCs 106
Municipalities 2

Source: Census 2001

Nepal's Siraha District is located in the Eastern Development Region and is in the Sagarmatha Zone. It borders India to the south and the Nepali districts of Dhanusha to the west, Udayapur to the north and Saptari to the east. The district covers an area of 1,188 sq km and comprises 106 VDCs and two municipalities. Sixty-six percent of the population are engaged in agriculture and fishing, producing mainly rice, wheat, fish and vegetables.[15] In 2001, it had a total population of 572,399, comprising many ethnicities, of which 24.0 percent were Yadav. Other caste and ethno-religious groups in the district included Muslims (7.3 percent), Musahars (5.5 percent) and Koiris (5.5 percent), as well as Telis, Tharus, Chamars, Harijans, Dhanuks and others. Linguistically, 84.7 percent of the population speak Maithili, according to the 2001 census. The literacy rate in 2001 in Siraha was 45 percent, but among women it was only 27 percent. In 2001 the district had 372 government and 31 private schools, three government colleges, nine high secondary schools, one district hospital and 112 health posts.

Siraha can be divided into three areas: north of the highway, centre (along the highway) and south of the highway. The district's headquarters, also named Siraha, lie to the far south of the highway, where 95 percent of the population is from the Madhesi community. The north has a mixture of hill caste people and Madhesi communities.

Lahan, a bigger town and one of Siraha's municipalities, lies along the east-west highway and is most frequently affected by strikes and *bandhs*. Whenever a political party calls for a *bandh*, people come to Lahan, close the city and stop transport. Lahan is targeted because of its central location, in order to have a greater impact on the region. Strikes have a big impact on community safety as they hamper the free movement of people and frequently lead to clashes between protesters and other groups. Strikes also shut down markets and people are often threatened if they open their businesses.

Although most hill districts were greatly affected by the Maoist movement, Siraha escaped much of the violence. However, after the CPA in 2006, as a result of the perceived long-term failure to invest in and develop the Terai region, Madhesis began to raise their voices in protest. Following the promulgation of the interim constitution, conflict started in Siraha in 2007, with some Madhesi groups calling for the establishment of a province for Madhesi people.

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15 Agriculture Development Division of Siraha.

1.2　Security provision

Total police　691

Police per civilian ratio
1:828

Female police officers
30

Dalit police officers　90

Madhesi police officers
200–225

Source: Superintendent
Police, Ramesh Kharel from
Nepal Police, Siraha

At the time of the research, the police presence in Siraha consisted of one district police headquarters, one Ward Police Post, eight Area Police Posts, six other police posts, two base camps, two temporary city police posts and the Border Police Posts. As Lahan has become a focal point for road blocks, most of the police in Siraha are involved in dealing with them and reopening the road. This distracts from a comprehensive approach to public security provision, with police unable to focus on policing within communities or tackling the significant and escalating problem of local armed groups.

State security providers, particularly the Nepal Police, are insufficient in number and lack resources. This has resulted in less effectiveness in tackling strikes, cracking down on criminals or addressing other public security issues. Other problems include police corruption, which the police themselves admit to, and the police's poor public image due to people's perception of a police-criminal nexus.

The security situation in Siraha has not improved since the signing of the CPA, and with various armed groups emerging (see 'Key concerns' below), the government put in place a comprehensive security policy in January/February 2009 under which it has provided additional equipment (vehicles and communication sets) to the security forces. It has also re-established some police posts in the district. However, police still lack fuel and the maintenance costs for the vehicles. Realising this fact, all the political parties have agreed to provide Rs.500,000 (about US$6,500) from all VDCs' budgets to give to the police for fuel and maintenance costs. The locals, however, are complaining that security personnel are still asking for money from ordinary people for fuel and maintenance. This is leading to mistrust between security providers and citizens.

1.3　Justice provision

Siraha District has one District Court where there are three judges to provide justice to the people, one district government lawyers' office and one district Bar Association.

Cases in the year ending March 2009 in the Siraha District Court

- There were 385 cases that had already spanned more than two years.
- There were 47 people in jail.
- In total, the District Court had 2,869 cases, of which 908 had already been heard by the court.
- There were 144 government cases, of which 56 had been heard.
- There were 446 criminal cases, of which 112 had been heard.
- There were 2,233 cases on general issues (i.e. not serious crimes), of which 740 had been heard.

Source: Siraha District Court

Observations of the Siraha Court

Women were rarely seen near the court and there were no security staff. According to court administration officers, people from the hill region do not come to the district headquarters due to security problems. The court had no female staff and there were no Musahar family cases reported to the court, according to a district judge and reports. There were also no cases of violence involving women in the district court, but there were four women in jail for cases of murder, theft, kidnap and drugs carrying.

2. Community perceptions

2.1 Security

In general, people in Siraha defined security as a peaceful environment in which people could walk, speak and move freely in any part of the country. The fulfilment of basic needs, freedom from threats and fear, and the respect of fundamental rights were also discussed as being elements of security. When asked who should provide security, the majority of people asserted that this was the responsibility of the state.

It was also mentioned that there should be no discrimination by the state. Participants in the FGDs thought state mechanisms were not free from discrimination – a source of insecurity for them. Others equated security with the cessation of all kinds of violence. Many regarded economic concerns as intrinsic to security. People saw co-ordination between the police and the community as essential for maintaining security in society.

Civil society   Civil society participants identified security as freedom from fear.

Youth   Young focus group participants had a broad definition of security. They thought that protecting and respecting human rights meant security, and that to some extent citizens, families, the community and society at large all had a responsibility, alongside the state, to ensure the security of citizens. It was also their view that social organisations, civil society, human rights activists, journalists and political parties each played a role in providing security.

Musahar community   Participants from the Musahar community, one of the most vulnerable groups in the Terai, had their own concerns regarding security and justice. Their perceptions of security focused on stopping alcohol abuse and fighting in the community. They also equated security with protection from violence, which allows for a peaceful life. Similarly, some mentioned that having a good meal, wearing beautiful clothes or a good relationship between husband and wife meant security for them. Most of the women in this community had no understanding of safety or security beyond the insecurity they felt within their homes due to incidences of rape and domestic violence. Most of the participants did not know what justice meant.

Women   Women participants viewed the security situation in Siraha in general, and in their communities in particular, as poor, but related this more to problems at the family level (e.g. women facing harassment when moving around or working or being frequently beaten by their drunken husbands) than to social, political or national security concerns. Local women stated that they could not move freely and they equated security with the ability to go wherever they needed to for their livelihoods, and to work freely without sexual harassment in the workplace. Security for local women also meant not being forced into sex by their husbands and putting an end to domestic violence. Women also equated security with love and care.

Madhesi groups   Participants from the Madhesi community regarded security as freedom of expression. They thought that the police and administration should provide security to the people. They also mentioned that political parties and their affiliate groups should not be involved in providing security and justice in their community, as these groups often clashed, creating problems and insecurity.

Security and justice service providers   Service providers equated freedom from fear and want with security. Moreover, they pointed out that the physical security of service providers was essential for them to perform their duties.

2.2 Justice

The majority of participants in Siraha thought punishing the perpetrator of a crime and providing proper compensation to the victim constituted justice. They asserted that social, economic, political and caste discrimination, or any form of exploitation, amounted to injustice, whereas fair and just actions against discrimination and exploitation amounted to justice. The participants stated that all criminals and perpetrators should be punished, voices of the marginalised should be heard and violence against women should be stopped. However, the majority of participants from this district did not have much trust in the state justice system, believing lawyers and judges to be corrupt.

Musahar community   The majority of participants from the Musahar community did not have a clear understanding of justice, but some of their ideas included having a piece of land on which to build a house and settle down permanently and equal treatment from the courts and government offices.

Youth   For young participants, justice was defined as respect for law and order.

Women   Women participants said that justice involved being able to enjoy women's rights i.e. freedom from gender-based violence and domestic violence. In addition, they regarded fair treatment at home and in society as an element of justice.

Madhesi group   To a group of mixed Madhesi castes, justice was seen to prevail when their voices were heard. Similarly, they stated that the fair treatment of everyone was a prerequisite for justice.

Security and justice service providers   Service providers thought justice consisted of the just treatment of all, as well as the punishment of a crime's perpetrators and compensation of its victims.

3. Informal mechanisms

Paralegal committees do not exist in Siraha. At the district and community level, VDCs, CDOs and community leaders provide justice. Some people from marginalised communities know where to go for justice, but because of poverty they cannot access the state justice system: in their view, justice providers (lawyers) do not work without being paid or, in some cases, bribed. This is one of the reasons people approach social organisations (which are free) for justice. People from the Musahar community feel that it is better to resolve problems within the community, as they do not have the money to go to the court. One participant mentioned that the state justice system involved a lengthy process and people might never obtain justice, so they went to informal justice providers instead to get 'instant' justice.

As the district headquarters is located in the far southern part of Siraha, it is very difficult for ordinary people to get services from government offices, particularly for those who live in the northern and north-eastern parts of the district. The findings of this study show that this distance is a factor when marginalised groups choose to turn first to informal justice mechanisms or political leaders to resolve their community problems, rather than to the formal justice system. Twenty percent of the population of Siraha are Dalits, but Dalits have never filed a case at the District Court in the district headquarters. However, they have been brought to the court by the police as criminals and are among those in custody and jail in Siraha – they have only ever had negative experiences of the court. In many places there are other informal mechanisms, such as the village leader (*mukhiya*), who can solve disputes, including land and family disputes. There are also several women's groups, including

Women Human Rights Defenders (WHRD), groups dealing with violence against women and women's security pressure groups, who try to resolve problems first; if they are not successful, they then help victims go to the police.

4. Key concerns

4.1 Security

Participants in this research stated that kidnappings, threats, social discrimination and political interference were the key challenges to improving security in the district. Arms proliferation, killings, abduction, rape, corruption and *bandhs* were also mentioned as big security problems. Younger participants also perceived theft, human trafficking, business shutdowns (temporary or permanent), unemployment and poverty to be major security threats in Siraha.

Participants from particular communities felt that the security situation in the district had not improved since the signing of the CPA, due to the various armed groups that operated in Siraha. After the CPA, the overall situation in Siraha deteriorated with the start of the Madhesi movement in 2006 in the Terai, which demanded regional autonomy. Thereafter, various armed groups started operating in Siraha, claiming to be fighting for Madhesi liberation and rights. The presence of more than 45 armed groups has been reported in the district, for example, Jwalashingh Samuha, Virus Killers, Madhesi Tigers, Terai Mukti Morcha and Terai Mukti Morcha (Rajan Samuha). Hill caste people feel insecure when walking, even during daylight hours. Many youths have joined these armed groups for material incentives, such as motorbikes, mobile phones and guns. Some also believe that such groups are being operated by political parties. They are involved in abduction, extortion, kidnapping, looting and murder. VDC secretaries and business communities in particular receive frequent threats from these armed groups. It is very difficult to assess whether these groups have political or criminal motives as the groups claim to have political agendas and links while locals say they are criminals.

Security personnel agree that, while the overall security situation of the country has improved since the CPA, the security situation in Siraha District has deteriorated. One security provider highlighted the proliferation of small arms as a major source of insecurity. This interviewee suggested that people kept small arms, mostly Indian-origin homemade guns from across the border, either for self-defence or for criminal activities. A further suggestion was that most of the armed groups had close links with Indian criminals, and Nepalis and Indians alike used and supplied arms in Nepal.

As Siraha shares an open border with India, guns are easily available across the border. These are used to threaten, kill, abduct and extort. Their increased availability may have been a factor in the increase of theft, violence and human trafficking in the district.

Participants also mentioned that political interference was hindering the maintenance of law and order in the district. This interference had led to a state of impunity and increased insecurity, as leaders used their power to get criminals released who then continued their criminal activities and caused security problems. Political parties were politicising events, increasing insecurity among the people.

In the Musahar community, female participants said they felt insecure within their homes due to incidences of rape and domestic violence. Participants said that both men and women from this community faced a lot of discrimination from other castes. Participants mentioned that poverty and landlessness were the biggest

problems in this community. They said that when the police had gone to patrol the Musahar community, they had a few times beaten the locals, and nowadays neither the police nor the CDO visited their community.

4.2 Justice

Communities in Siraha are well aware of the District Court and Bar Association. However, many people, particularly Dalits and other marginalised communities, mentioned that they did not have access to the state justice system due to poverty and geographical inaccessibility. With the District Court located in the far southern part of the district, people did not have the time and could not afford to visit it, and in any case they perceived the state justice system to be costly and lengthy. Most focus group participants stated that they were reluctant to approach the court or the Bar Association as they thought these institutions were for the rich and powerful. Instead, poor people visit informal justice mechanisms to get 'instant' justice. The poor also face difficulties in presenting the right evidence to the court. In cases of rape, poor women are unable to visit the hospital in a timely manner, and as a result evidence cannot be gathered. Many participants also pointed out that there was political interference in the justice system.

5. Participants' suggestions

People who participated in FGDs and KIIs suggested the following points:

Increase awareness of security and justice: Participants said there should be legal awareness programmes on gender-based violence and domestic violence so that the community, and women in particular, could be actively involved in addressing these issues. It was also recommended that civil society be given awareness training in security and justice.

Improve the delivery of justice: The state justice system should be made accessible to all and a system for less serious cases should be created in which justice can be delivered more swiftly.

Eliminate discrimination by security personnel: Participants from the Musahar community said the police should not discriminate against them when they visited security institutions.

Fully resource the police: The police and administration should be fully staffed and equipped, and receive any necessary training.

Improve co-ordination between CSOs and police: There should be better co-ordination between the police and civil society to improve security.

Increase the number of policewomen: Participants, particularly women, mentioned that more female police officers were required in all police posts to deal with cases involving women and to make it easier for women to express their problems. They also thought policemen should improve the way they dealt with women.

Improve trust in the police: Improve trust between communities and the police by improving the relations between communities and the police for example through regular interactions and seminars.

Address political interference: Political parties need to agree not to support armed groups or interfere in the work of police, courts or other security and justice providers. Civil society should speak out against political interference in security and justice.

Hold local elections as soon as possible: Service providers recommended that local elections be held as soon as possible to elect local representatives who are able to handle security- and justice-related issues at the local level.

Political parties need to work towards security: Political parties need to co-operate over reaching an agreement on improving security.

Write the constitution in the given time: On a national level, the constitution needs to be written by the agreed deadline so that people do not lose faith in the political system.

Security and justice in Sunsari District

1. Introduction

1.1 District context

Sunsari District lies in the southern part of the Eastern Development Region and falls under the Koshi Zone, sharing its southern border with the Indian state of Bihar. It also borders the Nepali districts of Udayapur and Saptari to the west, Dhankuta to the north and Morang to the east. The district covers an area of 1,257 sq km and comprises 49 VDCs and three municipalities. The geographic structure of the district is varied, ranging from the Terai plains to hilly areas such as Dharan.

To describe the security situation of the district, Sunsari can be divided into three areas: north of the highway, centre (i.e. the VDCs bordering the highway) and south of the highway. Inaruwa, the district headquarters, lies south of the highway and, at the time of research, was highly affected by *bandhs* and violent activities carried out by groups claiming to represent and demand the rights of the majority Madhesi population in that region. The north of the district is populated largely by those of Limbu and Rai ethnicity. There is a strong presence of Limbuwan and Khumbuwan groups who claim to represent the interests of these communities. This area is heavily affected by *bandhs* and disturbances carried out by the Limbuwan/ Khumbuwan groups, but less affected by the *bandhs* instigated by Madhesis in the south. *Bandhs* affect all aspects of life in the district, impacting particularly heavily upon businesses, the transport sector, the education system and generally restricting freedom of movement. The centre is less likely to be affected by the Limbuwan/ Khumbuwan and Madhesi strikes, but has been slightly affected by the emergent Tharuhat movement, while the south of the district has been badly affected by both the Tharuhat and Madhesi movements.

Since the nearby Koshi dam was breached by floodwaters in August 2008, the survivors, mostly people of Madhesi ethnicity, continue to live in camps for the internally displaced around the district headquarters. They face a severe shortage of basic needs (i.e. clean water, sanitation, good quality food and shelter) and their demand for compensation and relief aid has not been addressed by the government. In an attempt to have their grievances addressed by the state, the flood-displaced communities were regularly blocking the nearby highway at the time of the assessment team's visit. The leaders of the protesting group were also threatening to organise an armed group if the government failed to address their demands.

1.2 Security provision

There are approximately 35 police posts, including Area Police Posts, to cover 49 VDCs. There are two temporary border posts, established to deter armed groups and gangs from operating along the border area, and it is felt that these posts have been successful to some extent in deterring criminals, but only in the immediate areas around the posts, not along the entire border. According to almost all focus group participants, the state security provider, the Nepal Police, does not have sufficient

personnel and is poorly resourced. This has meant that increases in protests called by different political parties and in criminal activities of armed groups, both established and emerging, have not been effectively addressed. The lack of equipment such as vehicles and radios for the security forces has been a considerable obstacle in tackling the deteriorating law and order situation in the district.

At the time of the research the district had approximately 1,000 police, of whom 15 were female. Among this total force around 200 were temporary, deployed from surrounding districts to help address security problems resulting from the Koshi floods in 2008. There were therefore only 800 police personnel in place to deal with general public security issues in the district. The police had 12 vehicles, some of which were donated by the Indian government. The maintenance and running costs of these vehicles has proved difficult to cover.

Since the Koshi flooding, the APF has been deployed in the district to facilitate the movement of vehicles along the east-west highway by overseeing the operation of a ferry carrying vehicles across the flooded section of the highway. This service has provided relief from the high fare that some private ferries have been charging stranded passengers. Locals from a village near the APF camp in Chathara reported feeling increasingly secure due to the presence of the APF in their area and there was a corresponding perception of a decrease in drug-related crime and theft.

Younger participants stated that security providers' behaviour was rude and heavy-handed when dealing with youth. As a result, young people were less likely to trust providers such as the police.

1.3 Justice provision

There is one District Court at the district headquarters, and the Bar Association has some capacity to provide legal aid services to those in need. However, this has been limited due to lack of resources.

> **Lack of ethnic diversity**
>
> In Sunsari, many respondents felt that both the security and justice sectors are dominated by those of 'Pahadi' origin. Like the government bureaucracy, the lack of representation of those of Madhesi origin means that these services are perceived as representing the interests of Pahadis but not those of Madhesis.

2. Community perceptions

As part of the assessments, participants in FGDs were asked to define both security and justice. The following is a summary of their responses.

2.1 Security

Broadly speaking, FGD participants equated security with the freedom to 'live a peaceful life' i.e. freedom from threats and interference. Similarly, they mentioned the importance of the fundamental rights to be free to work and own property. Some of the participants stated that it was the responsibility of state mechanisms such as the police, army and courts to provide security to citizens.

Women   In addition to the general definition, female participants saw security as a means to protect women from domestic violence and other forms of violence against women, from the household to the national level.

Youth   In contrast to other groups, young people saw security more in terms of protecting resources such as water, land and forest. They also had a clear view that without security, peace could not exist.

Madhesi   Representatives of the Madhesi communities defined security in terms of the protection of human rights. It was felt that these rights could also be protected by local institutions. The other concern expressed was the prevalence of nepotism and sycophantism within the security forces, which they believed to be the root cause of the deteriorating security situation in the district.

2.2 Justice

In general, people defined justice as punishing the perpetrator and 'freeing' the victim by providing fair judgment without the victim having to pay for this privilege.

Civil society   For civil society participants, justice consists of equal access to opportunities. They identified the unequal access to justice for the poor, lower castes, marginalised ethnicities and those lacking in education as a potential cause for concern in the district.

Women   Female participants equated justice to the fulfilment of women's rights, protection of women and ensuring that victims were able to receive unbiased verdicts based on proper investigation.

Madhesi   Further to the general definition above, for Madhesi participants, justice involved standing against bias, suppression, discrimination and inequality. The participants argued that it was the responsibility of the state to abolish all such existing discrimination.

3. Informal mechanisms

Paralegal committees in this district are very active in solving local disputes within their local VDCs. Such committees consist of local community members of different caste, class, ethnicity and gender groups who have received paralegal training. These committees are appreciated for giving judgments and acting as a referral and advice mechanism for those seeking to access state security and justice systems. The committees deal with cases that relate particularly to women, such as gender-based violence, property rights or divorce.

In some cases, paralegal committees are also taking action against those accused of committing crimes within the community. In such a case, the paralegal committee involves political party leaders, the VDC secretary and civil society members who hear the case and then decide what punishment is appropriate. The method of convening political party leaders and other community leaders protects the paralegal committee from threats or backlash from perpetrators or their families and friends.

In addition, other women's CBOs and NGOs carry out a similar role, for example in terms of mediating cases of domestic violence, but they generally lack training or knowledge of formal mechanisms for redress.

4. Key concerns

4.1 Security

Since the successful Constitutional Assembly elections on 10 April 2008, there has not been any significant improvement in the security situation of the district. Instead, most believed it to be deteriorating. Among the biggest sources of insecurity were the heightening tensions along ethnic lines. Children and young people are being mobilised by political parties and are often the main participants in party programmes, *bandhs* and demonstrations. *Bandhs*, sometimes lasting more than a week, are regularly called by different politically and ethnically affiliated groups and cripple all economic and educational activity in the district.

All three areas of the district are facing ethnic conflict, involving three different groups. A profound understanding and knowledge of the district is therefore necessary to provide security effectively. However, as is often the case for government officials in Nepal, senior police such as the Superintendent of Police (SP) or his/her deputy are usually transferred to another district before their familiarity with the district has enabled them to put forward any initiatives.

Established and emerging criminal gangs are another security threat in the district. People perceived that such groups were protected by political parties, resulting in impunity, which in turn led to an increase in the crimes these groups committed. The district is experiencing increasing numbers of cases such as extortion, abduction, ransom, looting and murder (reportedly over 30 such cases occurred during the Nepali year of 2065 – April 2008–April 2009). In addition, those who are running businesses, and legal experts in the district, receive threatening calls by the armed groups, adding to the feeling of lawlessness and insecurity. It is also very difficult to identify whether the perpetrators belong to political parties or criminal gangs.

The situation has also had a significant impact on the media. Several armed groups have called FM radio stations to broadcast news of murder cases or bomb blasts, claiming their involvement – their motivation being to increase the political or economic 'bargaining power' of their group. According to one of the FM radio station managers, in the current situation it is considered too much of a risk for the media to approach these criminal gangs or political factions for dialogue. This is in contrast to the period of Maoist insurgency when the conflict was seen to be based on a clear political ideology and there was space to hold talks with, and interview the leaders: the motivations behind the activities of armed groups are now increasingly unclear.

Participants also discussed the rising threat from drug abuse, prostitution and the trafficking of women to India. These were also making people feel insecure and worried about the impact on children and young people, particularly with regards to drug abuse.

4.2 Justice

People in the district are aware of the existence of the District Court but the locals from village areas prefer to use paralegal committees or other alternative mechanisms because they get advice or justice instantly, saving time and money. Most of the participants at VDC level were reluctant to visit the District Court because they believed that the court gave justice only to the powerful and economically well-off. Another drawback of the state systems is the lengthy legal process, an issue also raised by the lawyers from the Bar Association as a major disincentive to use the courts. The state judicial system has also been affected by political interference,

resulting in people losing faith in the court. Consequently, according to court officials there were only six cases of abduction filed in the District Court in the 12 months prior to the research despite 31–32 cases that were reported by the media to have taken place that year.

> **Political party interference**
>
> Political party interference was a widespread concern raised by all respondents. One senior security provider complained that whenever they caught any person involved in criminal activities, they had to set the person free without giving any punishment. This would happen after they started receiving phone calls from the political leaders. A similar trend is influencing the operation of the justice sector. All participants called for interference from the political parties to be stopped as a matter of urgency in order to maintain law and order.

5. Participants' suggestions

Participants were asked their opinion on what measures could be taken (by the state and/or communities themselves) to improve security and justice in their district. A selection of their responses are summarised here:

Increase the number of police posts: Participants from the VDCs asserted that more police posts, together with more personnel and vehicles, were required to control drug-related crime and minimise robbery.

Improve behaviour of security forces: It was felt that more transparent investigation processes and a shift in police behaviour would help to address the gap in trust, especially towards youth.

Make security forces inclusive: the Madhesi community participants were concerned about the minimal presence of Madhesi people in the middle and higher ranks of the security forces. By making the force inclusive it was felt that the police would be more effective (for example by being able to communicate in local languages).

Provide paralegal training at VDC level: Across the district it was felt that paralegal training as well as increased judicial authority of VDC officials to resolve smaller local disputes would help solve disputes at the local level and increase people's access to state systems by ensuring that a source of advice and guidance was available.

Implement a domestic violence act: Female participants felt that the new constitution should provide for strong punishment for the perpetrators of domestic violence.

Key informant interviews

To supplement the findings from the six district assessments, the research team also conducted several interviews with key informants in Kathmandu, including representatives from the Nepal Police, Nepal Army, the Supreme Court, the Attorney General's Office and the Ministry of Home. The main findings of these interviews are summarised here.

The role of civil society. Some Kathmandu-based stakeholders warned of the current or potential politicisation of civil society actors. One interviewee said that "civil society are politically biased and driven by personality"[16], a view shared with representatives from different parts of government. However, stakeholders also felt that civil society could play a useful role, for instance in "educating the wider community about the present procedures of the legal system, including provisions and rights regarding legal aid"[17], or teaching people about their rights and concomitant duties[18]. Others were more sceptical that civil society could help, saying that "we haven't seen any fruitful result yet" from civil society engagement in the Terai[19] or that CSOs "know little about the justice system in Nepal, who is involved and how it works".[20]

The difficulty of mainstreaming gender strategies throughout government. One interviewee highlighted the need for more gender-sensitive policies throughout government[21] although others did not address the gender issue directly. The Ministry of Women, Children and Social Welfare has set up co-operatives at the village level which could provide a good entry point for further education and awareness-raising of the men and women involved. Out of the six districts assessed, co-operatives existed in Nawalparasi, Banke, Jumla and Kailali when the research was conducted.[22]

Interference of political groupings in the security and justice sectors. Several interviewees pointed to political interference, supporting the findings from the district-level focus groups. One said: "Political interference is rife, even at this level in Kathmandu. Pressure comes from political parties, who justify everything in the name of 'transition'"[23]. Another thought: "There is a trust deficit between police and public. There is a political intervention."[24]

Resource constraints. There are some specific challenges related to resourcing, but the sector is not facing a resourcing 'crisis'. For example, the police have 'manpower constraints', with a ratio of one police officer to 600 citizens, rather than to 200–300 citizens.[25] There are also problems with resources at the micro level, with focus group participants and interviewees alike highlighting the issue of insufficient funds for fuel and vehicle maintenance, which has a detrimental effect on police response and patrolling. In the courts, capacity is less of a problem, but there is an

16 Interview with representative from the Ministry of Defence, May 2009
17 Interview with representative from the Supreme Court, May 2009
18 Interview with representative from the Armed Forces, May 2009
19 Interview with political party representative, May 2009
20 Interview with representative from the Supreme Court, May 2009
21 Interview with representative from the Nepal Police, May 2009
22 Interview with representative from the Ministry of Women, Children and Social Welfare, May 2009
23 Interview with representative from the Attorney General's Office, May 2009
24 Interview with representative from the Ministry of Home Affairs, May 2009
25 Ibid.

issue of efficient allocation of resources: "District courts are a little overstretched and lack resources (e.g. computers). As for Appeal Courts, we have too many … The case is not necessarily a lack of manpower or resources, rather we just need [to] use what we have more strategically and effectively to clear backlogs and dispose of cases more quickly – this is now happening, starting with the Supreme Court."[26] In the case of the Ministry of Women, Children and Social Welfare, they have "funds and ideas but the delivery mechanisms need to be strengthened (for example the lack of elected local officials, VDC secretaries in some areas, and limited outreach of Women's Development Officers (WDOs) is a major obstacle to the effectiveness of Ministry programmes)."[27]

Safety of justice sector staff. While most interviewees did not mention this as an issue, one said that "district attorneys are facing personal threats to their security from armed groups, particularly in the central and eastern Terai".[28] The more general comments on political interference in the sector and the presence of armed groups in the country suggests that this may be a more widespread problem that needs to be addressed sensitively.

26 Interview with representative of the Supreme Court, May 2009
27 Interview with representative of the Ministry for Women, Children and Social Welfare, May 2009
28 Interview with representative of the Attorney General's Office, May 2009

Conclusion and recommendations

Nepal's security and justice sectors are facing many challenges in the post-CPA era. Some of these challenges are common to national and local levels, others are specific to certain groups or districts. All of them require a concerted, joined-up effort in order to improve access to justice for Nepali citizens.

In some areas, profound and sometimes chronic insecurity for ordinary citizens makes it difficult to plan – or even imagine – broader JSSR. These areas are obviously priorities for the national and relevant local governments, security and justice providers, and donors alike. But here, as well as elsewhere, assistance and reform efforts should be framed in a longer-term strategy of consolidating peace, guaranteeing respect for human rights and free and fair access to justice for all.

The presence of established and emerging armed groups, high levels of violent crime, the practice of *bandhs*, political interference and links between police and criminals all pose serious challenges for law enforcement and the establishment of the rule of law. At the community or grassroots level access to state security and justice providers is extremely limited, particularly for marginalised groups and the very poor.

Gender-based violence, awareness of women's rights (among men and women) and women's access to the security and justice sectors require urgent and focused attention from all stakeholders. Women themselves are highly aware of the problem, and provide constructive suggestions over how to address it. Any reform or assistance effort should therefore be designed in concert with women in order to address their needs sensitively and effectively.

The police, and to a lesser extent the courts, are under-resourced and politicised, and therefore are in many districts unable to respond to the security and justice requirements of marginalised groups. Women and other marginalised groups are under-represented in the sector, further limiting their ability to access these services.

At the same time, informal justice and dispute resolution mechanisms such as paralegal committees and NGOs provide vital access to justice for many at the community level. While not perfect, for example in the representation of women and in the protection of women's rights, these mechanisms can relieve some of the burden of justice provision from the formal sector. However, more links need to be forged between the formal and informal sectors, and efforts should be stepped up to ensure that this form of justice is inclusive and fair.

Recommendations

Below are suggestions for improving Nepali citizens' experience of and access to security and justice institutions.

It is worth noting that in some of the districts and areas assessed there is chronic insecurity (i.e. people fear for their lives on a daily basis). All stakeholders should consider whether, in these cases, there is an overriding need to improve security to a minimum level before undertaking any reform efforts. Key questions in this regard include: How does chronic insecurity impact on development programming? Do you risk undermining those fragile structures that do help to maintain some

security if you undertake any reform too early? How can a consensus around the need for reform be developed in these circumstances? How should any reform programme be sequenced? Should it be linked with humanitarian or other development assistance?

Moreover, there is a need to link economic insecurity with physical insecurity in reform programmes. For example, employment is also a security need – both because a lack of any legitimate income-generating opportunities can lead people to engage in criminal activities, and because, for the extreme poor, the daily struggle to survive is itself a direct form of insecurity.

To security and justice providers

- Establish an independent service commission to oversee the recruitment, transfers, promotions, incentives and punishment of security providers. This would contribute substantially to limiting the influence of political actors on personnel decisions within the security sector in particular, as well as limiting the practice of corruption fuelled by the need for police personnel to 'buy' promotions.

- Institute a zero-tolerance policy towards internal corruption including an appropriate disciplinary system with civilian oversight. This can be linked to an independent service commission to oversee personnel decisions. Efforts also need to be made to understand and address the underlying causes of corruption, and generate the understanding and will amongst all levels of the service to 'clean-up' the police force and the benefits, such as improved morale, that will bring.

- Increase the representation of women in the security and justice sectors. Also increase the outreach and personnel of the women and children's cell of the Nepal Police so that it is able to respond to the security needs of women and children across the district by being represented at every police post. Alongside this, effort needs to be made to ensure that the women recruited into the sectors have the support structures in place to be able to do their jobs effectively. Work needs to be done with existing personnel at all levels to ensure that there is widespread understanding of the need for more female personnel, and the attendant benefits that this change will bring in terms of effectiveness and outreach.

- The police and courts should prioritise improving their approach to gender-based violence (GBV) in all areas of the security and justice sectors. Effort needs to be made to ensure all service providers are aware of their respective roles in responding to and addressing GBV. In the absence of adequate numbers of female personnel, service providers need to coordinate with organisations that work specifically on GBV and with GBV victims to set up appropriate referral and support mechanisms, and to actively seek capacity-building support from these organisations.

- The police and courts should ensure that they are fair to all people, regardless of gender, age, caste, religion, ethnicity or language. Orientation and capacity-building activities to change the attitudes of security personnel and justice providers regarding marginalised communities would increase their efficiency in tackling such cases, as would stronger civilian oversight mechanisms that promote inclusion and accountability.

- The police should increase their visible presence and trust among the local people through interaction, community policing and joint initiatives to address justice and security needs and concerns. Greater interaction with communities will help people understand the various roles and responsibilities of security and justice providers as well as the challenges they face in delivering those services.

- Work together with civil society and government counterparts to develop and introduce citizen charters and provide for a public relations officer at courts to assist public understanding of the judicial process and legal services.

To national and local government

■ Support the police and judiciary in developing short- and long-term strategies to improve access to justice and security. This will include the provision of more resources to local-level security and justice initiatives, developing links and working relationships with non-state justice providers and mediation groups, and strengthening the outreach of service providers (particularly the judiciary) beyond urban centres.

■ Introduce appropriate criteria to establish police stations and deploy police personnel on the basis of population and geographical conditions. Criteria for deploying police personnel have not been revised for many years. Across the districts surveyed, ratios of police to people do not meet international standards, and in most of the districts, are woefully inadequate to meet the security needs of the public. Police presence urgently needs to be reassessed.

■ Build capacity for and enforce gender-sensitive practices and approaches in the justice and security systems and all related government agencies. This relates to increasing the participation of women in the relevant sectors, strengthening the quality of this participation, and ensuring that the support structures and attitudes are in place for this to happen. It also means working to ensure clarity in the respective responsibilities of service providers in responding to cases of gender based violence.

■ Introduce mechanisms to become more inclusive of marginalised groups, including at the more senior levels in the justice and security sectors. Existing acts related to inclusion need to be revised to close loopholes. At the same time it is important to work with senior representatives of these sectors to raise awareness about the importance of an inclusive sector, the benefits for effectiveness of service provision, and generate buy-in and support for such mechanisms.

■ Explore the current role of the non-state informal justice system in Nepal and examine ways in which such mechanisms can a) respect certain justice 'norms', including human rights norms, and b) be used to relieve pressure on the formal sector, in a way that does not undermine the state's right to maintain a monopoly on the provision of security and justice for its citizens. The important role and potential of the informal sector cannot be ignored at this current juncture. Informal mechanisms which respect human rights and justice norms must be strengthened and linked to the formal sector through clearly defined roles and responsibilities for each sector.

To civil society

■ Work with the police to develop local coalitions – including political parties, labour unions and other key stakeholders – that aim to limit the practice of *bandhs* and violent protests. Experiences from most of the districts shows that civil society initiatives to improve security are most successful and sustainable when done in partnership with political parties, the police and the private sector.

■ Raise public awareness about the issue of GBV, including relevant legal provisions and procedures, support mechanisms and knowledge of gender equality and women's rights. For example, the new Domestic Violence Act now means that domestic violence is a crime. However, there is little awareness of this fact amongst the general population, and the police lack the skills, knowledge and capacity to address such issues effectively. Civil society needs to both raise awareness, and work with service providers to build their capacity to respond.

■ Work with men to raise understanding and awareness of the concept and impact of GBV in order to change deep-seated attitudes. No programme to address GBV will be successful if it excludes men, as both victims and perpetrators of GBV. Civil

society can learn much from such initiatives in Nepal and internationally that have successfully sought to change attitudes of both men and women to this major security concern.

- Build upon existing networks and alliances, and create new ones with a larger diversity of sectors and stakeholders, to speak out against political interference in security and justice. Political interference is one of the largest blockages to the provision of effective and accountable security and justice in Nepal. Here, civil society has a major role to play in demanding an end to unconstructive political party roles, and supporting political parties in developing a long-term vision for improving security and justice, through dialogue, advocacy and playing an oversight role.

- Increase public discussion of security and justice issues, including respect for the rule of law, by working with security and justice providers, and with younger people to build trust and respect between service providers and the public. This can be done through the hosting of regular dialogue forums, including security representatives in development-related activities, or supporting the police to develop outreach activities, such as school-visit programmes and open days at police stations.

To donors

- Take a co-ordinated, holistic and long-term approach on assistance to Nepal's security and justice sectors. Given the post-conflict context, it is important that donors are flexible and adaptable in their support to security and justice initiatives and that they are committed to them in the longer term. Any top-down, high level policy approach needs to be evidence-based and complemented by a bottom-up, people-centred approach.

- Undertake a thorough assessment of the security and justice sectors at the programme-design stage, preferably in coordination and collaboration with other donors and relevant actors. This will better inform the programme design, planning, implementation, monitoring and evaluation.

- Support initiatives that make the link between security and economic development. Insecurity in parts of Nepal threatens to undermine economic recovery by severely restricting economic activity (e.g. through *bandhs* or extortion of businesses in the eastern Terai). Draw attention at the decision-making level to the economic costs of insecurity. Work with economic actors to advocate for improved security and justice provision and include the private sector in planning and implementation of reform programmes.

- Support initiatives that aim to understand better the role of non-state, informal justice and security mechanisms at the local level. Look at ways in which these mechanisms can be better co-ordinated with the formal sectors – this may include supporting initiatives that seek to build the capacity of these informal mechanisms to be inclusive, transparent and respect human rights norms.

- Support initiatives that aim to reduce the information gap between Kathmandu and the districts. This could include supporting media initiatives that aim to share information, or initiatives that aim to increase local participation and consultation in issues related to security and justice provision/reform.

- Support the government to ensure that security and justice policy reform is gender-responsive i.e. that it promotes gender equality and women's empowerment including through women's active representation and participation. This could include undertaking security and justice assessments and policy analyses from a gender perspective, and working with government counterparts to develop action-plans for addressing discriminatory factors through policy change.

■ Support programmes focusing on improving access to justice for women, the very poor, marginalised religious, ethnic or caste groups, geographically remote communities and youth. This could include working with government counterparts to provide community liaison officers or public relations officers for courts, or working to strengthen links and referral mechanisms between state and non-state justice providers.

Annex 1:
District assessment methodology

1. Assessment objectives

Assessments took place in each of the six districts in order to:

1. establish the security and justice needs and issues of different groups (including men, women, youth and marginalised caste, religious and ethnic groups)

2. identify and explore the causes and dynamics of current security and justice-related needs and issues

3. understand the role of current security and justice providers (both state and non-state) aimed at addressing these needs, including the potential contribution of Local Peace Committees (LPCs).

4. identify specific training needs for civil society in order to support the promotion of the democratic reform of the justice and security sectors.

The information from the assessments and process for collecting it were an integral part of the project for the following reasons:

1. The information acted as a baseline for monitoring the impact of the project.

2. The assessments generated knowledge to:

   a) Raise awareness in Kathmandu and across different regions of Nepal of these issues from a local level perspective.

   b) Inform advocacy recommendations and strategy at the local and national level.

3. The process created a safe space to discuss sensitive security issues at the local level and build trust among stakeholders and with the project partners.

2. Guiding research questions: these are essentially key questions that should be answered, at least in part, by the end of the district assessment process.

- What are the key security threats at the local level? How do these differ for different groups? (e.g. men, women, youth, marginalised groups etc)

- Who are the formal security providers and how effective are they at addressing these threats? Is this different for different groups (e.g. according to age, gender, ethnicity, economic background etc)? What are the key challenges to improving effectiveness?

- What are the key justice needs at the local level? How do these differ for different groups?

- Who are the formal justice providers and how effective are they at providing justice? Is this different for different communities (e.g. according to their age, gender, ethnicity, economic background etc)? What are the key challenges to improving effectiveness?

- What non-state groups/mechanisms are providing security and justice? How effective are they? Is this different for different groups (e.g. according to age, gender, ethnicity, economic background etc)? What are the key challenges to improving effectiveness?

- Are people more likely to go to state actors (e.g. the police) or informal mechanisms (e.g. *kachahari*) as a first resort?

- Where they exist, what is the current awareness about and role of LPCs in addressing security and justice issues? What could be their potential role? What about the role of other government mechanisms in the provision of security and justice (VDCs for example)?

- What role does civil society play? How effective is it? What are the key challenges?
- How are these local security and justice needs and challenges reflected in current national policy?
- What types of training needs exist among civil society in relation to knowledge or skills necessary to engage constructively in public security and JSSR debates at the local and national level? What training is already given? By whom? With what impact? Where are the gaps (i.e. knowledge gaps and skills gaps)?

3. Methodology for conflict-sensitive knowledge generation

The project document identified the following approach:

Up to 36 FGDs and up to 60 in-depth interviews with key informants were conducted across the six project districts to identify local dynamics, the roles played by formal and informal security and justice actors and mechanisms and training needs.

Of the six FGDs conducted in each district, two were held in the district head-quarters and four at the VDC level. They included a range of different stakeholder groups, including youth and different caste, ethnic and religious groups. Separate FGDs with men and women were also facilitated to ensure safe space to discuss gender-sensitive issues. The Forum for Women Law and Development (FWLD) ran the programmes in three districts and three programmes were run by the Institute for Human Rights and Communication Nepal (IHRICON).

Out of the 60 in-depth interviews, 48 in-depth interviews were held across the six District headquarters – at least eight per district.

Two pilot FGDs were held in Kathmandu and at least 12 in-depth interviews were carried out. These were divided up between FWLD, IHRICON, International Alert and Saferworld, as appropriate.

About the partners

Antenna Foundation Nepal is a non-profit making radio production house that is dedicated to public service broadcasting.

Equal Access Nepal is a non-governmental, non-profit organisation working in Nepal since 2004. It produces multiple media and communication products including radio series that empower citizens with critically needed information on a wide range of issues related to youth, civil society, democracy and governance, peacebuilding, women's empowerment, HIV/AIDs prevention, reproductive health, safe migration, education etc.

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.

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.

International Alert is an independent peacebuilding organisation that has worked for over 20 years to lay the foundations for lasting peace and security in communities affected by violent conflict. Our multi-faceted approach focuses both in and across various regions; aiming to shape policies and practices that affect peacebuilding; and helping build local skills and capacity to build peace.

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

Cover photo: Police respond to a highway roadblock, 2007.
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