

State of Access to Security and Justice in Terai-Madhesh



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Search for Common Ground-Nepal

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Executive Summary

Nepal has been in the midst of a profound political transformation since the signing of the Comprehensive Peace Accord (CPA) between the government and the then Communist Party of Nepal-Maoist (CPNM) in November 2006. While the peace process has had much progress, significant challenges remain. Most strikingly, since dissatisfaction in some of the provisions of the constitution led to protests in some of the Terai/Madhesh region. The security and justice institutions continued to function, albeit with a challenge to win the people's trust over the years.

The armed conflict significantly deteriorated the police's strength and human capital. A research by Transparency International shows that by 2006, only 550 out of approximately 2000 police posts were functioning across the country. The war further worsened the public perception so much so that they still view the Nepal Police and the Justice system as largely corrupt, ineffective, and politically influenced.

The prolonged crisis has decimated citizens' faith in their government and public institutions. Not only do many people doubt their elected leaders' ability to deliver progressive change, but there continue to be major gaps in public confidence towards two of the largest sectors that are pivotal in promoting peace and stability in Nepal – the security and justice sectors. These sectors are key elements of a thriving public life, which must be safeguarded through the formulation and enforcement of appropriate policies.

During the political and post-conflict transition, government institutions can become destabilized as they are caught in political upheaval. Nepal is no exception. People feel vulnerable due to a lack of adequate levels of security and access to justice, often stemming from weak or corrupt government mechanisms and an absence of a law-abiding culture among the citizens. Moreover, an increasing absence of the rule of law creates opportunities for anarchism or the establishment of parallel and competing systems of governance and justice that go unchecked. These alternative means of security and justice are illegal and all too often serve the interests of those with economic, political, or social power.

Ensuring equal access to security and justice for all is pivotal to strengthen Nepal's continuous transition to sustainable and just peace. This report, with its findings and recommendations, aspires to be a building block in the process and serve as a potential reference material for all the like-minded organizations.

The document includes experiences of the security and justice sector actors and relevant stakeholders in Saptari, Siraha, Dhanusa, Mahottari, Nawalparasi, Rupandehi, Kapilvastu, and Dang districts of Nepal's Terai region. It specifically focuses on assessing the perceptions of these stakeholders, including the marginalized populations, community mediation groups, media workers, civil society, women and children development officer holders, district development committees, political party representatives, Nepal Police, the district government attorney, and the district court. It also presents some specific findings, such as typical practices, which have either facilitated or obstructed the people's access to security and justice. Some of the findings of the report are peculiar to certain groups or places, while others may be common to all.

Key Findings

Search for Common Ground (SFCG), in partnership with the Centre for Legal Research Resource Development (CeLRRd), Human Rights and Community Development Academy Nepal (HUCODAN), and Centre for Security and Justice Studies (CSJS), is implementing an innovative 4-year project entitled ***Pahunchⁱ: Strengthening the Poor and Marginalized's Access to Justice and Security in Nepal***. It aims **to improve security and access to justice for poor and marginalized communities, specifically women, in Nepal**.

In order to inform the project design based on the local context and perceptions, SFCG delegated a research team to conduct an assessment in May-June 2015, which aimed at drawing first-hand information from both the target groups and key stakeholders on the state of security and justice among the poor and marginalized. This included speaking with service providers (police, lawyers, community mediators, and local government officials) and the communities. The assessment looked at how the stakeholders perceive security and justice sector services and what could be some innovative approaches that could increase the targeted groups' access and engagement with the institutions.

Throughout the assessment period, the team noted a general perception that the security and justice situation is relatively stable and calm. This was largely related to the decline in incidences of murder, kidnapping, and extortion. The interviewed security and justice officials stated that they are able to function at their maximum capacity without significant obstacles. Although physical security of individuals and the security situation as a whole seemed to bear no impending or emerging threat, smooth access to security and justice services and institutions continue to face hindrances.

Traditionally marginalized groups still watch state services from the fringes and have yet to see progress in breaking down the walls of distrust. These groups, along with the elderly, have a longstanding and generally unchanged perception of the security and justice sectors as being the government's hands of oppression. On the other hand, security and justice sectors, despite limited human and logistic resources, have taken steps to improve their services and reach out to the marginalized communities in order to improve reciprocal accountability. In addition to negative perceptions and lack of trust, there are other ongoing and significant challenges to sustaining improvements:

Low Level of Public Awareness: The level of public awareness is low, specifically among the poor and the marginalized groups, of security and justice issues and mechanisms. This is deeply evident particularly in remote areas and among women. The lack of knowledge perpetuates a cycle whereby communities either do not trust or approach state mechanism and nor does the state sufficiently reach out to them.

Traditional Mechanisms of Security and Justice Are Preferred at the Local Level: Local traditions such as the *Panchayati* system includes settling issues, from local disputes to criminal cases, at the discretion of local elites. Unfortunately, the system mostly favors those with power and operates outside the realm of law. It was seen that women, mostly, are the sufferers of this system, overwhelmingly dominated by men.

Similarly, local middlemen known as *Bichauliya* are engaged by the communities and government officials to assist in people's so called access to security and justice. These middlemen, more often than not, use bribery or fear tactics to get the results. Further, by acting as a bridge between the service providers and the public, they thrive on perpetuating negative public perceptions of the police

ⁱ Pahunch means "access" in Nepali

and judiciary.

Rampant Corruption: Ongoing and entrenched corruption among every level of governance has led to those with financial or political power having access to manipulating security and justice services.

Violence against Women (VAW): The widespread social and cultural acceptance of patriarchy followed by the subjugation of women is rampant and serves as the major cause of violence against women (VAW) and gender based violence (GBV). Most of the common factors that enable VAW are prevalent in the eight target districts, given population densities and particularly low levels of literacy. Many women from these marginalized communities are unaware of their rights and, being illiterate, lack access to information and justice. There is a profound culture of silence among women and a general sense of acceptance of the violence perpetrated against them; only most severe cases are made public, and even in those scenarios, women prefer to go to peer groups or the *panchayat* rather than the police or community mediation centers. Far fewer seek support and justice through courts.

More Need of Language and Cultural Sensitivity: Few communities are still closed inside their own language and culture cycle with no exposure to the outside environment. The government still seems to lack enough discretion to tailor their programs according to the diverse culture and contexts. The *Madarassa* education system, which focuses on primary education, do not teach in Nepali and are usually not registered schools, while the government doesn't have specifically tailored programs to acclimatize these students. This creates a sense of distance when it comes to ownership of the state in these communities. Further, very few security and justice officials speak or understand the local languages, which make communication and thus, trust difficult among these groups.

Lack of Capacity among Security and Justice Actors: The lack of capacity and resources among the security and justice actors (and institutions) in Nepal is a significant hindrance to accountability and the public's access. Not only does the lack of human resources and equipment prevent judicial and security actors from carrying out their functions effectively and efficiently, their lack of knowledge and skills vis-à-vis community relations continues to impede people's trust and confidence in these institutions, specifically among poor and marginalized groups. With these gaps, instances of disrespectful behavior, intimidation, and insensitivity continue.

Based on opinions gathered during individual discussions, Focus Group Discussions (FGD), and Key Informant Interviews (KII), the assessment team identified a number of recommendations that can be undertaken to strengthen the *Pahunch* project implemented by SFCG and its consortium partners.

Few highlights of the recommendations are as follows:

Education, Awareness and Information Dissemination (EIAD): to improve the understanding of, confidence in, and access to security and justice mechanisms among the marginalized and the poor, specifically women.

- Judicial Awareness Program – focused on court proceedings, case management, and other legal proceedings to access justice.
- Legal Awareness – informing the public of laws, rules and regulations, as well as various forms of legal support (e.g. legal aid).
- Information Dissemination on Government Service Delivery – wide dissemination via PSAs and information sheets regarding services provided and the Citizen's Charter.
- Security Sector Awareness- to improve the public's understanding of the role of the police as well as their limitations and regulations with a substantial focus on face to face interaction to build confidence between the public and police.
- Adding to Mediation Centers – regarding court mediation as well as community-led processes and their respective mandates and jurisdictions.

- Community Empowerment Campaign – with a focus on impoverished, illiterate and marginalized communities as well as the elderly and youth to support educational and economic activities.

Capacity Building: for the enhancement of individual and institutional capacity with a focus on the sustainable advancement of human, technological, and logistic resources.

- Judicial Sector Professionals – capacity enhancement and skills building to strengthen the courts' services.
- Public Prosecutors – trainings to build capacity to handle emerging criminal trends, ability to manage data and office efficiency, and best practices of mobilizing available resources.
- Nepal Police Officials – improving public relations skills, increase the knowledge base of roles and regulations of prosecutors and courts, sensitivity training with a focus on Gender Based Violence (GNV) and Violence against Women (VAW), and educational programs on human rights, good governance, judicial procedures, and crime investigation.
- WCSC Officials of the Nepal Police – specialized training on socio-psychological counseling and behavioral management, and developing skills in basic dispute resolution.
- Local Government Staff – regular trainings on laws and regulations, as well as building skills in community mediation, communications, and security and justice.
- Mediators – training to build mediation skills and standards, and refresher trainings regarding the 2011 Community mediation Act and Code of Conduct of mediators.
- Media Sensitization – increase knowledge regarding security, laws, court proceedings through educational and awareness programs as well as research fellowship opportunities.

Coordination, Collaboration, and Confidence Building: for building partnerships among various stakeholders of security and justice.

- Justice and Security Sectors – activate and support the existing formal and informal mechanisms that aim to share information, coordinate efforts, and improve relations between stakeholders through shared trainings and programs and by establishing a person or group that can facilitate and assist.
- District Development Committee – can be engaged for its mandate to ensure public participation. Programs could include social awareness, capacity development, and empowerment of marginalized sectors.
- Nepal Police – Public Partnership – improving relations and building trust through joint programs on social and economic issues such as natural disaster readiness, health programs, legal awareness, etc. that provide platforms to share in experiences and equal access to information.
- Community Mediation – by activating the District Mediation Monitoring Committee and providing workshops to those who work within the mediation sector, such as defense lawyers, local government officials, and police.
- Multi-sector Stakeholders –regular discussion and an exchange of ideas through workshops and programs to build relations, foster new approaches to addressing challenges, and provide information on at-risk communities to improve security and justice responses.

Promotional Initiatives: to support the overall and long-term improvements for security and justice by addressing broader societal issues.

- Community Mobilization – increased opportunities for education and employment in order to reduce youth involvement in criminal activities.
- Reduction of Violence – developing and implement strategies that focus on responding to cases of GBV and VAW.

- Youth Involvement – community interaction and engagement programs geared toward involving youth in improving security and justice and breaking stereotypes of youth as troublemakers.
- Infrastructure Development – multi-sector efforts to improve and increase resources, and work together to establish infrastructure designed to service marginalized members of society (e.g. shelters for victims of VAW and GBV).

The challenges to security and justice are not insurmountable, but they do require technical and financial resources and a longer-term integrated approach. The *Pahunch* project can serve as a catalyst and guardian of this process. The violence that flared in the Terai/Madhesh after the assessment took place is a further painful reminder of the consequences of having systems, traditions, and mechanisms that devalue and further marginalize various groups of society. It is thus, time to rebuild and strengthen security and justice based on the rule of law that protects and provides a voice to all who are within Nepal's borders.

1.1. About the Research and Report

Security and justice (S&J), as key elements for a country's prosperity and development, are interrelated and interdependent. Equal enforcement of laws, people's trust in these sectors, and reciprocal accountability of the public and the relevant actors together can create a conducive atmosphere for enhancing public safety, access to justice, and rule of law.

The situation was seemingly stable during the period of the assessment as the country focused on the ramifications of the devastating earthquake of April 2015 and off of politics. Even though the districts covered by the assessment were not directly affected by the calamity, they lived on the fringes of the massive devastation, which pushed them into the perils of emotional and psychological damages. Moreover, as with other districts of Nepal, the perception of the people in the target districts towards the security sector had transformed, from ineffectual to heroes. However, this did not much change the deep-rooted distrust of the public towards the actors.

The security and justice institutions, in their own words, are trying their best to become efficient and reliable. Nevertheless, ensuring equal and smooth access to these services still is a challenge in Nepal owing to the longstanding marginalization of various sections of society, ongoing political and security challenges, inadequate resources, and lack of public faith in the state institutions. Further, these services rely heavily on outdated laws, including the *Muluki Ain* (civil code), and the Nepal Police Act, dysfunctional physical infrastructure, and poor institutional capabilities, such as inadequate human resources, and lack of refresher trainings, all of which affect their relationship with the public.

In this context, there is a necessity of setting up appropriate institutional and enforcement mechanisms that will help ensure free and fair justice to the victims of violence and bring crime and illegal actions, and culprits into the legal process. This also requires that the local communities are engaged, norms and principles of public security and access to justice are ensured, and legitimate mechanisms that address the root causes of public grievances, insecurity, and violence are established. Improved positive relationships between and among the security and justice institutions and the public can help identify problems, and settle disputes and differences expeditiously. Ultimately, such participatory approaches will strengthen security and improve access to justice for the institutions themselves as well as for the public.

With an objective to contribute to such an enabling environment, Search for Common Ground (SFCG) Nepal commissioned a comprehensive districts assessment in Saptari, Siraha, Dhanusa, Mahottari, Nawalparasi, Rupandehi, Kapilvastu, and Dang districts of Nepal's Terai region. The assessment, which was conducted during the third week of May 2015 (eastern cluster) and the second week of June 2015 (western cluster), documents the experiences of the security and justice sector actors and relevant stakeholders. It also presents some specific findings, such as typical practices, which have either facilitated or obstructed the people's access to security and justice.

1.2. Objectives of the Assessment

This report, with its findings and recommendations, aspires to be a building block in the process of ensuring equal access to security and justice and serve as a potential reference material for all the like-minded organizations. This assessment identifies strengths and weaknesses of the state institutions and public perceptions and expectations, particularly of the poor and the marginalized populations. The assessment also attempts at providing recommendations for improvement in the services including building a relationship with the public.

The major objective of the assessment was to analyze the existing situation related to security and justice, and garner public perception of the justice and security situation and services. The assessment also identified the gaps and needs in the existing services, which in turn will increase the sense of ownership in target audiences related to security, and access to justice. This would be conducted in identified VDC's with higher concentration of poor and marginalized people.

1.3. Assessment Locations

The assessment was carried out in eight selected districts from two geographical clusters; i) Eastern cluster that includes Siraha, Saptari, Dhanusha and Mahottari in Eastern and Central Terai/Madhesh and ii) Western cluster that includes Nawalparasi, Rupandehi, Kapilwastu and Dang in Western and Mid-western Terai/Madhesh. According to the project document, these districts are identified and prioritized by SFCG in collaboration with the Nepal Police and the Department for International Development (DFID) of the United Kingdom as part of the "Security and Justice for the Poor" Program.



1.4. Methodology and Limitations

Qualitative research serves as the methodology of this assessment. It has been finalized after thorough consultation and discussion with team *Pahunch* project added by literature review. The assessment team primarily used Key Informants' Interviews (KII) and Focus Group Discussions (FGD) as tools. The KIIs included the state officials, including the judiciary, civilian administration, Nepal Police, public prosecutors, Women and Children Development Offices (WCDO) and District Development Committee (DDC). The FGDs consisted of the members of the Community Mediation Groups (CMGs), political parties, civil society, media, and marginalized populations.

In the absence of a quantitative research, the report does not statistically analyze the security and justice environment. The research team applied the following tools as the strategy to outline the way for the study:

- a. **Preparatory Consultations** between the assessment team and SFCG and its consortium reviewed the project document, outlined the research framework, report writing, and presentation of the assessment outcomes.
- b. **Literature Study** increased the research team's understanding of the project and the situation on the ground. The study also aided in identifying potential stakeholders who could be engaged for the assessment. The team used the review as a reference for developing assessment strategies.
- c. **Focus Group Discussions (FGDs)** aimed at gathering in-depth and one-on-one perception of the poor and marginalized populations (including women, *Magar*, *Madhesi*, *Tharu*, and *Muslim*), members of the Community Mediation Groups (CMG), representatives of the media, political parties, and civil society. The team conducted 12 FGDs for the purpose.

For an effectual finding, the team conducted separate FGDs with the *Madhesi* community in Rupandehi, *Magar* community in Nawalparasi, *Tharu* community in Dang, and *Muslim* women in Kapilwastu districts.

- d. **Key Informant Interviews (KIIs)** included the representatives from various sectors of the society, including judges and court officials; Chief District Officers (CDOs) and District Administration Office (DAO) personnel, representatives of Nepal Police (NP), Local Development Office (LDO), Office of the District Attorney General (OAG), and Local Peace Committees (LPC). The 50 KIIs also consisted of defense lawyers, media persons, civil society members, political party leaders, and community mediators. The method helped the team gather firsthand knowledge on people's experiences. The interviews further aided the team in preparing the recommendations.
- e. **Debriefing** sessions with SFCG and its partners were held for the purpose of sharing initial findings of the assessment. The two sessions aimed at identifying the gaps in the findings and tallying them with the consortium's experience. They also helped the team prioritize and categorize the information gathered during the report drafting.
- f. **Information Analysis** with independent experts and representatives of the security and justice institutions in Kathmandu and in the districts helped to evaluate and refine the gathered knowledge.

Security and Justice Context

With the promulgation of its new constitution in September 2015, Nepal is in the midst of a profound political transformation that began with the signing of the Comprehensive Peace Accord (CPA) between the government and the then Communist Party of Nepal- Maoist (CPNM) in November 2006. While the peace process has had some progress, significant challenges remain. The crisis was evident when the demarcation of the proposed federal structure, polarization along many dividing lines including hills/plains, and the disenchantment with the draft constitution led to violent conflict and death of almost forty people (including civilians and the police personnel). The violent eruption was a culmination of the profound grievances that the public held against the system. More specifically, the role that the police played during the time further deteriorated the public trust that they had earned during the post-earthquake rescue efforts. The security force, whose strength and human capital were already on the lower side because of the ten-year long violent conflict, is also facing a worsened public perception of them.

2.1. Local Context

At the policy level, the institutions seem better prepared and demonstrate their commitment to ensuring public safety and access to justice. The Supreme Court, Ministry of Home Affairs, Office of the Attorney General, and Nepal Police and its Crime Investigation Department have taken steps to proactively strengthening the public's unhindered access to security and justice, and implementing policy guidelines and strategic plans that aim to provide best services.

During the FGDs and KIIs, participants noted that the existence of armed groups has dwindled as a result of preemptive security action and dialogues held among the government and disgruntled groups. They also reported that criminal activities, including abduction, extortion, murder, and smuggling of small arms are almost non-existent. The interviews highlighted that the security and justice actors have taken strides in providing safety and security of individuals with fewer threats of criminal elements.

However, it was noted that the commitments did not always translate into action and often fell short of fulfilling public expectations. The lack of capacity among the security and justice actors (and institutions), Inconsistent policies and instructions, logistic limitations, and poor physical infrastructure are significant interferences. Not only does the lack of human resources and equipment prevent judicial and security actors from carrying out their functions effectively and efficiently, their lack of knowledge and skills in community relations continues to impede people's trust and confidence in these institutions. With these gaps, instances of disrespectful behavior, intimidation, and insensitivity continue. More specifically, the majority of women and other marginalized communities consulted during the field assessment highlighted specific cases of mistreatment and disdain by the police. Similarly, lawyers and administrative staff, who are often the first point of contact for victims, were reported to lack empathy and sensitivity when responding to the needs of the most vulnerable groups.

The assessment team noticed that the police and the community, distanced by the acts of the police during the violent conflict, view each other with suspicion and often hatred. The proportion of the public that perceives the Nepal Police as largely corrupt, ineffective, and politically influenced is still quite high.ⁱⁱ Research carried out by Nepal Police also found that a majority of respondents feel that the behavior of police is not friendly and the language they speak is not respectful.ⁱⁱⁱ The interview participants opined that the *Pahadi* (Hill) people have a higher level of trust in these institutions than Terai/Madhesi community. It was also mentioned that this lack of belief results from the historically bitter experiences the Madhesi people have experienced while dealing with the state institutions.

The informants claimed that people from the northern areas of all the districts have a greater level of satisfaction with the security sector than the people of southern areas (near to India border). Furthermore, local people residing in border areas reported insecurity due to cross-border crime and trafficking of goods and illegal substances. They said that the government efforts have fallen short in the area. They also mentioned that the Armed Police Force (APF) often misuse their power and are disrespectful towards the citizens, however, they do not talk about it openly in fear for repercussions at the hands of the police.

Similarly, the Nepali judicial system faces challenges in acquiring public trust. The poor and the marginalized have, for years, lived under a perception that justice can be bought in Nepal. There is a broad view that Nepal’s judiciary is both slow and ineffective and vulnerable to influences of coercion or corruption in the cases that involve the powerful. The existing formal justice system is said to be agonizingly slow and too expensive for the poor people. The situation, as per the participants, is exacerbated for those living in remote areas where access is even more difficult.

The community mediation programs have been playing an effective role in reaching out to the people and resolving local conflicts. In many places, the village development committees (VDCs) have already taken the ownership of these programs and are running them on their own. However, the research team could not measure the actual success rate of community mediation without a quantitative analysis. On the other hand, the informants claimed that many mediation processes led by the court are not effective and sustainable. As per the interviews, most of the cases mediated by the court have returned for hearings.

2.2. Accessing Justice and Security

The study team noted that the number of cases registered in the court was higher in the Eastern cluster (4,583) than the Western cluster (1926). This is in accordance with the data produced by the district Courts in the fiscal year 2071/72 (20014/15). As per the presentation, people reaching out for justice seemed higher in the Eastern cluster. However, the data also showed that a significant number of cases were resolved in the Western cluster while the cases in the Eastern cluster took a longer time to be tabled for the hearing process. The interviewees explained that the backlog is a result of an increasing number of cases being registered.

Table (1): Data collected from Eastern Nepal: Fiscal Year 2071/72 (2014/15)

	Record/District		Resolved/District		Sub-judice/District	
Civil Case registered by an individual as petitioner	3,247	71%	1,803	56%	1,444	44%

ⁱⁱ *Calling for Security and Justice in Nepal: Citizens' Perspectives on the Rule of Law and the Role of Nepal Police*. USIP; 2012. http://www.usip.org/sites/default/files/Security_and_Justice_in_Nepal.pdf

ⁱⁱⁱ Nepal Police Headquarters, Research and Planning Directorate (2014) Survey on Present Relation between Nepal Police and Public Report.

Criminal Case registered by an individual as petitioner	813	18%	464	57%	349	43%
Criminal case with the state as petitioner	464	10%	254	55%	210	45%
Writ (public litigation)	60	1%	38	63%	22	37%
Total	4,583	100%	2,558	56%	2,025	44%

Source: District Courts (Saptari, Siraha, Dhanusha and Mahottari)

Table (2): Data collected from Western Nepal: (Fiscal Year 2071/72)

	Record		Resolved		Sub judice	
Civil Case initiated by an individual as petitioner	1,088	56%	772	71%	316	29%
Criminal Case initiated by an individual as petitioner	467	24%	353	76%	114	24%
Criminal case with the state as petitioner	354	18%	350	99%	5	1%
Writ	18	1%	17	97%	1	3%
Total	1,926	100%	1,491	77%	435	23%

Source: District Courts (Nawalparasi, Rupandehi, Kapilwastu and Dang)

Table (3): Trend of Case Record Per district (East)

	No of Cases		Solved Cases		Remained Cases	
FY 068/69 (2011-12)	3,626	31%	2,032	56%	1,594	44%
FY 069/70 (2012-13)	3,892	34%	2,084	54%	1,809	46%
FY 070/71 (2013-14)	4,099	35%	2,151	52%	1,948	48%
Total	11,617	100%	6,266	54%	5,351	46%

Source: District Courts (Saptari, Siraha, Dhanusha and Mahottari)

Table (4): Trend of Case Record Per district (West)

	No of Cases/District		Solved Cases/ District	Cases/ District	Remained Cases/ District	Cases/ District
FY 068/69 (2011-12)	1,827	32%	1,662	91%	165	9%
FY 069/70 (2012-13)	1,883	33%	1,584	84%	300	16%
FY 070/71 (2013-14)	1,969	35%	1,777	90%	192	10%
Total	5,678	100%	5,022	88%	656	12%

Source: District Courts (Nawalparasi, Rupandehi, Kapilwastu and Dang)

In terms of reaching out to the security actors, Nepal Police officials claim that they are satisfied with the current situation of security in their jurisdiction. However, the number of registered cases in police stations does not demonstrate the situation in an optimistic light. The Crime Investigation Department (CID) of Nepal Police data demonstrates that criminal activities are not necessarily decreasing (Table 5 and 6). According to CID, ongoing major crimes in the country include murder, drug and human trafficking, rape, and kidnapping. However, there are a number of other "standard" crimes that Nepal Police deals with daily including land disputes, financial disputes, domestic violence, gender based violence, and sexual abuse of minors.

Table (5): Total Registered Cases in Nepal Police (Four Previous) Fiscal Years

Fiscal Year	Registered Cases
2068/69 (2011-12)	21577
2069/70 (2012-13)	22632
2070/71 (2013-14)	27836
2071/72 (11 months) (2014-15)	24744

Source: Crime Investigation Department, Nepal Police

Table (6): Statistics of Crimes in Four Years

Types of Heinous Crime	2068/69 (2011-12)	2069/70 (2012-13)	2070/71 (2013-14)	2071/72 (11 months) (2014-15)
Murder	778	679	642	605
Dacoit murder	8	7	0	1
Drugs	1715	1847	1792	1880
Human Trafficking	118	114	186	184
Rape	557	667	910	981
Dacoit	126	113	73	49
Kidnapping	1188	88	90	61

Source: Crime Investigation Department, Nepal Police

Overall, there is a mixed perception and contradictory understanding between the state and non-state actors, including poor and marginalized populations, about the status of security and justice, and perceptions of these institutions. Rural and illiterate people, including women, *Dalit*, indigenous populations, and the poor and marginalized reportedly feel insecure and face difficulties in accessing state services. Owing to the different levels of understanding and expectations, there is a need strategize and promote security and access through education and information.

Status and Perception of the Local Actors and Stakeholders of Security and Justice

This comprehensive district assessment aims at informing all activities of the *Pahunch* project to be district/context-specific. In each of the districts, the research team documented the local actors' perception of security and justice. It also identified the needs and gaps in the existing services. SFCG and the consortium supported the study team identify VDCs with a higher concentration of the poor and marginalized people, building on the existing Disadvantaged Groups (DAG) data.

The research aimed at exploring the conditions in order to increase public trust, confidence, and access to security and justice. This included seeing things through a gendered lens, which has allowed the assessment team to contribute to SFCG's commitment in tailoring the activities to the different needs and experiences of the target groups.

The FGDs and KIIs conducted May through June 2015 have informed this section.

3.1. Poor and Marginalized Populations

The primary target group of the *Pahunch* project is the poor and marginalized population, which includes rural women, *Muslim, Tharu, Madhesi, Magar, and Janajati*. The target group expressed that they continue to face hurdles for easier access to the country's security and justice mechanisms. They held the perception that the police and the judiciary treat those who have access to power (mostly political) and resources better, particularly when reporting a crime or dispute. Further, the police behaviors do not always help, with examples of officers engaging in sexual harassment and eve teasing. The relationship, therefore, between the people and police is precarious at best.

The participants maintained that the police are also inconsiderate. There have been reports where the illiterate has been asked to present a written complaint and the poor have been pressurized to pay the lawyers or the *Lekhandas* (professional writers). They said that the police are reluctant to complete a thorough investigation of cases in which the rich and the powerful are involved. Further, it was noted that the target groups view the police as trying to resolve even criminal cases through *milapatra* (settlement).

Women

The women participants highlighted the importance of having enough presence of women police to handle the cases related to violence against women (VAW). The deployment of more women police in the Women and Children Service Centers (WCSC), and among the lower units of the Nepal Police, in their words, would increase their comfort level in reporting cases.

Too regularly, women are victims of a host of crimes, including murder, beating, sexual abuse, dowry, rape, and spousal violence. SFCG's field research shows that most women do not have their vital stat

registrations, which is considered a basic right and an important instrument to access justice. Many face violence on a daily basis and yet cannot access justice because they do not have the legal documents that can make accessing justice easier.

The Women Development Office (WDO) in Kapilvastu reported that 35% of the victims of violence in their district did not have birth registration, 35% did not have marriage registration and 40% did not have citizenship card. Their survey reported that nearly 70% of the women said they could not register their marriage because of lack of cooperation from husbands.^{iv} The survey revealed that the victims who have been identified overwhelmingly represent marginalized communities: 23% Dalits, 25% Janajati, 21% Muslim and 31% from other castes. These statistics show that the poor and marginalized women are among the most affected.

Many women from these marginalized communities are unaware of their rights and, being illiterate, lack access to information and justice. There is a profound culture of silence among women and a general sense of acceptance of the violence perpetrated against them; only most severe cases are made public, and even in those scenarios, women prefer to go to peer groups rather than the police or community mediation centers. Far fewer seek support and justice through courts.

Many factors play a role in stopping the victims of domestic violence from reporting. This includes fear and pressure from the family, community, and the political actors, as well as the reluctance of the police to conduct an investigation, freely, fairly and timely. Marital rape cases are rarely brought to the attention of the police and judicial institutions. For those who report there is a looming insecurity after the court hearing.

The Muslim women, for example, reported that they are mostly confined to their houses. In the case of any violence at home, initially, the women are encouraged to solve them within the household. If the problem persists, they are directed towards a woman leader within their community. A government lawyer stated that from the few cases registered by Muslim women in the court, proper information could not be collected because victims fear to share the complete story, in fear of being ostracized in the community. These women barely interact with other communities. The secluded lifestyle contributes to these women facing an additional challenge to accessing security and justice. Similarly, in the northern part of Nawalparasi district, women who primarily speak the *Magar* language face additional difficulties due to language barriers. The majority of the police and government officials rarely represent local community or understand the ethnic language.

Muslim Community

Access to security and justice for the Muslim communities seemed more difficult in comparison to other poor and marginalized populations- language being a crucial barrier. They said that the *Urdu* language (commonly spoken in Muslim community) is rarely understood by the state officials. Further, the illiterate constituency faces the same difficulty in understanding and speaking in Nepali. They hinted that sufficient representation of the Muslim communities in the state mechanisms would have motivated them to seek services. Hence, poor access to safety and security. There is a general feeling amongst this target group that those with no power and no money have no access to security or/and justice.

However, the team also noted that these perceptions are largely based on the word of mouth. With very limited exposure to the police and the courts; most interviewed during the assessment had never interacted with them. This is compounded by a profound lack of basic knowledge or understanding of

^{iv} SFCG's initial assessment of security and justice conducted in 2014.

how the justice and security sectors work. This prevalent lack of awareness has led to low confidence levels and even fear vis-à-vis accessing security and justice.

3.2. Community Mediation Groups (CMGs)

Community Mediation Groups (CMGs) are trained mediators, who collaborate with the local government agencies in dispute resolution through the Community Mediation Centers (CMCs). The members stated that they mostly receive complaints concerning conflicts in and among the families and communities. This includes cases regarding the land dispute, property and foreign income, violence against women (VAW), caste discrimination, dowry, inter-caste marriage, family issues related to in-laws, infidelity, polygamy, *Lenden* (financial dealing), and issues with marriage and child birth registration. They explained that they utilize dialogue as a tool to effect transformative actions.

“The Community Mediation Centers (CMCs) have helped reducing dispute cases in their constituencies and decreasing the district court office’s workload. To work with the CMCs is cost effective and easy. Most importantly, the women have benefitted with CMC services as they have addressed cases relating to Violence against Women (VAW), especially dowry.”

The CMGs claimed that mediation is one of the most accessible, effective, and affordable approaches for the women, poor, and marginalized population to access justice in the absence of local elected bodies. It is recognized as a method of finding a solution through facilitation and not arbitration.

These groups view their services as an alternative to the agonizingly slow formal justice procedures. Being considered as a "win-win" approach, the mediators maintained that they make their best efforts to not make the perpetrators feel abashed, which in turn results in transformation.

However, they highlighted the necessity of receiving regular guidance from the legal professionals and community mediation specialists and moral and physical support from the police and administration to remain effective. This, although, is not true for the CMGs of Kawaswati of Nawalparasi district. They are functioning in collaboration with the municipality.

In a VDC in Siraha, the community decided and minuted not to register the cases at the police station instead decided to resolve the cases by themselves. This also led to the question whether agreement necessarily leads and brought about equity in the decision made on the case? Having a CMC also led to the protection of social status/prestige.

During the assessment, the research team observed the differences between the areas with and without a functioning CMC. More specifically, VAW is considered private and permissible in the areas devoid of a mediation center, contrary to the areas with a fully functioning CMCs. In these places the community considered violence (especially against women and in general) as a punishable offense, which should be dealt through legitimate security and justice institutions. While the poor and marginalized population were uncertain and/or unaware of the processes and mechanisms for accessing security and justice in CMC absent districts. Also, it was noted that the communities in these constituencies believed in a traditional *Panchayati* system as a way of resolving the conflict.

Panchayat

The assessment carried out a comparative study to understand people’s perception of the efficacy of the *Panchayati* tradition and the CMC services. Some of the participants regarded the CMCs as a refined model of the old tradition tailored to the new context. The team found that the same elites from the older tradition of Panchayat were now members of some of the CMCs. This resulted in the

communities willingly accepting the decisions made by the influential people, as in the older *Panchayat* days. Hence, the poor and marginalized's lack of understanding of formal justice and security systems. The research team also found that the *Panchayat* were sometimes involved in attempts to sort out criminal cases, including rape and murder. These attempts pose a risk of the CMCs protecting the social status of few elites at the cost of justice. More severely, it undermines the importance of accessing fair justice through legitimate mechanisms.

Other Issues

The mediators face ample political interference during their work. The CMGs in Makrahar of Rupandehi district said that people of higher economic status or political power try to do away with the formal security and justice procedures by pushing their cases through the mediation centers. This way many criminal cases are also referred to the CMCs. Some of the CMGs also talked about the politically powerful people pressurizing the police to get involved in settling disputes by forcing the victims to accept compensation as a form of *milapatra* (understanding) in exchange of justice.

In addition, they also pointed towards the scarcity of police cooperation stating that the security officials prefer to refer cases to their Community Police Service Center (CPSC) rather than the CMCs, which devalues the importance mediation brings to accessing justice. On the other hand, some police officials opine that the involvement of CMCs has resulted in the loss of evidence or hindered the operation of the justice sector.

In another case study of Siraha, the researchers found that the community members register cases in the CMCs instead of local police stations, which triggers the question if the CMCs are supporting or acting as a parallel formal justice system.

The CMG members also recognized the need of establishing proper follow-up mechanisms for the cases they resolve. They observed that many cases that they deemed solved were being re-registered at the CMCs in Dang district. This was true mostly with cases of VAW. They said that most of the times the perpetrator understands the plight of the victim and they go back thinking the problem has been solved. However, with a lack of transformation in the attitude, some other problem re-surfaces. This, according to them is also true owing to the gap of a follow-up mechanism by the CMCs.

3.3. Media

The media people during the interviews helped the researchers understand the people's perception and the status of security and justice that they have gathered during their work. They concluded that the efforts of the police, local, national, and international agencies have together contributed to strengthened security and justice services. They were of the view that the police's "service with a smile" has brought the community and the media workers much closer to the security forces.

Despite the efforts, the media workers mentioned their own limitation in being able to freely publish and broadcast news and reports related to the security of the common people. They explained that the influence of criminal practices in the politics has forced them to practice self-censorship. Many times, such news is taken as a "contempt of the court", which looms as a threat to their professional and personal security. Moreover, they also raised the need to establish legal mechanisms for the protection of the witnesses and victims who are mentioned in the reports that they cover. They also talked about their own lack of proper ground research of the security and justice issues, which they understand as a major cause in the community's dearth of trust in them.

It was emphasized that common people without access to politics or power feel neglected from government services, including security and justice. During their assignments, they noted that a majority of marginalized populations are unaware about the legal aid and *Baitanik Wakil* (Court paid lawyer designated to provide legal defense for those who are unable to find a lawyer on their own). Similarly, the media's experience with the "Citizens' Help Desk" is also not very positive. They mentioned that the help desk is yet to win the trust of the common people who hesitate to share their problems due to a fear of losing confidentiality. This gap of knowledge and understanding further hampers the people from accessing their security and justice rights.

Rampant corruption and criminalization of politics in the society, in their view, has also barred common people from approaching police, and administration and justice sectors without fear and hesitation. They highlighted that smuggling of small arms and ammunitions is growing as one of the serious threats to security and justice institutions. They claimed that some District Administration Offices (DAOs), because of political pressure, are involved in *milapatra* (understanding) in such cases.

The media workers also talked about the human trafficking, particularly of women and girls, which is on the rise following the April 2015 earthquake in the areas bordering India. Scattered trafficking of goods in border areas, which often occurs with the involvement of state agencies, particularly police and administration, is also rampant.

Besides these, the media persons also noted that the Nepal Police faces undue pressure from political parties, which negatively affects them from carrying out their functions independently and professionally. In some occasions, they are forced to release alleged criminals, including rape cases. This seriously hampers the security actor's credibility.

3.4. Civil Society

Civil society members representing human rights, women's empowerment, minority issues, *Dalit* upliftment, social enhancement, security, justice, and development claimed that their security is at risk. This applied mostly to the human rights and social activists, particularly those who work for women's rights and against trafficking of women in the border areas.

The members gave a broader picture of how security and justice look like to people in their constituencies. One of the important issues they raised was of the marginalized communities in the Terai/Madhesh who feel sandwiched between the security forces and other groups struggling for identity and political rights. They indicated that the people who have a hard time earning their everyday expenses are suffering.

The civil society feels that more programs that engage the communities with the security and justice actors are needed to build people's trust in these mechanisms. They also focused on the need to develop the capacity of the state actors in being able to address new insecurity and justice challenges. It was also noted that the people in their constituencies still prefer community mediation and vigilantism (forceful settlement with the help of organized groups) instead of properly accessing justice.

On the other hand, the government too was noted to not being able to provide adequate information regarding the *Legal Aid* system, which aims to provide legal services to poor and marginalized populations free of cost. One limitation to receiving legal assistance is the eligibility requirement of *Garibi Ko Rekhamuni* (falling below the poverty line) in which a family's annual income must be less than NPR 40,000.

As the justice and security mechanisms are observed as being influenced by power and politics the people feel helpless and are obligated, according to members of civil society, to hire *Bichauliya* (middlemen) for timely services. This is true despite the Citizens' Help Desk established by the security actors. The civil society members listed a number of things that is limiting the people's easy access to security and justice. This included a dearth of a proper information dissemination plan, unfriendly attitude and behaviors of the responsible officials, the absence of victims and witness protection mechanisms, and inappropriate provisions for legal aid.

The civil society members who work for addressing violence against women pointed out the necessity to rule out the *milapatra* (understanding) system, which is practiced due to family and social pressure. They mentioned that many times, the security officials themselves ask the couple (in cases of domestic violence) to solve things on their own and not return to the police station. They noted that the Women and Children Service Centers (WCSC) are not independent entities and they function mostly under gender insensitive officials. The civil society views them as more of a *milapatra* (understanding) place rather than a justice delivery mechanism.

The members highlighted the growing number of other cases of violence against women. Child marriages, and being burnt to death being the most severe. Similarly, in the Muslim communities, the civil society found arbitrary misuse of the provision of *talaak* (divorce). Also, they mentioned that with more number of men going abroad for employment, the women have to face the negative advances of the people in the communities. The civil society actors were of the view that the existence and continuation of some traditional practices, superstition, and social and economic disparity are robust reasons for people's insecurities. This consists of child marriage, domestic violence and suicides that follow, caste and gender discrimination, no ownership of citizenship cards, polygamy, dowry, acid attack, orthodoxy in cases of inter-caste/religious marriages, and burnt to death.

The members of youth civil society were concerned about the heightening drug addiction in the border areas. Some of the causes for which were identified as easier access to drugs due to the open border, lack of civic awareness in the younger generation, unemployment, and absence of responsible parenting.

3.5. Nepal Police

Nepal Police officials viewed the overall security situation as stable and accessible. They explained that they have massively reduced organized and serious crimes through proactive efforts. Cross-border and transnational criminal activities are almost non-existent as a result of partnership and collaboration between the Nepal and India police and administration. They also recognize that the blockade of highways and strikes have greatly reduced from past years although the political and other organized associations continue practicing *chakkajam* and *bandh* style protests and demonstrations as part of pressure strategy.

The actors also shared their perspectives regarding the challenges to a stable security situation with the research team. They reiterated that they try to ensure people's rights to security and justice despite countless challenges regarding available resources, and institutional, and individual capabilities.

They mentioned that VAW is rampant in various forms such as polygamy, child marriage, spousal abuse, physical and mental abuse on the allegation of witchcraft, and abuses because of son preference. They said that the violence shuts the women in a vicious circle of abuses, thus limiting their access to the security system. However, when women are able to come to the Women and

Children Service Centers (WCSC), often they return without registering complaints because they do not see women police officers on duty.

The mechanism believes that the WCSC has been performing its duties professionally and effectively as best as possible. They, nevertheless, recognized that an insufficient number of women police officers in the system has caused a lack of women's easy access to their security services. They feel that the performance of the WCSC will benefit from the coordination, cooperation, and legal and emergency support from the non-governmental sectors, media, the legal community, and other responsible government agencies. They also stated that the government should be able to provide adequate human resources for effective response to public grievances and appropriate budget for the development of physical and technical infrastructure.

The Nepal Police also realizes that there is a lack of clarity about their roles and responsibilities and the importance of security system among the people. The assessment team found that smuggling and trafficking of goods are common practice in southern part of the country mostly due to the open and unregulated border. Since they have been doing it for generations, people residing in these areas do not see it as a legal offense. These people limit themselves from developing a relation with the police as they are viewed against their conventional system of earning a living.

The police reckon the reciprocal accountability and support of the police and the public in strengthening security and justice. They claim that they have established a functional, accountable, and effective grievance addressing mechanism that provides service to people without bias and prejudice, and they want the citizens to take a proactive role in creating pro-public policing. They accept their "service with smile" as an official policy notwithstanding the different perception and attitude of individuals. However, it needs to be pushed largely with the junior police officials.

They also analyzed the efficiency of the "Citizens Help Desk" service. While the service has all the possibility to become the first step towards the people's access to security, they realize that the officials deployed at the help desks need capacity strengthening. They are also aware that most of the people see the help desks as an additional layer of constraint in reaching out to the security actors.

The police explained that mostly the public blames the entire institution when an individual police officer performs poorly. In addition, there is a gap between the public expectation of the police and the limitation of the police in terms of their resources. The officials urge the non-government sector to play a vital role in increasing awareness of the common people in relation to the promotion of security and access to justice and the ways these mechanisms work. Such efforts, they believe, can help the people trust the security actors and register the First Information Reports (FIR).

The interviewees also said that people register complaints against somebody with an intention to take revenge on them and not for genuine reasons. The research team also found that most of the registered complaints in the southern areas (residential area of Madhesi origin people) of Nawalparasi district were motivated by revenge or financial benefit, whereas the cases in the northern (residential area of *Pahadi* people) were found to be based on real incidences. This raised a question with the assessment team on why certain groups of people seemingly understand the work of the police and the other does not.

The police also ruled out the *Panchayati* practice in rural areas of Terai/Madhesh as the strong obstacle for common people to approach and understand the country's security sector. They explained that this non-legal tradition not only gets involved in civil incidences but also attempts to be a part of settling criminal cases. This renders the illiterate and marginalized population at the mercy of the *Panchayat*, who come to the security and justice institutions only after this first step.

3.6. Justice Sector Institutions

Office of the District Government Attorney

The Government Attorneys (public prosecutors) informed the assessment team that a variety of crimes happens in the districts assessed. This includes murder or attempts to murder, abduction, theft or dacoit, rape or attempt to rape, drug trafficking and consumption and rampant violence against women. They opined that much of the crimes result from increasing unemployment, foreign migration, media influence, lack of education, and criminalization of society.

They said that the public is unaware of the public prosecutors' responsibility for providing legal advice to government agencies within their jurisdiction, including the police and administration along with handling criminal offense cases. However, they recognize that limited human and logistic resources hinder their services.

They informed the assessment team that the police and prosecutors are working closely within the frame of professional ethics. They mentioned that the police consult them throughout the crime investigation processes. However, they opine that the police bear overwhelming pressure, which is sometimes undue and inappropriate.

They feel that the government has not prioritized crime investigation and does not allocate enough budget to enhance the capabilities of police in the same, which requires modern technology, trained human resources, and designated officials. They held the view that they could ensure justice to the victims if police, who work with them, are equipped and well trained to investigate and collect evidence that is legally required for case drafting process as well as liaising with the public prosecutors.

They suggested that the establishment of a "Legal Officer" position at police system could help the investigation process and strengthen the possibility of the poor people's easy access to justice.

District Courts

The judicial sector, particularly the District Courts, believe that it is functioning properly within its constitutional mandate and other existing laws and regulations developed by the legislative/parliament, Judicial Council, and the Supreme Court. In their opinion, roles and functions of the judiciary are clear and transparent, which aim to ensure justice for the people based on evidence produced by other actors within the criminal justice system, particularly prosecutors and police in criminal cases, and the disputants in civil cases.

The actors claim that they are engaged in a number of positive initiatives to enhance the judiciary's public image and reach out to the people to educate about the judicial processes through the "Judicial Outreach" and "Meet the Judge" programs implemented under the Third Strategic Plan (2014/15 – 2018/19)". The District Court of Dhanusha has established a help desk to facilitate people through court proceedings, which is also believed to be available in the Maithili language.

They claimed that the Court is open to the public and that there is no hesitation to provide information to the people and other stakeholders within the limitation of the law and jurisdiction, and the "Code of Conduct."

They also acknowledged that the system faces a number of difficulties while ensuring a quality verdict due to the procedural inconsistency. They said that the courts rely on the evidence produced by the

police and prosecutors, which many times suffer from the court's poor documentation system and insufficient infrastructure and technology.

Also, while they understand the importance of a quota system to increase the participation of the marginalized sector, they are also concerned about developing the capacity of the officials who join through the quota system. Other factors inhibiting effective justice, according to them, include political pressure or influence, lack of capacity development opportunities among criminal justice system stakeholders, and excruciatingly slow structure and procedures of the criminal justice system.

They also recognize that the women who are victims of domestic violence, rape, property rights, polygamy, and child marriage are still struggling their ways to justice. They said that many times, victims become indifferent and change their cases while at the hearing. This is mostly because they give in to the family and public pressure, are manipulated based on financial deals, or are afraid of the idea of not having a "home" to return to after the case. They informed the team that the court understands the complexity of these cases and has thus developed a process called a continuous hearing.

Some of the judicial officials realize that hands-on responsiveness of the judiciary can help transform people's perceptions of them as inactive and corrupt. They feel that it is time for the judiciary to positively engage with other sectors of the criminal justice system aiming to promote professional competency, including improvement of the charge sheet, case preparation, and submission, defending victims in the court as well as witness and victim responsiveness. In this context, the judiciary can play a preemptive role through investing in and activating the mandate of the Court Management Committee (CMC) and Judicial Sector Coordination Committee (JSCC).

The majority of civil cases, according to officials of the judiciary and courts during discussions, seem to have been registered based on prejudice, the historical aspect of the social composition, and revenge in Terai/Madhesh, which can be sorted out through community mediation. However, the court-established mediation system thus far has been ineffective or insufficient. In general, they outlined three different reasons for the ineffectiveness of the Court initiated mediation: 1) judges who are motivated to sort out as many as cases possible by the end of fiscal year to demonstrate their professional efficiency through the number of cases; 2) defense lawyers, who do not want to lose their source of income and 3) mediators, who either lack enough capacity or are less motivated due to poorly paid incentives (Rs. 500/day).

3.7. Local Governments

Women and Children Development Office (WCDO)

WCDO is primarily responsible for handling the welfare, development, rescue and emergency support to women and children. It also provides support and assistance in cases concerning domestic violence, VAW, and abuse of the elderly and children. It undertakes activities in coordination with other government offices and non-governmental organizations, and functions under the direct supervision of the Chief District Officers (CDO).

WCDO is also responsible for working with the Women and Children Service Centers (WCSC) of the Nepal Police and deals with the complaints received from victims, generally women and/or children. The WCDO seems satisfied with the service of the WCSC of the Nepal Police. However, they are not convinced of its effectiveness because the responsible officials and the resources are insufficient. They said that women, who come to these offices, usually are accompanied by children. The offices, but, do not have enough space and facility to keep the children occupied while their mothers are discussing

their cases. Similarly, they believe that the officials need specialized training in dealing sensitively with these women who are already scared of the repercussions of their coming out and complaining.

Despite the efforts of the WCDO, they recognize, that women and children continue to face threats and insecurities due to poor protection mechanisms of the state. In the majority of domestic violence and child abuse cases, the family members are the perpetrators. The alleged often denies and the case becomes complicated when it comes to the security of the victims who want to return to their homes after being heard by the justice system. In such situations, the mandate of the WCDO renders them incapable of providing longer-term support for the victims, including legal aid, medical support, and shelter.

The WCDO also faces numerous challenges in the rehabilitation and resettlement of those victims, who are unwilling to go back to their marital homes. Further, the lengthy and complicated court processes and poor mechanisms for security (social, physical and economic), often leaves the victims at risk. In one particular case in Nawalparasi, the WCDO mentioned that they provided medical treatment, legal aid, and shelter to a rape victim. However, justice was delayed to her because she didn't have a citizenship card and it was difficult for her to register her case.

District Administration Office (DAO)

The DAOs claim that the overall security and justice situation remains calm in their areas and they are satisfied with the service provided by their offices and supporting institutions, including Nepal Police.

However, they are cognizant of the larger areas that need reformation. The Chief District Officers (CDO) agree that Nepal Police still needs to go a long way in acquiring public trust, especially of the poor and marginalized populations. However, they emphasized that the public trusts the police efficiency when it comes to curtailing criminal activities, and smoothening the security and justice situation. They also said that people are mostly unaware of the services as well as the basic rules and regulations of the police.

The CDOs also feel that Nepal Police struggles with limited human and logistic resources and poor infrastructure while trying to provide professional services and establish its units in maximum locations.

They said that the DAOs are also affected by inadequate human and logistic resources, budgetary constraints, and poor physical infrastructure. The CDO Office in Siraha district operates its services from a building that is dilapidated and could collapse anytime. This is happening at a time when all the DAOs are under overwhelming pressure regarding issuing of citizenship certificates and passports, and handling cases related to the public offense.

Challenges to security and access to justice are also believed to be entrenched in social composition based on class, caste, and religion. According to some CDOs, Muslim communities have less exposure in terms of education and opportunities compared with other marginalized communities due to their isolated nature of custom, tradition and culture, and religious belief. As a result of the social structure, and influential role of religious leaders, security and justice institutions sometimes face difficulties in establishing minimum contacts and providing services. However, they accepted that the Muslim community also feels discriminated against and neglected by government mechanisms. Therefore, the government must prepare special strategies to address the concerns of poor and marginalized communities with due respect to their culture, religion, and tradition.

3.8. Political Parties

Political party representatives agree that common people do not have easier access to security and justice institutions, as well as other state mechanisms. They stressed that people find it easier access to reach out to the political leaders than police or justice sectors. Even though the security situation seems to have significantly improved, people are still living under threat of criminal and organized groups. Despite country's strong legal arrangements, according to political party representatives, people are continuously deprived of uninterrupted security and justice services due to a lack of proper enforcement.

They feel that the police seem equally inaccessible for common people, particularly women, poor and marginalized populations. They say this happens due to the continuing stereotype of the people against the police as repressive rather than service oriented. They also reported that the local police institutions impose their decisions, rather than enforcing laws fairly and equally, especially in cases of domestic violence.

They added that the police should accept oral complaints as equally valid to written ones considering the illiteracy level in the country.

They also shared their concern about the WCSC and emphasized the urgent requirement of strengthening it with competent human resources and adequate logistic capabilities. They also mentioned that the WCSC would benefit if there they had some authority in decision-making so that they did not have to depend on the supervision of some biased male senior officials.

On Judiciary, the representatives held a view that the system is slow, traditional, expensive, and complicated. They said that the common people hesitate to approach judiciary because they do not comprehend their duties and responsibilities. Most importantly they described the people as not being able to believe that the system is available for the voiceless. They shared their experience of working with people who thus chose *milapatra* as a form of alternative justice.

The political leaders accepted their occasional undue interference in state agencies, including security and justice sectors. They said that they have been sporadically involved in attempting to prevent prosecution of criminal elements and have put pressure for the release of alleged criminals without further investigation. Nevertheless, they also realize the importance of reducing and eliminating political pressure from all the government institutions.

Challenges around Access to Security and Justice

Challenges to security and access to justice vary from one place to another depending on the social composition, local context, demographic structure, economic prosperity and employment, access to education, and the competency, commitment, and limitation of individuals working within the security and justice sectors.

Through first-hand interviews with both the target groups and key stakeholders of the project, the team assessed the state of security and justice among the poor and marginalized, especially women. Based on this research, the research team identified a number of key challenges that this initiative aims to address and opportunities to cause positive changes, particularly at the community level.

4.1 Low Level of Public Trust and Confidence of the Security and Justice Institutions

Although many of those engaged in field research perceived an improvement in the security and justice situation, their perception regarding the actors has not changed much from the time of war. There is a feeling that those with no power and no money have no access to security and justice.

Many interlocutors expressed a belief that the police force is authoritarian, disrespectful of human rights, and corrupt. There is a sense that significant political influences on police behaviors still exist. The police are often seen as the age-long state tormentor, which backed a string of oppressive regimes – from the Panchayat to the monarchy – and sought to crack down on the Peoples' Movement II and the Madhesh Movement. The relationship, therefore, between the people and police is precarious at best.

However, these perceptions are largely based on very limited exposure to the police; most interviewed during the assessment had never interacted with them. Much of this has also been handed down from generations. For instance, people of the older generation have perceived the police as fear-mongers and have transmitted it to their young ones.

Similarly, the Nepali judicial system has faced challenges in acquiring public trust. The poor and the marginalized have, for years, lived under a perception that justice can be bought in Nepal. There is a broad view that Nepal's judiciary is both slow and ineffective and vulnerable to influences of coercion or corruption that produce perverse verdicts in cases that involve the powerful. Research has shown that Nepali people widely believe that the justice sector has little or no enthusiasm to settle cases of citizens who lack linkages and money.^v Official sources suggest that up to 40% of the decisions of district courts remain unimplemented.^{vi}

^v *Access to Security, Justice and Rule of Law in Nepal*. DFID, UNCT and DanidaHUGOU. October 2011.

^{vi} "Including the Community in Judicial Reform: An Initiative for Improving Women's Access to Justice in Nepal". Karan, Mohan Kumar. *NJA Law Journal: Special Focus on Access to Justice for the Poor and Marginalized Groups in Nepal*, Nepal Judiciary Academy, Kathmandu, Nepal. Special Issue 2012

4.2. Lack of Reciprocal Accountability

The research team found that there is a huge lack of reciprocal accountability in the public officials. In cases of failed justice, the police and the prosecutors (government attorney) blamed each other. The judges placed themselves above the fray, but pointed at both the police and prosecutors stating the verdicts have gone wrong because they were unable to properly investigate, gather evidence, and present their cases.

Police – The lawyers do not coordinate with the police for further investigations once we submit them the evidence and details of cases.

Lawyer – The information gathered by the police is not enough. They alter the information based on the social/financial status of the people involved.

Judge – The court is not unfair. But the verdict is largely based on the evidence prepared by the police and the lawyers.

Marginalized community – People with greater financial and political reach have all the power to buy security and justice actors.

4.3. Low level of Public Awareness

The level of public awareness is low, specifically among poor and marginalized groups, of security and justice issues, actors, and laws and regulations. This is compounded by a profound lack of basic knowledge or understanding of how the justice and security sectors work. This prevalent lack of awareness has led to low confidence levels and even fear vis-à-vis accessing security and justice mechanisms for specific needs. For example, many do not know how to engage the police and the justice sector actors and where to go for help when one is a victim of a crime; this is particularly emphasized in cases of domestic and gender-based violence.

Their lack of trust in the state actors have often tempted them to incline towards financial compensation. It was learned that women victims of violence have many times withdrawn their cases falling victim to financial compensation citing other reasons.

In the Terai/Madhesh, this dearth of awareness has also contributed to misperceptions when it comes to accessing services. The people, in many cases, bring somebody from the political party or use cash as a bait to get their things done, irrespective of the officials asking for it. The handed down knowledge that the state actors are corrupt and power mongers make them do so.

4.4. Local Influence of *Panchayati* System

The non-legal entity known as the *Panchayati* tradition remains one of the most influential actors in creating obstacles to public security and access to justice. It supposedly gets involved in settling of cases from local disputes to criminal cases. The system is widely believed to be one of the appropriate platforms to resolve local level conflicts as it engages political leaders, village development committees (VDC) secretary and other elites. It is taken as a local approach to resolving conflict, maintaining confidentiality, being cost effective (especially for poor people), and leading to the communities' good relationship with the elites (loan, agri-labor, and other support).

However, the structure anchors on the belief that a few elites, devoid of women, can give justice to the poor and marginalized population. It operates as a parallel and unchecked justice system without a legal jurisdiction that undermines the fundamental principles of rule of law and justice. The tradition further victimizes the victims with the decisions imposed by the male privileged elites.

Often, cases are silenced through financial compensation to the victim, who are mostly poor, to keep them from seeking justice through formal security and justice institutions or gain knowledge of it

thereof. The system has mostly provided immunity to the perpetrators. In many cases, perpetrators get away with domestic violence by repeatedly promising to not committing violence against their wives.

4.5. The Role of “Bichauliyas” (Middlemen)

The Bichauliyas are middlemen who work to either settle disputes or assist people in accessing security and justice. They more often than not use bribery or fear tactics to get results and perpetuate the negative public perceptions of the police and judiciary to ensure his/her continued employment.

Even though *Bichauliyas* do not have any legal recognition, they have unlimited access to power, resources, and decision-makers. They are recognized as successful dealmakers. These deals, however, are made through either financial deals or promises of hidden forms of incentives. This results in added financial burdens to the poor and marginalized population. In the meantime, they also convince the people that security and justice are impossible to achieve without access to power and bribery.

These middlemen were often found to play a dual role whereby they portray themselves as assisting the victims and also taking their shares from the perpetrators.

The *Bichauliyas* are also mobilized by government officials, including security and justice sectors to handle bigger forms of deals with wrongdoers. They operate almost as brokers, making connections and deals to accomplish the state institution's goals and responsibilities. So steeped, although concealed, in the culture of government business are the *Bichauliyas* that it seems nearly impossible to not use their services.

This mechanism is continuously hindering the people's smooth access to security and justice. They are contributing to deepening the distance between the marginalized people and police. They strengthen the public's belief that the police and justice sector actors are unreachable. Hence, the need for *Bichauliyas*. On the other hand, the security personnel and administration say that they mostly don't receive first-hand account as the cases are filed by the mediators (*Bichauliya*). Although these actors agree that they need first-hand information, they have not carried out any initiative to collect it.

Moreover, the *Bichauliyas* have made themselves indispensable in the process of accessing the state mechanisms. The community members reported that their cases were not considered important when they didn't have any mediators with them. There have been instances when the lawyers have advocated for cases where they haven't even met the victims, all of which is done on the basis of the information given by the mediators.

4.6. Corrupt Governance

Rampant corruption throughout the government system, including security and justice institutions, undermines the principles of justice. It means that common people, particularly poor, illiterate, and marginalized populations are deprived of adequate protection and their legal rights are not safeguarded and respected. Real and perceived corruption, both, have made public life difficult and expensive. People believe and have also experienced that seeking government service without bribe is impossible. Some of those interviewed complained that the staff, who have been working in local government, including VDCs and municipalities for a longer time, are heavily involved in corruption and create hindrances for access to security and justice services if they do not receive a pay-off.

Even though corruption in state mechanisms was highly emphasized by the people discussed during the assessment, including political parties, civil society, and media, the government agencies denied

it. They said that corruption has reduced from the government agencies, but remain in the public perception. A senior government officer mentioned during the assessment that if anyone receives a citizenship certificate without bribing a government official, people question the authenticity of it.

4.7. Rampant and Many Forms of Violence against Women (VAW)

Available data indicates that VAW is both rampant and widely accepted in Nepal. Too regularly, women are victims of a host of crimes, including murder, beating, sexual abuse, dowry, rape, and spousal abuse. The field research suggests that most women do not have their vital stat registrations, considered a basic right and an important instrument to access justice. The Women Development Office (WDO) in Kapilvastu reported that 35% of the victims of GBV in their district did not have birth registration, 35% did not have marriage registration and 40% did not have citizenship card. Their survey reported that nearly 70% of the women said they could not register their marriage because of lack of cooperation from husbands.

The survey revealed that the victims who have been identified overwhelmingly represent marginalized communities: 23% Dalits, 25% Janajati, 21% Muslim and 31% from other castes. These statistics show that the poor and marginalized women are among the most affected. Many face violence on a daily basis and yet cannot access justice because they do not have the legal documents that can make accessing justice easier.

Most of the common factors that enable GBV are prevalent in the target districts, given population densities and particularly low levels of literacy. Many women from those marginalized communities are unaware of their rights and, being illiterate, lack access to information and justice. There is a profound culture of silence among women and a general sense of acceptance of the violence perpetrated against them; only those most severe cases are made public, and even in those scenarios, women prefer to go to peer groups rather than the police or community mediation centers. Far fewer seek support and justice through courts.

4.8. Lack of Resources and Capacity in the Security and Justice Actors and Institutions

The efforts of ensuring access to security and justice of common people are also hindered by poor infrastructure of the security and justice institutions. This is compounded by the lack of capacity development opportunities for the actors. While the challenges to security and justice are deep and complicated, the outdated, insufficient and broken legal, physical, institutional, logistic, and technical infrastructures make it further complicated. These infrastructures include insufficient office premises, inefficient electronic equipment, traditional technology and database centers, dysfunctional vehicles, and ineffective surveillance and crime prevention and investigation tools. Not only does this lack of resources and capacity prevent judicial and security actors from carrying out their functions effectively and efficiently, limitation of their knowledge and skills for community relations continues to hinder the people from trusting them.

A startling example was seen in the women cells, where the women police officers cannot make gender friendly decisions in many cases. This is because before making a decision, they have to ask senior officers, exclusively male, who have no idea about the case.

Further, lack of planning things according to available infrastructure and context was seen as another hindrance. The government has circulated a directive, which asks judges to meet certain percent of resolved cases in a year. Judges say that the requirement doesn't give importance to the quality of the

cases being dealt with as it is difficult to both reach the target and give quality time to each one. Hence, the compromise.

With these gaps, instances of disrespectful behavior, intimidation, and insensitivity continue. More specifically, the majority of women and other marginalized communities consulted during the field assessment highlighted specific cases of mistreatment and disdain by the police. Similarly, lawyers and administrative staff, who are often the first point of contact for the victims, reportedly lack empathy and sensitivity when responding to the needs of the most vulnerable groups.

Nevertheless, the stakeholders of security and justice, in their words, are struggling to stand out in their duties and responsibilities despite the scarcity of a good infrastructure and trained and an adequate number of human resources. They reported that the areas that need capacity development include data management, documentation, technical operation, archives, information and office management, legal analysis, and strategy development for crime prevention and investigation.

4.9. Language Barriers

Nepali though is official and most commonly used language, is not the lingua franca for many marginalized communities. Many are still not comfortable using it. This is true especially with women of these communities, who are isolated to their circles. On the other hand, officials within the security and justice institutions often struggle to communicate in local languages. Participants stressed that people are open to talking about their problems with people who speak their language. This doesn't give space for trust to flourish, which paves way for possible injustice towards the plaintiff's case.

However, the senior police officials do not think of language as a barrier because the junior police officials appointed at the regional police units can speak the local dialect and are available in the field.

4.10. Limited Engagement with the Security and Justice Actors

The existing formal justice system is agonizingly slow and too expensive for the poor people. The situation is exacerbated for those living in remote areas where access is even more difficult. The formal legal system is perceived as costly and cumbersome and as controlled by a few legal professionals. Courts have been criticized for their failure to adequately recognize and satisfy people's needs and provide for direct participation. The initiative of a public hearing by the court to improve their governance is a good approach. However, public hearing in court has not been effective because people find it difficult to express themselves in a formal setting. They expect the hearing to be informal and tailored to their contexts.

Similarly, though significant efforts have been made to re-establish enough police presence, there is a long way to go to consolidate their role of serving communities. The suspicions of one another, perpetrated in some instances, by community support the general perceptions of security forces and have remained palpable as a barrier to effective cooperation. This has prevented both sides from reaching out and creating the collaborative initiatives or mechanisms to work together on community security.

Chapter V

Recommendations

The following recommendations are produced based on the opinions gathered during the period of the assessment through the FGDs, KIIs, and interaction with the public, stakeholders of security and justice, and key personnel of the state institutions, including the judiciary, District Administration Office, Nepal Police, and Office of the State Prosecutor. All of the recommendations are aimed towards strengthening and supporting the security and access to justice initiatives of various actors and organizations. They also serve as a guide to implementing the *Pahunch* project for SFCG and its consortium partners. Some of these recommendations, which are already planned to be implemented by the *Pahunch* project, could be successfully undertaken within the project period and are possible to be achieved.

The objective of the assessment was to identify challenges and propose approaches to strengthen security and justice situation. It also focused on identifying key potential areas for stakeholder partnership. Therefore, the recommendations are designed in a way that can develop positive relationships, transform attitude and behaviors, and enhance trust among and between the public and the security and justice sector actors.

5.1. Education, Awareness, and Information Dissemination (EAID)

EAID remains a central agenda among stakeholders of security and access to justice. It is identified as fundamental to moving forward considering the lack of awareness regarding laws, regulations, policies, and working of the state mechanisms. The activities mentioned under this recommendation have been designed envisioning collaboration among and between security and justice institutions, VDCs, municipalities, media and other relevant stakeholders. The team also recommends tailoring these programs to local contexts.

- **Judicial Awareness Programs** includes information dissemination and public sensitization about the court proceedings such as hearing process, judicial code of conduct, court administration, case management system, court managed mediation process, citizen charter, and punishment provisions. Public Service Announcement (PSA) broadcast from community radio, public television, print media, leaflets, posters, and information sheets are effective means of promotion in the targeted areas. The court initiated *judicial outreach* and *meet the judge* programs are also pivotal platforms for bringing the community and the court officials together.
- **Legal Awareness Programs** can promote security and access to justice by informing the people about basic laws, rules, regulations, and policies. This can empower victims and prevent even unintentional breaking of the law. Education and information on provisions of *legal aid*, *Baitanik Wakil*, and other forms of legal support provided by Nepal Bar Association, Para-Legal, local government, and non-governmental organizations can also improve victims access to justice.
- **Government Service Delivery Awareness Programs** incorporates making the knowledge of overall government services available and disseminated through public service announcements (PSAs) and information sheets. Such information can relate to citizen's charter, and organizational and

service delivery structure of the security and justice institutions. Further, there is a need to launch an information dissemination campaign about the procedures for seeking security and justice. The *Pahunch* project has plans to disseminate information related to security and justice through information, education, and communication (IEC) materials. The idea would benefit from adding further information on what to expect from security and justice sector.

Moreover, *Pahunch* project will add value if they include focused intensive awareness program targeting old generation about the activities and services given by police to transform their perception and distrust towards the police personnel. This is especially important as these older generation hand over their limited knowledge about the police and the justice system to their young ones.

- **Security Sector Awareness Programs** focused on disseminating information about the roles and responsibilities of the security sector is necessary, especially for the poor and marginalized populations, including women. Police functions and jurisdictions, as well as procedural operatives, should be disseminated through information campaign, interaction programs, and discussions with educational and public institutions, traditional religious and spiritual organizations, and local community.
- **Adding to Mediation Centers Programs** includes a recommendation to address the roles and jurisdiction of the mediators. Similarly, the team recommends that police should be invited to participate in mediation activities. This can increase a sense of ownership in the police and rebuild public trust in them. In addition, the mediation centers would benefit if they seek collaboration and coordination of other responsible stakeholders.
- **Community Empowerment Campaign** should be primarily focused on impoverished, illiterate, and marginalized populations, particularly women, *Muslim, Dalit, Janajati, Tharu, and Madhesi* communities. This effort will help empower the target groups through educational and economic support activities. While providing self-sustainable supporting activities, these groups of people will receive information about the country's laws and regulations related to public security, justice, and approaches for seeking security and justice, as well as basic functional procedures of these institutions. Furthermore, youth and senior citizens should also be encouraged to participate in community and police participation activities. SFCG's Football Clinic program is an example of such activity.

Further, the security and justice sectors' familiarization with ethnic languages and culture can play a significant role for better performance by improving their response to the public and improving public perception of those officials, thereby promoting security and justice without undermining their traditions and beliefs. It can also help government servicemen to easily integrate themselves in the marginalized communities. Similarly, local populations will also feel comfortable to approach to security and justice institutions and share their thoughts and grievances as well as traumas of the victims.

5.2. Capacity Building

Enhancement of individual and institutional capacities was brought to the fore as a recommendation by each group and individually interviewed during the assessment. Poorly trained government security and justice officials and broken infrastructures of these institutions have created significant obstacles to the effectiveness and credibility of their services. These programs should incorporate professional enhancement of the individuals and develop credible and transparent institutional frameworks. Furthermore, these support activities should encourage the government to invest in sustainability for

the advancement of human, technological and logistic resources. Some of these capacity building activities can be launched as part of on-the-job training and refreshment programs, and some may require new strategies, which need to be implemented from the beginning of recruitment or enrollment phase.

- **Judicial Sector Professionals'** capacity development could include effective case management systems, technical skills for archiving and documenting court records, strengthening the court's service management and information dissemination system, and verdict writing skills. (*Note: Judges are not allowed to receive any forms of trainings or capacity building packages from other than the Judicial Academy*)

The Judiciary during the assessment claimed that guaranteeing the security of the people through ensuring justice in criminal cases falls under the collective responsibility of the court (adjudication), state prosecutor (prosecution), and Nepal Police (investigation). Security and justice institutions can achieve goals through professionally handling investigations and prosecutions, and adjudication together. However, the judiciary expressed their hesitation to accept the working procedures and methodologies of the quasi-judicial agencies and expressed dissatisfaction with their performances, which they think are legally incompetent. Therefore, to overcome these challenges, they proposed that new practical strategies must be introduced through safeguarding the professional interest of all related stakeholders, which provides enough incentives to the court, mediators assigned to the court and designated by the CMCs, and defense lawyers.

- **Public Prosecutors'** capacity development should focus on handling new forms of crime, including organized, transnational, and cybercrime. Similarly, a training program for the state prosecutors' offices on accessing national archives secured from government mechanisms through modern technology can be launched. Such packages should also include professional competency in office management, effective mobilization of available resources, as well as crime investigation and prosecution.
- **Nepal Police Officials** engagement with the people could be strengthened with capacity development programs such as public relation skills, educational programs on human rights, positive behavior and attitude, good governance, legal arrangements for crime investigation, particularly for women and children about GBV and VAW, and judicial process and accountability focusing particularly for the junior ranks. This is important because the police station is the first platform of investigation and the way people are treated at this step determines if justice will be served. It was noted that in most of the cases, junior police officers, who are not properly comprehensive of laws and by-laws, carry out the initial and lawyers and judges underestimate the evidence collected by them. The police officials were also of the view that they would benefit from activities that include familiarization of crime trends, national and international laws, crime investigation skills, facilitation and dispute resolution, familiarity with the roles of prosecutors and court offices, and using modern technology including polygraph, forensic science, evidence collection, and protection. This will enable the government lawyers and judges to acknowledge the work of police officers.

Women informants have expressed that they are comfortable sharing their issues if there is at least one woman police officer in the women cells. Though the women cells are committed to working towards reducing VAW, there is a gap between expectation and reality. The *Pahunch* project is uniquely positioned to carry out a rapid research to find the gaps and tailor its activities to the context. The project could also facilitate periodic public hearing in close coordination and

consultation with district police offices based on the findings of the research. Furthermore, the radio and TV programs under *Pahunch* can address the gaps identified by the research.

- **WCSC Officials of the Nepal Police** should be provided enough opportunities for diversity training in order to provide fair, professional, and effective services related to VAW and GBV, and children. Other forms of trainings should incorporate socio-psychological counseling and behavioral management, human rights, gender, and children sensitivity investigation, as well as issues of respect, integrity, confidentiality and privacy of victims and witnesses, and facilitation and basic dispute resolution skills.
- **Local Government Staff** should be able to receive regular training on the country's laws, rules, and regulations, community mediation, as well as security and access to justice mechanisms. As per the Local Self-Governance Act 1999, local government is imbued with quasi-judicial power on specific issues. Therefore, the government must provide orientation and training to local government staff, including VDC Secretaries and Municipality's Executive Officers about the security and justice sectors and laws.

According to the civil administrators, increasing confidence and accountability of public institutions must be placed in high priority to overcome the challenges to security and justice. Some of the CDOs argued for the need of changing the negative perception of the people towards the state's security and justice mechanisms about human rights, women's rights, social justice with the assistance of the national and international community. During the assessment, it was also pointed out that there is a lack of trust among the government administration and non-governmental organizations (NGOs) and the civil society and the public. The continuation of distrust can be reduced through launching educational and face-to-face activities while enhancing the awareness of the rights of the people. Therefore, such initiatives should incorporate confidence building initiatives that will help to enhance the trust of the government mechanisms, including police, administration, and justice sectors.

- **Mediators** can play a significant role to settle local disputes on civil cases through the court mediation and community mediation centers. Mediators from the court's mediation center and CMGs, police, local government officials, and defense lawyers should be provided training on a regular basis about newer techniques of mediation and methods. Similarly, refreshment programs should be organized to ensure the effectiveness and fairness of mediators with proper knowledge and current ideas and approaches. During the interviews, the participants opined that they would benefit from training on convincing the victims that being compensated financially is not equivalent to getting justice. It is advised that the trainings should be based on the 2011 Community Mediation Act and its regulations, Code of Conduct for the mediators, tools, and techniques of mediation, legal aid, and the difference between the justice and compensation and financial support. Such efforts will help reduce the gaps and difficulties faced by the mediators while sustaining the relationship with the victims and perpetrators.
- **Media Sensitization** can include a fellowship for prominent media (print and electronic) or media persons on security and justice sectors reporting, training for editors, publishers and reporters on security and access to justice sensitivity and reporting, supporting sponsored educational and awareness programs and advertorials, and research fellowships. Such programs should also incorporate regular interaction and discussion on security and justice issues along with community members because the assessment found out that journalists are isolated actors in the security and justice environment. Even though *Pahunch* project has already planned capacity development event targeting journalists, further activities need to be developed to increase the level of interaction between journalists and public. We recommend initiating a research fellowship

program for journalists which will increase the interaction and help deliver information about the fact, reality, and gaps in the security and justice sector.

5.3. Coordination, Collaboration and Confidence Building

Even though coordination, collaboration, and confidence building efforts exist throughout the security and justice agencies, it is limited in its effectiveness and proper institutionalization.

- **Justice and Security Sectors'** relationship can be healthier, effective, and strong if there is more open discussion on the issues that are integral to both sectors. The Justice Sector Coordination Committee (JSCC) can be a platform for this. The team also recommends establishing the help desk or citizens' support chambers aiming to facilitate the process and provide information. Considering the low success rate (> 5%) of the court's mediation efforts in all the assessment districts, separate capacity building programs on mediation processes should be carried out together for the court officials, mediators, defense lawyers, and local government officials from the VDCs and the municipalities. *Pahunch* project can facilitate to bring the issues of court mediation centers to JSCC meetings aiming at analyzing the gaps and incorporating the finding into their activities. Likewise, awareness programs related to security and justice can be tied up with the VDC's programs aiming at increasing the ownership of VDCs and the sustainability of such programs.

In addition, it was found out that in Dang, Justice Security Coordination Committee (JSCC) is more of a formal institution, which is used to make the work of court easier rather than working as an institution to make justice and security sector effective. Lack of cooperation mechanism between JSCC and court has blocked the issues of the court from being acknowledged and solved.

- **Engaging District Development Committee (DDC)**, although it is not directly involved in the security and justice programming can be beneficial. The DDC, with a mandate to ensure public participation in project planning and implementation, can be a useful partner while implementing security and access to justice programs. Such programs could include social awareness, capacity building, and empowerment of marginalized and deprived populations such as women, children and other special groups, including people with disability, senior citizens, Dalit and other poor and marginalized populations. These programs could run in collaboration with the local governments (VDCs or municipalities), Local Peace Committee (LPC), WCDO, Para-Legal, Citizens' Consciousness Centers, Ward Citizen's Forum, Local Governance and Community Development Project (LGCDP) Facilitators and political parties.
- **Nepal Police – Public Partnership** should be strengthened through joint orientation sessions on public interest issues such as rescue and relief in times of natural disaster; health awareness, and participation in the protection of cultural heritage. This could be done with the help of social activities such as games and cultural programs, legal awareness, community empowerment and public outreach activities, and interaction programs with social activists, community leaders, and school teachers. Such partnerships will develop mutual trust and credibility, and professional relationships. Similarly, mobilization of youth by establishing their informal networks could be an asset for the promotion of security and justice in the community. During the assessment, it was found that the youth are mostly found involved in criminal activities. Nevertheless, they are the most potential actors who can play a role in minimizing criminal cases. Further, youth are among the educated groups and are trusted the most after *Bichauliya* and political leaders. Therefore, the establishment of Youth Security Network in each project VDC could help strengthen people's access to security and justice. The network can also be mobilized to share stories of success with the community.

- **Community Mediation** can be effective by activating the District Mediation Monitoring Committee and through joint workshops or interaction programs among the court mediators, community mediators, para-legal, defense lawyers, local government officials, including VDC secretaries and municipality officers, and police. These programs will establish a space to share experiences and provide an opportunity to prepare collective strategies. Another opportunity to improve this sector is to establish informal mechanisms for sharing information and enhancing collaboration between the police and the CMCs. In addition, if people who are working as a *Bichauliya* are provided resources, trainings, and promoted as a local resource person and considered as strategic stakeholders, then their roles could be positive and effective. This can also help them internalize positive attitudes towards providing justice to the marginalized community. The assessment shows that the Bichauliya are such an integral part of people's everyday life that channeling their energy towards constructive approaches can actually bolster the working of the police and the court. Again, if mediation centers ensure proper regularity of police then the sense of ownership among the police will increase and civil cases which are registered in the police station can be referred to the mediation centers. Similarly, funding challenges of these centers can be addressed by allocating certain funds from local governments, including DDC, VDC, and municipalities.
- **Multi-sector Stakeholders** including the judicial sector, government mechanisms such as the District Administration Office, Nepal Police, political parties, non-governmental sectors, religious organizations, community empowerment organizations, and civil society should regularly interact and discuss security and justice challenges and opportunities, both thematic and general. Such efforts can be promoted through interaction, workshops, and discussion programs. There will be added value if these programs are conducted in collaboration with traditional organizations of poor and marginalized populations in the rural areas and the senior security and justice officials travel together for the same purpose. For instance, there is no real information related to the issues of VAW among Muslim women, as they are not expressed outside of their community. Considering the nature, causes, and impact of violence on Muslim women and availability of limited information for security and justice sectors, the religious leaders such as *Maulana* and *Imam* should be encouraged for their involvement in identifying needs and addressing these problems in their community in coordination with security and justice sectors. Furthermore, as many Muslim women mostly cannot go beyond their religious structure and work against VAW, *Pahunch* project needs to design programs in a way that information can be disseminated in their religious gatherings. In addition, engaging women social mobilizers from the Muslim community will also help. Similarly, community-policing needs to be expanded in collaboration with the Nepal Police aiming to bridge the gap between the people and police as the assessment found out that community police are highly accepted by the public. The project should involve community police in its activities by using community seed grants. This will also add synergy to the project activities.

5.4. Promotional Initiatives

Even though the state is primarily responsible for ensuring security and access to justice of the people, it can be enhanced and promoted by supporting other efforts of the government, and national and international non-governmental agencies. Considering the nature of security and justice institutions, it is extremely important to improve daily lives of people through empowerment, opportunities, and infrastructure development, which will have a longer impact on improving access to security and justice situation in the society.

The promotional initiatives should also be focused on changing perceptions and mindset of the public and the stakeholders towards each other. This can help build trust leading creating a conducive atmosphere for improving access to security and justice. It is also important to build the foundation

of an individual and professional relationship, and enhance public legitimacy, and credibility of their performances, as well as develop positive attitudes and behaviors.

- **Community Mobilization** incorporates creating employment opportunities for local communities, particularly youth, aiming to reduce their involvement in criminal or illegal activities, increased opportunities for education in ethnic or local language, distributing resources equally for infrastructure development, and supporting income generation activities. Similarly, there should be an ongoing effort to increase understanding of the poor and marginalized populations through conducting awareness and educational programs on topics from government services to the country's legal mechanism, including security and justice. Such empowerment and sensitization programs should be conducted in collaboration with the security and justice institutions of the state, as well as civil society, and religious and traditional institutions.
- **Reduction of Domestic Violence** includes programs and activities that help to reduce GBV and VAW and attempt to ensure justice to the victims. It needs to be handled with special attention from policymakers by developing appropriate strategies such as law enforcement, awareness campaigns, educational activities, and institutional and legal reform, legal assistance, and emergency support and resettlement programs. These strategies can help the victims feel comfortable to report their complaints to the police, and other appropriate government mechanisms. Similarly, there is an urgent need for better resourcing law enforcement agencies, particularly the WCSC of the Nepal Police. Such support will help for the selection and deployment of competent personnel and create a victim-friendly atmosphere in the police premises. In addition, it is essential to develop special policies to address GBV and VAW cases targeting marginalized populations, including the Muslim communities, which maintains security and privacy of the victims and helps to encourage traditional and religious institutions to report such cases to the police or other government agencies.
- **Youth Involvement** entails the use of their positive strength and knowledge towards the improvement of security and justice in the community. Unfortunately, many youths are increasingly getting involved in violent and criminal activities. While limited opportunities and increasing unemployment, along with their manipulation by political actors, have forced youth into crime, and illegal activities, many youth desire to be productive and contribute to a better future. Negative perceptions of society towards youth must be changed or else those perceptions could turn into a self-fulfilling prophecy. These perceptions can change through engagement of youth in social activities. Also, creating platforms for the youth to share and address their grievances and engaging them in constructive activities can build the foundation of strengthening security and access to justice situation in the country.
- **Infrastructure Development** covers almost all stakeholders of security and access to justice which include adequate human and logistic resources, incentives for hardship, technology enhancement with software development and database management, the establishment of archive centers, safe housing and shelter for women victims, and physical infrastructure for security and justice sectors.

Chapter VI

Conclusion

Improving security and access to justice requires an integrated, multi-sectoral, and sustainable approach made possible through professional coordination, collaboration, trust, and partnership among the concerned stakeholders. However, the state must demonstrate its responsibility and commitment to ensure security and access to justice of all people, and create special mechanisms for the empowerment and protection of marginalized populations.

Security and access to justice of poor and marginalized populations can be assured through policy arrangements and its proper enforcement, as well as developing an institutional mechanism for grievance addressing, capacity building of the responsible officials, enhancement of infrastructure, and education and awareness activities through public participation. Such efforts require technical and financial resources to provide multilayer impact on changing organizational dynamics, and behaviors of individuals, as well as services of the security and access to justice institutions.

Despite efforts of the security and justice sectors, poor and marginalized populations continue to feel isolated and neglected from the state mechanisms, and struggle to seek security and justice services, freely and impartially. In this regard, the government should attempt to create a conducive atmosphere and accessible mechanisms to ensure uninterrupted services to security and justice sectors through the efforts of developing modern infrastructure and competent human resources as well as taking initiatives of legal reform, mutual trust, and partnership.

Annexes

Annex – 1 Case Studies

Mishara: A Victim of the Delayed Judicial Process (Dhanusha)

Sixty-five years old Chandra Dev Mishra of Deuri Parwaha (Dhanusha district) has been seeking justice for the last 43 years. He is currently urging the District Administration Office (DAO) for the implementation of the Court verdict, which was delivered in his favor by the Land Reform Office, Appellate Court and the Supreme Court. He knocked the door of the Supreme Court to receive land registration paper (past plot no. 323 of the area of 0-6-10-0 from 2026, and plot no. 722 in the present) of land located in Parwaha, which was previously under the name of Janakpur *Guthi* (specific category of government land).

His father Nachari Mishra has been tilling the piece of land that initially belonged to Janakpur *Guthi* for years, but it was enlisted during a field survey conducted in 2026 BS (1969) and the land was declared as public land. Mishra's family continued to till the land, but they come to realize in 2033 (1975/76) that the land has already categorized as public land. In Falgun 2033 (January/February 1976), Chandra Dev filed a petition in the Supreme Court to terminate the decision of the survey and seeking Court instruction to register the land ownership paper under his name, and the Supreme Court delivered the verdict in his favor.

Despite the Supreme Court verdict, Mishra was forced to file a petition in the Appellate Court for demanding the enforcement of the Court verdict because the previous ruling was not implemented by the government authorities for 31 years. The Court again issued verdict in his favor to Mishra stating that the previous decision of the Land Revenue Office was terminated, which was refused to implement the Court's verdict. The Court further said that the Mishra should receive land ownership paper based on the proof of the documents. Even after six years of the Appellate Court verdict, it is yet to be enforced.

Mishra was paying the revenue of the land regularly until 2060 (2004). However, the *Guthi* has refused to receive land revenue since then even though he has paid from 2020 to 2054 (1963 – 1997). Interestingly, the owner of the small portion of land from the main one sold by Mishra has already received land ownership paper from Land Revenue Office. Even after 43 years of legal struggle, Mishra is yet to receive land ownership paper to legally establish ownership over his own land.

Social Interference Pushes Police in Difficulties (Dang)

Despite the governmental and non-governmental organization's continuous campaign to reduce violence against women, the residents of Banghushri village of Satbariya VDC – 2 witnessed inhumane situation when a group of women were marching with a woman with shaved head and innerwear clothing, smeared face with black color and shoe garland. Unfortunately, police took decision for not to interfere even though the action was illegal, and the horrific action was taken based on decision of the community (village).

Police was arrived in the scene after sometime of incident, but they decided to return without any action after believing the villagers that they will sort out the case in their community. In-charge of the

Area Police Office (APO) Lamahi, Laxman Bahadur Shahi said “police can move forward for action if the woman files a case claiming that she was humiliated.” He further said, “Whom should the police arrest where the whole village women were gathered. Police team was returned from the scene when they were assured by the villagers to sort out the case by themselves.”

The villagers claimed that Chaudhary woman, who was forced to parade half-naked, was repeatedly accused of having illicit sexual relation with her neighbor. They had several rounds of discussion with her on the issue in the past, but the case was not solved within the village. Previously, the case was also discussed in the police. Police has told the alleged woman for not to involve in such illicit relation in the future. But the villagers have complained that she did not stop to involve having relation. According to villagers, the man who she was accused of having relation could not handle the social pressure and had since committed suicide.

A village elder Salikram Chaudhary said that “the villagers had decided at first to penalize her with Rs. 25,000, which was later increased to Rs. 50,000 as part of penalty. She was allegedly behind her neighbor to commit suicide.” He added “it could be the reason that the woman did not pay the decided penalty that’s why the village women could have forced to her parade”. “We don’t know what the law says, but we have been taking actions against those who goes against the norms of this village”

However, victim claim that allegation of the villagers against her is false and she has been subject to violence of the villagers. Her husband is a manual labor, and their economic condition is very poor.

Struggle for Citizenship Certificate and Birth Registration Paper (Rupandehi)

A disabled women named Shamila Harijan [name changed] of Bodhbar VDC, Rupandehi is facing trouble for survival a disabled woman, who is surviving with her 10 years old son. She is being helpless because of her husband got married with another woman after 3 years of their marriage and decided to live with second wife. Her husband was married with her by knowing the condition of her fragile legs. She has neither obtained her citizenship certificate, nor her son’s birth registration paper. Even though it was arranged marriage, she lives as abandoned person with her son.

After two years after their marriage, son was born and her husband used to visit them until the age of 3 – 4 years old of their son, who is currently 10 years old. She is currently struggling for their daily lives since her husband lives mostly in India with his second wife and stopped visiting to them. After leaving her husband to India, both of them are ignored from her in-laws as well. Shamila has registered complaint in nearby police office against her husband under polygamy charge, and police has assured that they would take action against her husband. However, police have unable to arrest her husband due to their village locating in adjacent with Nepal – India border.

After second marriage, her husband sold most of their property and left one Kattha (3638 sq.ft.) for both of them as property, which is not enough for their survival. She mentioned that her husband occasionally visits to his parents but runs away if he learns about police mobility. She has given up the hope of justice, but pleaded with her tears for her citizenship certificate and birth registration paper of the son. So that it would make easier for her to find work, and son's education.

There are several other cases, which are similar to Samila in the district. Even women are living with together in their home, they are struggling to obtain citizenship certificate and child's birth registration paper due to reluctance from their husbands, and the families. Such cases are mostly prevalent in Madhesi communities, particularly in southern Rupandehi. It is one of the evidence that women and children are deprived from the state provided services, including security and access to justice in absence of citizenship and marriage certificates, and birth registration paper.

Unnecessary Expenses for Minor Dispute Solution (Saptari)

After the death of his parents, Manoj Goit of Pakari VDC had filed case in the District Court as a result of dispute over ancestral property of 12 Bigaha (209,424 sq.ft.). Both of the brothers have filed cases in the Court in different occasions, and the Court has also made several verdicts. But Manoj does not seem satisfied with the Court verdict.

He has been continuously petitioning in the Court since 2057 (2000), and has spent nearly about 2 million Rupees. He further added, the equal amount must have spent from his brother during Court cases. This cost includes transportation, legal fee, and other essential expenses. His latest case has been going through the Court since one year. Manoj expressed his frustration and stated that “I am present at the Court even during the period of farming. I do not have option. If I don’t show up in the Court hearing, I may lose the case.”

Similarly, a 77-year-old Manaki Safi of Mahadev VDC has longer experience than Manoj, who has been going through court cases since 50 years. Lately, she is moved to the Court against Hare Ram Safi and 4 others on the issue of land dispute. When asked about the expenses Safi said, “Expenses is obvious, but she does not even remember about the expenses in all of those cases that she was involved in her life.” She says that she had filed cases in the Court in various different cases including land disputes, beating, and defamation.

In another case, Yogendra Prasad Yadav of Boriya VDC has been facing Court case registered by his neighbor Bechan Yadav on the charge of encroachment of public land. His expenses have so far reached about Rs. 50,000.00 during the period of two years Court cases. He added that, “the district Court delivered its verdict in his favor, but Bechan appealed the decision in the Appellate Court, and that's why he makes his frequent visits in district headquarter.”

According to the Registrar of the District Court Saptari Nawaraj Dulal, Saptari scores second district after Kathmandu in terms of the number of registration of cases.

Influence of Panchayati and Ineffectiveness of the Justice System (Dhanusha)

The future of a 30 years old Ranjina Mandal and five-year-old son, Indrajit Mandal has seen uncertain as a result of her Court established husband refusing to accept the Court decision. Ranjina used to work as housemaid for the family of Pradhanpancha (elected Head of local government in Panchayat regime) Indra Narayan Mandal, and was helping for dish cleaning, laundry and farm activities, while her husband Ram Pukar Mandal was away for foreign employment since five years’ period.

Her son Indrajit was born due to a forceful sexual relation of Indra's son Sanjay Kumar Mandal in Chaitra 2065 (March/April 2009). According to Ranjina, she was threatened by Sanjaya to banish her from the village using his family’s influence when she protested forceful sexual conduct, and was compelled to have sexual relation with him. When the pregnancy was noticed, Ranjina's husband Ram Pukar expelled her from the house under his family pressure.

In Bhadra 2066 (August/September 2009), the villagers convened a *Panchayati* and made a decision that Sanjay should accept Ranjina as his wife, but the influential former Pradhanpancha Indra's family refused to accept the decision. Ranjina tells that police had arrested several people including Teji Yadav, Manoj Adhkari and two others and detained for 10 days on the allegation of their involvement to support Indra's family. According to Ramchandra Mandal of Gidda VDC recalls, Sanjay had confessed that Ranjina was pregnant from him, but he refused to accept decision and he was run away

from the village due to his father's pressure. According to *Panchayati* decision, Sanjay should have to pay Ranjina with the sum of Rs. 400,000.00 as compensation, and she should be allowed to live in Sanjaya's house.

Due to reason for not accepting the decision of the *Panchayati*, Ranjina registered a complaint in the District Court against Indra and his son Sanjaya in Ashadh 2066 (July 2009) demanding to establish her kinship with Sanjaya Mandal. After the case registered in the Court, villagers made arrangement for Ranjina to provide shelter in the Community Building, which is 10 meter away from Sanjay's house and 20 meter away from her first husband Ram Pukar's house. After two years in Asoj 2068 (October 2011), the District Court ordered for the DNA examination of Sanjay, Ranjina and Indrajit, and Senior Scientist Dinesh Kumar Jha of National Forensic Science Laboratory produced a report stating that the probability of Sanjay being the father of baby Indrajit is 99.99977%.

As per the DNA report Judge Thakur Prasad Sharma of the District Court Dhausha delivered the verdict in Chaitra 2068 (March/April 2011) in favor of Ranjina, which states that "since the kinship has been established between Sanjaya's wife and their son, this Court orders to establish kinship between the petitioner Ranjina Devi and Indrajit's son of the defendant Sanjay Kumar Mandal."

However, two years has passed of the Court verdict, and the kinship is yet to be established. As a result of failure for the enforcement of the Court verdict, Ranjina and her son Indrajit are continue living as helpless people in the Community Building. As a result, she is not being able to send her son to school. Ranjina survives with the support from community for their survival. Sometimes, she finds shells from the rice-field and feeds to both of them. During her pregnancy, she has taken refuse at WOREC's shelter house in Janakpur for several months.

Misuse of Divorce Provision in Muslim Community (Mahottari)

In Poush 2071 (January 2015), the District Police office (DPO) got involved in *Milapatra* between a married couple from Muslim community in Mahottari after the media coverage about divorce case of Muslim couple through phone. Through *Milapatra*, police were able to convince them to do registration of their marriage and birth registration of their children.

A resident of Parsadewad Mohammad Mustaqim has announced the divorce with his wife Hasmun Khatun through phone while he was still working in Saudi Arabia by saying "*talak*." They have got married about 10 years ago. In Muslim culture, formal divorce is processed if a married person says "*talak*" in three times to their spouse.

Police had come to know about this *talak*, while they were conducting public hearing in Parsadewad village. Then, the police called to both of them with their children in the District Police Office (DPO) and was able to sort out problem through *milapatra*. DSP Lokendra Shrestha of DPO Mahottari said, "it is difficult to sort out cases, which are attached to religious belief, but our efforts to convince based on country's law became successful through *milapatra* and the husband agreed to keep intact the marriage." Immediate after *milapatra*, the police called to the Secretary of the Village Development Committee, and asked to do marriage registration and provide registration papers to their children. He further said, most of the cases that come to DPO's attention are related to family disputes, including polygamy, dowry, and refusal to provide and shelter to the wife. In such cases, police call upon all concerned groups, as well as family members and puts their efforts to resolve cases through discussion.

DPO Mahottari has been organizing public hearing programs in every month focusing on women rights and violence against women. These programs are carried out in collaboration with the WCDO and

other concerned stakeholders in different VDCs. As a result of awareness, the number of cases against the VAW seems increasing, and victims of women are feeling comfortable for reporting to the police.

Police Overwhelmed with Minor Disputes (Saptari)

“It’s been 10 days since the incident took place, but the police is refusing to register the complaint. Police claims that the incident is under investigation. Therefore, it cannot be registered.” This is an accusation of Nanaki Mandal Khatbe of Banauli VDC, whose husband is abroad for foreign employment. She has been regularly visiting to the District Police Office (DPO) since four days for the purpose of registering complaint against her neighbor who was allegedly involved in beating to her. She said that her grievances are not heard by the police. According to Khatbe, the complaint was registered in the Area Police Office (APO), Kalyanpur in Jesth 2072 (May 2015) about the incidents, but she decided to move to the DPO since it was not given attention by local police.

Similarly, Shiba Kumar Khanga of Rampura Mahniya VDC has similar complaint. He was beaten by his neighbor and visiting to the DPO for the registration of complaint since three days. He said, "Police has neither registered his complaint, nor shown interest to listen his grievances." Khang spends two hundred rupees in every day, and has already paid six hundred rupees to the *Lekhanda*s for preparing his complaint.

These cases are only considered representative ones. There are dozens of people who are daily visiting the DPO for the purpose of registering complaint for minor disputes. They do not feel hesitation to visit the DPO regardless of how far from they have to travel.

Spokesperson of the DPO Saptari DSP Narayan Chimariya said that there is an increasing trend of people coming for the registration of the complaint in minor disputes or incidents. He further said, “People come to the DPO to register complaints against the incidents like, public defamation, beatings, crop encroachment by the animals, minor land disputes, etc. and the people have tendency to put pressure for immediate action against alleged one.” DSP Chimaria further said, police look after the public complaints, but stressed that minor incidents should be able to sort out in the community. However, “police always favor victims when there is serious injury as a result of beating or maximum damages of the property. But it is not right step to arrest people for minor cases, and detain in the DPO.”

Questionnaire for District Assessment

1. Key Informants (Nepal Police, CDO, Justice Sector, etc.)

- a. How would you assess the current security and justice situation of your district?
- b. Could you please compare the current situation of security and justice to that of last five years?
- c. How do you assess the role of police and Justice institutions in the district by:
 - i. Accountability and responsiveness to the people?
 - ii. Attitude and behavior towards public complaints and grievances?
 - iii. Competency to handle cases related to gender based violence, and women and children?
 - iv. Their Efforts to increase police-public partnership?
 - v. Initiatives to address grievances of the poor and marginalized populations?
 - vi. Existence and performance of community policing?
- d. Do you have any idea about the mode/mechanism developed by police in order to reach out to the people or vice-versa?
- e. How can we further improve police effectiveness? Is there space for police – public partnership to deliver further effective service to people and professional relationship?
- f. How do you describe the level of public trust towards police?
- g. How would you assess the public trust in and access to justice sector agencies, including public prosecutor's office, judiciary, and other quasi-judicial agencies? To what extent public cooperate with Police?
- h. What are the special mechanisms (if any) to better serve the marginalize communities, women and children?
- i. Are there any specific stories or cases that you remember which highlights the good work of Police or Justice Sector in serving poor, vulnerable and marginalized groups (including women, children and youth) and cases related to them?
- j. In your opinion, what are the needs and gaps of security and justice institutions that hinders their effort in serving better to their constituencies, especially poor, marginalized and vulnerable people living in farfetched and remote areas of the districts?
- k. What is the role of other stakeholders (Such as NGOs/INGOs/VDC Secretaries/Women and Children office/ Journalists, Bar Association, and other networks existing in the districts in promoting/maintaining the situation of security and justice in the district?

2. Key Informants (Civil Society)

- l. How would you assess the current security and justice situation of your district?
- m. Could you please compare this situation to general security and justice situation of last five years?
- n. How do you assess the role of police and justice sector in the district by:
 - o. Accountability and responsiveness to the people?
 - p. Attitude and behavior towards public complaints and grievances?
 - q. Competency to handle cases related to gender based violence, and women and children?
 - r. Efforts to increase police-public partnership?
 - s. Initiatives to address grievances of the poor and marginalized populations?
 - t. Existence and performance of community policing?
- u. Do you have any idea about the mode/mechanism developed by police in order to reach out to the people or vice-versa?
- v. How can we further improve police effectiveness? Is there space for police – public partnership to deliver effective service to people and professional relationship?
- w. How do you describe the level of public trust towards police?

- x. How would you assess the public trust in and access to other justice sector agencies, including public prosecutor's office, judiciary, and other quasi-judicial agencies?
- y. If there is provision of community policing in your district, how do you assess their role? What are the good practices or weaknesses of community police?
- z. To what extent you are familiar with the work of Women and Children Service center in DPO and how do you assess their role? What are their strengths and weaknesses?

3. Focus Group Discussions (Community Level)

- a. How do you assess the current security and justice situation in your area and the district?
- b. How do you compare the current security and justice situation with the situation five years back?
- c. How do you assess the role and service of police and justice in relation to security situation of your area by:
 - i. Timely and fair service delivery?
 - ii. Response to public's grievances and demands?
 - iii. Public's access to police stations?
 - iv. Efforts to increase police-public partnership?
 - v. Initiatives to address grievances of marginalized populations?
- d. Do police interact with people? How do you assess the attitude and behavior of police and justice authorities towards ordinary service recipients?
- e. What is your suggestion to improve police and justice sector effectiveness? Is there space for partnership to improve partnership and professional relationship?
- f. How do you describe the level of public trust towards police and justice sector?
- g. How do you describe the level of public trust and access to justice sector agencies, including public prosecutor's office, judiciary, and other quasi-judicial agencies?

4. Community Mediation

- a. What is your understanding about community mediation?
- b. What is the scope of community mediation?
- c. Does community mediation help to ensure justice to victims? If yes, how? If not, why?
- d. What types of cases are registered in community mediation centers? What types of cases are referred to CMC from police?
- e. Does it have trust from its stakeholders such as police, community, and justice sector? How do you view the relationship between police and community mediation centers?
- f.
- g. Are all cases resolved at community mediation centers? If not, what happens to unresolved cases?
- h. How police deal with the cases referred by the community mediation centers?
- i. What are the strong aspects of community mediation in your district?
- j. How do you perceive the process of community mediation you have seen, heard or experiences?
- k. Have you seen any weaknesses? If so, please provide us suggestions that will help to improve the services of the community mediation centers.

Key Informants Interview – Participants List

SN	Name	Designation	Organization	District
1	[name missing]	Judge	District Court	Dhanusha
2	Ganesh Bahadur Thapa	SP	District Police Office	Dhanusha
3	Krishna Prasad Dhungana	CDO	DAO	Dhanusha
4	Komal Kant Jha	Coordinator	Local Peace Committee	Dhanusha
5	Sudip Koirala	Secretary	District Bar Association	Dhanusha
6	Kusum Upadhyaya	Junior Officer	WCDO	
7	Hari Krishna Shrestha	Registrar	District Court	Dhanusha
8	Saurav Rana	SP	District Police Office	Mahottari
9	Deepak Kafle	CDO	DAO	Mahottari
10	Kailash Kumar Subedi	Judge	District Court	Mahottari
11	Prakash Kharel	Judge	District Court	Mahottari
12	Mukunda Poudel	District Attorney	Office of the District Government Attorney	
13	Krishna Murari Siwakoti	Judge	District Court	Mahottari
14	Chuda Raj Neupane	Asst. CDO	DAO	Siraha
15	Madhab Budhathoki	DSP	District Police Office	Siraha
16	Dev Narayan Shah	Journalist	Kantipur Publication	Siraha
17	Shisir Kumar Karmacharya	SP	District Police Office	Saptari
18	Ram Prasad Adhikari	District Judge	District Court	Saptari
19	Birendra Kumar Yadav	CDO	DAO	Saptari
20	Toyam Raymajhi	CDO	DAO	Rupandehi
21	Rajendra Dhakal	SP	District Police Office	Rupandehi
22	Bal Chandra Sharma	Judge	District Court	Rupandehi
23	Urbara Luitel	Officer	WCDO	Nawalparasi
24	Parasu Ram Tiwari	DSP	Area Police Office, Kawasoti	Nawalparasi
25	Birendra Koirala	Judge	District Court	Nawalparasi
26	Krishna Nepal	Registrar	District Court	Nawalparasi
27	Krishna Raj Pant	District Attorney	District Attorney Office	Nawalparasi
28	Hari Prasad Mainali	CDO	DAO	Nawalparasi
29	Som Bahadur Thapa	DSP	District Police Office	Nawalparasi
30	Kabir Pradhan	Inspector	District Police Office	Nawalparasi
31	Manoj Kumar Yadav	DSP	District Police Office	Kapilwastu
32	Binod Prakash Singh	CDO	DAO	Kapilwastu
33	Kiran Kumar Pokhrel	Judge	District Court	Kapilwastu
34	Ram Chandra Poudel	Judge	District Court	Kapilwastu

35	Bhola Nath Dhakal	Judge	District Court	Kapilwastu
36	Basudev Neupane	Judge	District Court	Kapilwastu
37	Jagan Nath Pant	Local Development Officer	DDC	Kapilwastu
38	Rajeshwar Aryal	District Attorney	Office of the District Government Attorney	Kapilwastu
39	Buddhi Bahadur Rana	Sub Inspector	Area Police Office, Lamahi	Dang
40	Gajendra Bohara	Journalist	FNJ	Dang
41	Chakra Dev Acharya	District Attorney	Office of the District Government Attorney	Dang
42	Basudev Sharma	District Attorney	Office of the District Government Attorney	Dang
43	Puspa Raj Shahi	Local Development Officer	DDC	Dang
44	Kuber Kadayat	SP	District Police Office	Dang
45	Loknath Poudyal	CDO	DAO	Dang
46	Bishwa Mangal Atreya	Judge	District Court	Dang
47	Surya Babadur Thapa	Judge	District Court	Dang
48	Bal Dev Pande	Registrar	District Court	Dang
49	Bishnu Prasad Upadhyaya	Judge	District Court	Pyuthan
50	Rudra Prasad Panthi	District Attorney	District Attorney Office	Pyuthan

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