



## **Nepal – Researched and compiled by the Refugee Documentation Centre of Ireland on 4 January 2019**

### **Any information on police protection/state protection in Nepal**

An Immigration and Refugee Board of Canada response to a request for information, in a section titled “State Protection”, states:

“The visiting scholar stated that, with regards to providing state protection for victims of extortion, ‘the Nepali state has been largely incapable and increasingly so in the aftermath of the earthquakes. ... Threats by Maoists are just one of several types of threats, and as such do not pose significant law and order problems as they did in the past [prior to 2006]’. The researcher said that ‘the forces of the state remain present everywhere’ and ‘are likely to be able to address such incidents, given the absence of formal political support [that] such [Maoist] factions have’. However, the Saferworld representative stated that political interference in criminal investigations is ‘rampant’ and has a ‘negative impact on the quality and effectiveness of security providers, mainly the police’. The AHRC researcher stated that the police are ‘not independent’ and ‘lack investigation mechanisms ... however if the case is high profile, the police [will come under] political pressure to make arrests’. He further explained that the police make arrests often, but that cases go on for ‘years and years without justice being served’. (Immigration and Refugee Board of Canada (26 November 2015) *NPL105360.E – Nepal: Instances of kidnapping and extortion by Maoist groups and affiliated student groups, including targeting of the Nepal Congress (NC) party and pro-monarchists; instances of land capture by Maoist groups; availability and effectiveness of state protection to victims (January 2015-November 2015)*)

The 2018 Bertelsmann Stiftung Transformation Index report for Nepal, in a section titled “Rule of Law”, states:

“Beyond the legacy of the civil war, systemic weaknesses in the rule of law encourage rights violations. For example, criminal gangs, mafias and small armed groups (the boundaries between them are fluid) often enjoy various degrees of political protection. The police frequently use disproportionate force to quell political protests but do little to enforce order during the often violently enforced shutdowns. Levels of protection also significantly depend on class and caste status. Caste-based discrimination and sexual violence often go unpunished.” (Bertelsmann Stiftung Transformation Index (January 2018) *BTI 2018 Country Report – Nepal*, p.14)

The 2017 US Department of State country report for Nepal, in a section titled “Role of the Police and Security Apparatus”, states:

“Police corruption and lack of punishment or accountability for police abuses remained problems.” (US Department of State (20 April 2018) *2017 Country Reports on Human Rights Practices – Nepal*, p.7)

A report from the Asian Human Rights Commission states:

“According to NepalMonitor.org, the trend of pressuring victims to reconcile with perpetrators continues to be of significant concern. At times, police officers and elected local officials have been found to be involved in suppressing the prosecution of crimes.” (Asian Human Rights Commission (10 December 2018) *NEPAL: Government’s only policy is to control NGOs and restrict press freedom*)

A report from the U4 Anti-Corruption Resource Centre of Norway states:

“Three months ago today, the thirteen-year-old Nirmala Pant went to do homework at her friend's house in the Bhimdatta Municipality, Kanchanpur district, Western Nepal, and never returned. The Class 9 student was found dead the next day 1 km away from her home—raped and murdered.

The police's handling of this case has led to widespread and credible allegations of police corruption, malpractice and the illegal destruction of evidence. Sparking a protest that has shaken the country and filled social media spaces under the hash tags #JusticeForNirmala and #RageAgainstRape.

By mid-September thousands of people took part in rallies, street performances, and sit-ins, organised by civilians via social media and youth networks. The young activists and protesters demand justice in this specific case, characterised by police corruption. They also demand greater accountability from a police service marred by a history of widespread corruption and abuses of power. The activists demand that in ‘New Nepal’ powerful men should not be able to get away with violence against women. Wealth and ties to influential people in politics and the police should not be a ‘get out of jail free card.’ Ultimately, these young activists demand a government and a police accountable to the people they should be protecting and serving: the public and the victims.” (U4 Anti-Corruption Resource Centre (24 October 2018) *Police corruption and rape case cover-ups in Nepal*)

In a section headed “The context: police corruption and impunity for rapists” this report states:

“A close-meshed network between security officials and politicians creates interdependencies and facilitates corrupt activities—making them the norm more than the exception. This is illustrated in a report by the Asia Foundation. Our research suggests that the public lacks trust in the police force and does not believe that formal institutions will address their grievances. In the case of rape, the police are known to refuse to register a First Information Reports (FIR), as the recent Durbar marg rape case exemplifies. More often than not, culprits use personal connections, money, and power to remain beyond the scope of the judiciary, activating existing social networks of corruption between police, politicians, and other rich and powerful players.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to

the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

### **References:**

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