

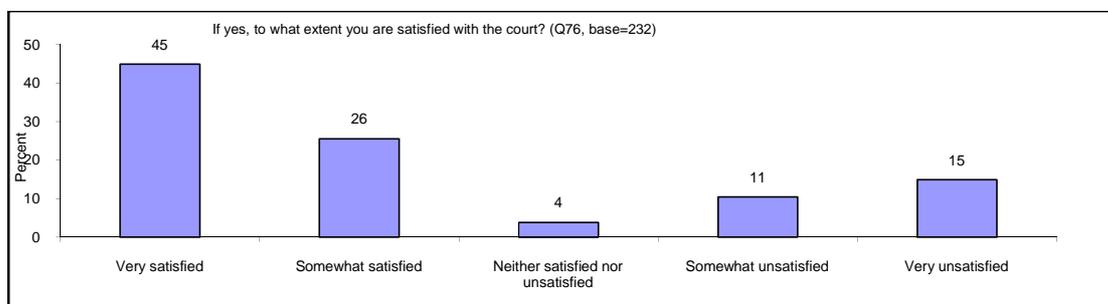
Improvements in the Judicial System

Unpublished Notes (August 2012)

Some key points are often made. An estimated 85,064 Households seek or would benefit from some form of improved justice or dispute resolution every year (2% of households, when asked, responded that in the past year they had had a dispute that could not be settled with another party).¹ Asking respondents their expectations pertaining to the formal justice system, 27% asked for legal aid to be provided to those who cannot afford aid, 27% asked for quicker courts; 16% asked for more legal awareness raising.² In addition, the Judiciary is increasingly worried about staff security, given focus by the recent murder of a Supreme Court justice.

Awareness of legal rights has improved but further work is demanded / required: Citizens are more aware today on what is happening than ever before³. Increasing openness in Nepalese society, literacy and the role of non-governmental organization are among the important factors. However there is a general need and desire for better awareness / greater legal education.⁵

Some evidence that people who use the courts have reasonable satisfaction rates and that perceptions of the courts are improving: Out of the 8.9% of people surveyed who said that they had approached the courts, 71% said that they were satisfied – reasons given were: fair verdict, short process and sustainability of the verdict.⁶ The % that think that the court treats all the groups equally has increased (from 37% in 2008 and 2009 to 44% 2010). Note more people from Madhesi caste (56 %) mentioned that the court treats all the groups equally than other groups which averaged around 10-15% lower.



¹ Public Perception Surveys on Community Security and Safety (2007, 2008, 2009 and 2010). 2% was the average answer for 2007-10 surveys. 85,064 households on an estimate of 4,253,220 households in Nepal.

² Public Perception Surveys on Community Security and Safety (2007, 2008, 2009 and 2010).

³ 'Review of International Community Support to Access to Security and Justice and Rule of Law', 2011

⁵ USIP, 2011, 'Security and Justice in Nepal, Citizen's Perspectives on the Rule of Law and the Role of the Nepal Police'

⁶ Public Perception Surveys on Community Security and Safety (2007, 2008, 2009 and 2010)

In 2011, 52% felt that compared to previous year overall security and law and order situation in the country has improved.⁷

The senior apex judiciary is reasonably independent and reform minded. *“The Supreme Court and its leadership have often shown courage to reassert its constitutional role and independence. At the moment it is the only institutional check on the powers of the executive. There are no political or civil society allies outside of the judiciary to defend its independence and promote respect for the rule of law.”*⁸ For example, the Supreme Court is designing a capacity building program for its women staff and establishing a special scheme targeting fresh recruitments from disadvantaged backgrounds.⁹

There is a strong public demand for improvements and a general trend of improvements. According to Himamedia, May 2011, 52% population feels that compared to previous year overall security and law and order situation in the country has improved. Majority of the respondent stated that security situation in the community and districts has been improving in comparison to the period of armed conflict¹⁰. Half of respondents in the United States Institute for Peace (USIP) study *Citizens Perspectives on the Rule of Law and Role of the Nepal Police* (2011) (p38) reported that, (of the 12,607 respondents) about 50% felt safe always or most of the time, 36.1% felt safe sometimes and 14.5% felt safe rarely or never. Respondents residing in the hill region feel the safest; respondents in the Terai the least safe: although at a 5% difference. Respondents in the USIP study indicated that the five factors that would do most to improve security were providing skills development, prohibiting the production and consumption of alcohol, ensuring access to secondary education, strengthening the laws and legal framework, and declaring *bandhs* illegal (p49).

⁷ Himamedia, May 2011:

⁸ Rule of Law Assessment 2010, P 64

⁹ Rule of Law Assessment 2010

¹⁰ ‘Review of International Community Support to Access to Security and Justice and Rule of Law’, 2011