

Humanitarian Contingency Plan for the Protection Cluster Nepal – 2011

“A contingency is a future event or circumstance that is possible but cannot be predicted with certainty.” Oxford English Dictionary

Introduction

Nepal is a country which remains highly vulnerable to the vicissitudes of extreme weather and to the devastating threat of seismic activity. The country suffered a major earthquake in 1934 and the Kathmandu Valley and parts of the Terai are subject to constant earthquake tremors. There were more than 60 seismic events in 2010.

Moreover, the threat of floods in the Terai and the likelihood of landslides in western Nepal leave tens of thousands of poor people vulnerable to displacement, the effects of water borne diseases and severe disruption to livelihoods. Increased migration into the Terai over the last ten years has heightened this vulnerability, as people have moved into flood plain areas. In 2008, over 40,000 people were displaced as a result of the Koshi floods. With these known factors, it is perhaps not surprising that the World Bank has placed Nepal in a group of the ten most vulnerable countries globally in regards to the extensive threats of natural disasters.

This increased vulnerability in regards to natural disasters is exacerbated by a much more serious factors resulting from the problems of gross inequality and poverty. Nepal, according to the 2010 UNDP Human Development Report, was ranked second behind Afghanistan in regards to Low Human Development in Asia (and ranked 138 out of 169 in the world). Economic indicators for 2009 estimated Nepal’s GDP as \$451 per capita ranked only above Afghanistan in Asia. Concomitantly, an equally essential indicator ranks Nepal as the 146th in the 2010 Transparency International’s index on global corruption. Only 26 countries ranked lower than Nepal.

According to WFP (2009) 3.4 million people are considered to be food insecure with 41% of the country’s population consuming less than 2,700 Kcalories in their daily diet. Nearly 25% of the population is living on less than 1 US Dollar a day (UNDP 2007/2008). Malnutrition rates in Nepal produce some of the worst indicators in the world- with nearly 50% of children aged under-5 considered to be stunted and nearly 40% underweight. An estimated 28,000 children die each year from diarrhoea.

These combined problems of chronic vulnerability, poverty, poor governance and accountability and the high risk of disasters raise serious and long term protection concerns.

Effective child protection in Nepal is compromised by the problem of only 20% of children completing secondary education, combined with high rates of illiteracy for women, with only 25% of Nepal’s female population considered to be functionally literate.

Furthermore, Nepal has an extraordinary high incidence of gender based violence (GBV). A 2008 survey undertaken in Surkhet and Dang indicated that 80% of the women who participated in the survey had suffered from domestic violence from their husbands and 74% had been forced into non-consensual sexual acts. The high level of violence against women has undoubtedly contributed to a worsening suicide rate within the female part of the population. In the last ten years, there has been a sharp rise in the incidence of female suicide – making suicide the main cause of death in women of reproductive age.

Although poor people in Nepal have learned a range of strategies to cope with the challenges of poverty in Nepal- coping is a fundamental part of daily poverty - these strategies often fail to meet the demands of the stresses and shocks caused by emergencies. This can lead to the elimination of

regularly used and life saving strategies and the substitution of more damaging and short-term actions such as transactional sex, child labour, early marriages and disaster induced migration.

There is also the damaging protection legacy of the 10 year armed conflict in Nepal which has left tens of thousands of displaced people living in camps and marginal settlements in the Mid West, still awaiting compensation and land and property restitution. Whereas, chronic lawlessness and insecurity in the eastern Terai continues to create new internal displacement in areas which are flood prone.

Emergency Scenarios for 2011

In examining the UN's potential disaster scenarios for 2011, two paramount worst case scenarios will have to be considered – one in regards to earthquakes and one related to floods.

Scenario I: Major earthquake centred on Kathmandu valley

An earthquake measuring Magnitude 8 on the Richter scale and centred on the Kathmandu Valley hits the Himalayan region, causing deaths and damage in northern India, Nepal, China and Bhutan, affecting 50 million people. The magnitude of the damage will require a regional response that will delay and complicate assistance. In hilly and mountainous areas, most roads, bridges and many airfields will be blocked by landslides and unusable for many days. On the plains and riverbeds, liquefaction will cause bridges and rail lines to weaken, warp or subside. In Kathmandu valley, 44,000 deaths would occur, 103,000 injured and a planning figure of 900,000 would be displaced. Government capacity would be severely limited and restricted.

Key impacts

44,000 people killed; 103,000 people injured; 900,000 people severely affected or displaced; airport severely affected (requiring several hours to restore Air Traffic Control); major bridges on the main rivers rendered unsafe; administrative buildings severely damaged; more than half the Government employees not reporting to work for nearly a week; communications network in the Kathmandu Valley interrupted for three weeks; water supply for nearly two-thirds of the population affected.

Overall humanitarian challenges in response

- Limited capacity of the airport to handle incoming assistance
- Security concerns for the incoming relief assistance by road
- Serious concerns regarding the safety and security of the seat of the Government
- The local response capacity of the army/police/ fire departments severely hampered
- Limited capacity of the Government to coordinate national as well as international assistance
- Flexibility required in customs/ immigration procedures to facilitate disaster response
- Haphazard, spontaneous recovery efforts start within a couple of weeks; huge shortfall of skilled labour and building materials
- Overwhelming congestion in available open spaces
- Coordination mechanisms unclear

Scenario II: Floods in the Terai

Flooding in Nepal is annually episodic and occurs particularly in the Terai region. For a major flood scenario, the number of households displaced concurrently will exceed 60,000 (i.e. 300,000 – 400,000 people), excluding people displaced by floods in neighbouring India. It is anticipated that an immediate break down of infrastructure and of water and sanitation facilities with associated

outbreaks of water-borne diseases, will affect some 300,000 people. Internal displacement will last for more than 2 months and thus require camp management support, and significant shelter, health, WASH and food support. The floods will disrupt learning activities for some 100,000 school children.

Key impacts

1,000 people killed; 3,000 people injured; 300,000 – 400,000 people across six districts severely affected; smaller airports in the affected area rendered dysfunctional; major bridges on the main rivers completely destroyed; road links to India destroyed; the local government offices severely damaged and rendered dysfunctional; local communication network down for more than a week.

Overall humanitarian challenges in response

- Limited access to the affected area by both road and air
- Very few usable boats for transporting people and goods
- Disruption of road links with India making deployment of Indian response assets difficult
- Procurement of relief goods from India made very difficult because of local relief requirements in India
- Assessment and restoration of a large number of bridges required in a very short span of time
- Extremely limited capacity of the local government to either coordinate response at the local level or deliver relief assistance directly
- Lack of clarity on who will be local counterparts for the delivery of relief assistance
- Government coordination systems at district and regional levels weak
- Lack of functional clusters at the district levels

Protection actions in the two scenarios

Protection interventions in these scenarios would concentrate on the deleterious impact of internal displacement and would be guided conceptually by the agreed definition of protection as:

Humanitarian Protection is a moral and legal set of concepts which cover all” activities aimed at obtaining the full respect of the rights of individuals in accordance with international law ((including international humanitarian, human rights and refugee law). (Inter Agency Standing Committee).

Protection actions would attempt to be effective by three areas of cluster practice:

- **Responsive Action** – activities undertaken in the context of an emerging or established pattern of abuse and aimed at preventing or alleviating its immediate effects.
- **Remedial Action** – activities aimed at restoring dignified living conditions through rehabilitation, restitution and reparation.
- **Environment Building** – activities aimed at creating or consolidating an environment conducive to the full respect of the rights of individuals.

With such high levels of internal displacement predicted it would be essential that the 2007 National IDP Policy and its complementary IDP Directives are revised and are implemented by the Government. These policies would guide Government staff in ensuring accurate registration of IDPs from the beginning of the emergency as well as providing the necessary information to IDPs on their legal rights at a time of displacement. The Ministry of Home Affairs will also need to give due attention to the matter of lost identity cards –delays in this aspect of relief may delay IDP registration and related assistance.

Earthquake Scenario and protection concerns

With regards to an **earthquake scenario** the main protection concerns would be:

Security of IDPs	Looting, GBV, intimidation and violence; land and property disputes
Violation of the rights of the most vulnerable	Caste/ethnic bias in relief distributions, ignoring the special needs of disabled people, older people, widows, child-headed households. Poor representation of most vulnerable in terms of camp management committees
Family separation	Missing children and parents
Psycho-social problems	Severe problems of fear, grief and bereavement
Child protection problems	Cessation of schooling. Increased risk of trafficking of girls and young women. Lack of child friendly spaces in IDP camps
Lack of information	Minimal information disseminated on services available – particularly in regards to GBV, child protection, disability
Severe absence of services in the short-term	Most basic social services not available – water, health, nutrition. Lack of specialised services for women in dealing with GBV.
Disaster migration out of the Kathmandu Valley	Inadequate information of whereabouts of displaced people outside of Kathmandu exacerbating problems of child separation and displacement
Weak and slow protection coordination	Shortage of protection staff to coordinate specific services
Poor protection prioritisation	Lack of mainstreaming of protection. Unclear Ministerial responsibilities on protection. Weak linkages between clusters.
Problems of identity and rights	Widespread loss of ID cards and other legal documentation. Threats of eviction; conflict over land and property.

Protection actions

In response to these key protection concerns the Protection Cluster would oversee both preparedness and emergency response actions.

The key **programme goal** for both scenarios would be to:

- **Protect displaced people from violence, discrimination and abuse**

Specific objectives for an earthquake

- **Psycho-social support is provided to the affected populations**
- **Monitoring and documentation of human rights abuses is established.**
Necessary support to people suffering from protection violations is provided.
- **Availability of the necessary legal document/identification documents which would help IDPs in assistance and registration.**
- **Collaboration amongst agencies on protection issues is managed quickly and effectively.**
- **Physical amenities in IDP camps for the most vulnerable groups are established**

Protective Actions

Time Frame	Response activities	Preparedness Activities	Assumptions
By May 2011		<p>MOHA/MOPR have policy environment place. National ID Policy and ID Directives disseminated.</p> <p>Analysis on the distribution and management of new ID cards for IDPs is undertaken.</p> <p>UNFPA to meet with WHO to discuss joint health/protection strategies on reproductive health.</p> <p>UNICEF Child Protection to meet with UNICEF Education to agree on joint protection/education strategies for children</p>	Government departments give this policy work priority.
Within first 3– 7 days of earthquake	<p>OHCHR calls for national Protection Cluster meeting to discuss planning, assessments and immediate actions</p> <p>Women Development Officers (WDOs) establish district level Protection Clusters to coordinate protection responses and information gathering in Kathmandu.</p> <p>Emergency assessments are undertaken</p>	<p>Coordination role currently being undertaken by OHCHR</p> <p>By April 2011, OHCHR/UNICEF/UNFPA undertakes protection training of WDOs in the 3 districts of Kathmandu. By May 2011 Protection training of Government security staff undertaken.</p> <p>Protection assessment tools are already available.</p>	<p>OHCHR office is able to function in Kathmandu</p> <p>Sufficient Government staffs are able and available to undertake this response work within the first 5 days.</p>
Within first 7 days	<p>OHCHR recruits protection coordinators for Kathmandu</p> <p>UNFPA to mobilise multi-sectoral team and supplies in responding to increased sexual violence in camps.</p>	By March 2011, OHCHR negotiates with its HQ to establish the need for surge capacity staff	<p>Sufficient funds are available to recruit staff</p> <p>Sufficient funds are available to recruit staff</p>
Within first 10 days	<p>Family tracing systems are put in place by the Nepal Red Cross in main IDP camps to begin unification work. Work would be supported by UNICEF. (ICRC would take a decision at the time of the emergency to decide on support to the Nepal Red Cross and its own interventions).</p> <p>UNICEF/TPO to mobilise</p>	Nepal Red Cross already has family tracing systems in place. Planning is required by May 2011 to ensure sufficient number of trained volunteers.	Funds and staff are available to manage family reunification work.

	psycho-social practitioners from Nepal and region.		
Within first two weeks	Human rights monitoring programmes established in main IDP camps – undertaken by NHRC/OHCHR . Recommendations in dealing with violations made to the relevant Government organs. Protection Agencies/WDOs have undertaken assessments in areas outside of the Kathmandu Valley	Human rights monitoring systems already in place. Protection assessment tools are already in place.	OHCHR to prepare brief appeal document by March 2011 to plan for funding of coordination and monitoring work. Human rights staff are available and able to undertake work. Sufficient capacity is available to undertake work outside of the Kathmandu Valley
10 – 28 days	UNFPA to provide PEP/dignity kits for girls and women. Provision of sexual reproductive health information to young people in IDP camps. Handicap International would raise awareness among agencies dealing with disability. This would include guidance on quick physical rehabilitation services (distribution of artificial limbs and physiotherapy). UNHCR - Deployment of emergency staff through stand-by deployment schemes for registration of internally displaced. UNICEF to arrange child friendly spaces in main IDP camps	Arrangements in place at HQ with stand by partners and UNHCR's emergency response team (ERT)	ERT and partners able to deploy teams. Funding secured for emergency child protection work
28-days to 3months	Protection Cluster to ensure that protection issues are integrated into all cluster activities WDOs/Protection agencies to	Protection briefings undertaken by OHCHR/UNICEF/UNHCR to all clusters by March 2011. Protection Cluster by May 2011 to decide on how best to appoint	

	<p>create community focal points on vulnerability – to ensure that disabled, older people and other vulnerable groups are receiving due attention.</p> <p>MOHA/CDOs are in position to replace lost Ids.</p> <p>UNHCR continues its IDP registration work</p>	<p>community focal points on vulnerability.</p> <p>Preparedness work of replacing ID cards is undertaken within Government</p>	
--	---	--	--

Terai floods scenario

With regards to a **floods scenario** the main protection concerns and constraints would be:

Internal displacement	Immediate need for food, water and shelter
Access to assistance	Concerns that most vulnerable groups would miss assistance – people with disability, older people, separated children.
Increased risks and threats because of displacement	GBV, separated children
Poor protection prioritisation	Lack of mainstreaming of protection. Unclear Ministerial responsibilities on protection. Weak linkages between clusters.
Security of affected population	Increased violence and intimidation of IDPs
Increased conflict in camps	Rise in tensions between host communities and displaced
Psycho-social problems	Increased levels of depression and loss
Problems of identity and rights	Widespread loss of ID cards and other legal documentation. Threats of eviction; conflict over land and property.

Floods Protection Objectives

- **Ensure full non-discriminatory access to all humanitarian services**
- **The special needs of the most vulnerable populations are recognised and are supported**
- **Information dissemination on humanitarian services available is achieved**
- **All humanitarian assistance is guided by international standards and law**
- **Mitigate risks of conflict as a result of displacement**

Protective Actions

Time Frame	Response activities	Preparedness Activities	Assumptions
By May 2011		<p>MOHA/MOPR have policy environment place. National IDP Policy and IDP Directives disseminated.</p> <p>Analysis on the distribution and</p>	Government departments give this policy work priority.

		<p>management of new ID cards for IDPs is undertaken.</p> <p>UNFPA to meet with WHO to discuss joint health/protection strategies on reproductive health.</p> <p>UNICEF Child Protection to meet with UNICEF Education to agree on joint protection/education strategies for children</p>	
Within 24 hours	<p>OHCHR calls for national Protection Cluster meeting to discuss planning, assessments and immediate actions</p> <p>Women Development Officers (WDOs) establish district level Protection Clusters to coordinate protection responses and information gathering in affected districts</p>	<p>Coordination role currently being undertaken by OHCHR</p> <p>Protection training already given in flood affected districts in the Terai</p> <p>Protection assessment tools are already available</p>	Sufficient resources available within OHCHR to establish protection officers in affected districts
Within 3 days	<p>Emergency assessments are undertaken.</p> <p>Who does what analysis completed in regards to likely agency actions</p>	Protection assessment tools are already available	
Within first 14 days	<p>Human rights monitoring programmes established in main IDP camps – undertaken by NHRC/OHCHR. Recommendations in dealing with violations made to the relevant Government organs.</p> <p>UNHCR- Deployment of emergency staff through stand-by deployment schemes for registration of internally displaced.</p> <p>UNFPA to provide PEP/ dignity kits for girls and women. Provision of sexual</p>	<p>Human rights monitoring systems already in place.</p> <p>Arrangements in place at HQ with stand by partners and UNHCR's emergency response team (ERT)</p>	<p>OHCHR to prepare brief appeal document by March 2011 to plan for funding of coordination and monitoring work. Human rights staff are available and able to undertake work</p> <p>ERT and partners able to deploy teams</p> <p>Funding secured for emergency child protection work</p>

	<p>reproductive health information to young people in IDP camps.</p> <p>UNICEF to arrange child friendly spaces in main IDP camps</p>		<p>Funding secured for emergency child protection work</p>
<p>28-days to 3months</p>	<p>Protection Cluster to ensure that protection issues are integrated into all cluster activities</p> <p>WDOs/Protection agencies to create community focal points on vulnerability – to ensure that disabled, older people and other vulnerable groups are receiving due attention.</p> <p>MOHA/CDOs are in position to replace lost Ids.</p> <p>UNHCR continues its IDP registration work</p>	<p>Protection briefings undertaken by OHCHR/UNICEF/UNHCR to all clusters by March 2011.</p> <p>Protection Cluster by May 2011 to decide on how best to appoint community focal points on vulnerability.</p> <p>Preparedness work of replacing ID cards is undertaken within Government</p>	

Annexe -1

Organisational abbreviations

MOHA – Ministry of Home Affairs

MOPR – Ministry of Peace and Reconstruction

CDOs – Chief District Officers

WDOs – Women’s Development Officers

HI – Handicap International

NHRC- National Human Rights Commission

NRCS- Nepal Red Cross Society

ICRC- International Committee of the Red Cross

OHCHR- Office of the High Commissioner for Human Rights

UNHCR – United Nations High Commissioner for Refugees

UNICEF- United Nations Children’s Fund

UNFPA – United Nations Population Fund

WHO – World Health Organisation

TPO – Trans-Cultural Psycho-Social Organisation

Protection abbreviations

GBV – Gender Based Violence

IDPs – Internally Displaced Persons

Annex - 2

RAPID PROTECTION ASSESSMENT CHECKLIST

Right to life, physical integrity and security

- Do the population (either people immediately affected by the emergency or others) in the area feel secure?
- Are there any immediate threats to the population? What kind of threats? (e.g. Killings, assaults, torture/ill treatment, arbitrary detention, forced displacement, destruction of property such as houses).
- What threats are new to the population that is, result from the emergency situation and what do not? In the latter case, has there been an increase in the number/intensity of incidents?
- Are there reports of missing persons? Have there been efforts to find missing persons and reunite them with their families?
- Is any specific group more vulnerable to the concerns outlined above?
- Is there any system to protect the rights of the population, especially vulnerable groups from those concerns? (e.g. systems operated by government authorities, non-government organizations, United Nations, the people themselves. This could include human rights monitoring teams).
- Is anyone providing security in the affected area? Are they in sufficient numbers? Are the security arrangements effective? Can the population move freely?

Women and gender-based violence

- Do women and girls (those affected by the emergency or others) in the area feel secure?
- Where do women go to ask for support when they have been victims of violence? Do they receive assistance?
- Are there sufficient numbers of female police in the area? Are they trained in addressing sexual and gender based violence?
- Are there any immediate threats to women and girls, amongst the population immediately affected by the emergency or others? What kind of threats? (e.g. Sexual violence, trafficking, forced prostitution, violence within family units).
- What threats are new, that is, result from the emergency situation and what do not? In the latter case, has there been an increase in the number/intensity of incidents?
- If there are camps for the affected population:
 - Where are the female headed households or single women situated (in the camps)? Are they on the outskirts? Do they have access to assistance? Do they have community support?
 - Are the toilets/bathing facilities separate for women and men?
 - Are toilets easily accessible (also for older person and persons with disabilities)?
 - Do women go to the toilet/wash outside the camp?
 - Is there enough light around toilets/bathing facilities for after dark?

Children

- Are there any reports of violence against children? What are the main threats?
- Are there any children without parents or a close relative caring for them? Does anyone care for these children?
- Are there any child headed households?
- What are the most pressing concerns of vulnerable children in the affected community?
- Is there any report that children have gone missing? Is anyone taking care of unaccompanied children?
- Is there any initiative to establish a link to their family or relevant service provider?

Displacement

- Have people been displaced by the emergency? Where are they located (e.g. in camps, with host communities)?
- What is the basic demographic profile of the IDPs? Their ethnicity, place of origin and estimated numbers?
- Where are the displacement camps located? Are they in the public buildings such as schools or in the forest? Are there risks of immediate eviction from the authority e.g. District Forest Offices?
- Is there any negative public perception against the IDPs? Are the IDPs exposed to further risks at their new locations (e.g. natural disaster, violence, including eviction or attack from host communities)?

- Are the new locations of IDPs places of high risk of an emergency?
- Are there any attempts to address these risks? Have the IDPs been informed of the risks related to their new locations?

Basic needs: access to services and other humanitarian assistance

- Are people immediately affected by the emergency and host communities, including vulnerable groups, receiving assistance? (e.g. Do children, pregnant women, lactating mothers, disabled and older persons have access to food, water and non-food items)?
- Is assistance being provided according to needs assessments? Does the assistance comply with international standards?
- What needed services/assistances are not available to the affected population and host communities?
- Are organizations providing assistance able to move freely and/or access the people affected by the emergency and host communities?
- Is there discrimination in the distribution of assistance (age, sex, favoritism, ideology, religion etc)? Is the population receiving information about the assistance that is available (for example dates and venues for the distribution of food or non-food items)?
- How is the distribution of assistance being managed? Are affected communities participating in planning, designing and distribution? Are political parties involved? If there are distribution committees, do they include representation from marginalized groups? Women? Or persons with disability?
- Are measures taken to provide health services, psycho-social services - gender sensitive?

Personal documentation and assistance devices

- Have any important documents been lost? If yes, what type (e.g. birth certificate, marriage certificate, land entitlement certificate etc)?
- Did persons with disability lose their assistance devices (e.g. wheel chairs, crutches, prosthetics, hearing aids)?
- What problems does the population encounter because of their lost documents/ assistance devices?
- Is there any support to recover the lost documents/assistance devices?

Participation

- Have affected communities been informed and consulted by the authorities and other providers about emergency response measures, including available assistance?
- Is there a mechanism established that enables the population to provide feedback and to express grievances regarding their needs and/or the humanitarian assistance?
- Has the population been involved in making decisions regarding relief distribution, relocation and management of the events in any camps?
- Is planning by government and other emergency responders taking into account the need to consult with populations and provide information about assistance programs?
- Has the population received basic trainings on HR/IHL awareness and protection in emergency? Have the authorities and/or other organizations engaged in response received such trainings?

Religious traditions

- Are people able to express their religious beliefs (in ways that respect the rights of others), including in relation to burials?

Beneficiary profile

- Has anyone done a rapid survey to identify demographic, gender, age, diversity, and disability profile of affected communities?
- What is the composition of population?
 - Are there members of ethnic, religious minorities or indigenous peoples?
 - Are there female headed households? How many?
 - Persons with disabilities and the older persons without family support?
 - Other vulnerable groups?
 - Are their persons not belonging to the community present?