

# HMG of Nepal

## National Policy on Internally Displaced Persons

### March 2006

#### [Unofficial translation by OHCHR Nepal]

#### 1. Background:

Though citizens from many areas of Nepal have long been traveling to and from various locations both in Nepal and abroad for business, their professions, their occupations, employment or other opportunities, the violence that has been ongoing in the country since 2052 (1995-6) has given rise to a new situation in which individuals, families and groups have been displaced and have re-located to district headquarters, the capital or other secure locations. In addition to the difficulty of identifying and documenting displaced persons or families who may or may not have provided written notice or information to the relevant district administration office or local body, and who have been struggling because they've had to leave their places of residence, problems have also arisen in the distribution of the services and facilities they are entitled to.

If it is not possible to address immediately the problem related to conflict-induced displacement, it might have a negative influence on the country's economic, social, and cultural structures. Therefore it seems necessary for the State to minimize this problem and make useful arrangements for the displaced in accordance with humanitarian norms and values, thereby preventing IDPs from becoming involved in any kind of undesirable activities.

Similarly, it is also necessary for the State to address the problem of people who have been displaced from their places of residence due to man-made or natural disasters.

In order to provide services and facilities to the displaced persons by addressing their problems, His Majesty's Government should mobilize its own resources and different donor agencies and other national and international organizations should mobilize additional resources without affecting the investment being made by them in development programs. In this context, it seems necessary for the State to play a leading role by mobilizing the assistance from the government, non-government, private, international and civil society sectors for the management of the people displaced due to conflict, natural calamity or man-made or other factors. This Policy has been issued in order to provide immediate humanitarian assistance in such a way that it will be complementary to the Foreign Aid Policy 2059 adopted by His Majesty's Government, Poverty Reduction Assistance Strategy, Millennium Development Goals and Annual Development Programs.

## Underlying Principles:

This Policy has been prepared in conformity with the United Nations Guiding Principles on Internally Displaced Persons. The underlying principles of this Policy are as follows:

- Observance of the Universal Declaration of Human Rights.
- Observance of fundamental rights provided by the Constitution of the Kingdom of Nepal.
- The awareness by His Majesty's Government of its duty and responsibility for social justice and equality in relation to internally displaced persons in the Kingdom of Nepal.
- Partnership and cooperation with government agencies, local bodies, the non-government sector and the private sector associated with rights, development and relief work.
- Inclusion and participation of all sections of society.

## 2. Definition

For the purpose of this Policy:

- (a) **"Displaced person or family"** means Nepali citizens who, due to various factors, are not able to remain in their permanent residence and have, under compulsion, been displaced to another part of the country.
- (b) **"Conflict-displaced person or family"** means the person or family who, after being directly physically injured or harmed or after suffering damages to his/her house or property due to violent conflict, has been displaced to some other part of the country, who has no house of his/her own or any member of the joint family in any part of the country, or the one who, though active in violent activities in the past, has now surrendered or has been unable to live on in his/her place of permanent residence due to serious threats to that effect.
- (c) **"Person or family displaced by human-created conditions"** means the person or family displaced internally who have been forced to leave their places of residence due to works relating to development, construction, industry and others.
- (d) **"Person or family displaced due to natural calamity"** means the person or family who has been compelled to be displaced due to negative effects of the natural calamity.

## 3. Objectives

The objectives of this Policy are as follows:

- (a) To guarantee fundamental rights and duties of the displaced person or family.
- (b) To make available, without hindrance, the services and facilities the displaced families or families should have access to.
- (c) To address in time problems other citizens in the place where the displaced persons or families are residing are likely to face.
- (d) To minimize the problem of displacement.
- (e) To address in time the possibility of deterioration in economic, social and cultural activities of the displaced persons or families.
- (f) To promote national and international commitment and cooperation towards the displaced person or family.
- (g) To resettle the displaced person or family in their previous place.

#### 4. Criteria to Identify

The displaced person or family shall be identified on the basis of the following things:

##### 4.1. Identification of the conflict-displaced person or family:

- (a) Joint family dependent on the person killed by terrorists.
- (b) Dependent family of the person kidnapped and subsequently disappeared or declared dead by the terrorists.
- (c) Persons who have received serious threats or have been forced out of their village after their property being seized by the terrorists.
- (d) Persons or families who have been mentally and physically tortured after being kidnapped by the terrorists.
- (e) Person or family whose house has been destroyed by the terrorists.
- (f) Persons who have shunned terrorist activities and surrendered but cannot live in the place of their residence from the security point of view.
- (g) Dependent family of innocent persons killed during encounters.
- (h) Persons who have been displaced due to damages to their property during clashes.

#### **4.2. Identification of the person or family displaced by human-created conditions:**

- (a) Person or family displaced due to reasons including those of construction or repair works on development projects.
- (b) Person or family displaced due to construction or operation of industry, factory.
- (c) Person or family displaced as a result of the damage or destruction of man-made structures.

#### **4.3. Identification of the person or family displaced by natural calamity: Person or family displaced due to natural calamity.**

### **5. Policies**

The following policies shall be adopted with regard to the internally displaced persons:

#### **5.1. On Human Rights Protection**

- 5.1.1. The displaced persons shall be entitled to exercise rights guaranteed by international treaties-agreements on international human rights.
- 5.1.2. Legal aid shall be provided to the displaced citizens in order to help them exercise the fundamental rights guaranteed by the Constitution of the Kingdom of Nepal.
- 5.1.3. Arrangements shall be made for the internally displaced persons to equally exercise their rights and duties provided by the current law no matter which place of the country they live in. For the exercise of rights and freedom, no one shall be discriminated against just on the ground of being internally displaced.
- 5.1.4. No discriminations shall be made on the basis of cast, language, religion, gender, ideological faith or similar other kind while providing services, facilities, concessions to the internally displaced persons or families.
- 5.1.5. If conditions are such that an individual has to be displaced from his/her home or dwelling because of actions related to the violent conflict, proper security will be provided against such actions.

- 5.1.6. In normal conditions no displacement shall be made with prejudice to the right to life, right to freedom, right to protection and the right to a dignified life.
- 5.1.7. Discouraging forcible displacement: protection shall be provided against displacement that may take place on the basis of religion, caste, language, gender, or ideology.
- 5.1.8. The displaced shall have the right to freedom of movement and to transfer from one place to another.
- 5.1.9. The State shall not displace anyone unless it is for the purpose of development projects and industrial activities which are in the interest of public and national interest. Due compensation shall be provided to the displaced and their rights shall be protected.
- 5.1.10. People shall not be displaced unless there is serious threat to human security and health from natural calamity.
- 5.1.11. Protection shall be provided for internally displaced persons against the commission and incitement of acts such as murder, violence, and disappearance, and include their being subjected to slavery or exploitation.

## 5.2. On Relief

- 5.2.1. The relevant agencies shall be made further active and accountable in order to provide necessary security and humanitarian assistance to the internally displaced persons.
- 5.2.2. Humanitarian assistance and treatment facility shall be provided with priority to orphaned children without parents, pregnant women, single women and men, mothers with small children, the incapacitated and the elderly in view of their state.
- 5.2.3. Arrangements for proper housing, security, food and health facility shall be made by bodies concerned for the displaced person or family vis-à-vis means and resources at disposal.
- 5.2.4. Appropriate arrangements shall be made for the schooling of the children of internally displaced persons. Arrangements shall be made for the relevant agency to make available, through its own resources, the documents that are required for school enrollment in the current place of residence. Free primary education shall be ensured and, subject to available resources, arrangements shall be made for scholarships, hostel facilities, and special classes.

5.2.5. Access to job opportunities shall be increased by providing the internally displaced persons or families trainings and other necessary cooperation to acquire skills and ability.

### **5.3. On Return**

5.3.1. Displaced persons or families shall have the freedom to be resettled, of their own free will, in a place they deem appropriate.

5.3.2. Persons or families displaced by the State shall be resettled through the formulation of appropriate plans.

5.3.3. Land shall be provided to the persons or families displaced due to a natural calamity by including them in land bank related programs.

5.3.4. Every displaced person shall be provided opportunities to return to his/her own place, to resettle and to integrate with the family.

### **5.4. Others**

5.4.1. Arrangements shall be made to protect the goods and property left behind by the internally displaced persons from being destroyed or used arbitrarily or illegally.

5.4.2. Arrangements shall be made for providing voting opportunity to the internally displaced persons from the current place of residence upon fulfilling criteria required by the current law.

## **6. Strategy**

### **6.1. On protection of human rights**

6.1.1. Arrangements shall be made for internally displaced persons to exercise their fundamental rights and duties in a place of their residence.

### **6.2. On relief**

6.2.1. Collaboration shall be promoted with non-governmental organizations registered at agencies of His Majesty's Government under current law in order to provide services and facilities to the internally displaced persons and which have the objective of conducting activities with regard to the internally displaced persons.

- 6.2.2. If international non-governmental organizations would want to provide any kind of services or facilities to the internally displaced persons, an atmosphere shall be created in which they can provide services and facilities within the current law and conditions laid down by His Majesty's Government from time to time. But such works shall be coordinated by the district administration office in each district. International NGOs shall be required to submit their progress reports to the body concerned.
- 6.2.3. Programs shall be conducted especially targeting women, the elderly, children, the disabled and orphans of the displaced. Special awareness raising programs shall be conducted with a view to discouraging children's involvement in conflict.
- 6.2.4. Disability allowances and senior citizen allowances being provided by the State to the displaced old persons and the disabled in the place of their living.
- 6.2.5. Government, non-government and private sectors also shall be involved in providing special opportunities for education, health and employment in the places where the displaced persons or families are living.
- 6.2.6. The displaced persons who are of economically active age shall be recommended to agencies that can offer employment on the basis of their qualification.
- 6.2.7. Short-term trainings in market-oriented skills deemed appropriate for self-employment, labor employment and foreign employment shall be provided to displaced persons.
- 6.2.8. Nutriment and foodstuffs shall be provided to small-age children of the displaced families through health and nutrition agencies.
- 6.2.9. Arrangements shall be made for government and private educational institutes to conduct special classes for the students who are out of school by the reason of being displaced and help them continue their education. Arrangements shall be made for scholarships, educational materials, textbooks and hostel including free primary education.

### **6.3. On Rehabilitation**

- 6.3.1. The participation of displaced persons shall be sought in the formulation of programs that are necessary to return them to

their previous state. Special priority shall be given to women's participation.

- 6.3.2. The persons displaced from conflict-affected areas shall be encouraged to return voluntarily by creating a favorable atmosphere along with security in the place of permanent residence.
- 6.3.3. Necessary arrangements shall be made for the offices of the place where the internally displaced persons are residing in order to provide them such services as passports, citizenships and documentation of birth and migration registration.
- 6.3.4. Best possible efforts shall be made to provide concessional temporary housing facility to the persons displaced due to conflict. Participation of local residents, local bodies, NGOs and the private sector shall be mobilized in this task.
- 6.3.5. For those displaced from a village, arrangements for housing shall be made in appropriate places in rural areas at a local level in such a way that opportunities shall be available to earn money and obtain employment.

#### **6.4. Others**

- 6.4.1 IDPs shall be involved according to their skills and capacities in activities connected with the development of the country, and their access to such shall be gradually increased.
- 6.4.2 The process of displacement shall be reduced by development activities operated with the participation of local communities in areas affected by the conflict, and by providing security and community service.
- 6.4.3 Organizations of IDPs and unofficial groups shall be involved in the process of distributing services and facilities to IDPs.
- 6.4.4 Related agencies shall be made more effective and sensitive toward IDPs in order that the documentation of IDPs be realistic and up to date.
- 6.4.5 Discouragement of spending amounts and other assistance received from the national and international donor community on the facilities of intermediaries.
- 6.4.6 To further the coordinated efforts of the Home Ministry and Peace Secretariat, a focal point at the ministry level shall be arranged to coordinate the work of bringing security and development to areas affected by the conflict.

- 6.4.7 A centre and District level committee shall be arranged to coordinate the activities of organizations assisting IDPS.
- 6.4.8 At the central level, the Home Ministry and Peace Secretariat, and at the District level the District Administration Offices and local bodies shall be mobilized for collection, analysis, publication, and dissemination of documentation on IDPS, as well as for arranging appropriate resettlement.
- 6.4.9 The institutionalized capacity of government and non-government areas shall gradually be developed in connection with addressing the IDP issue.
- 6.4.10 Interaction, dialogue and collaboration shall be encouraged among national and international organizations and bodies active in the field of IDPs.
- 6.4.11 An IDP identification committee shall be established in connection with identifying and providing identification documents for IDPs.
- 6.4.12 Women's access to health service providers shall be increased, including accurate consultations for victims of gender and other abuse [vague in original] at programs for women's reproductive health.

## 7. Program

The following programs shall be operated to coordinate the stated policy and working policy.

- 7.1 Program for management and verification of documentation of those displaced by the conflict.
- 7.2 Program in connection with temporary residence facilities for those displaced by the conflict.
- 7.3 Program in connection with employment for individuals able to remain economically active.
- 7.4 Program in connection with skills appropriate for employment in the domestic market, self-employment, and foreign employment.
- 7.5 Program in connection with nutriments and foodstuffs for displaced families with young children.
- 7.6 Program to arrange for continuation of study through special classes and scholarships for those unable to attend school due to displacement.

- 7.7 Action to return displaced persons to their own places of residence.
- 7.8 Arrangements for housing shall be made for the displaced in an appropriate place in rural areas at a local level in such a way that opportunities shall be available to earn money and obtain employment.
- 7.9 Integrated program for peace and development
- 7.10 Program for investigation, research, and publication in the field of IDPs.
- 7.11 Program in connection with healing of mental trauma for IDPs.
- 7.12 Program to stop displacement through development of security for citizens and social service.
- 7.13 Consultation and health service program for women's health and victims of gender and other abuse.
- 7.14 Special program targeting women, the elderly, children and orphans, the disabled and individuals of this sort.
- 7.15 Consciousness-raising program against the oppression of displaced children.
- 7.16 Program for mobile health camps in places where displaced persons are staying.
- 7.17 Program to treat injured, ill, disabled and incapacitated IDPs.
- 7.18 Program in connection with Post Training Support and Seed Money for those who are engaged in self-employment as per their training.
- 7.19 Program in connection with consultation for displaced persons concerning their fundamental rights and duties.

## **8. Implementation of Policy, Monitoring and Assessment**

- 8.1 The Home Ministry shall have chief responsibility for implementing this policy.
- 8.2 The proposed policies shall be implemented through programs run by various ministries and agencies of His Majesty's Government, non-governmental organizations, the private sector and local communities.

- 8.3 An appropriate environment shall be created for international humanitarian and other appropriate organizations to deliver assistance to displaced persons.
- 8.4 The Chief District Officer shall be responsible for updating descriptions of agencies which could possibly deliver assistance on the local level.
- 8.5 The Chief District Office shall coordinate programs operating on the district level.

## 9. Provisions Regarding Committee:

There shall be the following committees to guide, coordinate and monitor the formulation and operation of various programs for delivering relief to families and individuals displaced by the conflict in order to effectively implement them:

### a. Central Steering Committee:

At the central level the committee shall be as follows:

- Chairman - Honorable Home Minister/Minister of the State for Home Affairs
- Vice Chairman - Honorable Assistant Home Minister
- Member - Secretary, Home Ministry
- Member - Secretary, Finance Ministry
- Member - Secretary, Ministry of Local Development
- Member - Secretary, Foreign Ministry
- Member - Secretary, Prime Minister and Council of Ministers Office
- Member - Secretary, Ministry of Labor and Transport Management
- Member - Secretary, Ministry of Women and Social Welfare
- Member - Secretary, Peace Secretariat
- Member - Secretary, National Planning Commission
- Member - Secretary, Health Ministry
- Member - Secretary, Ministry of Education and Sports
- Member - Adjutant General, RNA Headquarters
- Member - General Inspector of Police, Police Headquarters
- Member - General Inspector of Police, Armed Police Force Headquarters
- Member - Chief, National Investigation Department
- Member - A representative from a non-governmental organization working on the subject of IDPs.
- Member - Chairman, Nepal Federation of Commerce and Industry
- Member - Chairman, Nepal Chamber of Commerce
- Member - Chairman, Nepal Red Cross Society, Central Committee

Member - Member Secretary, Social Welfare Council  
Member Secretary - Assistant Secretary, Unit for Relief Management of  
Conflict Victims, Home Ministry

#### Functions of Central Steering Committee and Provisions:

- a. This Committee shall guide policy and coordination between Ministries in connection with the problems of IDPs.
- b. All United Nations agencies and international non-governmental organizations shall be invited by his Majesty's government to the central coordination committee meetings.
- c. As necessary, the central coordination committee may form sub-committees. The duties and authority of these sub-committees shall be as designated.
- d. The committee, when creating sub-committees, shall involve the United Nations agencies, international non-governmental organizations and non-governmental organizations as appropriate.

#### Secretariat:

The secretariat of this committee shall be located at the Home Ministry.

##### a. Program Coordination Committee:

There shall be a Program Coordination Committee to effectively implement and coordinate programs targeted at internally displaced persons or families and to offer suggestions and consultations to the Central Steering Committee regarding policies, strategies and programs.

The Committee shall have the following office-bearers:

- Chief Secretary, His Majesty's Government and chief of Peace Secretariat Chairman
- Secretary, Ministry of Finance  
Member
- Secretary, Ministry of Housing and Physical Planning  
Member
- Secretary, Ministry of Home Affairs  
Member
- Secretary, Ministry of Local Development  
Member
- Secretary, Peace Secretariat  
Member
- Joint-Secretary, Peace Secretariat  
Member-Secy

Representatives of international donor agencies, international non-governmental agencies and NGOs working for internally displaced persons may be invited to the Program Coordination Committee depending on necessity.

**Secretariat:** The Secretariat of the Program Coordination Committee shall be located at Peace Secretariat.

**b. District Coordination Committee:**

There shall be a committee as follows at district level to implement and coordinate programs as per this Policy:

Chairman	- Chief District Officer
Member	- Chiefs of district level security agencies
Member	- Local Development Officer
Member	- One person representing agencies working for internally displaced persons at a local level
Member	- Chairman, District Red Cross Committee
Member	- One representative representing organizations of the displaced persons, if any, as designated by the Chief District Officer
Member	- Chairman, District Chamber of Commerce and Industry
Member -Secretary	- Officer, District Administration Office

**Functions of District Coordination Committee:**

- (a) The Committee shall encourage all agencies including local community, local bodies, NGOs and the local Chamber of Commerce and Industry to assist and cause to assist the internally displaced in the district.
- (b) The Committee shall coordinate, monitor and assess the programs conducted at the district level.
- (c) The Committee shall send a progress report on its programs regarding the internally displaced launched in the district.
- (d) The member-secretary shall carry out all works the Committee is obliged to do including different works to be carried out by the District Administration Office regarding the internally displaced.

**Secretariat:**

The Secretariat shall be located at the District Administration Office.