

NEPAL:

IDP return still a trickle despite ceasefire

A profile of the internal displacement situation

16 October, 2006

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

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OVERVIEW

IDP return still a trickle despite ceasefire

Nearly six months after nationwide protests forced the king to end 14 months of absolute rule and the Maoists rebels called a ceasefire, only a few thousand people have reportedly returned to their homes, the majority of the internally displaced persons (IDPs) preferring to wait for better security guarantees and more assistance to make the journey home. Although no reliable figures exist, it is estimated that up to 200,000 people have been internally displaced in Nepal by ten years of war, which has claimed more than 13,000 lives and affected all districts of the country. Caught between two evils, abuses by the Maoists and repression by the security forces, most people have also fled the general deterioration of the socio-economic conditions in the countryside and sought refuge in district headquarters or in the main urban centres. The war has also thrown hundreds of thousands of people onto the road to India – a traditional migration route for Nepalese.

A 12-point agreement signed in November 2005 between the CPN-Maoist and the Seven Party Alliance had already encouraged some timid return movements of IDPs to their homes. The ending of the armed conflict and repeated commitments by the rebels to respect the rights of IDPs paved the way for more returns, in particular in the eastern and mid-western regions. However, continued human rights abuses by the Maoists, including killings, abductions and torture, have so far prevented larger-scale return movements. These are also hampered by the absence of government representatives at the village level, these having been displaced themselves, as well as by the lack of a government return plan.

The government issued a national IDP Policy in March 2006, but as with previous IDP plans, the latest failed to comply with international standards as it only recognised as IDPs those displaced by the actions of Maoists. Although initially slow to move from the development into the humanitarian gear, the response of the international community is now taking shape, spearheaded by UNHCR and OHCHR as lead agencies for IDP protection. While peace talks are now ongoing and many IDPs are on the verge of returning, both the government and the Maoists should do more to live up to their commitment to provide assistance to all categories of displaced and ensure that their return can take place in a safe and sustainable manner.

Background and main causes of displacement

The “People’s War” was launched by the Maoists (CPN-M) in 1996 with the aim of overthrowing the constitutional monarchy and establishing a socialist republic. Despite the reinstatement of a multi-party democracy in 1990 and a new constitution, which followed three decades of *panchayat* (non-party) system of government, Nepal’s political order continued to be dominated by the same elite who demonstrated little inclination to improving the lives and livelihoods of the majority of the rural poor and largely failed to address the systemic inequality of Nepalese society.

The insurgency started in the districts of the mid-western region when Maoists began attacking the police, the main landowners, members of other political parties, teachers and local government officials. Forced to leave their land and property or threatened because of their association with the monarchist regime, many people targeted by the Maoists started moving to district headquarters where many chose to settle. Using guerrilla tactics and virtually

unchallenged by the government during the first five years, the Maoists gradually gained ground in other districts of the country.

It was not until the deployment of the army and the declaration of a state of emergency in late 2001 that the conflict escalated. By then, displacement had also started to affect other poorer strata of the population who fled fighting between the rebels and the army, forced recruitment into Maoist ranks and also the more general effects of war. In many areas, the conflict led to the breakdown of education, closure of businesses, weakening of local economies and interruption of public services. Insecurity and blockades further reduced the availability of food and exacerbated a long-standing trend toward rural exodus (SAFHR, March 2005, p. 36). Particularly after November 2001, when security deteriorated markedly in rural areas, many people started fleeing to urban district centres, large cities like Kathmandu, Biratnagar and Nepalgunj, and across the border to India.

In 2001, Prince Gyanendra was crowned king after most of the royal family was killed in a bizarre shooting incident in the palace. A year later he suspended the elected Parliament, installed a prime minister of his choosing and indefinitely postponed elections, effectively assuming full executive powers with the support of the army. Although a seven-month ceasefire provided some respite in 2003, full-scale fighting soon resumed, even gaining in intensity, while the conflict rapidly spread to all 75 districts of the country. A pattern emerged, with the rebels more or less controlling the rural areas and the government's presence mainly restricted to district headquarters and urban centres.

In a desperate effort to regain some control of the rural areas, the government started encouraging the creation of "village defence committees" in various districts of the country (ICG, 17 February 2004). Often created by local landlords with the tacit support of the army, these militias constituted an inflammatory development in the conflict. In February 2005, an anti-Maoist rampage in Kapilvastu district resulted in the displacement of between 20,000 and 30,000 people to the Indian border (Bell, Thomas, 12 March 2005; BBC, 14 March 2005).

On 1 February 2005, the king dismissed the government and declared a state of emergency giving him absolute power and effectively suspending all civil liberties (AI, 15 June 2005, p. 4). In the wake of the coup, fighting and subsequent human rights abuses increased significantly throughout the country. While the king gained less understanding for his coup from the international community than he had hoped for, he also miscalculated the repercussions at the domestic level. By the end of the year, the Maoists and the main political parties had reached a common understanding in the form of a 12-point agreement where they approved a common platform of action for ending the king's absolute rule and restoring sovereignty to the people through the reinstatement of Parliament, the formation of an all-party government and elections to a constituent assembly.

On 24 April, following weeks of nationwide protests, the king ended his direct rule and reinstated parliament (IRIN, 25 April 2006). At the end of May, a new interim government and the Maoist leadership agreed on a 25-point Code of Conduct to end the conflict and pave the way for the election of a constituent assembly, whose task would be to draw up a new Constitution and lay down the foundation of a new political system to govern the country. Both sides met for a second round of formal peace talks in early October and agreed to hold elections for a constituent assembly by June 2007. No agreement was reached on the main bones of contentions, which include the future of the monarchy and the disarmament of the rebels (IRIN, 10 October 2006).

Up to 200,000 displaced by the conflict

In the absence of any comprehensive registration of IDPs and of any systematic monitoring of population movements by national authorities or by international organisations, it is difficult to provide any accurate estimates on the total number of people displaced since the conflict started in 1996, or for that matter of people currently displaced. There have, however, been several studies attempting to capture the extent of displacement due to the conflict. Based on these studies and other available information, the IDMC believes that a range between 100,000 and 200,000 IDPs constitutes the most realistic estimate as of 2006. This figure does not include displacement to India where the majority of the displaced have sought refuge since 1996 and where a 1,500 km-long open border has made the monitoring of movements extremely difficult.

Major obstacles to assessing the scope of forced displacement have been the weakness of the government's IDP definition, which has only included people displaced by Maoist actions, as well as the very selective provision of assistance, which only reached the pockets of the well-connected among the displaced. Fear of ending up on an IDP list which would fall into the hands of the Maoists also convinced many that there was nothing to gain from registering as an IDP. As a consequence, the majority of those displaced by the Maoists remained either unaware of their status or preferred to remain unidentified. They moved quietly to safer destinations, relying on family networks or traditional migration routes to cope with their situation. While those displaced by Maoist actions had little incentive to register as IDPs, those who fled abuses by the security forces had absolutely none as they did not even qualify for assistance.

Since only the well-connected people displaced by Maoist actions managed to receive some assistance, the IDP concept itself became a negative one used in some areas of the country by the Maoists to refer to a limited group of displaced, seen as closely associated with the state. This not only creates difficulties in assessing the number of IDPs, but also has serious implications in the current return phase, with the Maoists reported to oppose the return of some categories of IDPs who they consider "bad or anti-revolutionary" people (OHCHR, 25 September 2006, p.7). UN missions conducted during 2006 revealed that in many areas of the country, groups of displaced persons that would clearly fall within the international IDP definition, such as youths fleeing forced recruitment or people fleeing extortion and abuses, were not considered as IDPs by the Maoists, the local authorities or by the IDPs themselves (UNHCR et al., 7 July 2006, pp.3-4).

Continued abuses by Maoists prevent large-scale returns

Sporadic return movements have been a constant feature of the displacement situation in Nepal, with most returns taking place spontaneously or with the help of local human rights organisations. More significant return movements started taking place in the wake of the 12-point agreement signed at the end of 2005 between the seven main political parties and the Maoists. The agreement provided explicitly for the rights of IDPs to go back to their homes and recover their land and property.

However, these movements remained limited in numbers and it was mainly after the end of the hostilities at the end of April 2006 and the signing of the Code of Conduct on 26 May that significant numbers of people, estimated at a few thousands, started returning to their homes. Both the government and the Maoists made clear references in the Code of Conduct about the needs of IDPs and their rights during the return phase and committed to provide assistance (OCHA, 6 September 2006, p.1).

While successful in some areas of the country, such as Mugu and Jumla districts in the mid-western region, where Maoist cadres welcomed back the displaced and handed over their land and houses, or in some districts of the east where the Maoists opened new offices to assist the

displaced in going home, the return and restitution process has proven to be more difficult elsewhere (OCHA, 5 October 2006, p.1; OHCHR, OCHA, August 2006, p.1). This is mainly due to continued abuses committed by the Maoists and conditions imposed for the return of the displaced, but also because of the absence of the government in areas of return, leaving IDPs with no protection.

In a report published at the end of September 2006, OHCHR noted that since the ceasefire, human rights abuses by Maoists had continued in many areas of the country. These included killings, torture, abductions and extortion. Also, parallel judiciary structures, or “people’s courts”, run by Maoists in rural areas were seen as lacking independence and therefore failing to guarantee people’s right to security and physical integrity. OHCHR also expressed deep concern about an emerging pattern of selective “approval” of IDP return. In some regions of the east, the Maoists were reported to have established three categories of IDPs, which serve as the basis for the “approval” process. While IDPs belonging to the third group -those who quietly left in anticipation or in fear of the conflict- were welcome to return, those belonging to the second group, and who were accused of some “wrong-doing”, had to accept conditions imposed by the Maoists before being allowed to return. These included paying a “donation” or appearing before a “people’s court” to explain their displacement and apologise for actions committed before being displaced. IDPs belonging to the first group were seen as responsible for serious “crimes” and not welcome back (UNHCR et al., 7 July 2006, p. 4).

The selective “approval” practice stands in strong contradiction with the Maoists formal commitment to respect the safe, dignified and unconditional return of all IDPs (OHCHR, 25 September 2006, p.7). While OHCHR has declined engaging with Maoists in discussions at the local level, calling on parties to respect the agreements negotiated at the central level, UNHCR and the Norwegian Refugee Council (NRC) have conducted together a pilot project in the east with the aim to “localize” central-level agreements. Discussions between all local parties, including the displaced, led in Sankhuwasaba district to an agreement and a common statement that no categories of IDPs existed and all were equal. While not expected to work everywhere, as it relies on the willingness of all parties to negotiate, this model would be applied to other districts (NRC, 9 October 2006).

The weakness of the IDP definition contained in the government’s IDP policy and the absence of any comprehensive government plan to facilitate returns and support the re-integration of the displaced are also major obstacles to return. Years of conflict have brought the country on the brink of a humanitarian disaster and left people living in rural areas with little opportunities to make a living and very limited access to basic services. With no assistance available to re-establish themselves or to pay for transport, many IDPs cannot afford to return.

The lack of government representatives in rural areas to monitor return and re-integration conditions and guarantee the protection of the displaced is yet another obstacle to safe returns (UNHCR et al., 7 July 2006, p.13). In September, the UN reported that the Maoists continued to resist the re-establishment of government’s police posts damaged or displaced during the conflict, thereby seriously limiting the government’s reach in these areas (OCHA, 5 October 2006, p.1). An estimated 68 per cent of the Village Development Committee secretaries are currently displaced, mainly to district headquarters where they wait for the Maoists to approve their return (OCHA, UNDP, July 2006).

Difficult living conditions for IDPs in urban areas

While conditions appear not yet conducive to large-scale return movements to rural areas, the displaced continue to face difficult living conditions in urban areas where a large majority of the displaced have sought refuge in the past few years. While those displaced in the initial phase of

the conflict, such as landowners, party workers or civil servants, have generally managed to settle in their new place of residence and re-establish ways to earn a livelihood, most of those displaced in recent years and belonging to more disadvantaged groups of society have had to struggle to make ends meet. Often belonging to the farming community and unprepared for making a living in urban areas, most IDPs who find employment engage in low-paid labour-intensive jobs. Placing a strain on the municipalities' capacity to deliver basic services such as water supplies, sanitation and waste management, the arrival of large numbers of IDPs in urban areas has also increased real estate and rental prices, making it very difficult for the poorest to find proper accommodation in cities such as Kathmandu (HimRights, Population Watch & Plan Nepal, 26 October 2005, p.9).

Displaced children often face particularly difficult conditions in urban areas. Although the majority manage to attend school in their new location, others are denied an education because they lack the proper documentation to enrol or because they need to contribute financially to the survival of their family (UNICEF, 31 December 2005, p.20). On the streets of the main cities, the children are exposed to a variety of threats, including child trafficking, sexual exploitation and forms of child labour (Watchlist, January 2005, p.30; OneWorld, 14 July 2003). A study conducted by Terre des Hommes in 2006 revealed an increasing trend of migration of young children from rural areas, fleeing CPN-M forced recruitment or the breakdown of the education system. Sent by their parents to safer conditions in urban areas, many children end up working as child domestics, subject to severe exploitation and exposed to physical or psychological abuse (TDH & SCA, June 2006, pp.16-19).

In 2005, the International Labour Organisation (ILO) estimated that a total of 40,000 children had been displaced since 1996 and predicted that between 10,000 and 15,000 children would be forced from their homes during the year (Xinhua, 12 June 2005; AI, 26 July 2005). But the majority of the children displaced by the conflict appear not to end up in Nepalese cities, but rather in India where economic opportunities are slightly better. In a report published in July 2005, Save the Children showed that over 17,000 children had crossed the border to India in just three months, between July and October 2004, a quarter of them citing the conflict as the main reason for migrating (SCA & CCWB, July 2005, p. 10).

As is often the case in situations of internal displacement, many IDPs in Nepal have lost their documents during the course of their flight. The lack of documentation has been reported as a major obstacle for IDPs' integration in urban areas, where it has prevented many displaced people from accessing basic services or sending their children to school. Since many of the administrative structures no longer exist in their districts of origin, sometimes situated far away from their new place of residence, many displaced people have found it impossible to obtain replacement documents. The authorities were described as having not taken any concrete measures to facilitate the issuance of new documents to replace those left behind or lost (CHR, 7 January 2006, p.16).

In the context of Nepal's upcoming elections to the constituent assembly, there are reasons to believe that the lack of documents will prevent many IDPs from exercising their voting rights. A study conducted by IOM during 2006 concluded that while the IDP policy announced in March 2006 provided for the IDPs to be able to cast absentee ballots in their current place of residence for their original constituency, there were still many issues to resolve before such a process could successfully take place. These included, among others, the updating of the voting register through a nationwide re-registration campaign and also civic education campaigns for the displaced to inform them of their registration and voting rights (IOM, June 2006, p.37).

National and international response

Following the visit in April 2005 of the UN Secretary-General's Representative on the Human Rights of IDPs, Walter Kälin, who described the IDPs in Nepal as "largely overlooked and neglected", the government of Nepal promised to develop a new IDP policy which would address his main concerns (UN, 22 April 2005). The new IDP policy, issued by the government in March 2006, remained however far from comprehensive and despite explicit reference to the UN Guiding Principles on Internal Displacement, it ignored a number of basic principles and recommendations. While efforts were made to formalise the situation of IDPs, the policy remained incomplete and failed to address the main weakness of previous state policies on IDPs, i.e. the politicisation of the IDP definition excluding people displaced by state forces. Other major weaknesses included the absence of an implementation plan, which should provide clear guidelines to district-level government representatives as well as the lack of financial resources from the state (IOM, June 2006, p.13). In July, the government announced that it had set aside funds for 'conflict victims' returning home as well as for the reconstruction and rehabilitation of infrastructure in district headquarters and areas of return (OCHA, 11 August 2006, p.1). At the district level, government representatives appeared, however, not to be fully aware of the financial assistance available for IDPs returning home (OCHA & UNHCR, August 2006).

While there was initially hope that the formation of a new government and the restoration of the Parliament at the end of April would lead to a revised IDP policy, which would take into account the comments formulated by the United Nations, this hope did not materialise and as of early September 2006 there were no reports of any formal revision being undertaken. The IDP policy is currently on hold while implementation plans are being devised and modifications considered (OCHA, 6 September 2006, p. 2).

Since 2005, the international community has geared up its assistance efforts to provide protection to the displaced population. A Common Humanitarian Action Plan (CHAP) was devised in mid-2005 among international agencies and served as the basis for the Consolidated Appeal Process (CAP) launched in October 2005 and which requested \$66 million. As of the end of September 2006, almost 75 per cent of the total sum had been forthcoming, with the protection sector particularly well-funded; but many projects aimed at addressing the needs of IDPs and conflict-affected people in the sectors of agriculture, education, economic recovery and water and sanitation had not received any funding.

Within a collaborative approach framework, UNHCR and OHCHR are leading the UN response on IDP protection and co-chair the IDP Protection Sub-Group of the Human Rights and Protection Working Group (UNHCR, 8 June 2006, p.8). Several inter-agency IDP missions have been conducted since the end of 2005 with the aim of enhancing the understanding of IDP issues among humanitarian actors and promoting sustainable solutions for the return of the displaced. The missions as well as an increased field presence during 2006 have also been opportunities to better monitor return conditions and ensure that the Maoists fulfil their commitments to guarantee the return of the displaced in safety and dignity.

The UN agencies are supported by several local or international NGOs, who directly or indirectly address the needs of the displaced population. The local human rights NGO INSEC has assisted with the return of IDPs to their homes in several areas of the country since 2004, sometimes with the support of Action Aid. Caritas, Save the Children US, Plan International and Terre des Hommes are all involved in providing humanitarian assistance to IDPs, with a focus on educational support to displaced children. The Norwegian Refugee Council (NRC) is currently involved in assisting the protection needs of the displaced through an Information, Counselling and Legal Assistance (ICLA) programme to cover 24 districts. The programme aims at facilitating returns by providing legal assistance to ensure basic civil rights and address obstacles prior or during the return and reintegration phase.

The absence of a clear government return plan and the obvious shortcomings of the current IDP policy are causes of concern in view of the potential large return movement which could take place in the coming months. Clearly, pre-conditions for the safe and dignified return of the displaced are not yet in place. Putting an end to abuses and better enforcing their commitments to the protection of IDPs should be a priority for the Maoists if they are truly willing to encourage more returns. The Maoists should also allow the presence of government representatives in areas of return to facilitate returns and monitor re-integration.

CAUSES AND BACKGROUND

Background

Caste-based discrimination and systemic inequalities result in marginalisation of many groups in Nepal (2001)

- Nepal is presently party to 14 international instruments on human rights, but a vast gap exists between these commitments and their implementation
- Caste discrimination remains ingrained in Hindu-dominated Nepalese society despite legal provisions.
- Wealth and power are disproportionately distributed to favor higher castes, restricting social mobility and the possibility of intergenerational change.
- Indigenous land is often seized by the government for incorporation into national parks and public property and payment of compensation is rare.
- Those most in need of development assistance reside in the insurgency-affected districts.
- Lower castes and minority ethnic groups are disproportionately affected by widespread health problems aggravated by poverty and lack of public health awareness.

APHRN, 20 August 2001

"Small, landlocked, and impoverished, Nepal is home to a mosaic of ethnicities and languages. A democratic constitutional monarchy was established in 1990 after the overthrow of the three-tiered *panchayat* system, which prohibited political parties and was completely controlled by the king. Nepal is presently party to 14 international instruments on human rights, but a vast gap exists between these commitments and their implementation. Political instability – including corruption, turmoil in Royal family and the Maoist insurgency – has contributed significantly to the difficulty in implementing lasting human rights reform. Racial discrimination has a different face in Nepal than it does in many other parts of the world; many groups suffer from marginalisation because of caste, ethnicity, gender, age, religion and political opinion.

Despite the anti-discrimination provisions contained in the 1990 Constitution, caste discrimination remains ingrained in Hindu-dominated Nepalese society. Caste discrimination constitutes a form of racism in which people are categorically relegated to subordinate social positions, and are denied equal access to social, economic, political and legal resources. Wealth and power are disproportionately distributed to favour higher castes, restricting social mobility and the possibility of intergenerational change, because caste is based on lines of descent. Cultural attitudes that perpetuate the caste system are inculcated at a young age in Nepal, and are often reinforced within the education system. Adults teach children to maintain the stratified society, and continual reinforcement of the system cement it into an unquestionable reality. Caste discrimination is frequently present in government-initiated development programmes, with many of the projects failing to benefit the lower castes.

Because the pervasive caste system is superimposed on even non-Hindu communities, impoverished indigenous peoples and ethnic minorities are treated much the same way as lower caste Hindus. Nepal is estimated to have over 60 ethnic groups and approximately 125 languages. Any non-Hindu group of people is considered an ethnic minority, though indigenous peoples are distinct from other minority groups. Although they comprise 40 per cent of the population, they are highly underrepresented in Parliament. The Constitution guarantees the right

of each community to preserve and promote its own language, Nepali is the official language and many indigenous languages are in danger of becoming extinct.

Poverty, a lack of social services and weaknesses in basic sanitation and water resource infrastructure remain pressing problems for rural and indigenous peoples, despite economic development and poverty alleviation having been the primary objectives of the Nepali budget for the past couple of years. Governmental programmes were created to encourage participation in governance, but their implementation has been disrupted by the Maoist insurgency. Development occasionally clashes with human rights, especially in the case of projects such as dam-building which entails displacement of large sections of the population. More indigenous land was seized by the government for incorporation into national parks and public property. Efforts have been made in recent months to give land certificates to landless squatters, but payment of compensation is rare. Economic exploitation – such as bonded labour – targeted at minority ethnic groups is aggravated by the high incidence of landlessness and poverty.

The “People’s War,” waged since 1996 through guerrilla tactics by the CPN-Maoist Party, causes continuing unrest. Specifically, it contributes to tensions between minority ethnic groups and low castes in the rural areas and the upper caste Hindus who still have a hold – albeit tenuous – over the country. Neglect of rural areas by the government enhances the appeal of the Maoists who criticise the government and issue broad demands for reform. Those most in need of development assistance reside in the insurgency-affected districts; however, government programmes tend to avoid those areas, fostering a vicious cycle of dissatisfaction with the government and increased support for the Maoists. Human rights abuses on the part of Nepali authorities are engendered by the insurgency with fundamental rights remaining in a state of suspension in the name of security. Several laws including Public Security Act, allow the police to restrict movement and to summarily detain individuals, and grant the police de facto impunity to torture and arbitrarily kill suspects. The police force, for its part, selectively targets particular groups, reinforcing the already high incidence of discriminatory behaviour in society.

Lower castes and minority ethnic groups are disproportionately affected by widespread health problems aggravated by poverty and lack of public health awareness. Children suffer in particular. Commendably there is increased enrolment in schools, a slowly decreasing child mortality rate, growing awareness of exploitation and trafficking and growth in support services. However, improvement on children’s rights is slow. The government acknowledges the problem of child labour, but claims it cannot tackle the entrenched poverty that supposedly causes it. Children work at the expense of their education, which contributes to the cycle of poverty. Part of the problem is resource allocation. Most of the money invested in education benefits the wealthier segments of society, but poor children suffer the highest illiteracy rates. The Maoist insurgency has left thousands of children displaced, orphaned or dead. Maoists have also recruited children as soldiers."

Click here to see a [map showing the various ethnic groups in Nepal](#). (University of Texas Library, 1980, jpeg 210 kb)

Police campaign 'Operation Romeo' displaces several thousand people in Rolpa district (November 1995)

- Police campaign 'Operation Romeo' was conducted in November 1995 in Rolpa district (Mid-Western region) against Maoist sympathizers.
- The assault was accompanied by human rights abuses, rape and torture against civilians.

- As a consequence some 6,000 people were displaced within Rolpa and to neighbouring districts.

Mercy Corps International, October 2003, p. 38

"In November 1995, the coalition Government of NC Prime Minister Sher Bahadur Deuba, under the supervision of Home Minister Khum Bahadur Khadka, a native of Rolpa's neighboring Dang District, initiated a police campaign known as Operation Romeo. Maoist leader Baburam Bhattarai described the operation as a 'reign of terror' against Rolpa's peasants. One human rights report characterized the operation as 'state terror.' USAID's Democracy Under Threat report prepared in November 2001 described the operation as one of "massive brutal retaliation...[with]...widespread human rights abuses including torture, rape, detention and murder." In Kathmandu and abroad, Operation Romeo is perceived by many as a highly violent, scorched earth assault involving systematic extra-judicial executions coupled with a campaign of rape and other atrocities whose geographic scope went far beyond Rolpa.

The assessment's interviewees and other respected human rights experts, however, assert that:

Operation Romeo was conducted, and its impact overwhelmingly felt, mainly in Rolpa District. The INSEC (Informal Sector Service Center, a respected Nepali NGO) Human Rights Yearbook for 1995 reports that the operation was concentrated in eleven of Rolpa's VDCs. Some areas of Rukum District close to the Rolpa border may have been affected. Salyan, Dang and other districts received some civilians displaced by the operation.

There were apparently no documented cases of deaths in connection with the operation. But several thousand people fled or were displaced, and some did not immediately return or were not specifically traced. Thus, it is possible that there could have been a small number of deaths. One respected human rights expert estimated the total number of such deaths, if they occurred, would have been less than twelve.

Rapes by the police took place. But rather than the use of rape as an instrument of systematic degradation of the Magar race which some suggest, the incidents are described by several reliable sources as multiple individual criminal acts (one knowledgeable interviewee estimated 40 such cases) carried out with impunity – none of the perpetrators were punished.

The INSEC Human Rights Yearbook for 1995 is reported to state that 6,000 people left their villages, most presumably temporarily, and 132 persons were arrested without warrants. That the police physically abused or tortured prisoners, confiscated chickens and goats, and stole personal property and jewelry from houses they searched, is not disputed. Nonetheless, Operation Romeo could not be characterized as a 'reign of terror,' 'state terror,' or 'massive brutal retaliation' in comparison with similar conflictive operations elsewhere, neither could it be described as the disciplined and orderly effort to restore order which its defenders would suggest."

The People's war (1996-2001)

- The CPN (Maoists) is born out of the split up of the United People's Front, which won nine seats in the 1991 parliamentary elections. The decision by one of the leader -Prachanda- not to participate in the 1994 elections prompted the creation the following year of the CPN.
- In 1996, the CPN declared the "People's war" on the basis that the government refuse to concretely enter into negotiations on the proposed reform of the structure and nature of Nepal's political system and form of government.

- Maoists attacked police posts and local administrative offices, such as offices of the Chief District Officers (CDOs) and District Development Committees (DDCs). There were further attacks on police stations, banks, offices of Village Development Committees (VDCs), local landowners, and politicians of the NC and other mainstream parties.
- By mid-2001, the Maoist had stepped up their activities in all but the most remote districts of the country, including the capital, Kathmandu

AI, 4 April 2002, pp. 12-13

"The origins of the CPN (Maoist) lie in the *Samyukta Jana Morcha* (SJM), United People's Front (Bhattarai), the political wing of the CPN (Unity Centre). In May 1991 the SJM gained nine seats in parliamentary elections, but performed poorly in 1992 local government elections. In 1994 the SJM split on the issue of participation in parliamentary elections. One of the leaders opting to remain outside mainstream politics was Pushpa Kamal Dahal, alias Prachanda. He is said to have founded the CPN (Maoist) in March 1995. Ideologically, the CPN (Maoist) is close to the Communist Party of Peru (Shining Path). Both are members of the Revolutionary International Movement, an umbrella organization of Maoist movements around the world.

The "people's war", declared by the CPN (Maoist) on 13 February 1996, aims to establish a "New Democracy" and constitutes an "historical revolt against feudalism, imperialism and so-called reformists". The immediate reason given by the Maoists for declaring the "people's war" was the failure of the government to respond to a memorandum presented by its representatives to Prime Minister Sher Bahadur Deuba on 4 February 1996.

The memorandum listed 40 demands related to "nationalism, democracy and livelihood". These included the abolition of royal privileges and the promulgation of a new constitution, and the abrogation of the Mahakali treaty with India on the distribution of water and electricity and the delineation of the border between the two countries.

On 13 February 1996, the day the "people's war" was declared, there were eight incidents reported from five districts, including attacks on police posts and local administrative offices, such as offices of the Chief District Officers (CDOs) and District Development Committees (DDCs) constituting the government at district level. In the following weeks, the violence escalated, particularly in Rolpa and Rukum districts in the Mid-Western Region, one of the more deprived areas of Nepal and the stronghold of the Maoist movement. There were further attacks on police stations, banks, offices of Village Development Committees (VDCs), local landowners, and politicians of the NC and other mainstream parties. There were also attacks on a number of local offices of international NGOs.

The Maoists gradually spread their activities to other districts. As of mid-2001, they were present and active in all but the most remote districts of the country. By February 2002, according to government statistics, they had killed 538 policemen.

In areas where they were strongest, the Maoists set up parallel political systems to the state's, including "people's courts". In Rolpa district, for instance, it was reported that no new cases were filed in the district court during 2000 as all cases were being "adjudicated" by the Maoists.

After the killing of the King, Queen and eight other members of the royal family in June 2001, Prachanda – the leader of the CPN (Maoist) – claimed that the killings were a conspiracy against Nepal by "national and international forces, who also want to suppress the Maoist movement". The Maoists also rejected the report of an official commission of inquiry appointed by the new King into the massacre. According to the statements from witnesses contained in the report, Crown Prince Dipendra was responsible for the killings and subsequently killed himself. On 11 June Prachanda appealed for the establishment of an interim government which would "... play

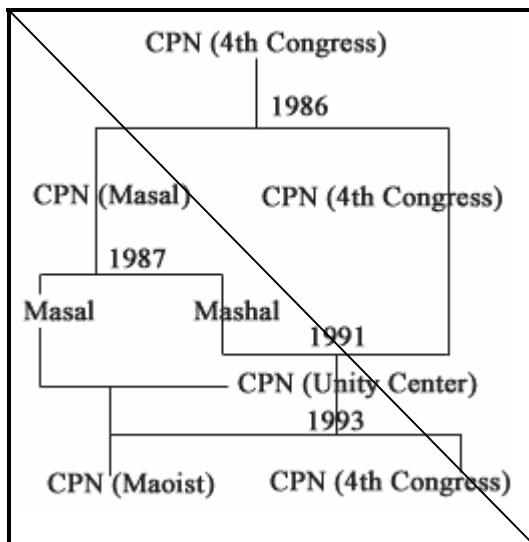
the historic role of institutionalizing the republican system." The Maoists also stepped up their activities in and around Kathmandu. In late June and early July 2001, a number of bombs exploded in the centre of Kathmandu, the first such attacks since the declaration of the "people's war". Near the bombs, banners were put up calling for the King and Prime Minister to be brought down. Although no one was injured by these bombs, they spread fear among the population."

Who are the Maoists ?

World Press Review, 8 February 2003

"The Maoist rebels are the political "kin" of a key actor in mainstream Nepalese politics, the Communist Party of Nepal (Unified Marxist-Leninist), which was founded in 1949.

By 1986, the Communist Party of Nepal (CPN), was finding its stride. There was growing agitation for the return of multi-party politics. As the country's political debate became more heated, the CPN splintered into two groups: The CPN-Fourth Congress and the CPN-Masal (See diagram). The CPN-Masal, the forbearers of the Maoists, favored using violence to restore democracy, while the Fourth Congress favored peaceful acts of civil disobedience. A series of splits and rapprochements followed over the next few years as party members debated the use of force to accomplish political ends.



In 1993, the CPN-Unity Center, which included members of a breakaway faction of the CPN-Masal and the majority CPN-4th Congress, again split over the question whether violence was an acceptable means. The group that eventually became known as the CPN-Maoist said it was. The group that rejected violence re-adopted the old name, CPN-4th Congress, and eventually withered. As the peaceful CPN-4th Congress became irrelevant, the Maoists took to the forests and began training.

As the Maoists were plotting a revolution in the countryside, Baburam Bhattarai was leading a political party into decline. The United People's Front (UPF), which had been the third-largest Nepalese political party in 1991, suffered from a series of splits during the 1990s rivaled only by CPN. Bhattari wound up leading the minority faction of the UPF to inglorious defeat in the 1995 elections, failing to win a single seat.

Undaunted, he submitted a series of 40 demands to the prime minister, imperiously giving the prime minister two weeks to respond. The prime minister's office initially agreed to 39 of the

demands, but rejected a demand to abolish the monarchy to create a republic. Bhattarai didn't wait out the rest of the two weeks, and instead joined Prachanda's already-underground Maoist party. Not long after, Prachanda and Bhattarai jointly declared the "People's War" on Feb. 16, 1996.

The Maoists' promises to rectify poverty and injustice initially found a sympathetic ear among the uneducated rural population. It had no alternative—the government in Kathmandu had virtually no presence in the countryside beyond tax-collection.

Today, the Maoists say they follow the communist doctrines propounded by late Chinese Communist Party leader Mao Zedong. Asked to explain the political philosophy of the Maoist rebels, Gautam dutifully repeats: 'Maoism is the third phase of the Marxism and it has extensively described communism.'

Sadly for the Maoists, the current Chinese leadership has stood fast alongside the monarchy, saying "the Nepalese Maoists are misusing Maoism.'

Deuba's government, seeking desperately needed military and financial aid from the West, had cast the civil war in the rhetoric of the war against terrorism, a rhetoric other Nepalese politicians adopted with alacrity. But Padma Ratna Tuladhar, a noted human-rights activist and mediator of last year's government-Maoist peace talks, scoffs at such characterizations. 'They are not terrorists. They have been fighting for a cause. But the government has virtually failed to address their problems in a right way.' Gautam agrees: 'Given Nepal's history, if the Maoists hadn't emerged, somebody else would have.' [...]"

Intensification of the conflict since November 2001 (2001-2004)

- After the break-up of the talks, the resumption of the conflict and the declaration of the State of Emergency in Nov. 2001, the intensity and scale of the conflict increased significantly.
- Observers estimated in March-April 2002 that up to 4,000 people had died in the conflict up to that point, about half of them since November 2001.
- By May 2002, the Maoists were officially considered to be in effective control of about 25 per cent of the country.
- In June 2002, the king extended the State of Emergency for a further three months period, to August 2002.
- In July 2002, the period of office of elected representatives in local government, at VDC and DDC level, came to an end. The DDCs and VDCs were formally dissolved, with the responsibility for local government being taken over by the Chief District Officer (CDO) and Local Development Officer (LDO), with support from the line agencies.
- In October 2002, the king sacked Prime Minister Deuba and took over all executive powers. A few days later an interim government was formed, under the leadership of former Prime Minister Chand.
- In early 2003, a ceasefire was reached between the government and the Maoists leading to preliminary discussions. A negotiating team named by the Maoist but none by the government. By April the country remained in a political limbo.
- ICG observes that since the breakdown of the ceasefire in August 2003 the nature of fighting has changed with new tactics on both sides and an upgraded arsenal leading to more casualties. An estimated 500 people have reportedly died in 2 months.
- New Maoist tactics have included increased activities in the Terai and in the east of the country, more hit and run attacks organised by small cells of two or three, maintaining a medium intensity conflict and targeted killings in urban areas aiming for a magnified psychological impact in Kathmandu.

- Local commanders have reportedly been given a greater authority to decide who should be targeted for violence and extortion, which has resulted in more reports of NGOs being harassed in the field.

EC & RRN April 2003, pp. 43-46

"After November 2001 the conflict moved into a new phase (which we might term phase three). Until this point, the conflict had been, largely, a low intensity conflict; but after the break-up of the talks, the resumption of the conflict and the declaration of the State of Emergency, the intensity and the scale of the conflict increased significantly. Increasingly, furthermore, external agencies were to become involved, with the governments of some states (notably the USA, UK and India) taking a much more active and interventionist line than previously and development agencies actively seeking to respond to the conflict, in a variety of ways.

(...)

In November 2001, after the breakdown of a series of talks between the rebels and the government and the ending of an agreed cease-fire, the government declared a state of emergency. The involvement of the Royal Army was increased, civil rights and press freedoms were curtailed, and confrontations between the army, the police and the rebels became both more numerous and more substantial.

(...)

A major focus of concern at this time, however, was that of 'human rights abuses', an important dimension of lives and livelihoods in situations of conflict. It was estimated by Prabin Manadhar in October 2001 that around 1,800 people had been killed, while hundreds had been reported missing, and thousands had been displaced (Manandhar 2001). In retrospect, this was to appear a relatively low level of 'direct and collateral damage' after five and a half years of conflict. Things were now to change, however. The Maoists claimed that, in the first three months of the Emergency alone, they had killed some 600 Royal Nepalese Army personnel. Now it was impossible to ignore the insurgency and the conflict that surrounded it as the scale and intensity of the conflict increased dramatically.

(...)

According to the Maoist leadership, in March, Nepal was now experiencing an intensification in the People's War representing the move from a defensive struggle towards a more balanced one. Increased military activity was accompanied by a dramatic increase in deaths in larger-scale clashes between the guerrillas and the police and the Army.

(...)

Observers estimated in March-April 2002 that up to 4,000 people had died in the conflict up to that point, about half of them since November 2001.

During April, the conflict intensified and, in response, state security was tightened still further. Amnesty International reported that month that, according to official sources, more than 3,300 people had been arrested since 26 November. Many had been held in army camps without access to a lawyer or a doctor, or their families, and few of those arrested have been brought to court (Amnesty International, 2002).

(...)

The summer months, as always saw a temporary reduction in clashes between the Maoists and the state security forces. But the political situation became increasingly precarious. In July, the period of office of elected representatives in local government, at VDC and DDC level, came to an end. The possibility of their extending their period of office was ruled out, and they were obliged to leave their posts. The DDCs and VDCs were formally dissolved, with the responsibility for local government being taken over by the Chief District Officer (CDO) and Local Development Officer (LDO), with support from the line agencies. There was now no elected government in Nepal, at any level - national, district or village.

The Maoists continued to gain ground, although fighting was reduced during the monsoon months of July and August. Even so, in the first nine months after the declaration of the State of Emergency, some 2,480 'Maoists' were reported killed by security forces, with 425 security personnel (army and police) killed by the Maoists, and nearly 300 civilians killed. After August, the war continued to intensify, with a major attack by the Maoists at the end of the first week in September 2002 resulting in the deaths of around 50 police, with a further 20 or so injured during an assault on two government security posts. Towards the end of September, the Army retaliated with one of its largest offensives against the rebels in recent months. A Defence Ministry spokesman said that the latest operations had targeted rebel bases, where those killed included training instructors; the total number of those killed, it was claimed, was 115.

Insecurity for ordinary people in the rural areas increased during 2002 and lives and livelihoods were increasingly affected. The Maoists began to increase their attacks on infrastructure as part of their struggle against the state, concentrating their attentions more on strategic targets than on the smaller-scale infrastructure. These attacks, while directed at power, transport and communications infrastructure in particular, affected the economy as a whole, and had a significant, if double-edged, propaganda effect, in so far as the government, and indeed many of the development agencies, were visibly shocked by this strategy.

In October, the king intervened, sacking Prime Minister Deuba and taking over all executive powers 'until alternative arrangements can be made'. A few days later, he announced the formation of an interim government, under the leadership of former RPP Prime Minister Chand. Nepal entered the festival season of Dasain and Tihar more uncertain than ever of the future. The impact of the conflict, at all levels, was clearly growing. Towards the end of the year, human rights organisations estimated that some 8,000 people had been killed during the conflict to date.

In January 2003, dramatically, the Maoists indicated that they were prepared to enter into negotiations with the king and other parties. They considered that a position of 'balance' or stalemate had been reached in the conflict, and were prepared to consider a period of discussion. A ceasefire was rapidly agreed. For the next few months, the ceasefire broadly held, and preliminary discussions were held by a wide range of parties. The Maoists had identified a 'negotiating team' with Dr Baburam Bhattarai as its leader; the interim government nominated one of its ministers, but was slow to name a team. No clear agenda was agreed, however, even by the middle of April and the country remained in political limbo.

At the local level, the ceasefire brought a halt to the conflict for the time being and enabled many people who had left their homes to return. At one level, the sense of insecurity persisted as the political agenda and way forward remained undefined, but at another, it seems, people were optimistic that lives and livelihoods, for so long affected by the conflict, could now resume, if not as before, then at least with a greater degree of security. It is a good moment at which to assess the effect of the conflict on lives and livelihoods, and on food security, in the rural areas."

ICG, 22 October 2003, pp. 6-7

"As fighting has resumed, it has become clear that its nature has significantly changed. The Maoists are attacking on more fronts, in a more diffuse fashion, and looking to keep the RNA and police off-balance and on the defensive. The RNA hopes to use improved training, an upgraded arsenal and a revamped approach to intelligence to inflict heavy casualties. That more than 500 have died since the ceasefire ended, including a relative lull during the Dashain holiday, would seem to indicate that the lethality of the conflict escalates the longer it lasts.

(...)

The Maoists have chosen targets more selectively, while largely avoiding large mobilisations. In an effort to limit their own casualties, they have moved to more hit and run attacks organised by small cells of two or three.

(...)

In addition, the Maoists conducted a three-day general strike (bandh), 18-20 September, which was widely observed and largely peaceful. The Maoists have also launched a wave of bank robberies and destroyed the houses of a number of government and political officials.

(...)

The Maoists have also sharply increased attacks in the Terai and eastern Nepal, having successfully expanded recruitment in these areas during the ceasefire. [See map below] There appears to have been a particular effort to reach out to the Mahadesi in the Terai, a group that has long operated on the margins of society and suffers widespread discrimination. Increased activity in these areas also opens up new sources of extortion for the Maoists. Their efforts to secure financial support in parts of the desperately poor western and mid-western regions – where many banks have been repeatedly robbed – must encounter something of a law of diminishing returns.

Frequency of Clashes Between the Security Forces and the Maoists Rebels (Jan-June 2004)

Source: UN Country Team, 15 July 2004

The Maoists still do not appear to believe that an all-out military victory is possible, particularly with international actors such as India, the U.S., China and the UK willing to prevent such an outcome. Instead, a medium intensity conflict would seem to fulfil a number of their needs: it convinces the cadres that their leadership has not “gone soft”, and it keeps pressure on the military and the political establishment to accede to their demands without burning all bridges.

However, the strategy of urban assassination carries significant risks, since many in the international arena are more likely to view such actions as terrorism, even if they are directed against military targets. Maoists continue to feel that violence has helped them achieve greater international recognition and a more say in discussions of Nepal’s future. However, they may have dangerously misread the relative impunity they enjoyed after the January 2003 assassination of the chief of the armed police. There will likely be a point of no return for the Maoists if they are widely perceived internationally as a terrorist organisation.

The Maoists are clearly aiming for a magnified psychological impact in Kathmandu, and in some regards this is working. The assassinations have sent a chill of concern into the capital’s elite: generals are increasingly sleeping on their bases, and politicians have taken measures to improve their security. The Maoists may reason that by amplifying pressure in Kathmandu, the public and elites will be more eager to accept a constituent assembly. There is a palpable sense of tension among many Nepalese whose lives had largely been untouched by the earlier fighting. An NGO official argued that the new strategy is “clearly alienating the middle class in the cities”, but that this is not a group the Maoists have considered crucial to their agenda.

There seem to be two views of the targeted killings in urban areas: it could make the political and economic elites more eager to compromise and give in on the constituent assembly (a position to which they were drifting even before the ceasefire broke down); or it could cause them to dig in their heels and support a more sweeping military approach against Maoist forces.

Already in control of significant parts of the countryside, the Maoists hope to keep the military tied down in the cities and limit its mobility. They may also be seeking to dominate a number of more rural districts in order to develop a rump government more fully. According to knowledgeable security officials, some 400 police have already been withdrawn into the Kathmandu valley,

where more than 50 per cent of the security services are now stationed. This leaves the army spread quite thin for waging a traditional counter insurgency campaign.

The emerging Maoist strategy also has given local commanders greater authority to decide who should be targeted for violence and extortion. This is a worrying trend, in that less central discipline over such decisions often leads to greater violence driven by local vendettas. Indeed, there are already increasing reports of greater violence used not for political reasons, but simply because individuals refused to comply with extortion requests. This may well be a problem of a guerrilla organisation growing in size, where "more killings [are] not based on politics but just because of donations", as one NGO official explained. There are also more reports of NGOs being harassed in the field, even those which have had an established relationship with the Maoists."

King returns power to people and reinstates Parliament following massive nationwide protests (October 2006)

- In October 2006, during a second round of talks, both side agreed to hold elections to a constituent assembly by June 2006.
- On 26 May, a 25-point Code of Conduct was agreed between the Seven Party Alliance government and the Maoists.
- In April 2006, following weeks of massive nationwide protest, the King announced the reinstatement of parliament and the return of the power to the people.
- In November 2005, the main political parties and the Maoists had reached a 12-Point understanding, agreeing to work together to reclaim the power from the King.
- Hundreds of politicians, human rights defenders, journalists and others were arrested in the wake of the King's coup; there has been an increase in clashes between rebels and state security forces;
- On 1 February 2005, the king dismissed the government, seized absolute power and imposed a state of emergency.

IRIN, 10 October 2005

"Maoist rebels and Nepal's interim government have agreed to hold elections for a constituent assembly by June 2007, negotiators from both sides said on Tuesday at the end of three days of high-level peace talks."

OCHA, 18 July 2006, p. 1-2

"Since October 2005, Nepal has seen major political changes. On 24 April a people's movement involving massive nationwide protests and strikes resulted in the announcement by King Gyanendra of the return of power to the people and the reinstatement of parliament.

The protests followed a 12-Point understanding reached between the Seven Party Alliance (SPA) of agitating political parties and the Communist Party of Nepal – Maoist (CPN-Maoist) in November 2005. An earlier unilateral ceasefire was ended by the CPN-Maoist in January to destabilise the 8 February municipal elections, called by the King. The SPA also opposed these elections and actively boycotted them.

Since the April movement both sides have announced ceasefires and engaged in peace talks. In a less positive vein, the new Finance Minister has announced that the Government is effectively bankrupt.

Whilst the political changes have brought obvious improvements in the overall security situation across the country, the CPN-Maoist continues to maintain effective control over the majority of the countryside, refusing access to many service providers from the Government.

Reports of abductions, extortion and recruitment by the CPN-Maoist have increased and attempts to interfere in the humanitarian and development programmes have continued. Due to security concerns, for the time being most persons displaced by the conflict have been reluctant to return.

(...)

The CPN-Maoist declared a unilateral ceasefire for three months on the day before the first sitting of the HoR, which was reciprocated by the Government on 3 May for an indefinite period.

On 19 May the HoR formally removed references to the palace in the name of the Government and army - renamed as the Government of Nepal (GoN, formerly His Majesty's Government) and the Nepali Army (formerly Royal Nepal Army). Nepal was also declared a secular state, with nondiscriminatory citizenship rights for women. Many appointments made during the royal regime were annulled, including those from the February municipal elections, and twelve Ambassadors were recalled.

The first round of peace talks between the CPN-Maoist and the SPA Government took place in Kathmandu on 26 May resulting in a 25-point Code of Conduct (included as Annex II). As a result, CPN-Maoist cadres started moving freely in urban areas, opening offices and holding mass rallies, including a first-ever in Kathmandu on 2 June joined by an estimated 500,000 cadres and supporters."

ICG, 15 June 2005, pp. 7-8

"On 1 February 2005 King Gyanendra used a royal proclamation to dismiss the Deuba government, impose a state of emergency and seize absolute power.

(...)

The coup was a dramatic -- and, at least initially, effective -- demonstration of royal will but it did little more than formalise the earlier assumption of de facto power and give more teeth to the state's repression of the political mainstream. A prescient Nepali writer had observed almost two months earlier, "By now everyone has heard rumours that King Gyanendra is going to take over. (Actually, the word on the streets is that he took over on 4 October 2002, and will soon quit pretending otherwise)".

(...)

In most respects, the 1990 Constitution now exists more as a rhetorical point of reference than as a functional template for governance. No elected or judicial official provides any check on executive excesses. Chief Justice Hari Prasad Sharma has argued that as the judiciary is incapable of judging the threat to national security, "it should have respectful deference to executive wisdom". If the king's recent interview with Time magazine is an indication, current "executive wisdom" does not appear to have much respect for legal niceties: "No law abiding citizen in Nepal should feel any pain. Yet those who do not abide by the law, who do not accept the majority's choice, they will feel pain".

The constitutionally mandated Commission for the Investigation of Abuse of Authority (CIAA) has been sidelined by a newly established Royal Commission on Corruption Control, which is being used to discredit political leaders. Its legal authority and constitutional legitimacy is dubious. But the Supreme Court refused to consider a writ challenging the Commission's legality, its registrar explaining that "no court has the authority to question any decision made by the King under Article 31 of the Constitution". The chairman of the Nepal Bar Association has concluded that, given the Commission's patent unconstitutionality, a legal challenge is futile: "It is completely a political battle, not a legal one". The balanced governance structures of the 1990 Constitution are effectively defunct."

IGC, 24 March 2005, p. 1

"Nepal is suffering a worsening human rights crisis as the nine-year-old Maoist (Communist Party of Nepal/Maoist, CPN/M) insurgency intensifies. The royal coup of 1 February 2005, which imposed a state of emergency, has exacerbated an already dire situation.¹ The weeks since 1 February have seen the arrest of hundreds of politicians, human rights defenders, journalists and others; an increase in clashes between rebels and state security forces; blockades by the Maoists and the continuation of their practices of abductions and extortion; severe press censorship and restrictions on monitoring efforts by the National Human Rights Commission (NHRC); and worrying signs of state-sponsored vigilante action resulting in lynchings, the burning of villages and brutal Maoist retribution. An 18 March 2005 statement by bilateral donors and the UN in Nepal has warned that "insecurity, armed activity and CPN/M blockades are pushing Nepal toward the abyss of a humanitarian crisis".

As Crisis Group reporting has warned, the king's actions have made any resolution of the conflict much less likely. This analysis is shared by most of Nepal's powerful international friends. The increasing cycle of rights violations has undermined both sides' efforts to win popular support, and systemic abuses have sabotaged the Royal Nepalese Army's attempts at a "hearts and minds" campaign. Global concern at the deteriorating situation is virtually unanimous. Governments, multilateral bodies and international non-governmental organisations (NGOs) have amplified the grave worries articulated by Nepali civil society groups and activists. Past failures to address the human rights crisis have not only allowed a culture of impunity for state security forces but also deprived the international community of potentially the most effective means of exerting serious pressure on the Maoists."

See also:

Nepal's Royal Coup: Making a Bad Situation Worse, ICG, 9 February 2005

[\[Internet\]](#)

"Nepal: Break the Suspended Animation", ACHR, 10 February 2005 [\[Internet\]](#)

The Case for Intervention in Nepal, ACHR, 14 March 2005 [\[Internet\]](#)

One Hundred Days after Royal Takeover and Human Rights Crisis Deepens, February 1-May 11, 2005, FORUM-ASIA, 12 May 2005 [\[Internet\]](#)

Nepal: the rule of the law abandoned, ICJ, 17 March 2005 [\[Internet\]](#)

The Maoist insurgency

Involvement of civilians in the armed conflict is the main cause of displacement (July 2006)

- Most people have not fled directly because of the armed confrontation between the Maoist and the security forces, but rather as a result of, or to avoid, human rights violations.
- The involvement of civilians in the conflict by both warring parties is the main cause of the displacement crisis.
- Direct causes of displacement include among others: murder of a family member, threats, violations of human rights, forced recruitment into Maoists forces, taxes, arrests and harassment by security forces.
- Acceleration of rural exodus in the last years is a result of the conflict, food insecurity and growth of new opportunities in the terai.
- In parts of the mid west and far west large scale migration is mainly due to insecurity.

- In other areas, for example in the Upper Karnali, large-scale involuntary migration is well documented as a consequence of the growing food insecurity of the area and of the lack of local employment and non-farming alternatives to agriculture and livestock production.
- Conflict has had an adverse effect on agricultural and livestock production, partly as a consequence of the rural exodus and partly as a result of lack of inputs.
- Drought, government restrictions on supply of food and medicines, restrictions imposed by the Maoists on the transport of food to district headquarters, fighting and fear of threats have led to the internal displacement of tens of thousands.

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 4

"It seems that relatively few persons flee as a direct result of armed confrontations between the parties, although with increased military activities by both the RNA and the CPN/M as witnessed in January and February 2006, such movements might increase. Rather, most IDPs leave their homes as a result of, or to avoid violations of, human rights (HR) and international humanitarian law (IHL) committed in the frame-work of the conflict. Therefore, whatever improvements can be made in the application of HR and IHL to the on-going conflict may help limit new displacements.

With this in mind, the mission tried to identify the key causes of displacement and suggest necessary preventive measures. From the visits to Kalikot, Dang and Banke districts it was clear that the armed actors' common practice of involving the civilians in the conflict and at the same time punishing those that have been forced to (actively or passively) collaborate with the enemy constitute an overarching problem. Such disrespect for IHL and exposure of the civilian population takes many shapes and forms, ranging from forced recruitment to the mere presence or even transit of combatants through rural villages.

Interviewees (villagers, IDPs, authorities and NGO representatives) reported slightly lower levels of pressure on the civilian population during the ceasefire, but most of the practices causing displacement persist. Forced recruitment by the CPN/M, whether to the armed wing, the militias or the groups of cultural performers, has resulted in large numbers of young men leaving their villages to avoid recruitment. Other individuals are directly forced to leave by the CPN/M ("locking-up" of houses) or they flee a credible threat to, or violation of, their physical integrity. Additionally, every-day violations of the civilian space, such as CPN/M requests for food and lodging, commonly have dire consequences for the civilians in the form of RNA reprisals against those individuals, often leading to displacement."

Internal displacement on the increase due to Maoist and security forces violence

INSEC, April 2004, pp. 112-113

"We can enumerate the factors responsible for the increasing trend of internal displacement. Most of the causes are associated with the violence and terror inflicted by the Maoists and the counter violence unleashed by the security forces in the name of controlling them.

Threatening for death

Extortion spree

Charges of spying from both the conflicting parties

Murder of the family members

Fear of being abducted

Using of vehicles, phones and other accessories by the rebels and actions by the security forces for letting the other party use them.

Locking up homes and destroying them.

Camping and exchange of fires at schools

Announcement of state of emergency and increasing fear among the people

Losing jobs
Difficulty in maintaining daily needs
Obstruction in children's education
Lack of health services
Failing tolerate the atrocities of both the warring parties

We can also regroup the causes basically as:
The direct effects of the violence
The effects caused by the behaviour of the warring parties
The difficulties caused by the war strategies
The difficulties created in maintaining daily life

The Maoists have forced displacement of people, especially by threatening them of their lives, extortion, force into the militia and other causes. On the other hand the security forces suspect the helpless villagers of involvement in the people's war and then torture them, threaten them in different ways and this forces them to displace from the place of origin.

In August, the Maoists initiated a campaign of enrolling one person from a family to their militia, and either money or person from every family was sought. This created great fear in the people and many youth fled the villages.

The Maoists are also collecting donations in the name of war tax. Small entrepreneurs and members of the organisations are threatened for donations and upon realising that the situation in their homeland is not conducive to run their enterprises and for residence they migrate to safer places.

(...)

People are forced to quit their villages because the Maoists have at different times nominated the uninvolved local people into their people's government without their consent or consultation and at other times, they are killed for spying against them. People like VDC secretaries, local political leaders, former peoples' representatives, village leaders who visit different places at different times are blamed of spying against them and are threatened for their lives and other such physical actions through public notices. Thus the helpless people have nothing to do than migrate to safer places.

(...)

There are reports on Maoists torturing, threatening and forcing to migrate local leaders, people's representatives, VDC secretaries and others on charge of spying against them."

Caught between two evils: maoists & security forces

AI, 19 December 2002, pp. 6-12

"Deliberate killings of civilians considered to be "enemies of the revolution" has been a prominent feature of the "people's war". Teachers and politicians have been among those most frequently targeted. Around July 2002 the Maoists stepped up attacks on members of mainstream political parties after elections were announced for November 2002. Members of the NC party were most often targeted for deliberate and unlawful killings, but there were increasing attacks on members of the CPN-UML.

(...)

Recruitment of children by the Maoists has been reported on a regular basis. Amnesty International was informed that in the areas under its control, the CPN (Maoist) exercise a recruitment policy of "one family, one member". Children, including girls, are deployed in combat situations, often to help provide ammunition or assist with evacuating or caring for the wounded. One 16-year-old boy from Dang district reported how in May 2002 he was forced to assist with

carrying wounded Maoist combatants to India for treatment and how he and six others of the same age managed to run away while travelling back to Nepal. He also explained how after his return to his village the security forces suspected him of being a member of the CPN (Maoist), as a result of which he has moved to a nearby town.

(...)

The Commander of the Armed Services told Amnesty International in September 2002 that it is the army's mission to "disarm and defeat" the Maoists. The definition of what constitutes a "Maoist", according to army commanders interviewed by Amnesty International, includes civilians who give shelter, food or money to the armed Maoists. The fact that much of this "assistance" is given under threat from the Maoists was not fully recognized.

It is unclear what the exact rules of engagement are under which the security forces are operating. When asked by Amnesty International, the heads of the army, police and APF each stressed that they were in line with general practice around the world. However, a senior superintendent of police admitted to Amnesty International that the security forces deliberately kill "Maoists". He explained that the terrain and lack of detention facilities make it difficult to take wounded Maoists to hospital or captured Maoist to prison.

In this context, killings of "Maoists" in "encounters" with the security forces are reported on a daily basis compared to very few reports of Maoists injured or arrested, suggesting at least some units within the security forces have operated a policy of deliberately killing Maoist suspects instead of arresting them. During 2002, Amnesty International submitted details of more than 200 people killed in approximately 100 incidents to the UN Special rapporteur on extrajudicial, summary or arbitrary executions.

Many of the victims of killings by the security forces are civilians deliberately killed on suspicion of providing food, shelter or financial assistance to the Maoists.

(...)

A disturbing pattern of "disappearances" and long-term unacknowledged detention in the context of the "people's war" has emerged. Between 1998 and mid-2001 Amnesty International recorded more than 130 "disappearances". During the state of emergency between late November 2001 and late August 2002, Amnesty International recorded 66 cases of "disappearances". It is suspected that many of those recently reported as "disappeared" may still be alive in army custody. Others are feared to have been killed in custody and their bodies disposed of in secret.

(...)

Torture by the army, APF and police is reported almost daily. The APF, which was established in 2001, has been increasingly cited in allegations of torture. The army systematically held people blindfolded and handcuffed for days, weeks or even months. Torture methods included rape, *falanga* (beatings on the soles of the feet), electric shocks, *belana* (rolling a weighted stick along the prisoner's thighs causing muscle damage), beating with iron rods covered in plastic and mock executions."

People flee extortion, forced recruitment, abduction and physical violence by Maoists (2006)

- Since 1996 and the beginning of the "people's war", members of the rural elite and teachers were specifically targeted by the Maoists. This resulted in the displacement of groups such as wealthy landowners, members of the police or civil servants.
- With the intensification of the conflict in 2001 and the expansion of the Maoists in rural areas, more people started fleeing abuses by the Maoists and forced recruitments in their ranks.
- Inter-agency mission conducted in the mid and western region in December 2005 revealed that the following Maoists activities were major causes of displacement and were to a large

extent ongoing despite the unilateral ceasefire: extortion, forced recruitment and abductions/interference with education.

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 5

Extortion leading to displacement

Most villages reported a clear reduction in CPN/M activities since the ceasefire, except in the area of extortion which reportedly increased. Many CPN/M taxed villagers decided to stay in their home area and therefore continue paying CPN/M taxes. Others cannot afford the amounts demanded or for other reasons decided to rather leave than to continue paying. Acts of extortion are not only affecting rich land-lords. The mission met with a porter that had just been asked under explicit threat to pay 10.000 Rp to the CPN/M (30-50 daily salaries). Some Dalit families were reportedly extorted as well.

CPN/M open presence in district headquarters allows the organization to more effectively extort urban businesses and individuals. In Phungling many interviewees complained to the mission that extortion has increased and that the local authorities do nothing to address this phenomenon. Some district authorities refused to acknowledge the problem in conversations with the mission. However, in Terhathum, Saptari and Jhapa, the district authorities acknowledged the extortion problem, but expressed inability to address the problem, instead preferring to ask for the intervention of the mission members.

Displacement as a result of threats of recruitment

The mission talked to several persons that had been forced to flee after being pressured to join the CPN/M. One person who refused to join and didn't leave his community was attacked by CPN/M with a machete and subsequently had to leave for Kathmandu. Such violent consequences of resisting recruitment clearly warn others to flee rather than challenge CPN/M recruitment pressures.

Displacement to avoid recruitment particularly affects young people, including minors. The mission met with young girls who had been forcefully recruited by CPN/M and observed uniformed and armed under-aged members of CPN/M involved in the production of socket bombs. Many young people flee abroad to avoid recruitment, often to initially work rather than to seek international protection. Some 300 youths had reportedly left for the Middle East from one VDC alone. In another VDC, 30% of the population was estimated to have fled to Sikkim India to avoid recruitment. NGOs involved in interception and rehabilitation of trafficked girls at two border posts informed one mission team that 80% of trafficked girls (aged between 14-24 years) intercepted at the official border crossing points within the past one year were reportedly fleeing forced CPN/M recruitment in districts of origin.²

Forced recruitment in the area has however gone down this year. The CPN/M "onefamily-one-fighter" policy is not strictly enforced and there seems to be more room to negotiate CPN/M demands to join the party, particularly for women and girls. CPN/M district representatives acknowledged continued recruitment into the CPN/M but not into its armed wing, the People's Liberation Army (PLA). Some CPN/M representatives refused to acknowledge recruitment of minors, others not. Reportedly, children aged 10 to 18 have been recruited by the CPN/M. Many children are recruited as informants, messengers or in other support functions and are therefore not considered child-recruits by the CPN/M. In Saptari district, CPN/M leaders informed one mission team that their definition of a minor is any person below the age of 13. The leaders confirmed that they had a number people who were between the ages of 13-18 in their forces, but did not consider them as children.

(...)

CPN/M abductions and interference with the school system

CPN/M abductions have been reduced in the area but have not ceased. The mission received information about recent abductions of teachers and students, a frequent CPN/M activity in the past. One teacher told the mission that he had been abducted 6-7 times for periods of 4-5 days to sit through political indoctrination. Non-attendance would be punished with fines or forced labor. Also, in district headquarters, the mission met with many teachers that had been directly displaced by the CPN/M for not collaborating with their political programs or paying their "taxes" (1 day's salary per month).

Displacement is not only caused by the abductions and other pressures on the teachers but also by other interferences with the entire school system, which often contribute to a family's decision to leave in search of peace of mind and quality schooling elsewhere. Some rural schools reported no more than 100 days of classes out of the 210 scheduled per year, as a result of imposed closures, including military use of the school buildings, and abductions of teachers and students. Both CPN/M and NA reportedly use schools as shelter (even for abductees). CPN/M mostly use schools for cultural and political activities, training and mass meetings, including on People Oriented Education (Janabadi Education). Also, in Terhathum and Udaypur, CPN/M has formed revolutionary school groups, made up of children aged 12-13.

In meetings with CPN/M district commanders, the mission addressed its concern over the link between displacement and CPN/M interference with the school system. The mission met with little understanding as the CPN/M representatives considered the education sector inseparable from politics, arguing that the "bourgeois regime" is supported by the current education system which has to be changed in order to produce "aware persons" rather than "educated persons".

Vulnerable professional groups

Most local authorities have been displaced by the CPN/M. Some 95% of the VDC Secretaries exercise their functions from district headquarters. In general, health workers indicated that they could travel with little or no restrictions and that they were free to move around more than other government staff. All health workers interviewed in both Taplejung and Panchthar reported a high degree of pressure by the CPN/M. The pressure ranged from having to take instructions as to where and when they should treat patients to being taken for 1 – 3 days to treat wounded and sick

Maoists. One health worker shared the experience of being severely threatened and verbally abused by the SF. In addition, all health workers reported that they pay one day salary per month in tax to the CPN/M.

In Taplejung, the CPN/M routinely confiscates 40% of government medical supplies administered through the health posts. In Panchthar, approximately 25% of supplies were taken. One sub-health post in Taplejung had been burnt down with the VDC building six years ago and had not subsequently been re-constructed. At considerable personal risk, the in-charge has since then conducted services from the private residence."

AI, 26 July 2005

"People are fleeing their homes for a number of reasons, including poverty and insecurity; harassment by the CPN (Maoist), including through forced "donations", forced recruitment, commandeering property and violence; and harassment and violence by the security forces. Young people and children, in particular, are moving to escape forced recruitment by the CPN (Maoist) who often insist that one person from each family joins their forces. For example, in August 2004 it was reported that thousands of young people in Dadeldhura fled from rural areas to escape forced participation in CPN (Maoist) activities."

RI, 11 July 2005

"The displaced in Nepal have fled their villages for a variety of reasons. At the beginning of the conflict, Maoists forced members of the rural elite --- large landowners, people affiliated with the central government, and political party members --- to leave their villages if they did not swear allegiance to them. This group of people has been able to go to district centers or larger cities and buy property, and most of them are not in need of economic assistance.

But in recent years the dynamic of the conflict has changed. The brutality of both the Maoists and the government security forces, as well as the collapse of economic and social structures in villages, is forcing larger numbers of more vulnerable people to flee. They tend to move in with relatives or friends, or move to slums on the outskirts of cities. Many also go to India.

(...)

Maoists control roughly 80 percent of Nepal, but the government retains control of all district headquarters. In the past two years, the conflict has intensified and both sides have employed increasingly brutal tactics against the civilian population. Civilians suspected of supporting the opposing side are routinely harassed, intimidated, tortured and sometimes killed."

People flee widespread pattern of violations by government forces against suspected 'collaborators' (2006)

- Inter-agency missions to the Eastern and Mid-Western Regions at the end of 2005 and in May 2006 showed that in rural areas government forces' operations against civilians suspected of 'collaborating' with the Maoists were major causes of displacement.
- In both regions, fear of government forces' violations would incite people to periodically seek refuge in remote places while the military moved through the area.
- In the Mid-Western Region, the mission was told about a system of "over-night displacement" to temporary shelters.
- Children suspected of affiliation with the Maoist were reportedly tortured by security forces

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 4

"Displacement of suspected "collaborators"

Similarly to the situation in the Mid West, displacement is often caused as a result of the armed actors involving the civilian population in provision of services and goods followed by reprisals from the opposing armed actor. However, the mission found that the remoteness of many of the VDCs limits Nepalese Army (NA) presence to periodic and short operations, while generally the CPN/M maintains permanent structures and presence in the rural areas of the districts visited by the mission.

Displacement by the NA therefore takes a different and less permanent form. Villagers described how NA patrols previously would come to the VDCs, either on foot or by helicopter, in search of CPN/M sympathizers. Reportedly, search operations used intelligence information that didn't accurately distinguish between CPN/M members and other civilians, information sometimes based on personal animosities, leading to NA persecution and attacks on community members. In order to avoid these periodic NA patrols, a number of individuals have been repeatedly displaced to remoter areas for a couple of days at the time while the NA moved through the area.

Another threat in rural areas is the NA's use of lists of alleged CPN/M members or supporters. Those on such lists would flee the periodic presence of the security forces. The mission was told that commonly villagers who were forced to attend CPN/M political programs found themselves enlisted in the Maoist political party and sometimes given important local party roles, often without their knowledge. Such was the illustrative case of one Ex-VDC Chairman interviewed by the

mission. CPN/M forced him to attend a one-day political program and then enlisted him without his knowledge and circulated the information that he was now their "Area Development Commander". His role as a former local authority allowed him to explain the situation and clear his record with the security forces, but many less influential members of the community that appear on lists of CPN/M supporters would not even dare approach the NA and hence would have to periodically flee NA patrols."

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 3

(...) Add to this, what was reported to the mission as an equally widespread and systematic pattern of RNA violations, based on accusations of collaboration with the CPN/M and a lack of understanding for the involuntary nature of such civilian-CPN/M "collaboration". As an example, villagers met during the mission recounted how youth were often forced to join CPN/M cultural performance groups and how, last year, four 12-17 year olds were reportedly killed by the RNA while participating in a rehearsal by such a CPN/M led group.

In other villages, the Mission was told that the brutal and frequent violations by RNA patrols had forced the villagers to establish a system of "over-night displacement" to temporary shelters in the nearby forest, affecting as many as 400 families in one VDC. Other UN sources confirmed this use of protection-through-displacement in several other villages regularly patrolled by the RNA.

Earlier reports of RNA-supported anti-CPN/M vigilante groups (Pratihar Samiti – "retaliation groups") were not confirmed by the mission. However, OHCHR findings indicate that this phenomenon has caused large-scale displacement in some districts and should therefore be closely monitored."

AI, 26 July 2005

"Both sides to the conflict have been responsible for killing children. The security forces have killed children they suspect of involvement with the Maoists, while the Maoists have abducted and killed the children of security forces personnel, as well as caused the deaths of many children by deliberately bombing civilian infrastructure and leaving improvised explosive devices in civilian areas.

There have been disturbing reports of children suspected of affiliation with the Maoist rebels being detained for long periods in army barracks, police stations or prisons -- often held together with adults. Many child detainees report having been tortured by security forces during their detention."

Vigilante groups cause major displacement movements in 2005 and remain a potential displacement threat in 2006 (October 2006)

- Security threats persisted during September 2006 with Maoists reported to expand their support base in the Eastern region and pro-government vigilante groups in the Western region still armed.
- In August 2006, localized conflicts and potential revenge actions were considered by the UN as possible triggers for new displacement.
- In February 2005, 'anti-Maoist' militias killed some 30 suspected Maoists in Kapilvastu district. This was followed a few days later by retaliation actions by the Maoist. An estimated 30,000 villagers fled the violence.
- The government is reportedly setting up armed civilian militias, known as Rural Volunteer Security Groups and Peace Committees.

- ICG warns that such a scheme is likely to increase the level of violence and have long-term consequences, forcing many to take sides and leading to more abuses against civilians.
- Amnesty warns that 'The introduction of such groups affects the sense or interpretation of the Geneva Conventions of 1949, in relation to the state's responsibility at all times to clearly separate civilians from combatants'

OCHA, 5 October 2006, p.1

"The reporting period also saw CPN-Maoist expanding its support base in the Eastern region, encouraging military and PLA recruitments. Reports from Sunsari, Bhojpur, Solukhumbu and Morang districts in the Eastern region indicated that CPN-Maoist was recruiting new militia. The CPN-Maoist leadership in Morang confirmed the recruitment, adding the militias would be deployed to maintain law and order, and possibly transfer to PLA. CPN-Maoist cadres in Sankhuwasabha district were reportedly involved in issuing party membership to the school students.

(...)

Another security threat during the reporting period came from the armed vigilante groups in the Western Terai districts of Kapilvastu, Nawalparasi and Rupandehi. In Nawalparasi, eight parties (including the CPN-Maoist) and human rights workers asked the local administration to confiscate arms from the 'vigilantes' who were armed by the security forces during the royal rule. The Chief District Officer said his office has no records of the arms distribution."

OCHA, 6 September 2006, pp.2-3

"In the current context of political instability and localized conflicts a number of triggers for new displacement should also be considered. Revenge attacks—both by local CPN-Maoist and by vigilante groups against CPN-Maoist—are likely to continue forcing more people into displacement. In the Western region (Kapilvastu and Nawalparasi districts, for example) and in the Central region (Makwanpur, Dhading and Dhanusa), vigilante groups have been traditionally very active and may further scale up their anti-CPN-Maoist activities. Most recently, the murder of a displaced Nepali Congress cadre who had returned to Bardiya district has raised fears and questions among those who were thinking to return.

In the Eastern region, an escalation of the conflict between the CPN-Maoist and its breakaway, the Terai Janatantrik Mukti Morcha, is also of concern and may lead to new displacements. Similarly, mounting criminal activity throughout the country as well as continued extortion and fresh recruitment by CPN-Maoist for their People's Militia could force more people to flee their homes."

CHR, 7 January 2006, p. 14

"41. The Representative was troubled about the emerging phenomenon of vigilantism as described above. In the past some of these self-defence groups have received the tacit or explicit support or acquiescence of politicians, ministers and other State actors, who visibly did not take into consideration the danger to which they were exposing the people. Experiences in other contexts have shown that such behaviour can spiral the conflict and turn it into a full-fledged civil war. The Representative welcomes the fact that no new incidents have been reported during recent months and urges the Government and the RNA to continue their stated efforts to condemn acts of vigilantism and to refrain from encouraging them.

42. Although the necessary legal framework exists, the Representative did not receive information that those responsible for transgressions of the law were being held accountable or that they were being sanctioned, and that some form of reparation was being offered to the victims. It would therefore seem that a climate of impunity still prevails in Nepal."

25,000 people displaced by vigilante groups' violence

CSM, 5 July 2005

"In the countryside, Maoists have enraged some villagers with violent intimidation and fines. Some of that anger boiled over into the street mobs.

"They [Maoists] harassed us to an unbearable extent. They killed our dear ones.... They looted our property while the government looked on," said a stick-wielding man last month in Ganeshpur. "Once we trace them, we will start beating them up with sticks until death."

The mob violence in the rural Kapilvastu district began Feb. 16, when two Maoist rebels abducted Indra Bahadur Bhujel, a retired police officer. Mr. Bhujel was taken from his house in Ganeshpur, which has now become a military base. The next day, when the angry villagers found Bhujel gagged, they freed him and lynched his captors. The mob went on to catch and beat to death nine other suspected Maoists.

People from 21 nearby villages started to rise up as well, leaving 31 people dead so far - many of them lynched, while some were burned alive. Vigilantes have also burned down about 600 houses. At its height, the mob numbered around 25,000 according to Kapilvastu's district officer, Modraj Dotel.

In response, Maoists have killed at least 17 villagers - beheading six or more of them - and have said they will kill about 100 others who are on their list.

Those watching events in Kapilvastu say the violence was not spontaneous, barring the incidents on the first day.

On Feb. 21, three ministers of the cabinet, chaired by King Gyanendra, flew down to Ganeshpur to congratulate the vigilantes. Even before this official sanction, Army and police personnel had been shown escorting anti-Maoist mobs on state-run Nepal Television."

Government's plan to set up civil defense groups is likely to increase violence

ICG, 17 February 2004, p. 1

"The Government of Nepal is creating local civilian militias – known as Rural Volunteer Security Groups and Peace Committees – in what risks becoming an alarming escalation of its conflict with Maoist rebels. Civilian militias are likely to become an untrained, unaccountable and undisciplined armed force that worsens a conflict that has already taken almost 9,000 lives. The scheme is controversial, and the government has publicly denied that it has already started distributing weapons despite evidence that it is indeed going ahead.

If implemented, village militias are likely to have serious and long-term consequences:

Their creation would force many villagers to take sides in the conflict – something most wish to avoid since it makes them targets for violence from both sides and tears the already worn social fabric, leaving lasting damage.

Militias are likely to receive only minimal training, have little oversight and few controls, thus leading to a worsening of human rights problems. Massacres, abductions and illegal imprisonments are already rife in Nepal, and these problems will get worse.

Arming untrained villagers when regular police forces are often under-armed and under-trained is counter-productive.

Disarming and demobilising militias after conflicts is extremely difficult. Eight years after such forces were demobilised in Guatemala, many are still active as criminal groups.

Militias tend to mutate. A number of terrorist networks have their origins in government-linked militias or underground groups including al-Qaeda, Jemaah Islamiyah in Indonesia and Turkish Hezbollah. Given Nepal's complex ethnic and social landscape, creating new armed movements is particularly ill-advised.

On 4 February 2004 one of the villages where local people had been armed, Sudama, was attacked by a large number of Maoists. ICG visited the village while researching this briefing, and a detailed description of its situation is given below. Although the attack was repelled without any reported injuries to civilians, it appears that the village was targeted because of its reputation as a pilot location for the militia program. This emphasises concerns that arming civilians is likely to lead to increased violence."

AI, 11 November 2003

"Plans to set up 'Rural Volunteer Security Groups and Peace Committees' can place the civilian population in grave danger by seriously compromising their neutrality, said Amnesty International in a letter written to prime Minister Surya Bahadur Thapa.

'Without appropriate supervision, training and clearly defined mechanisms for accountability, there is a clear risk that the creation of these groups could lead to an increase in human rights violations carried out with impunity. Those refusing to join are likely to be seen as tacitly supporting the armed opposition,' the organization continued.

Plans to introduce 'Rural Volunteer Security Groups and Peace Committees' were made public on 4 November. The Committees are being set up as a way 'to promote the role of the general citizens in maintaining peace and security' in the context of the ongoing conflict between the security forces and the Communist Party of Nepal (CPN) (Maoist).

'The introduction of such groups affects the sense or interpretation of the Geneva Conventions of 1949, in relation to the state's responsibility at all times to clearly separate civilians from combatants,' Amnesty International said today.

'We have already seen the effects of civil defence groups in countries like Guatemala, where in the 1980s, the Patrullas de Autodefensa Civil (Civil Defence Patrols) were responsible for atrocious human rights abuses.'

'The creation of such groups could also have a negative effect on reconciliation efforts when the two sides lay down their arms and peace negotiations resume, since they have the effect of setting neighbours and communities against each other', Amnesty International added."

Difficult socio-economic living conditions in conflict-affected areas force people to leave their homes (2006)

- In the wake of the state of emergency declared in November 2001 life in the rural areas became increasingly difficult due to travel/transportation restrictions, insecurity and limited employment opportunities causing many people to move out of the villages.

- The Mid western Region and the Far-western region have been particularly affected by the violence and the food/medicine scarcity.
- UNDP-RUPP survey in municipalities shows a 1/4 moved due to security reasons.
- Among the other reasons given by the newly arrived are the lack of education and services opportunities in the home areas. It is useful to consider the impact of conflict on displacement as both direct, i.e. fleeing because of fear of physical harm, and indirect i.e. leaving because of deterioration in services and livelihood opportunities caused by the conflict.
- The main direct causes for leaving are physical torture (23%) and homicide threats (29%)

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 3

Future displacement

"People of opposing ideological views are at risk of forced displacement in the future, as well as former Maoists who may flee district headquarters as the CPN/M is given access to these areas. Since the ceasefire, there has been an increase in crime and criminal groups taking advantage while the army and the police await new instructions. Rising crime, rival factions within the warring parties and the movement of CPN/M into headquarters could lead to more displacement. If disarmed, CPN/M members who no longer have weapons to defend their position are likely to become targets for revenge."

INSEC, April 2004, pp. 114-115

"Terror rules the villages in Nepal after the declaration of state of emergency on 26 November 2001. People were afraid to move about even during emergency like a visit to a hospital or attending funeral ceremony. Ban was imposed on transportation of foodstuff, people were afraid to walk carrying any newspapers in their possession. Noodles, biscuits, pulses, rice, matchboxes and many other things were banned for transportation. The rural life turned miserable after the health posts, police posts, organisations and development infrastructure were shifted from the villages. And the people had nothing to do but migrate from their unsafe villages to somewhere to be safe. The tendency of selling properties in the villages and migrating to towns or just abandoning them is on the rise.

Reduction of employment opportunities in the rural areas owing to the escalation of violence and insecurity has forced migration of the economically active population. People who have to rely on daily wages for their livelihood found lives in the rural areas very difficult and thus shifted to the towns. The increasing trend of violence forced closures of schools, projects, organisations and construction of development infrastructure. The development budget had to be reduced by half to compensate the increasing security expenditure and the people stayed away from investing for new industries. All these factors forced reduction of employment opportunities and the people had to migrate to places where they could find jobs.

Different incidents of extortion to the tourists and others have had an adverse impact in the tourism business and people in the rural areas who rely on tourists related businesses had to quit their job and search some new ways to earn living. Hoteliers began to shut their business on their inability to bear more loss.

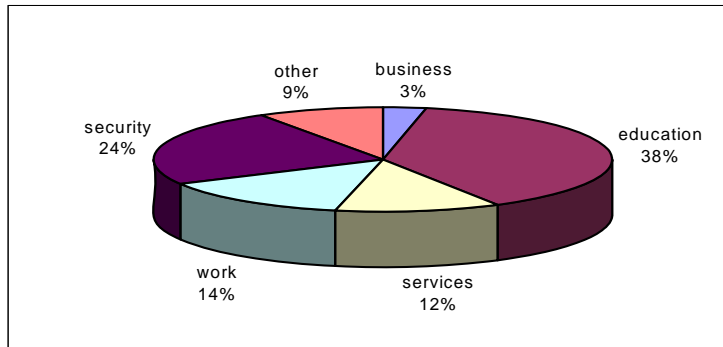
Life has been very difficult in the Mid western Region and the Far-western region because of the violence. These people have to cope with food scarcity during the normal time and during the conflict period such scarcity has reached heights. The hilly areas suffer from food scarcity for almost half the year and now with the security forces and the Maoists imposing bans and the latter's looting has further increased food scarcity in the areas. The villages also suffer from scarcity of medicines. The government has reduced the supply of medicines to the districts fearing looting by the Maoists. The health workers have migrated to safer places fearing physical

actions by the Maoists. Moreover the Maoists force the health workers to work for them and torture, abduct or physically harm them if they do not do what they say. The supply of medicines, which used to be distributed for free by the government, now has been stopped. The few private drug stores transport whatever medicines they can and sell to the people. A situation has been created that someone suffering from even a minor disease has to go to the capital city for treatment. The increasing cases of curfew and strikes have had adverse impact over the health of the people because they are dying for want of timely treatment. There are cases when mothers die during labour period for lack of timely treatment. Two such incidents were published in newspapers where people had to die for want of timely treatment because there were no vehicles on the streets to take them to the hospital."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 10-11

"Respondents gave various reasons why they had decided to move. The RUPP survey yielded the following findings:

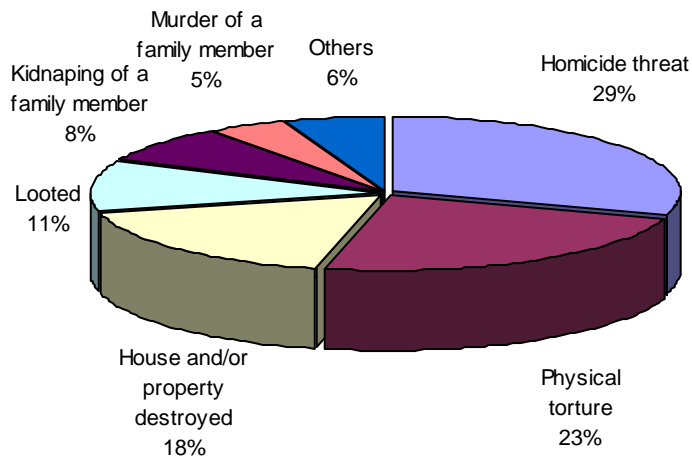
Fig 5: Reasons for movement in RUPP municipalities



24% of new arrivals in these 12 municipalities cited security concerns as their primary reason for moving. Others mentioned work, education and a lack of services in their home areas as being a key reason for moving. Many of these issues have also been significantly impacted by the conflict. For example, in many conflict areas schools have been closed, teachers evicted and students forced to leave in order to avoid conscription. It is therefore helpful to consider the impact of conflict on displacement as both direct, i.e. fleeing because of fear of physical harm, and indirect i.e. leaving because of deterioration in services and livelihood opportunities caused by the conflict.

Those questioned during the SNV/INF research indicated that IDPs had left due to pressure and violence from both sides in the conflict. Sometimes men had moved as a result of pressure from their families who were concerned for their safety. Sometimes the decision was instant, as in the case of threats or killings. Sometimes it was planned ahead and done in a manner to avoid suspicion. Those who had more time to plan often took extra clothing, kitchen items and bedding with them, while others sold their livestock and land to neighbours.

Fig 6: NRCS sample showing 'direct impact' causes of conflict displacement



Some departed as individuals, leaving their families behind, whereas others departed as a family, or as groups of families. A variety of reasons were given for the choice of destinations. Important factors were proximity, safety, employment opportunities and the presence of friends or relatives. Thus there often seems to be a momentum to movement patterns with people moving to join friends, families and contacts who have already left.

A sample of 177 of the 2,117 families registered by the NRCS show the kinds of 'direct impact' causes of conflict that force people to leave."

Conflict exacerbates urban migration trends

EC & RRN April 2003, pp. 3-4

"There is no doubt that the rural exodus from the hills and mountains of Nepal has been accelerating over the last five or so years, but it would be hard to attribute more than a proportion of this directly to the conflict, although it undoubtedly has had an effect. Rather it is largely the result of the continuing lack of employment opportunities within the local rural economy combined with the growth of new opportunities in the terai, in the towns and abroad (particularly overseas - cf Seddon, Adhikari & Gurung 2001). The conflict can be seen as contributing to a trend in the re- definition of rural livelihoods towards non-agricultural activities, and 'the remittance economy', that is already well established.

In some areas, notably parts of the mid west and far west, there can be little doubt that in the last two to three years insecurity has resulted in large scale involuntary migration. In the case of some other areas, however, such as the Upper Karnali, large-scale involuntary migration is well documented as a consequence of the growing food insecurity of the area and of the lack of local employment and non-farming alternatives to agriculture and livestock production. In such areas, the conflict has exacerbated an already precarious situation and accelerated existing trends. We shall examine the case of the Upper Karnali as a special case study in the final section of this report.

Statistical data on agricultural production in general and on food production in particular over the last five years would have to be analysed in detail (at a district by district level) before any firm conclusions could be drawn regarding the effect of the conflict on output and therefore on food availability at a regional or district level. More detailed and purposive studies would be required to

assess the effects of conflict on agricultural (and specifically food production) at the local and household level in different localities. At the moment, ***anecdotal evidence would suggest that the conflict has had an adverse effect on agricultural and livestock production, partly as a consequence of the rural exodus and partly as a result of lack of inputs.*** There can be no doubt that ordinary farm work has been disrupted in many areas affected by the conflict. But to quantify the effects and to assess its real impact on livelihoods is beyond the capacity of this study."

Drought & restrictions on food supply and transportation trigger displacement movements

AI, 13 December 2002, pp. 3-4

"The conflict has had many adverse effects on the overall development of the country. Tourism, one of the main sources of income, has collapsed. The Maoist strategy of targeting infrastructure, including airports, bridges, power plants and telecommunication centres combined with numerous roadblocks and checkpoints set up by the security forces presented major obstacles to economic development. In the rural areas, especially in the western part of the country, there is also an increasing fear of famine. A combination of drought with government restrictions on supply of food and medicines to areas controlled by the Maoists on the one hand and restrictions imposed by the Maoists on the transport of food to district headquarters on the other, has led to increasing concern among development and aid organizations. These factors have also led to the internal displacement of thousands people, many of whom have moved to town areas and are staying with relatives. Other people have moved across the border to India."

Study suggests economic motives, not protection concerns are behind a significant number of children urban migrations (June 2006)

- Study by TDH and SCA revealed a complex system of work placement with parents sending their children away to urban centres out of protection concerns but also for economic motives.
- A third of the 17,000 children that crossed the border to India between July and October 2004 cited poverty as the main reason for leaving their homes. A quarter of them cited the conflict.

TDH & SC Alliance, June 2006, p. 3

"The study also challenged the assumption that families, in their fear and desperation due to the conflict, are careless in placing their children in labour situations. A highly complex system of work placement was revealed – although not detailed – in the study. While protection concerns appeared to be paramount, families were also motivated to place their children, particularly girls, as wage-earners. Many of the children were sent to work situations with established linkages to the family or village. In the case of carpet workers, for example, children entered long-established working relationships between carpet factories and individual families and villages. Thus, it is not certain, as assumed, that children entering urban labour due to the conflict are invariably more exploited than children who enter for other reasons."

SCA & CCWB, July 2005, pp.10-20

"During the three months period that data collection targeted outgoing children, a total of 17,583 children were documented crossing the border from Nepal to India at the five monitored checkpoints. As seen from the table and chart below, the largest outflows were from Nepalgunj and Mahendranagar respectively.

(...)

While "work" was the main pull factor for children heading to India, a series of more complex push factors were identified when children were asked their reason for leaving Nepal.

Perhaps unsurprisingly, the most common answer provided was poverty, with 6,432 children (36%) reporting this as the main impetus for leaving. Poverty as a single word tells many things in the Nepalese context. Poverty can be associated with the lack of jobs, educational, health services and other opportunities. Moreover, poverty and conflict have a mutually reinforcing relationship where conflict can be viewed as the outcome of poverty and vice versa. Whether reported poverty was specifically conflict-induced was not possible to ascertain.

Following poverty, the second largest number of 4,361 (24%) children mentioned the armed conflict as their primary reason for leaving. Given the sensitivities involved in providing this answer, it was in fact a surprisingly large sub-set of the children. It was assumed at the outset of this study that many children or their guardians might fear telling the enumerators, who were basically strangers to them, in a crowded checkpoint that they were travelling to flee the conflict in their districts.

Indeed, there are some indications from the data that some children, who might otherwise reported "conflict" as their reason for leaving, did not feel safe doing so. (...) More willingness of the children to express conflict as their primary reason for travelling to India was found where there was a strong presence of security forces and the children as well as their guardians felt secure."

Other causes of displacement

Ex-Kamaiyas freed but displaced by failed rehabilitation (2000-2006)

- In July 2006, ex-Kamaiyas protested in Kathmandu and the Terai districts, demanding rehabilitation and livelihood support
- In August 2004, ex-Kamaiyas grabbed 10,000 acres of government land in protest over government's apathy and empty promises
- In January 2003, the government declared that the Kamaiya problem had been solved at that all had been rehabilitated, a statement which was contradicted by NGOs.
- In 2003, Kamaiyas were still living with the minimum support provided by the donor agencies and although some have been registered and given land others are still wandering from one place to another in search of land and shelter.
- Insufficient assistance caused the displaced to suffer from starvation, illness and lack of shelter and clothing. Under pressure, the government started allocating land to some of the displaced during 2001.
- The District Development Committee has commenced the task of identifying and registering the displaced Kamaiyas and a special committee has responsibility in each district for taking this process forward, but progress has been slow.
- Practice of Kamaiya (bonded labour), which existed mainly in 5 districts in south-west Nepal and affected some 35,000 to 100,000 persons, was outlawed by the government in July 2000.

OCHA, 11 August 2006

"The month of July saw the freed bonded labourers, or kamaiyas, protest in Kathmandu and the Terai districts, demanding rehabilitation and livelihood support. The kamaiyas in the Mid- and Far Western Districts padlocked the District Land Reform Office in Banke, Bardiya, Kailali and Kanchanpur. The kamaiya system was abolished in five Mid- and Far Western districts in July 2000 but the former bonded labourers continue to struggle in the absence of livelihood support. According to a national survey carried out in 1995, there were more than 25,000 kamaiyas in the country."

Oneworld, 13 August 2004

"Over 200,000 Nepalese tribals freed from slavery and living in makeshift tents have grabbed more than 10,000 acres of government land in protest against the state's failure to rehabilitate them, more than four years after their release.

(...)

The FKS, founded in early 2001, claims to work among 200,000 former bonded laborers in the five southwestern districts of Kanchanpur, Kailali, Bardiya, Banke and Dang, some 400 to 600 kilometers southwest of Kathmandu.

Ishwar Dangoria, 41, one of 800 ex- Kamaiyas who have begun cultivating some 300 hectares of government land they occupied in Dang district, says, 'We will face bullets if needed, but we won't vacate the land.'

(...)

Moti Devi points out that of the 14,000 families of ex- Kamaiyas consisting of over 70,000 members in Bardiya district, only 5,000 families have been allotted land.

'Four years have passed but still most of us are languishing in tents. So we have resolved to fight back and occupy government land wherever available. Our campaign is going on in full swing. We are occupying land literally every day,' she claims."

LWF, 2003

"According to a recent update report from the daily newspaper the Kamaiyas are still living with the minimum support provided by the donor agencies. They are still the targets of anyone powerful. Kamaiya women have been assaulted and raped. The government has not been able to rehabilitate all of them except for keeping records of their population in the districts for the last three years. While being declared liberated they were promised some 0.15 hectares of land, guarantee of minimum wages and provision of temporary camps until rehabilitation. In the course of time some former Kamaiyas so far have been provided with identity cards and a few pieces of land for housing purposes in some districts, some are provided with mere certificates and some with pieces of land.

(...)

Some of the Kamaiyas are still wandering from one place to another in search of land and shelter. Some are living in the government supported camps and some in the self erected thatch in the jungles. Conflict between Kamaiyas and forest department officials has resulted in the burning down of huts. But those incidents went unnoticed since the culprits were not punished.

The cold wave this winter has aggravated the hardship they were already facing. As a result of the severe cold the children of ex-kamaiyas suffered from pneumonia and in Bardia district. 2 two infants died in the Srilanka camp of Kailali district. As per the data till January 28, 2003 severe cold claimed lives of 46 kamaiyas. Most of the deceased were infants and elderly people.

The kamaiyas have a difficult life in one hand and in the other hand government on January 22nd claimed that they have settled all the kamaiyas, to which many of the NGOs are furious and Backward Society Education (BASE) an NGO lobbying for the liberation of Kamaiyas has challenged the government's claim.

According to BASE, excepting Kailali district, the government has not yet provided a single kamaiya family with wood for the construction of their houses. Earlier the government had claimed that it had completed distributing 35 (earlier decided 75 feet which was fixed to 35) cubic feet of wood to all the kamaiyas for the construction of their houses. Freed kamaiyas have not received the money they had been promised and they feel cheated from the authority."

BASE, November 2002

"The government granted the Kamaiyas freedom from their landlords and their 'Sauki' (debts), but the landlords got infuriated. The Kamaiyas had been staying in the 'Bukara' (the shelter provided by the landlord), and they did not have their own house. From the moment the Government announced the freedom, the landlords did not allow the Kamaiyas to stay in the Bukaras. Thus, the freed Kamaiyas were forced out on the open.

Though food, clothes, tents, medicines and other materials were made available to the homeless freed Kamaiyas from various quarters as relief assistance, those materials were not enough to ensure continued livelihood for the Kamaiyas. So, the freed Kamaiyas began to suffer from starvation, illness and lack of shelter and clothing. On the other hand, the Government could not move ahead with the rehabilitation work that it had promised.

(...)

After Mid-April 2001, the freed Kamaiyas started putting additional pressure on the Government. So, the Government acted as if it was now really serious with the rehabilitation process. Some of the freed Kamaiyas were distributed the very land where they had been staying while some others were given uncultivated public land elsewhere. Each family was given 2 to 3 Katthas of land. Similarly, those who were occupying the public land were allowed to possess the land up to 5 Katthas per family."

ACT, 11 September 2000

"Background

On 17th July 2000, the Government of Nepal formally outlawed the long-established practice of Kamaiya (bonded labour). This system trapped successive generations of poor and illiterate people and their entire families into bonded farm labour for local landlords to pay of debts incurred sometimes generations earlier. The system existed in at least 5 districts (Kailali, Kanchanpur, Dang, Bardiya and Banke) of the terai (plains) in south-western Nepal. Estimates of the numbers trapped in this system ranged from 35,000 - 100,000.

Current Situation

Though the Government decreed the Kamaiyas to be freed and all debts waived, the sudden breakthrough was made in response to Kamaiya mass mobilisation including protests in Kathmandu, without consideration of the consequences. The sudden move has angered the landlords who are also organized. While some Kamaiyas have left their service, others have been thrown out. Many of these displaced are now squatting in temporary transit camps or living illegally on occupied land (including in the main District town) hoping for Government action to allocate land and provide assistance with resettlement.

The District Development Committee has commenced the task of identifying and registering the displaced Kamaiyas and a special committee has responsibility in each district for taking this process forward. However official action is slow and uncertain. Since this emergency occurred during the monsoon season, conditions in terms of employment, availability of food, shelter and sanitation and health status are very poor. The NGO movement, which has been assisting and encouraging the Kamaiyas to appreciate and take action to improve their situation, is now morally

obliged to accompany the Kamaiyas as they seek to be reintegrated into regular society. Thus the most pressing need is immediate survival and basic needs."

Nepal is highly disaster prone (2004-2006)

- Monsoon floods and landslides displaced thousands of people in the mid and far western region in August-September 2006 and left 14,000 families in need of assistance.
- Heavy rains in July 2004 resulted in widespread flooding and landslides in eastern and central Nepal causing an estimated 37,000 families to be evacuated.
- Up to 68,000 houses were destroyed and many schools damaged

OCHA, 5 October 2006, p.2

"September heavy monsoon rains caused floods and landslides in 26 districts, the most affected being Banke, Bardiya and Achham in the Mid West and Far West. Nearly 50 deaths were reported and thousands were displaced from their water-logged homes for days. After detailed assessments, the Nepal Red Cross Society (NRCS) put the number of disaster-affected population at 84,449 in the three districts. Supported by a number of UN agencies, notably WFP and UNICEF as well as I/NGOs, the Red Cross provided the needy population immediate relief in the form of food and non food.

(...)

The District Administration Office and the NRCS district chapter in Banke and Bardiya estimated that 3,297 houses have been damaged by floods. However, a detailed inter-agency assessment led on the longer term house rehabilitation needs is under revision."

OCHA, 8 september 2006

"The monsoon floods and landslides that started in late August have left some 14,000 families in the mid and far western affected districts in need of assistance. Crops and houses have been critically damaged and an impoverished population is threatened by possible disease outbreaks. A major concern now is how to distribute the food/relief items to all the affected population before the Dashain festival."

Map showing flood and landslide-affected areas



Source: OCHA, 29 August 2006

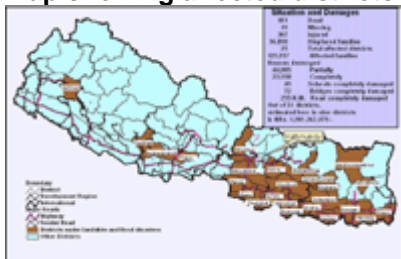
IFRC 11 August 2004, p. 2

"Heavy rains which began in early July resulted in widespread flooding and landslides, causing suffering to thousands of people in eastern and central regions of the country.

As of 10 August a total of 800,000 people had been affected in 25 of Nepal's 75 districts. The official death toll remains at 185. Many families were forced to evacuate with parts of southern Nepal submerged for over two weeks. There have been numerous landslides in the hilly region, sweeping houses away and forcing families to flee. More than 37,000 families are now displaced in the affected areas. Large areas of cultivated land and newly planted rice has been washed away. Up to 68,000 houses have been destroyed or damaged and many schools have been damaged. Infrastructure has been severely affected with bridges swept away and roads destroyed or damaged.

Water levels are receding but that threat is now being replaced by illness, with cases of waterborne diseases and diarrhoea on the increase. There is a need for caution despite the improvement in the weather over the past 10 days with the monsoon season forecast to last into next month. Nepal remains vulnerable to further flooding and landslides."

Map showing affected districts



Source: UN Country Team in Nepal, 28 July 2004

OCHA/IDP Unit June 2004, p. 5

"9.1 Nepal is highly disaster prone, affected by frequent floods, drought, earthquakes, fires, epidemics, avalanches, glacier lake outburst flood, and windstorm. Of immediate concern is the risk of a massive earthquake in Kathmandu valley, which could occur at any moment. Significant earthquakes have been known to occur in Nepal with a regular interval of approximately 70-75 years. The last such earthquake (registering 8.4 on the Richter scale) occurred in 1934 with an epicenter in Kathmandu, killing over 9,000 people. According to a recent study, Nepal has the highest per capita earthquake risk in the world, and is especially vulnerable largely because of the use of poor quality construction materials and poor design and construction practices."

Peace efforts

Peace efforts fail in November 2001 (1999-2001)

- During 2000, attempts were made to initiate a dialogue between the government and the Maoists through a "High Level Consensus Seeking Committee" but with no results.
- A cease-fire, agreed upon on 23 July 2001, was followed by three rounds of talks but they broke down in November 2001 over the political demands of the Maoists, in particular the demand for the setting up of a constitutional assembly.

AI, 4 April 2002, p. 15

"In light of the radical nature of the main demands of the Maoists, in particular the *de facto* abolition of the constitutional monarchy and the establishment of a people's republic, it has been

difficult for successive governments to enter into a meaningful dialogue with the Maoists. Nevertheless, attempts have been made.

An eight-member "High Level Consensus Seeking Committee" chaired by Sher Bahadur Deuba was appointed in November 1999 by Prime Minister Krishna Prasad Bhattarai. The leader of the CPN (Maoist) in a letter to the Committee in June 2000 indicated his willingness to sit down to talks on condition that a number of demands were met, including a ceasefire from the date the talks begin, an inquiry into the whereabouts of Maoist supporters who were detained and subsequently "disappeared", and a judicial investigation into a number of incidents, including the killing of civilians and burning of villages in Khara VDC, Rukum district in February 2000. On 7 August 2000 the Maoists' leader ruled out immediate talks. He accused the Prime Minister of attempting to enlist India's support in joint operations against armed opposition groups, including the CPN (Maoist), operating along the India-Nepal border, and reiterated that the party would only engage in talks once their conditions were met. The mandate of the Consensus Seeking Committee was not extended when it ended in October 2000. The Committee's final report described the "people's war" as a political problem arising from the country's socio-economic structure, and urged the government to hold talks with the CPN (Maoist) about their demands, apart from those calling for constitutional changes. It also suggested that the security apparatus be strengthened.

Throughout the latter part of 2000, further attempts were made to initiate a dialogue. However, this process was hampered by disagreement and political manoeuvring, especially within the NC. After the resignation of Prime Minister Girija Prasad Koirala, the newly appointed Prime Minister Sher Bahadur Deuba and the Maoists swiftly agreed a cease-fire on 23 July 2001. Three rounds of talks were held between both sides. However, negotiations broke down in late November 2001 over the political demands of the Maoists, in particular the demand for the setting up of a constitutional assembly."

Stand-off between the government and the mainstream political parties (December 2002)

- After the failure of the peace talks in November 2001 and the declaration of the state of emergency, the political situation deteriorated when the House of Representatives was dissolved and elections called for November 2002.
- Maoists stepped up their attacks on mainstream political parties and called for a boycott of the elections and a nation-wide strike.
- In mid-July 2002, the government of Sher Bahadur Deuba dissolved all District Development Committees, municipalities and Village Development Committees, the local elected bodies and replaced them with government employees.
- In October 2002 the King sacked the Prime Minister, dissolved the existing cabinet and postponed parliamentary elections for an indefinite period. He appointed Lokendra Bahadur Chand as interim Prime Minister and swore in five ministers in their private capacity and not as representatives of political parties.
- The move by the King was condemned by the six mainstream political parties as "unconstitutional" and "undemocratic".
- Towards the end of 2002, a stand-off between the King and the government on the one hand and the mainstream political parties on the other prevailed while the Maoists called for an all-party conference, to be followed by the formation of an interim government and the staging of elections for a constituent assembly to draw up a new Constitution.

AI 19 December 2002, pp. 3-6

"In view of the radical nature of the main demands of the Maoists, in particular the establishment of a republic and a constituent assembly, it has been difficult for successive governments to enter into a meaningful dialogue with the Maoists. Between July and late November 2001, three rounds of talks were held between the Maoists and representatives of the government of Prime Minister Sher Bahadur Deuba. In late November 2001, the negotiations broke down. Several observers have since criticized the government's lack of analysis and strategy during this short period of negotiations.

(...)

The political situation deteriorated rapidly after Prime Minister Sher Bahadur Deuba on 22 May 2002 asked King Gyanendra Bir Bikram Shah Dev to dissolve the House of Representatives and call elections. Elections were scheduled for 13 November 2002. However, the Maoists declared they would boycott the elections and stepped up their attacks on members of mainstream political parties. The Maoists also called a nationwide strike to coincide with the parliamentary elections.

In mid-July 2002, the government of Sher Bahadur Deuba dissolved all District Development Committees, municipalities and Village Development Committees, the local elected bodies and replaced them with government employees. This move was widely criticized, including by donor governments. Without a budget and amid threats to their lives from the Maoists, services were grinding to a halt and the political vacuum widened.

Despite being brought under a uniform command, the security forces remain underresourced to deal with a typical Maoist insurgency strategy. They continued to incur heavy casualties. On 8 September 2002, 49 policemen were killed, many of them after they were lined up and shot in the head during an attack by Maoists on a police post at Bhiman in the eastern Sindhuli district. The next day, during a Maoist attack at Sandhikharka, headquarters of Arghakhanchi district, according to government sources, 65 security forces personnel were killed. The government responded by announcing it would call an all-party meeting to consider the reintroduction of the state of emergency which had lapsed on 28 August 2002. However, amid increasing disagreement among the political parties about the ways to address the deteriorating security situation, no all-party meeting was called.

In this context, on 4 October 2002 the then care-taker Prime Minister Sher Bahadur Deuba asked the King to postpone parliamentary elections by one year. However, the King sacked the Prime Minister on grounds of "incompetence", dissolved the existing cabinet and postponed parliamentary elections for an indefinite period.

On 11 October 2002, the King appointed Lokendra Bahadur Chand as interim Prime Minister and swore in five ministers. All were appointed in their private capacity and not as representatives of political parties. The interim government was given five main priorities by the King, including the improvement of the security situation in the country based on national consensus and the holding of elections to the dissolved House of Representatives and local bodies.

The King acted under Article s 27(3) and 127 of the Constitution. The latter gives the king the power to "issue necessary orders" to remove any difficulties that arise in bringing the Constitution into force. The move by the King was condemned by the six mainstream political parties as "unconstitutional" and "undemocratic".

The constitutional validity of the king's dismissal of care-taker Prime Minister Sher Bahadur Deuba and his cabinet cannot be legally challenged. Several constitutional lawyers argued that it is against the spirit of the Constitution. They have also questioned the direct appointment of an interim Prime Minister by the King as there is no constitutional provision for the appointment of an unelected prime minister. Interim Prime Minister Lokendra Bahadur Chand has announced that elections would take place once peace is restored, whereas Article 53(4) of the Constitution

requires new elections to be held within six months of the dissolution of Parliament. Several street demonstrations by the mainstream political parties, especially by the parties' student wings, took place throughout November and early December 2002. The parties fear that the interim government will remain in place indefinitely under the guidance of the king, thereby reversing the 1990 democratization of the country but had not reached an agreement for a joint strategy to address this perceived threat. The Maoists on the other hand are using these developments to strengthen their argument for the establishment of a constituent assembly and republic .

On 18 November 2002, the king announced an expansion of the cabinet, once again not appointing any members of the Nepali Congress Party (NC) or Communist Party of Nepal (United Marxist Leninist) (CPN-UML). At the time of writing, a stand-off between the King and the government on the one hand and the mainstream political parties on the other prevailed.

Since being appointed Prime Minister, Lokendra Bahadur Chand has repeatedly stated that "the doors for talks are open". In a statement issued on 4 December 2002, Pushpa Kamal Dahal, alias Prachanda, the leader of the CPN (Maoist) announced the establishment of a committee to hold talks with "all political forces, including the current ruler of the old regime, provided that a conducive environment is ensured." The statement, however, reiterated that the key demands of the Maoists remained unchanged. These are the convention of an all-party conference, to be followed by the formation of an interim government and the staging of elections for a constituent assembly to draw up a new Constitution. Given the stand-off between the government and the mainstream political parties, it appeared unlikely that these demands could be met."

7-months ceasefire collapses in August 2003

- On 29 January 2003, the Communist Party Nepal (Maoist) announced a cease-fire.
- The inclusion of a human rights dimension in the negotiations is complicated by the fact that the two major players -the Maoists and the King- were also responsible for the gravest human rights abuses during the period of insurgency.
- Almost all parties are in agreement that the constituent assembly, the Maoists' main priority, is a necessary element. The Maoists have since dropped its demand of a republican state.
- The presence of international human rights and humanitarian monitors or mediators could increase the likelihood of successful peace talks.
- Sharp splits between government negotiators and the Maoists, particularly over a possible constituent assembly to draft a new constitution, led the Maoists to withdraw officially from the ceasefire on 27 August 2003.
- In the weeks following the break down of the ceasefire, more than 500 people have died.
- Moving away from mass attacks on district police and army headquarters, the Maoists started to focus on attacks by smaller cells and have expanded their activities in eastern Nepal and the Terai.

APHRN, 31 March 2003

"On 29 January 2003, the people of Nepal breathed a collective sigh of relief. After seven years of waging what they referred to as a "People's War", the Communist Party Nepal (Maoist) announced a much-needed cease-fire. There has been initial contact between the Maoists, King Gyanendra, and the political parties. Most observers are optimistic that these talks will succeed where the past three have failed. The leaders of Nepal's numerous political parties should make sure that the current peace talks create a foundation for genuine human rights reform and respect for the rule of law.

If any new developments are to be undertaken in the name of the people of Nepal, then the cycle of guerrilla violence and brutal state repression must be stopped and accounted for as soon as possible.

The project of ensuring that the human rights perspective is respected and assured during the dialogues is complicated by the fact that the two major players, the Maoists and the King, were also responsible for the gravest human rights abuses during the period of insurgency.

(...)

The parties in the present dialogue are a mix of monarchists (the King), militant Marxists (the Maoists), elected Marxists (such as the recently renamed Communist Party of Nepal (United Marxist-Leninist)), and elected liberals (such as the Nepal Congress Party). The King currently has the advantage of controlling the Prime Minister and cabinet, and the Maoists are currently at a military advantage, but the political parties must be included in the peace process if Nepal is to maintain any semblance of respect for democracy and its elected officials.

In previous dialogues, the Maoists submitted several demands to the government: (1) the creation of a new constitution; (2) the formation of another interim government by dissolving the present government; (3) the creation of an institutional republican state; (4) abolition of "unjust" treaties between Nepal and India; (5) opening the border between Nepal and India; (6) making the work permit system effective. It has since excluded the demand of a republican state. There is evidence that they may also be willing to compromise on issues involving India. Almost all parties are in agreement that the constituent assembly, the Maoists' main priority, is a necessary element. In this it appears that many Nepalis' optimism at the present talks is not misplaced.

Yet, given the seriousness and the frequency of human rights abuses that have occurred throughout the conflict, it is important that a code of conduct (or cease-fire agreement) not get lost in the political shuffle. Human rights NGOs and the National Human Rights Commission of Nepal have drafted excellent documents that could be used as a blueprint for sustainable peace.

The likelihood of the agreement's success would increase greatly with the presence of international human rights and humanitarian monitors or mediators. Some international actors have previously displayed a preference for military aid and weapons distribution; those with true concern for the people would do well to pay attention here."

ICG 22 October 2003, pp.1-2

"With the collapse of the ceasefire and peace talks between government and Maoist insurgents, Nepal appears to be in for months more of bloody fighting. There are prospects for eventual resumption of negotiations since neither side can realistically expect a military victory, and there are indications of what a diplomatic compromise might look like. However, the international community needs to urge all sides toward compromise and press the government to restore democracy, bring the political parties back into the picture and control the army's tendency to commit serious abuses when conducting operations. Similarly, the Maoists should discontinue targeted assassinations, bombing and widespread extortion.

The country quickly plunged back into the violence that has killed more than 7,000 people since February 1996. Sharp splits between government negotiators and the Maoists, particularly over a possible constituent assembly to draft a new constitution, led the Maoists to withdraw officially from the ceasefire on 27 August 2003. They marked the end of the ceasefire by shooting two Royal Nepalese Army (RNA) colonels, one fatally, in Kathmandu the next day, and violence quickly erupted across the country. In the weeks following the break down of the ceasefire, more than 500 people have died.

Yet, in many ways, the official end of the ceasefire was almost a formality. Both government and Maoist forces were in regular violation of the code of conduct that was supposed to govern their activities during the halt in fighting, and both sides suspected the other of planning an imminent attack. The Maoists continued to recruit heavily and practice widespread extortion, and fired on a motorcade of former Prime Minister Sher Bahadur Deuba on 26 August 2003. Government forces continued to make their presence felt throughout the countryside, and in what would appear to be a gross violation of international law, summarily executed at least nineteen individuals they suspected of being Maoists on 17 August 2003 in the eastern village of Doramba, Ramechhap district.

As the conflict has resumed, the Maoists appear to be embracing an evolving strategy. Largely moving away from mass attacks on district police and army headquarters, the group has focused on attacks by smaller cells. This has included more widespread urban assassinations of army, police and party officials in an effort to tie security forces down in the cities. The Maoists have also expanded their activities in eastern Nepal and the Terai (the flatlands that border India), areas that had felt the crisis less acutely during earlier periods of fighting. The RNA, having significantly upgraded its firepower and improved base defences during the ceasefire, has claimed a number of successful offensives. Substantiating the battlefield claims of both sides remains difficult.

With both the Maoists and the RNA determined to use battlefield gains to secure leverage for future talks, the danger of a widening conflict are substantial. Further, and despite mounting international pressure for the palace and the political parties to work together, King Gyanendra still appears reluctant to install a genuine all-party government or fully restore the democratic process. Prime Minister Surya Bahadur Thapa has expressed willingness to form such a government, but only under his leadership – a provision that will likely remain a deal-breaker with the main parties.

The return to violence is all the more unfortunate because it is not difficult to imagine a series of agreements around which the king, RNA, political parties and Maoists could coalesce. A number of useful proposals have been put on the table, although far more remains to be done to flesh out the implementation of a reasonable peace deal, and dramatic improvements could be made in the negotiating process itself. It also remains clear that the sooner a genuine multi-party government is established and democracy restored, the higher the chance for a durable solution to the conflict."

Constitutional changes at the heart of the peace process (June 2005)

- According to ICG, the mainstream parties, who have so far resisted any fundamental revision of the constitution, might be willing to consider doing so since the king's takeover.
- ICG suggest three scenarios, which could break the deadlock: an all-party government without a parliament; a government formed after new parliamentary elections; and a government formed after restoration of the parliament elected in 1999.
- Given the fact that options for democratically negotiated change are limited, ICG contends that the Maoist roadmap of an interim government, ceasefire and freely elected constitutional assembly appears the most likely outcome.

ICG, 15 June 2005

"Constitutional issues are at the crux of Nepal's military, political and social crises. The Maoists have called for radical restructuring of the state, including establishment of a republic, since the start of their insurgency in 1996. The mainstream political parties opposed fundamental revision

of the constitution until recently but are now willing to envisage greater change, although their policies are still a subject of debate.

Even before the royal coup, the 1990 Constitution had been undermined by the May 2002 dissolution of parliament and King Gyanendra's repeated dismissals of prime ministers. Subsequent governments had little chance of conducting successful negotiations with the Maoists as long as real power rested with the palace. If the king hoped that his unambiguous seizure of full executive authority would bring the Maoist to talks, he was mistaken.

The re-introduction of democratic institutions remains central to establishing a government that can negotiate with the Maoists and initiate a consensual process for constitutional change. But the palace is more concerned with consolidating royal rule, while a broader alliance of Kathmandu-centred interests has long opposed a more equitable distribution of power.

Three vehicles for breaking the political deadlock in the capital remain:

an all-party government without a parliament: the royal coup has increased the previously slim likelihood that the mainstream political parties might manage to form such a government. But if it is constituted by royal fiat, it would lack the legitimacy and authority to negotiate effectively with the Maoists;

a government formed after new parliamentary elections: the Deuba government was tasked to hold parliamentary elections but this was never realistic. The king has announced municipal elections by April 2006 but there is no clear prospect of a general election; and

a government formed after restoration of the parliament elected in 1999: the king or the Supreme Court could restore parliament, although neither seems willing. This option was seen as a partisan measure that brings no guarantees of effective governance but it has now been endorsed by a coalition of mainstream parties. A parliament restored with the limited mandate to negotiate with the Maoists on constitutional change might advance the peace process.

A government negotiating with the Maoists would have three basic options for constitutional change: parliamentary amendment via Article 116 of the 1990 Constitution; a referendum; or a constitutional assembly. In Nepal, constitutional amendment is typically understood to preclude consideration of the role of the monarchy, while a constitutional assembly is equated with republicanism. In fact, either method allows flexibility. By contrast, a referendum on constitutional issues would likely destabilise the state, rather than identify an acceptable political compromise.

Any viable tripartite process would need to allow the Maoists to argue to their cadres that republicanism was at least on the table and permit the king to feel confident the monarchy was sufficiently secure. A process in which key stakeholders have already reached critical informal agreements may be a way of delivering constitutional change peacefully, although it would have to be balanced with the need for transparency and accountability.

Allowing for easy subsequent amendment would enable future adjustments. For the time being, however, the royal roadmap -- thinly disguised by the rhetoric of "protecting the 1990 Constitution" -- appears to be one of systematically dismantling multi-party democracy while pursuing a purely military strategy against the Maoists. The options for democratically negotiated change are severely constricted. If the "constitutional forces" of monarchy and parties cannot form a common position, there may be no viable basis for negotiation with the Maoists. In this context, the Maoist roadmap of an interim government, ceasefire and freely elected constitutional assembly is likely to become the focus of increased attention. This would test Maoist sincerity but also that of the parties and the palace. Each side claims to speak for the Nepali people but none has shown much appetite for allowing the people to have a real say. Unless and until this happens, there is little chance of finding a lasting peace."

Peace process revived as nationwide mass protests force king to reinstate Parliament (September 2006)

- In October 2006, during a second round of talks, both side agreed to hold elections to a constituent assembly by June 2006.
- INSEC charged both parties of having repeatedly violated human rights despite the May 2006 truce.
- On 26 May, a 25-point Code of Conduct was agreed between the Seven Party Alliance government and the Maoists.
- In April 2006, following weeks of massive nationwide protest, the King announced the reinstatement of parliament and the return of the power to the people.
- In November 2005, the main political parties and the Maoists had reached a 12-Point understanding, agreeing to work together to reclaim the power from the King.

IRIN, 10 October 2005

"Maoist rebels and Nepal's interim government have agreed to hold elections for a constituent assembly by June 2007, negotiators from both sides said on Tuesday at the end of three days of high-level peace talks."

Human rights violations still ongoing despite truce: Human rights group

INSEC, 10 September 2006

"Both the Nepali government and Maoist rebels are killing people and violating human rights despite their truce, a leading rights group in the Himalayan nation said on Sunday.

Subodh Pyakurel, chairman of rights group Informal Service Sector Centre (INSEC), said the Maoists had killed 11 people while nine had died in action by security forces.

Both sides have been observing a truce since May after King Gyanendra gave up absolute rule following street protests and handed power to an alliance of seven political parties.

INSEC also reported the Maoists had violated the truce 144 times compared to 22 cases involving government forces.

"The state is still carrying out killings, torture, intimidation, beating, arbitrary arrests and military action," it said in a statement.

"Maoists have also continued murder, abductions, physical assault, extortion of money through forced donations ... torture in the name of people's courts and labour camps."

A senior government official denied systematic violation of rights by troops but added some deaths attributed to the state were being investigated.

Maoist leaders also rejected the charges of systematic abuse.

"There may have been some cases of violations unknowingly, but there are no abuses in a planned way," Maoist leader Dev Gurung said."

Reinstatement of parliament and truce between Maoists and government paves the way for resumption of peace talks

OCHA, 18 July 2006, p. 1

"King Gyanendra's address on 1 February reaffirming the royal takeover as a means towards restoration of democracy, as well as the highly opposed 8 February municipal elections, triggered an escalation of the conflict across the country.

However, only a few months later an understanding between the main political parties and the CPN-Maoist reached in November began to prove fruitful. Nineteen consecutive days of nationwide pro-democracy strikes and protests called by the SPA and supported by CPN-Maoist, brought hundreds of thousands of people on to the streets throughout the country in defiance of curfews imposed by the Government in Kathmandu and some other towns. 21 protesters lost their lives due to violent reprisals and hundreds were injured.

On 24 April King Gyanendra appeared on television to announce the reinstatement of the dissolved House of Representatives (HoR), expressed condolences for all those who had lost their lives in the people's movement, and handed sovereignty back to the people. This followed an attempt by the monarch a few days earlier to end protests by inviting the SPA to nominate a new Prime Minister, an offer that was rejected.

The HoR met for the first time on 28 April and announced plans to work towards the formation of a constituent assembly – a longstanding demand of the CPN-Maoist. The HoR also removed a 'terrorist' label from the CPN-Maoist.

The CPN-Maoist declared a unilateral ceasefire for three months on the day before the first sitting of the HoR, which was reciprocated by the Government on 3 May for an indefinite period.

On 19 May the HoR formally removed references to the palace in the name of the Government and army - renamed as the Government of Nepal (GoN, formerly His Majesty's Government) and the Nepali Army (formerly Royal Nepal Army). Nepal was also declared a secular state, with nondiscriminatory citizenship rights for women. Many appointments made during the royal regime were annulled, including those from the February municipal elections, and twelve Ambassadors were recalled.

The first round of peace talks between the CPN-Maoist and the SPA Government took place in Kathmandu on 26 May resulting in a 25-point Code of Conduct (included as Annex II). As a result, CPN-Maoist cadres started moving freely in urban areas, opening offices and holding mass rallies, including a first-ever in Kathmandu on 2 June joined by an estimated 500,000 cadres and supporters. A number of discussions between the UN and the Government have taken place to understand the ongoing process and express readiness by the organisation to support in any way needed. While preparing this MYR, initial discussions have suggested possible roles to support arms management and Disarmament, Demobilisation and Reintegration (DDR). No formal request had yet been made by the Government to the UN."

POPULATION FIGURES AND PROFILE

General

Applying the UN IDP definition: who are the displaced in Nepal? (2006)

- There is a clear necessity to distinguish between forced displacement and economic migration in Nepal, even if this distinction is particularly difficult to make in the Nepal context.
- According to the IDP definition contained in the UN Guiding Principles, all those who flee their homes in order to avoid the effects of armed conflict, situation of generalized violence or violations of human rights are considered to be displaced. This applies to those who fled direct attacks but also to those who fled in anticipation of these attacks.
- Also, those who decide to permanently migrate because of the effects the conflict has had on their capacity to make a livelihood should also be considered as IDPs. The majority of the displaced in Nepal and many of those who have fled to India are likely to fall into this category
- Those who have fled their homes and achieved some level of security within Nepal, but have then decided to move to India should not be considered as IDPs but as migrants. They, however, retain the right to return.
- UN mission argues that the scope of displacement in Nepal and the degree of attention dedicated to the phenomenon should be assessed and determined based on the number of persons that have left their homes for conflict-related reasons and could choose to return in safety one day.

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 3

"The somewhat belated attention given to the phenomenon of forced internal displacement in Nepal is partly due to the difficulty in determining clear boundaries between more recent, conflict-induced displacement and historically on-going seasonal and economic migration from the hill districts to Terai areas and to India. Given that forced displacement, whether by State or non-State actors, constitutes a violation of human rights/international humanitarian law and consequently creates preventive and protective legal obligations on behalf of State and non-State actors, there is a need to distinguish forced displacement from economic migration. In order to do so, the mission used the definition of an internally displaced person in the UN Guiding Principles on Internal Displacement and applied it to the Nepalese context.

The Guiding Principles describe internally displaced persons as:

"persons and groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border."

It is clear from above that those persons that have fled their homes as a result of direct attacks fall within the definition. However, those that quietly leave their homes in anticipation of the negative affects of the conflict are also conflict displaced and most likely constitute an even larger group of persons that is also covered by the above definition. Needless to say, but contrary to the government definition of an IDP, this applies to victims of non-State actors and State actors.

In addition, it can be argued that those persons that would normally not migrate permanently but have lost the basic conditions necessary for securing a livelihood due to armed conflict and have, therefore, had to leave their homes also fall within the definition in the Guiding Principles. According to the definition a person does not have to be "forced to flee" at the barrel of a gun to be an IDP. Consequently, the lower threshold of coercion in the definition is also reached if he/she has effectively been "obliged to...leave their homes....in order to avoid the effects of the conflict". Further, the Annotations to the Guiding Principles¹ refer to the "involuntary character of movement" (in addition to explicit coercion), which would indicate the inclusiveness of the definition in relation to the above category of persons. Therefore, while those persons that leave for India or the Terai for reasons independent of the conflict would be considered migrants, those that have been obliged to leave as a consequence of or in order to avoid the effects of the armed conflict - be it directly or indirectly - fall within the definition of an IDP in the UN Guiding Principles (UN GP).

Those in the latter category (IDPs according to the UN GP) that through their displacement have achieved a minimum of safety and economic survival with friends and family in the Terai, Kathmandu or elsewhere but in a second move decide to migrate to India are technically no longer IDPs (have crossed an internationally recognized border). They have however not forfeited their right to return to their places of origin in safety. From a rights perspective, the scope of displacement in Nepal and the degree of attention dedicated to the phenomenon should therefore be assessed and determined based on the number of persons that have left their homes for conflict-related reasons and could choose to return in safety one day, rather than simply on the number of persons currently living in a situation of forced displacement in Nepal and who are in need of humanitarian assistance."

Close link between conflict-induced displacement and economic migration

CHR, 7 January 2006, pp. 6-7

"13. Although Nepal has been a home to refugees from Tibet and Bhutan, there has also been a history of economic migration in the recent years within Nepal and especially from Nepal into India. Movement within Nepal has mainly meant migration southwards, following the rivers and into the fertile and accessible Terai region in the search of land. By far the most common geographic pattern is the movement of people even further southwards into India in search of better economic prospects. A large proportion of Nepal's annual GDP derives from remittant income. The Government's policy has always been to support such economic circular migration, facilitated by the 1951 Open Border Treaty between India and its neighbouring countries. The largest number of economic migrants to India come from landless groups, the highly indebted and members of the "low caste" groups and is especially high in the Far Western Region. Traditionally, they work in seasonal labour, on construction sites, as household help, as artisans or in factories.

14. Regarding IDPs, Nepal has a long history of displacement due to natural disasters. In addition, a widespread pattern of conflict-induced displacement has emerged today, next to and obscured by the traditional economic migration. It is difficult, in the present situation in Nepal, to make a precise distinction between economic migrants and conflict-induced displaced persons. The already difficult economic situation has worsened as a result of the conflict; infrastructure has not improved and administrative structures have retreated from remote areas back into district headquarters. This in itself brings about a gradual isolation of the villages in the mountain areas. In addition, restriction of movement by the CPN-M through the bandhs (strikes) and through the requirement for a permit to travel, combined with the taxation of goods, means that the rural economy is slowly grinding to a halt. In this context, economic migration and conflict-induced displacement are often closely interlinked."

Variety of causes of displacement reflected in the variety of profiles of the displaced (June 2006)

- The wealthy and politically active members of the villages were the first to be displaced as they were specifically targeted by the Maoists. Most fled to districts headquarters and Kathmandu where they generally managed to re-establish a livelihood, sometimes with the support of the state.
- Youth and children is another important group of displaced as they have fled forced recruitment by the Maoists were sent by their parents to the main urban centers or to India.
- Those displaced by state violence, in particular since the intensification of the conflict in 2001, fled quietly and are nearly invisible.
- The majority of the displaced are poor people who have fled both harassment by the Maoists and by the security forces and more generally the negative socio-economic effects of the conflict. Most have fled to India in search of better economic opportunities.

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, pp. 6-7

"The causes and agents of displacement are varied and so is the profile of those displaced.

One group consists of the wealthier and politically active members of the village communities forced to leave by the CPN/M. These movements began seven to eight years ago. They were targeted because they are large landowners with tenant farmers, local mayors (Village Development Committee Chairs) with official administrative functions, and active political party representatives. Most fled to Kathmandu or the district headquarters in Nepal where they have remained. These people are largely, although not exclusively, reasonably well-off and with political support and have been able to care for themselves by using their own resources, such as savings and revenue from their landholdings, or through the assistance of relatives.

It is primarily this group of persons which has been registered by the government and recognized as "IDPs" according to current HMG-N criteria. Although the majority do not have any overt material humanitarian assistance needs, rights to property, documentation, and other protection concerns need to be addressed. The circumstances of these displaced families and individuals are likely to be diverse and divergent and will need to be assessed and addressed on an individual basis. However, despite their relative wealth and higher standard of living, other needs should not be dismissed or ignored.

Another group of displaced consists of the youth avoiding recruitment by the CPN/M. Youth are often suspected of being CPN/M cadres and fear the security forces as a result. Many parents have sent their children to urban centres such as Nepalgunj, Biratnagar and Kathmandu for schooling, or to India as manual labourers to avoid the conflict. Although some have originally departed as 'seasonal labourers' many have stayed away from home for several years due to threats from the CPN/M if they returned.

Other children stay with relatives while others are living in boarding schools or children's homes in urban areas in Nepal. The situation of large numbers of separated children is uncertain and the protection environment of these children should be carefully assessed. This includes providing opportunities to maintain communications with the parents and pursuing eventual reunification with their parents or guardians. Children have also been reportedly sent to India in large numbers. Unfortunately, little is known about the situation of these separated children.

Those displaced by state violence are nearly invisible. The mission team did not meet many persons claiming to be displaced as a result of state violence. The mission team had reports of

camps of such persons having been established in CPN/M-held areas but was not able to verify their authenticity. The existence and needs of these people requires further investigation.

To avoid retributions and extortion by the CPN/M and the state, many poorer rural families have also left their villages. While some are direct victims of threats or attacks by either or both sides, some families have left due to the deterioration of the economic and social life of their communities provoked by the conflict. Requisition of food by both the CPN/M and state forces prompted many villagers to leave fields fallow or to abandon their homes. In other homes, the departure of the male members of the family has left behind only women or older persons to manage a reduced household and agricultural exploitation. As these IDPs are rarely, if ever, registered with the government authorities, little is known about them.

Nevertheless, this group most likely represents the bulk of the displaced persons in Nepal, as well as those who have found refuge in India. Organisations such as the Nepal Red Cross and other NGOs have made informal lists of their names, family size and locations, and some have provided them with one-time or ad hoc forms of assistance such as cash for educational costs or loans to begin small businesses. Those met by or known to the mission team live in rented rooms or small houses on the outskirts of major towns or in informal settlements mingled with other poor Nepalese. They are engaged in various forms of wage labourer such as construction or agricultural work, domestic work or collecting firewood for sale. Some express the desire to return home should conditions permit, while others have reconstructed their lives in more urban environments where they wish to remain. Some have built homes in their new locations, with the men heading to India for truly seasonal labor.

As with other groups, their needs will need to be assessed on an individual basis but the response to their needs is best done within large initiatives addressing poverty as a whole within Nepal – to the extent possible. This category of displaced persons is the source of disagreement among the actors about IDPs in Nepal in terms of their numbers, their reasons for relocation, and how to assist them. Nevertheless, as stated earlier in this report, the mission team strongly supports that they be recognized as IDPs. Failure to do so hides the actual impact of the conflict on the rural Nepalese, and does not give the government or the international community the complete picture necessary to develop appropriate responses to their needs. While on the surface, the needs of economic and conflict related migrants may appear similar, the differences are critical particularly regarding protection and return considerations."

Three main IDP profiles

TDH & SC Alliance, June 2006, pp. 4-5

"Three profiles of internally displaced persons can be identified. The core thrust of the Maoist insurgency has been against government officials, local party members and affluent landowners whom the Maoists believe have failed to provide open governance and basic rights to the people as expected after the establishment of a multiparty system in 1990. Consequently, those persons have been directly threatened and targeted by Maoist forces. Significant to this IDP population is the fact that the vast majority are from the Brahmin/Chhetri ethnic group, which has long dominated landholding, government service and political power in Nepal (more than 90% of government servants were of Brahmin/Chhetri ethnicity prior to 1990, and the percentage increased during the rule of the 'democratically-elected' parties). The displacement of people of Brahmin/Chhetri ethnicity is reflected in the ethnicities of the children investigated in this study.

The second and largest group of internally displaced persons are the 'collateral victims' of the armed conflict, primarily poor villagers who have fled their homes due to general insecurity, degradation of the local economy and services, food scarcity, fear of abduction by the Maoists, or fear of harassment and violence by either the Maoists or the government's security forces

(including the national police, Armed Police Force and Nepalese Army). This group includes a wide range of rural castes and ethnicities. The internal displacement of villagers has not been chaotic and random, however. These IDPs have generally followed routes already established by rural-to-urban labour migration, settling in destinations and finding employment with the assistance of already-migrated family and community members.

The third group of IDPs due to the armed conflict are youth, primarily boys and young men above the age of 12. These youth have fled due to fear of abduction and recruitment by Maoist forces or fear of harassment and violence by Maoists or security forces (or both). While many of these young men appear to have migrated to India, many have fled to Nepal's major cities, particularly those in the Kathmandu Valley.

Children, naturally, are included in all three groups of IDPs, and this is demonstrated in this study. Throughout the armed conflict, the Maoist forces have directly targeted children, both boys and girls. Hundreds of school children have been abducted from schools for political indoctrination, many have been forcibly recruited as soldiers into the Maoist army, and many have been used as informants, porters, message carriers and weapons smugglers. These latter children have thus faced pressure, and sometimes torture and violence, from both Maoists and security forces, being suspected of allegiance to 'the other side.' Children have also suffered from the social and economic disruption caused by the conflict, including the psychological impact of seeing family and community members killed or tortured, destruction of protecting family units, illness due to malnutrition and lack of health services, cessation of their education, and in some documented cases among girls, sexual abuse from either Maoists or security forces. While many older family members have stayed in the villages in an attempt to protect their property, families have sent many children away for their safety. In this study, the majority of girls and two fifths of the boys had been sent to the cities by their families."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 6-10

"A Simplified Classification of IDPs

This section describes a simple classification of IDPs that was generated during INF's own IDP research and a subsequent planning workshop held in Dec 2002. It is not intended to be a definitive classification but rather illustrates the diversity of categories, the overlaps between them and the fact that people can move between categories over time.

Of those displaced, three preliminary categories, based on destination, were identified.

People who have moved onto unoccupied or 'sukumbhasi' land near the smaller bazaars on the Terai,

Those who have moved into the bazaars themselves

Others who have migrated directly to India.

Settlers on Sukumbhasi Land

Settlers on 'sukumbhasi' land include those who are relatively well off. There are many people who regularly settle on free land until they obtain the rights to that land. They then sell these rights and move on to another area. These people are in effect 'professional' squatters.

However many of those who have settled on 'sukumbhasi' land are low caste households from hill districts who have moved down with their families, as they have nothing left in their home areas. This phenomenon has been occurring over the last few years, and there is often a mix of settlers, some having arrived very recently, with others who have been there for some time. Often husbands of these families are away working in India. Until they receive rights to the land on which they have settled, they are very vulnerable, and have little incentive to improve their

surroundings or engage in longer-term livelihood activities, such as agriculture, as they may be chased off the land at any time.

Houses are small mud huts and liable to flooding in the monsoon. Daily survival is the aim and residents undertake manual labour (e.g. breaking stones), when the opportunity arises. Others collect firewood for sale in towns, however this results in conflict with 'host' communities whose use of forest resources are controlled by community-based Forest User Groups (FUGs). Tension with host communities is common in this category. Partly due to this and because they experience similar difficulties, there is some social cohesion among the settlers. This level of cohesion is higher if they have come from the same District, although often, a number of districts will be represented in one area.

In the Mid Western Region these settlers are found mainly on the Terai in Banke, Bardiya and Dang districts. Research has so far revealed 5 or 6 of these settlements in Banke, Bardiya, ranging in size from 40 or 50 households, to approximately 500 households. Preliminary research also indicates that this type of settlement exists in Dang.

One example of this category, and the largest so far identified, is a settlement of approximately 500 households who have settled in the Man Khola area, west of Nepalgunj. Many of these settlers are from Jumla but there is representation from many other districts. These settlers have settled on land that is the subject of a dispute between the government and a sugar factory. Most of the settlers present are women and children whose husbands are in India. Male guardians are appointed to look after a group of families, and the community has its own recognised leaders. Residents are involved in day labouring work for which they have to travel to Nepalgunj, Kohalpur or other bazaar areas.

Bazaar Settlers

Those who have moved into the bazaars can be broken down into a further three categories:

Family members of security forces personnel (police and army),
Ex-Maoists, and
Others.

The first two categories have moved into bazaars from rural areas for their own personal safety. Many security forces families are resident in bazaars in Banke and Bardiya Districts. Ex-Maoists, both girls and boys, are present in Jumla bazaar. They are unable to leave the area as they cannot walk out, and they cannot afford to fly out. They are therefore stuck in Jumla Khalanga bazaar and are vulnerable to exploitation by security forces, and retaliation by Maoists. At least one ex-Maoist has been assassinated in Jumla bazaar.

Other ex-Maoist girls have ended up in India having married policemen who were then transferred from the area. On transfer the girls found that their husbands were already married and consequently, left them. With no relevant skills or resources (they are often uneducated), they are thought to have ended up in red-light areas of India. Ex-Maoist boys are likely to be better able to look after themselves if they are able to leave the area, as they can work as labourers in India.

A further group of 'bazaar settlers' also exists. These are from non-combatant or civilian families. Many of the better-off families who have moved into urban areas, built houses and started businesses fall into this category. This has occurred in most district centres including Nepalgunj, Surkhet and Jumla. This category includes political leaders and businessmen.

Others who are less well-off have also moved into urban areas. These people have either moved in with relatives or are staying in hotels with friends, often with large numbers of people sharing one room. It is thought that a number of these people are building up debts, which they will have difficulty in repaying. Particularly vulnerable are those in Jumla who have moved into the bazaar for security reasons but cannot afford to initiate longer-term survival strategies such as starting businesses, and cannot fly out of the area.

Migrants Moving to India

Migration to India has been an increasingly common survival strategy for communities in the hill and mountain Districts of Nepal. This has increased dramatically this year. Monitors at the border estimated that between November and December 2003 (the normal period of peak migration) over 1,200 people were crossing the border per day in Nepalgunj. In previous years the numbers would have been around 200 to 300 maximum. A much higher proportion of women and children were also observed, although the majority of the migrants were still men.

Those men who have migrated to India before, often have contacts and know where they are going in India. However this regular movement has been swelled by a large number of first time migrants. This includes politicians and the well-off moving for their personal safety, and young men from rural areas moving out of Nepal to avoid recruitment by the Maoists. The most vulnerable group of these first time migrants are poor families, migrating with women and children, who do not have any resources at their disposal or any contacts in India. Often this occurs when they have failed to find land in Nepal on which to settle. The husbands of those families who have found land on the Terai, often migrate to India for employment purposes.

The increased flows of migrants have resulted in falling wages for jobs undertaken by migrants. Employment that gained IC 80 - 120 rupees per day last year, has reduced to IC 20 - 25 rupees. With the increased flow it is highly likely that there are many migrants from Nepal who have failed to find any employment at all. At present it is unknown where these people are and what they are doing to survive. Many are likely to end up in urban slum areas in India with no resources to return to Nepal."

Teachers, civil servants, political party affiliates and army/police family members particularly vulnerable to displacement (2006)

- Some professional groups, such as civil servants, political party workers, teachers, health workers and family members of persons in the police or army are particularly vulnerable to Maoist abuses.
- Some 1,200 RNA family members reported to be forced to flee due to Maoist actions of retaliation.

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 4

"While the entire population is potentially subject to forced provision of services to the CPN/M, certain professional groups are particularly vulnerable to involuntary involvement with the CPN/M, often leading to displacement and other violations. These include the local civilian authorities, political party affiliates, teachers, health workers and family members of persons in the police or armed forces. In Kalikot district, all VDC Secretaries has been displaced to the district headquarter and a large number of teachers have been displaced and killed.³ A series of issues contribute to the vulnerability of the teachers in a rural setting dominated by the CPN/M, including CPN/M disapproval of the existing curriculum and symbols⁴, the use of the school infrastructure for meetings and exercises, the use of the school for recruitment, levy of "taxes" on teachers' salaries, etc.

Rural health workers experience a similar situation in their inevitable interaction with the CPN/M and the security forces. The mission met with several health workers. Many are reportedly under pressure from the CPN/M to provide 25% of the government allotted medicines to the insurgents, as well as 7% of their salaries. They also reported being forced to provide 'intelligence' reports on CPN/M activities to the security forces when travelling to the district headquarters.

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 5

Most local authorities have been displaced by the CPN/M. Some 95% of the VDC Secretaries exercise their functions from district headquarters. In general, health workers indicated that they could travel with little or no restrictions and that they were free to move around more than other government staff. All health workers interviewed in both Taplejung and Panchthar reported a high degree of pressure by the CPN/M. The pressure ranged from having to take instructions as to where and when they should treat patients to being taken for 1 – 3 days to treat wounded and sick Maoists. One health worker shared the experience of being severely threatened and verbally abused by the SF. In addition, all health workers reported that they pay one day salary per month in tax to the CPN/M. In Taplejung, the CPN/M routinely confiscates 40% of government medical supplies administered through the health posts. In Panchthar, approximately 25% of supplies were taken."

Kathmandu Post, 15 May 2005

"While soldiers of the Royal Nepalese Army (RNA) are battling Maoist rebels across the country, the latter, in clear violation of Geneva Conventions, have stepped up violence against the soldiers' family members, forcing a number of them to flee their homes. As per data available at the RNA's human rights cell, 1,270 members of 292 families have already informed the RNA about their displacement. A large number of others are yet to come to government's account.

"This trend of displacement has been increasing," admitted Colonel Raju Nepali, who looks after human rights issues in the RNA headquarters.

Most of the displaced family members are from Dolakha, Kailali, Dailekh, Surkhet and Rolpa districts where 31, 30, 23, 22 and 20 families respectively, have been displaced after the Maoists locked up their houses and expelled them.

(...)

According to army sources, an RNA officer is entitled to family quarters facility in Kathmandu Valley just for two years. He can keep his family members at the quarters during that period.

Those who live in remote hills and have sons in the RNA have become easy targets of the Maoists after most of their political rivals already fled their homes when they were ruling party members. Local leaders of Nepali Congress, CPN-UML and Rastriya Prajatantra Party were major targets of the rebels when the parties were in power."

Background characteristics of working IDP children (June 2006)

- Study on working IDP children revealed that young children from ten to 12 years were significantly present in labour situations with the highest levels of vulnerability and risk, and/or lack of safety nets.
- Children from the major hill ethnicities dominated the working child population and the percentage of Brahmin/Chettri children among IDP working children far exceeded the percentage of Brahmins/Chettris in the general population of the country.
- The majority of children had received primary education or higher prior to displacement

TDH, CREPHA & SCA, June 2006, p. 19

The study focused on children from ten to 18 years of age. While a relatively even age distribution was found in most labour situations, young children from ten to 12 years were significantly present in three of the labour situations with the highest levels of vulnerability and risk, and/or lack of safety nets. Young children accounted for half of those in stone quarry work (with a high level of workplace injuries), two fifths in rag picking (with high levels of personal vulnerability, extremely poor living conditions and high external risk factors), and one third of domestic workers (with inadequate social safety nets and protection).

The castes and ethnicities of the children illustrated the caste-directed offensive of the Maoist insurgency as well as traditional economic responses of certain populations of Nepal. As expected, children from the major hill ethnicities dominated the working child population, particularly in occupations such as carpet factory labour which have traditionally drawn their workers from hill ethnic groups. Notably, nearly as many boy children were from Brahmin/Chettri castes, which have been extensively targetted by the Maoists in rural areas. The percentage of Brahmin/Chettri children among IDP working children far exceeded the percentage of Brahmins/Chettris in the general population of the country. Children from marginalized castes, generally considered to comprise a high proportion of migrant child labourers, were relatively few, particularly those from the southern Terai districts.

The study examined the level of the children's education prior to their displacement. The majority of children had received primary education or higher prior to displacement, and notably nearly one fifth of the children had attended Class 6 or above, indicating a severe disruption of children's education in the conflict areas. Those with the highest levels of education were predominantly older Brahmin/Chettri boys working in restaurants and as mechanics, who had fled or been sent away from the conflict for fear of forced induction into the Maoist army or retribution by either Maoist or security forces."

Study suggests change in profile of IDPs with poorer strata of society also affected by displacement (March 2005)

- The study notes that while it has been previously observed that those who moved to the main cities belonged to the well-off strata of Nepalese society, a change may have happened in recent months with middle-strata displaced people starting also to appear in the main cities.

SAFHR, March 2005, pp. 41-42

"In connection with IDPs, there also appears to be the assumption that people who come to Kathmandu are those who are able to, as they have the money or other means to make a life in the capital city. Unfortunately, earlier studies and research have indicated that those persons who leave homes and come to urban cities like Kathmandu or Nepalganj, belong to the well off sections of society. While that may have been the case in earlier years, our survey has shown, that it is no longer true that only the wealthy and persons of ability have chosen to be displaced and come to Kathmandu. It is true, that most families we met had some landholdings in their place of origin and some ability to subsist on land, but this should in no way be understood as that these are families who are 'relatively' well off.

Notwithstanding what these IDPs had at their place of origin, what is known is that they no longer have anything. In fact some families are at starvation point.

(...)

Our survey has also shown that it is no longer only the "individually targeted landowners, government officials and others who have reserves to live from for a period of time" who have

been displaced. Table 3 clearly shows that those who have come to Kathmandu have an average landholding of 2.7 hectare /family and 1.34 hectare/family of those who are in Surkhet District headquarters, this in no way signifies that these families who have been displaced are "landowners" or that they have "reserves" to live off for a period of time. The average period of time these people have been displaced is 32 months but should be seen within a range of one month to 102 months (or over 8 years!). If seen in tandem, with the picture of their current status of income and livelihood earning opportunities, the condition of the IDPs in these two areas is self-evident."

Global figures

Up to 200,000 people displaced (2006)

- No accurate displacement figures available since movements have not been monitored and no comprehensive registration has taken place.
- Between 100,000 and 200,000 people displaced within Nepal is considered as the most realistic estimate as of 2006.
- The majority of the displaced have since 1996 followed traditional migration routes to India
- As a consequence of a biased governmental IDP definition, the majority of IDP have been excluded from assistance and the "IDP" term has become a negative label designating a small group of displaced closely linked to the state. This makes future registrations as well as assessments of the scope of displacement very difficult.

How many are currently displaced?

In the absence of any comprehensive registration of IDPs and of any systematic monitoring of population movements by national authorities or by international organisations, it is difficult to provide any accurate estimates on the total number of people displaced since the conflict started in 1996, or for that matter of people currently displaced.

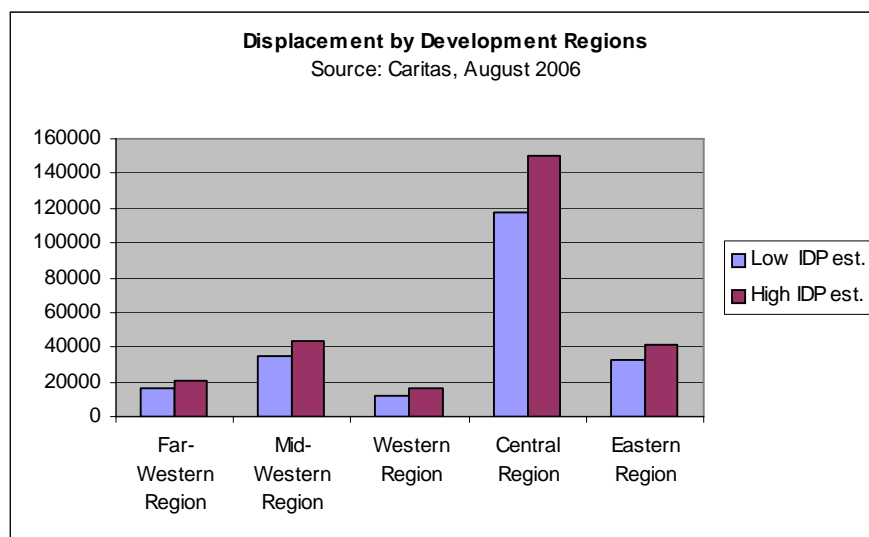
There have, however, been several studies attempting to capture the extent of displacement due to the conflict. Based on these studies and other available information, the IDMC believes that a range between 100,000 and 200,000 IDPs constitutes the most realistic estimate as of 2006. This figure does not include displacement to India where the majority of the displaced have sought refuge since 1996 and where a 1,500 km-long open border has made the monitoring of movements extremely difficult.

The table below shows various IDP figures collected from various sources and documents since 2003:

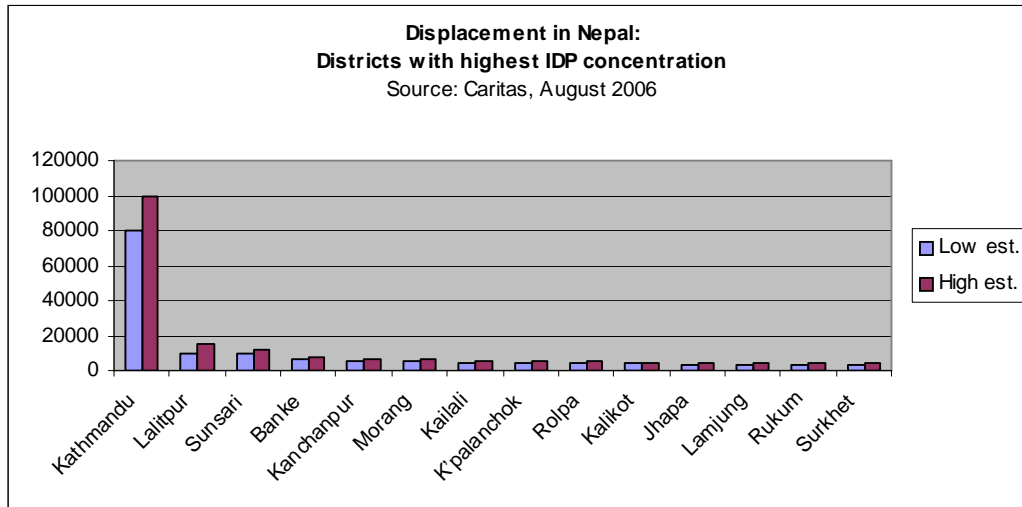
IDP figure	Source	Date	Comment/limitation
212,985-272,600	Caritas	Aug-06	Only covers IDPs living in district headquarters
200,000	UNHCR	May-06	
350,000	Caritas	Feb-06	
At least 100,000	CHR	Jan-06	"Between 100,000 and a few hundred thousands"
400,000	UNFPA	Nov-05	
18,666	Ministry of Home Affairs	Jul-05	Only includes those displaced by Maoists
40,000	ILO/CWIN	Jun-05	Children displaced since 1996
300,000-600,000	Minister of Finance	May-05	
50,000	INSEC	Apr-05	Only covers 2001-2004 period
2.4 million	ADB	Sep-04	Cumulative figure since 1996. Includes displacement to India
More than 100,000	Government	Aug-04	
More than 60,000	NMVA	Aug-04	IDPs in Kathmandu displaced by Maoists
350,000-400,000	C.SWC	Jan-04	Based on the identification of 160,000 IDP in 5 districts
100,000-150,000	GTZ, INF, SNV & cie	Mar-03	
500,000	EC & RRN	Apr-03	Includes forced migration to India
80,000	UNDP/RUPP	Jan-03	Only covers 2001-2003. Extra migration to urban areas
7,343	Ministry of Home Affairs	Jan-03	Only includes those displaced by Maoists

Where are the displaced located?

The following chart shows which Development Regions host the highest numbers of IDPs. It is based on figures gathered by a Caritas study team during 2005 and only covers IDPs living in the districts headquarters. The study team collected ranges in each districts, which were then compiled by IDMC to obtain regional ranges. A low and a high estimate is therefore provided for each region.

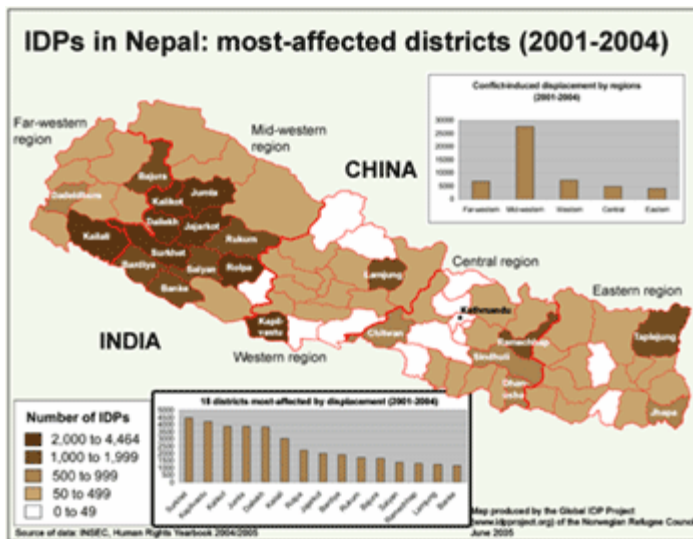


The chart below shows the 10 districts with the highest number of IDPs living in the district headquarters. Kathmandu is by far the main destination for the displaced with between 80,000 and 100,000 estimated to have settled there.



Where do the displaced come from?

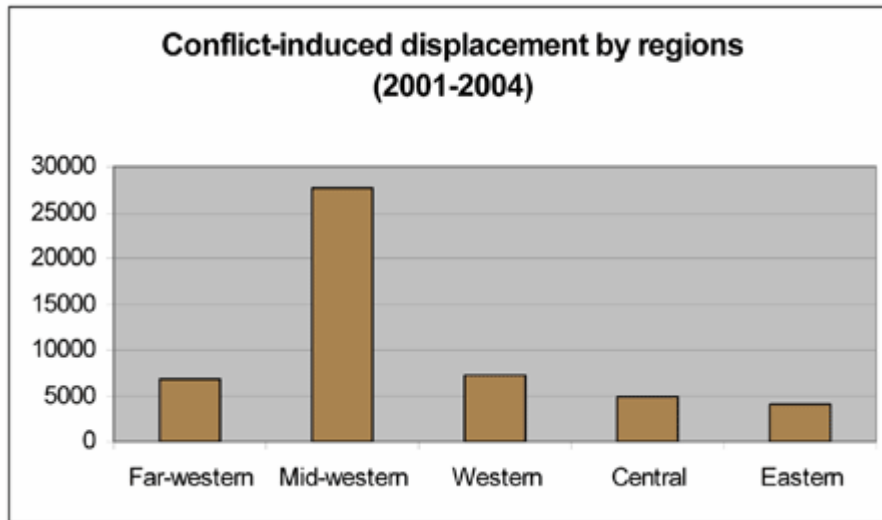
The map below shows the districts where most people fled from between 2001 and 2004. As the map clearly shows, the Mid-Western Region, where the conflict started in 1996 and where fighting has been the most intense, is the Region where the majority of IDPs have been displaced from. The data was taken from INSEC's yearly Human Rights reports 2003 and 2004.



Source: IDMC, June 2005, based on INSEC figures.

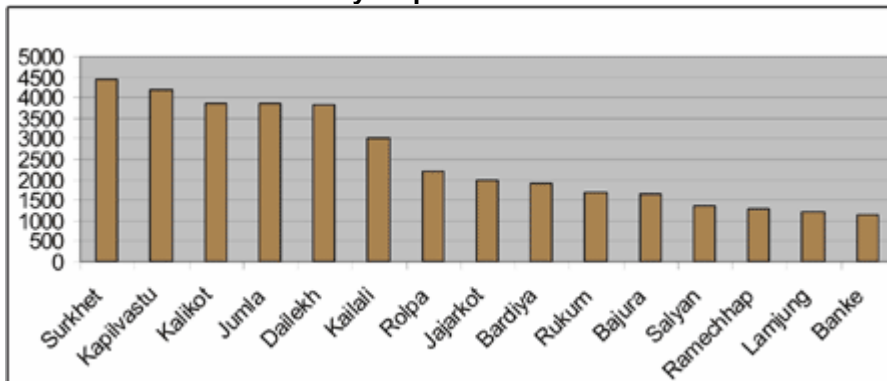
Although incomplete and showing only the "tip of the iceberg", it is assumed here that the figures used do reflect the patterns of regional distribution of IDPs in Nepal. For more information on the regional distribution of displacement as well as the districts most-affected, see the next envelope on "Geographical distribution of IDPs and most-affected districts"

The following charts show the regional distribution of conflict-induced displacement in Nepal and the districts most-affected.



Both charts are based on data collected by the Nepalese Human Rights NGO INSEC from 2001 to 2004.

15 districts most-affected by displacement



Both graphs by the IDMC, based on data from INSEC, April 2005

Problems with the identification of IDPs in Nepal

Major obstacles to assessing the scope of forced displacement have been the weakness of the government's IDP definition, which has only included people displaced by Maoist actions, as well as the very selective provision of assistance, which only reached the pockets of the well-connected among the displaced. Fear of ending up on an IDP list which would fall into the hands of the Maoists also convinced many that there was nothing to gain from registering as an IDP. As a consequence, the majority of those displaced by the Maoists remained either unaware of their status or preferred to remain unidentified. They moved quietly to safer destinations, relying on family networks or traditional migration routes to cope with their situation. While those displaced by Maoist actions had little incentive to register as IDPs, those who fled abuses by the security forces had absolutely none as they did not even qualify for assistance.

Problem with the government's IDP definition and registration system (September 2006)

- Majority of the displaced in Nepal are not recognized as such by a politicised government's IDP definition, which only considers victims of Maoist violence as IDPs.
- In addition to ignoring the majority of the displaced, the government's registration system is far too complex and potentially dangerous for people displaced by Maoist who fear retribution from them.
- Lack of funds available for the displaced explains why so few have chosen to register.
- New IDP policy issued in March 2006 has failed to improve on its main weakness, i.e the biased IDP definition.
- As a consequence of the flawed registration system, the "IDP" term has become a negative label used by the Maoists in many areas of the country to designate a small group of displaced people, who were seen as closely associated to the state since they managed to qualify as IDPs.
- In the east, the Maoist classified the displaced into three main groups:
- While IDPs belonging to the third group -those who quietly left in anticipation or in fear of the conflict- were welcome to return, those belonging to the second group, and who were accused of some "wrong-doing", had to accept conditions imposed by the Maoists before being allowed to return.
- Those belonging to the first group were accused of serious "crimes" and would never be allowed back

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 8

"The majority of displaced in Nepal are not officially recognized as such by the State, and at present there are few measures in place to monitor and ensure that their rights and basic protection concerns are met.

(...)

Another protection problem relates to the HMGN's system for the registration of internally displaced persons. In actuality the current registration process does not target internally displaced persons but rather those who wish to declare themselves officially as victims of the CPNM and to receive compensation from the government as such. The process of being accepted as a "Maoist victim" requires that an individual's claim be reviewed by security forces, local VDC Chairs as well as political party leaders. Many displaced, including those displaced by the CPN/M, are not willing to make such overt and public statements against the CPN/M for fear of possible retributions at a later time. In addition, all recommendations for compensation are reviewed on an individual basis by the Ministry of Home Affairs in Kathmandu, further dissuading many from providing their names to the authorities. Since the suspension of cash aid and compensation to "Maoist victims" the number of persons applying to register with the government has dropped to almost nil.

By definition, the victims of state violence are excluded or not covered by the current system. The government should establish a registration system for IDPs that is not politically motivated if it wishes to properly address the needs of displaced Nepalese. In addition the current system is technically deficient in terms of data collection and management standards. "

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p.10

"The same registration process exists in the Eastern Region as elsewhere. Many IDPs met with had been told that they had to register with the CDO in their own district; some had been rejected by the CDO in their own district when they returned. The decision to define a person as an IDP is taken by the district security committee, which is chaired by the CDO and includes the army chief,

the police chief, one national investigation committee officer and sometimes members of the political parties. Recognized IDPs tend to be politically affiliated or influential members of the community.

In spite of the recent political changes and a new IDP policy of March 2006, still only Maoist victims are categorized as IDPs. There has been no systematic collection of data on IDPs' movements and profiles."

"IDPs" as a negative concept in the eastern region

OCHA, 6 September 2006, p. 2

"One of the most worrying realities observed by UN agencies— OHCHR, UNHCR and OCHA— and other Organizations— Norwegian Refugee Council and INSEC—in the course of their most recent IDP assessment missions throughout the country is that CPN-Maoist cadres, government officials and even community members consider IDPs as “spies” or class or conflict “enemies”. Strikingly, the term IDP is used to refer to a very limited and specific group of displaced persons, namely the wealthier land-owners, the politically affiliated, the money lenders, ‘exploitative’ employers and persons accused of being informants for then-Royal Nepal Army (RNA).

This general confusion and stigmatization of IDPs has been exacerbated by the lack of a clear national policy defining an IDP. To date, the definition⁵ used by the Nepali governments has explicitly failed to recognize those persons displaced by the state forces. It identifies ‘the conflict-displaced person or family’ as the victims of ‘terrorists’ (meaning CPN-Maoist), leaving aside any victims of state or, as defined by the UN Guiding Principles for IDPs—any person having been ‘forced or obliged to leave their homes...in order to avoid the effects of armed conflict’.

The limited understanding of the concept of an IDP has not only distorted the perceived scope of the IDP problem in Nepal; it also has the potential to influence the public perception of people who remain displaced, the returnees and those that are still hoping to return.

An incomplete IDP policy

Another fact hampering a rights-based and recognized intervention in support of the displaced persons in Nepal is the lack of a comprehensive policy. A number of genuine attempts have been made by different governments to formalize the situation of the IDPs through a state policy. In March, the pre-April government presented its National Policy on Internally Displaced Persons. The policy is currently on hold pending an implementation plan and possible modifications. No revised version will however be formally issued while the existing version does not take into consideration all the basic principles and recommendations stipulated by the UN Guiding Principles on Internal Displacement.

Given the current context of major political turnaround, the subsequent return movements and the prospect of elections, the UN considers the adoption of a comprehensive IDP policy and related implementation plan to be an urgent priority. Such a document will need to address the issues of protection and assistance during the displacement and upon return, specify the rights of the persons displaced and ultimately prevent displacement. Furthermore, an inclusive definition of IDPs is a prerequisite for such a policy."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, pp.3-4

"The 2005 inter-agency mission to the Mid West led participating agencies to consider the international definition of internally displaced persons and its application in Nepal, as well as the

weaknesses in the government's definition. This mission also raised concerns about the definition of an IDP in Nepal. CPN/M, community members' and government officials' perception of who is a displaced person is a cause of concern. The mission noted that in the areas visited the term 'IDP' - or rather label - is used for a very limited and specific group of displaced persons, namely the wealthier land-owners, the politically affiliated or those openly opposed to CPN/M, as well as persons the CPN/M judges to be "bad or anti-revolutionary people". These include money lenders, "exploitative" employers, and persons accused of being NA informants.

One CPN/M VDC commander publicly stated that as a "defensive war strategy" they had forcefully displaced people considered informants. In discussions with the mission, a CPN/M district commander called the IDPs "political criminals". In a meeting with NGOs in a district headquarters, some participants expressed little sympathy for IDPs, arguing that most of them were "bad guys".

Independently of the actual integrity of individual displaced persons, the mission was concerned to find that many de facto displaced persons were not necessarily considered as IDPs by neither themselves, the CPN/M, the local authorities, or by members of the community. The mission was surprised to often find that in each VDC only a handful of persons were referred to as IDPs, frequently identified by name and with alleged "wrongdoing" attached. However, a much larger number of individuals have fled quietly due to threats of forced recruitment, extortions or other violations. This limited understanding of the concept of an IDP distorts the perceived scope of the problem and risks influencing the public's general attitude to all displaced persons.

The mission found that these perceptions and misunderstandings of the IDP concept are further fuelled by an unofficial, but commonly referred to, CPN/M categorization of IDPs:

Group A: IDPs that CPN/M and the community (according to CPN/M) consider having committed such "crimes" that could not be forgiven.

Group B: IDPs that had committed some "wrong-doing" but could be reintegrated into the community through a CPN/M-led process (see return section).

Group C: IDPs that had left preventively or out of fear, without having any specific issue pending with the local CPN/M authorities, and who are now welcome back.

The mission teams made efforts to discuss the concept of an internally displaced person and to contribute to a more comprehensive understanding of who was forced to flee from the area and who should consequently be entitled to support during displacement and be granted a right to voluntary, safe and dignified return. There is a great need to increase awareness of the many low-profile IDPs that left quietly (Group C) and might now be able to return, possibly needing support to do so.

IOM, 29 June 2006, p.13

"The Ministry of Home Affairs and District Development Committees (DDCs) are mandated to register IDPs, but lacks the capacity to implement a comprehensive program. International agencies that often register IDP populations, the World Food Program and UNHCR, have also not conducted a comprehensive registration process. During interviews with NGOs, political parties, and agencies, the following reasons were advanced to explain why so few IDPs have been registered:

The politicization of the term IDP dissuades the majority of IDPs from self-identifying;
IDP populations are unaware that registration is available;
IDPs perceive no value in registering, as relief support is virtually non-existent;

Many IDPs fear Maoist retribution should they register;
The system for IDP registration is insufficient to deal with the volume of IDPs; and
Slow and cumbersome verification procedures, including documentation requirements, which many IDPs have lost or never had to begin with.

Without registration, it is difficult to adequately monitor the scale of displacement and identify critical protection gaps. This is also true in the context of planning for post-conflict return programs. A national registration process is desperately needed, but will need to be designed to mitigate IDP fears, administrative weaknesses, and lack of information."

Geographical distribution

IDPs in the Eastern Region (July 2006)

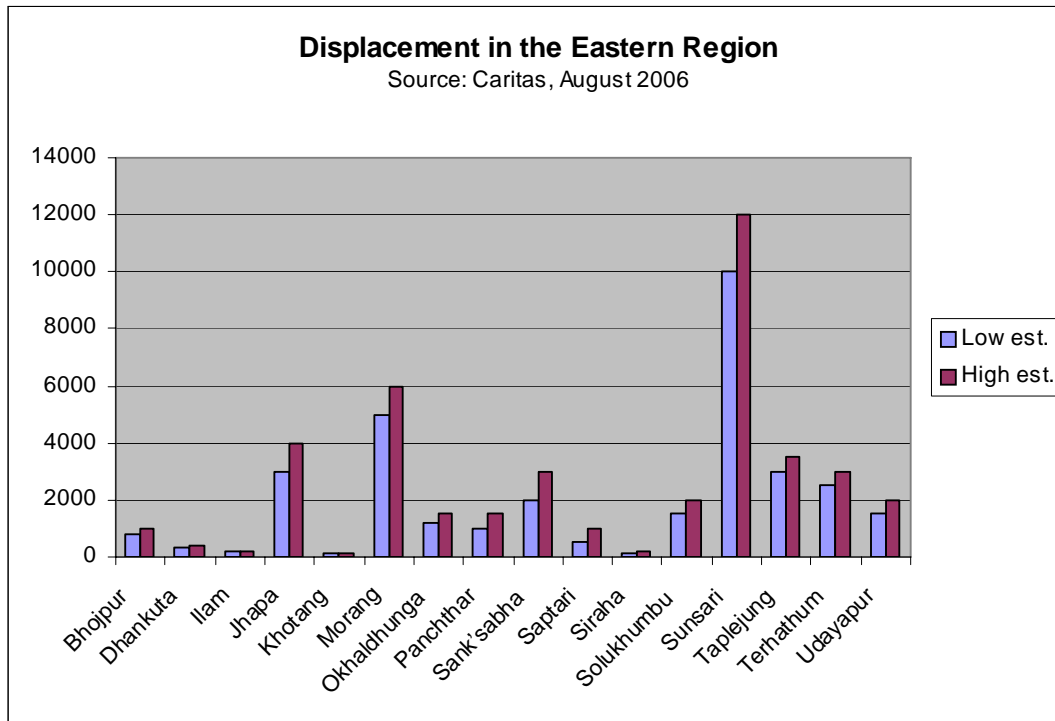
- The conflict only reached the Eastern region at the end of 2001, but it rapidly gained intensity as both the Maoists and the security forces fought to gain control.
- Gradually, the security forces left the rural areas to the Maoists and concentrated on maintaining control on the district headquarters. This reduced the level of violence.
- IDP figures collected by Caritas in 2005 showed that three districts with the highest number of IDPs are Sunsari, Morang and Jhapa with respectively 10,000-12,000, 5,000-6,000 and 3,000-4,000 IDPs

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 3

"Conflict reached the Eastern Region fairly recently. Although the CPN/M was politically active within the region before, the first violence directly linked to the insurgency was in December 2001 when two men were killed by the CPN/M in Taplejung district. The next three years were particularly violent as the security forces and CPN/M fought for control of the region. The majority of the population, particularly in the hills, has been directly affected by conflict. Husbands and sons were killed by the army or abducted by the Maoists, daughters were recruited by CPN/M or abused by security forces, the CPN/M forced many to leave, anyone outside the district headquarters paid extortion and contributed labor, public punishments and intimidation by CPN/M were common features of village life, and in many VDC people were killed, beaten or tortured by the army during its frequent patrols. During this time, state authorities (e.g. police and Village District Committee (VDC) secretaries) abandoned the rural areas. Many youth left for the district headquarters or abroad or joined the CPN/M. Following violent clashes the army concentrated its efforts on maintaining control of the district headquarters in Phungling (Taplejung) and Phidim (Panchthar) and the rural areas fell under the nearly exclusive control of the CPN/M. This reduced the overall level of violence, particularly killing and torture by the security forces. In the hills the boundary between government and CPN/M controlled-areas was relatively clear; the district headquarters were islands of state control in a sea of CPN/M authority. In the Terai the boundary was more diffuse and fluid as the two parties continued to battle for territorial control until the recent ceasefire."

Eastern Region	Low est.	High est.
Bhojpur	800	1000
Dhankuta	300	400
Ilam	175	200
Jhapa	3000	4000
Khotang	100	150
Morang	5000	6000
Okhaldhunga	1200	1500
Panchthar	1000	1500
Sank'sabha	2000	3000
Saptari	500	1000
Siraha	150	200
Solukhumbu	1500	2000
Sunsari	10000	12000
Taplejung	3000	3500
Terhathum	2500	3000
Udayapur	1500	2000
Total	32725	41450

Source: Caritas, 17 August 2006



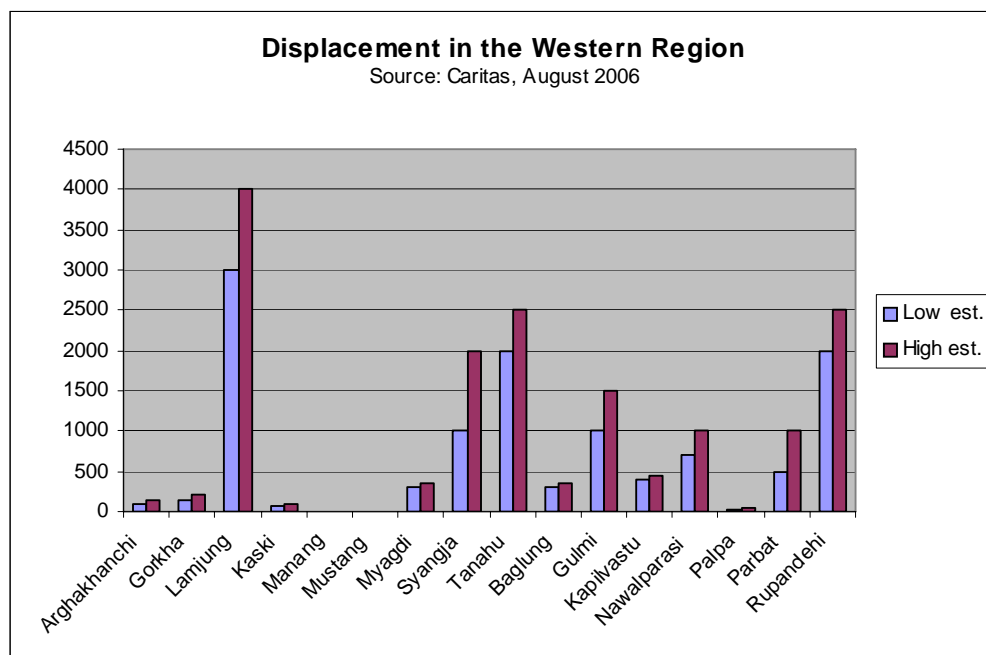
Source: Caritas, 17 August 2006

IDPs in the Western Region

- Caritas IDP figure collected in 2005 show Lamjung, Tanahu and Rupandehi districts as hosting the highest number of IDPs with respectively, 3,000-4,000, 2,000-2,500 and 2,000-2,500 IDPs living in the district headquarters.

The following table and chart show which districts in the Western Region host the highest numbers of IDPs. It is based on figures gathered by a Caritas study team during 2005 and only covers IDPs living in the districts headquarters. The study team collected ranges in each districts, which were then compiled by IDMC to obtain regional ranges. A low and a high estimate is therefore provided for each region.

Western Region	Low est.	High est.
Arghakhanchi	100	150
Gorkha	150	200
Lamjung	3000	4000
Kaski	80	100
Manang	0	0
Mustang	0	0
Myagdi	300	350
Syangja	1000	2000
Tanahu	2000	2500
Baglung	300	350
Gulmi	1000	1500
Kapilvastu	400	450
Nawalparasi	700	1000
Palpa	30	50
Parbat	500	1000
Rupandehi	2000	2500
Total	11560	16150



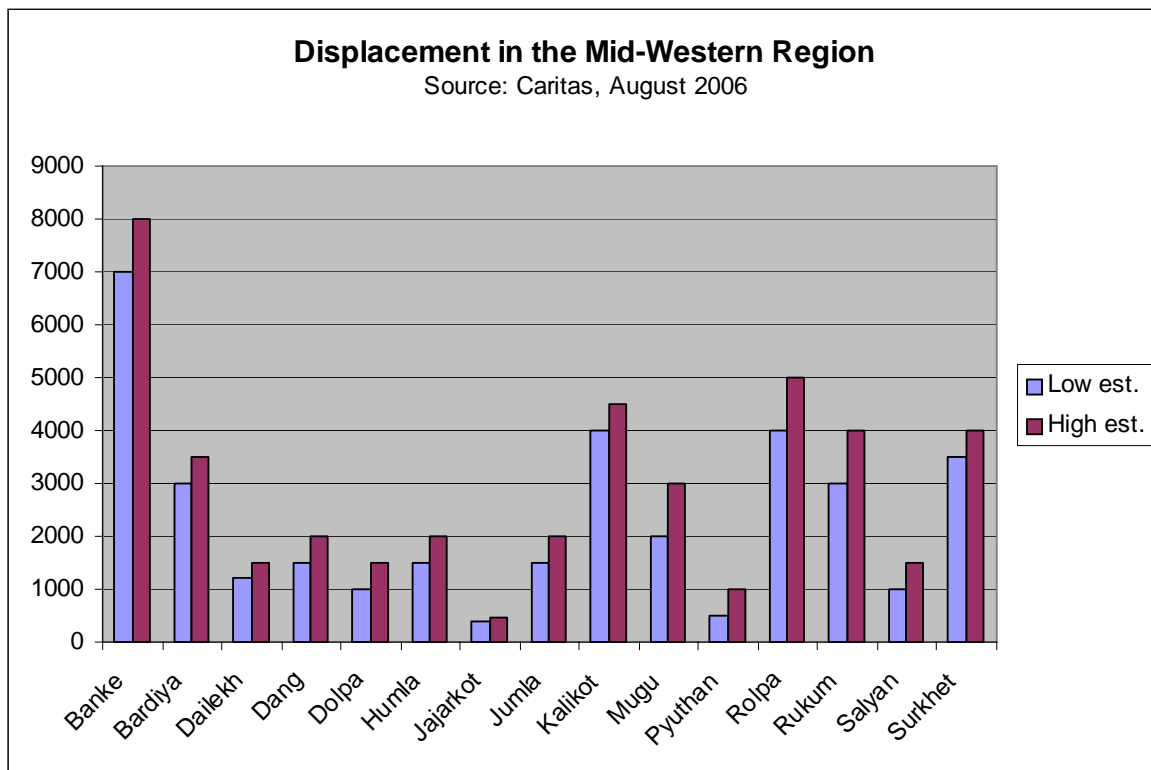
Source: Caritas, 8 August 2006

IDPs in the Mid-Western Region

- Caritas IDP figure collected in 2005 show Banke, Rolpa and Kalikot districts as hosting the highest number of IDPs with respectively, 7,000-8,000, 4,000-5,000 and 4,000-4,500 IDPs living in the district headquarters.

The following table and chart show which districts in the Mid-Western Region host the highest numbers of IDPs. It is based on figures gathered by a Caritas study team during 2005 and only covers IDPs living in the districts headquarters. The study team collected ranges in each districts, which were then compiled by IDMC to obtain regional ranges. A low and a high estimate is therefore provided for each region.

Mid-Western Region	Low est.	High est.
Banke	7000	8000
Bardiya	3000	3500
Dailekh	1200	1500
Dang	1500	2000
Dolpa	1000	1500
Humla	1500	2000
Jajarkot	400	450
Jumla	1500	2000
Kalikot	4000	4500
Mugu	2000	3000
Pyuthan	500	1000
Rolpa	4000	5000
Rukum	3000	4000
Salyan	1000	1500
Surkhet	3500	4000
Total	351000	43950

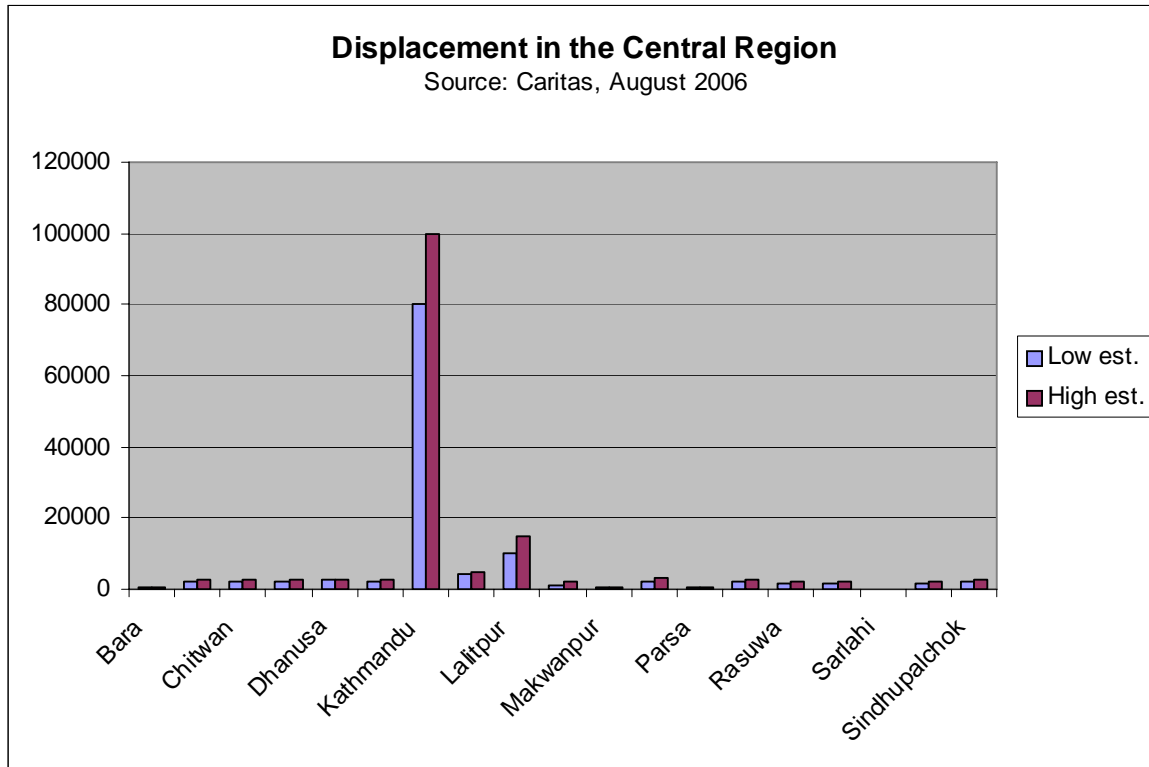


IDPs in the Central Region

- Caritas IDP figure collected in 2005 show Kathmandu, Lalitpur and K'palanchok districts as hosting the highest number of IDPs with respectively, 80,000-100,000, 10,000-15,000 and 4,000-5,000 IDPs living in the district headquarters.
- Trend of arrival in the capital shows a peak in 1994; followed by a sharp drop in 1995 and then a fairly steady increase until 2002. There was a drop in arrivals in 2003 by almost half; followed by a tremendous increase of over 350% in 2004 as compared to 2003.
- Only 9% of migrants interviewed had come to the capital primarily because of the conflict.
- Many thousands caught in the crossfire are first compelled to migrate to the safety of district headquarters, the towns nearest their homes, and eventually to the capital.
- It is getting increasingly difficult for displaced families with little savings and no income to rent rooms in Katmandu or in the Valley.

The following table and chart show which districts in the Central Region host the highest numbers of IDPs. It is based on figures gathered by a Caritas study team during 2005 and only covers IDPs living in the districts headquarters. The study team collected ranges in each districts, which were then compiled by IDMC to obtain regional ranges. A low and a high estimate is therefore provided for each region.

Central Region	Low est.	High est.
Bara	300	350
Bhaktapur	2000	2500
Chitwan	2000	2500
Dhading	2000	2500
Dhanusa	2500	2800
Dolakha	2000	2500
Kathmandu	80000	100000
K'palanchok	4000	5000
Lalitpur	10000	15000
Mahottari	1000	2000
Makwanpur	300	450
Nuwakot	2000	3000
Parsa	350	400
Ramechhap	2000	2500
Rasuwa	1500	2000
Rautahat	1500	2000
Sarlahi	100	150
Sindhuli	1500	2000
Sindhupalchok	2000	2500
Total	117050	150150



WFP, March 2005, pp. 6-7

"Six Field Monitors visited 26 wards and VDCs and 780 households in the urban, semi-urban, and rural parts of Bhaktapur, Lalitpur, and Kathmandu districts as well as Kathmandu Metropolitan Area from January 4 to March 11, 2005. Each household was queried about the origin of its members. If one or more was born outside the valley, a full household interview was conducted. In total, 308 full household interviews were completed – 84% in Kathmandu, 13% in Lalitpur and 3% in Bhaktapur.

ARRIVAL YEARS

Surveyed migrants arrived between 1959 and 2005. Movement to Kathmandu increased starting in the early 1990's. There was a clear peak in arrivals in 1994; followed by a sharp drop in 1995 and then a fairly steady increase until 2002. There was a drop in arrivals in 2003 by almost half; followed by a tremendous increase of over 350% in 2004 as compared to 2003. Over 20% of the survey population arrived in 2004. The one household who ranked 'forced out' as its principal reason for migrating arrived from Chitwan in 2003. Arrivals of conflict-induced migrants started with the onset of the armed struggle between the Government and Communist Party of Nepal (Maoist) in 1996. It increased gradually until 2001 after which there was a one-year drop, followed by a steep increase up to the end of last year.

REASONS FOR MIGRATION

Respondents overwhelmingly indicated that they left their districts of origin due to earning constraints (60%) or lack of facilities (31%). Only 9% of respondents claim they left due to the conflict.

RESOURCE GROUPS

When simple point scores for assets, expenditure on foodstuffs, and reliance on coping strategies are applied to the data, surveyed households in the valley can be broken down in three general resource groups.

The 14% of households in the high resource group never face food shortages and own considerably more valuable liquid assets, such as a bicycle, television set or in some cases a motorcycle, than any other group. About 57% of households belong to the medium resource group which spend less than 50 percent of their income on foodstuffs, hardly ever cope with food shortages or have to eat less preferred foods, and own some liquid assets. Conversely, the 29% of households that fall in the low resource group have fewer asset, higher food expenditures, and frequently eat less preferred foods and occasionally limit portion sizes.

Among respondents who rank the conflict as their principal reason for migrating, 59% are in the medium, 35% in the low, and 6% in the high resource group.

Seventy-five percent of the low resource group does not consider the conflict to have had any bearing on their decision to leave their district of origin.

DISTRICTS OF ORIGIN

Respondents came from a wide range of districts; 58% from the central development region; 23% from the east; 13% from the west; 3% from the far west and 3% from the mid west."

IDPs in the Far-Western Region

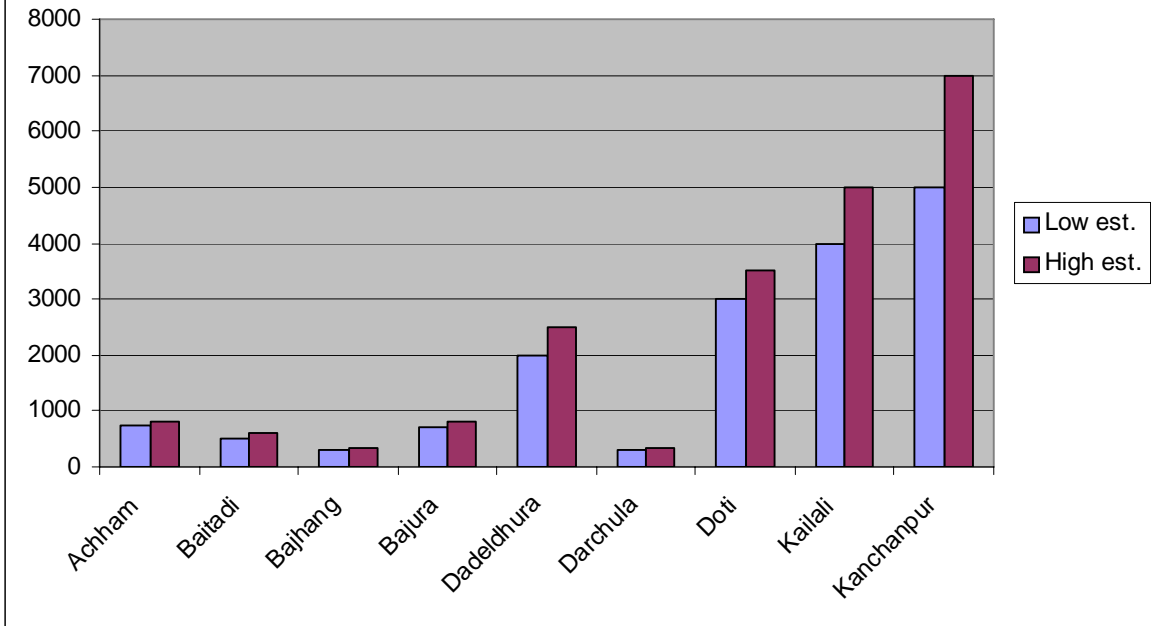
- Caritas IDP figure collected in 2005 show Kachanpur, Kailali and Doti districts as hosting the highest number of IDPs with respectively, 5,000-7,000, 4,000-5,000 and 3,000-3,500 IDPs living in the district headquarters.

The following table and chart show which districts in the far-Western Region host the highest numbers of IDPs. It is based on figures gathered by a Caritas study team during 2005 and only covers IDPs living in the districts headquarters. The study team collected ranges in each districts, which were then compiled by IDMC to obtain regional ranges. A low and a high estimate is therefore provided for each region.

Far-Western Region	Low est.	High est.
Achham	750	800
Baitadi	500	600
Bajhang	300	350
Bajura	700	800
Dadeldhura	2000	2500
Darchula	300	350
Doti	3000	3500
Kailali	4000	5000
Kanchanpur	5000	7000
Total	16550	20900

Displacement in the Far-Western Region

Source: Caritas, August 2006



PATTERNS OF DISPLACEMENT

General

Most people flee rural areas for the safety of urban areas/main cities or travel to India (2006)

- The general pattern appears to be a movement of people from remote hill areas, first to the District centres and then on to larger towns or per-urban areas, often on the Terai. Many then continue over the border into India
- Lack of work in the mountains and hills during the slack agricultural season in winter, of non-agricultural sources of income and of basic services annually induce a large number of Nepalese workers to move to the Terai and India in search for work
- Conflict has modified traditional patterns of migration and forcibly uprooted certain groups of population from their homes.
- More recent features of migration pattern: over the last year entire families have left their villages, migrating to the Terai, urban areas like Kathmandu and to India.
- Also, recently youngsters migrate by themselves inside the country and abroad, instead of traditionally migrating with adults from the village.
- The flow of migrants across the border into India has dramatically increased since the escalation of the conflict in 2001.

CHR, 7 January 2006, p. 7

"16. Two patterns of displacement can be distinguished. In most cases, displaced persons leave villages or small rural towns individually, with their families or in small groups. Some are direct victims of violence or have been threatened by Maoists. Many of these persons are party workers, village authorities, members of RNA families, rich farmers or otherwise influential persons in the village. Others, including many poor, feel that they can no longer cope with the generally prevailing climate of insecurity. Such families often sell their belongings, if possible, and following classic transportation routes go first to the district headquarters and then move on to urban or semi-urban areas in Terai, where they live with family members or rent their own accommodation. From there, they often go on to the Kathmandu valley or to India. This type of displacement is not very visible. The displaced merge into their new environment and are often too afraid or ashamed of being recognized as IDPs.

17. The Representative also encountered some cases where whole villages were displaced within days or even hours. Such mass displacements occurred in particular where vigilante or self-defence groups emerged in a specific location, threatening or even killing alleged Maoists. This was followed by retaliation from the CPN-M, causing mass displacement. These people fled to the next district headquarters or, in the case of areas in Terai, over the border to India. The Representative visited areas affected by such mass displacement in Kapilvastu and Dailekh districts. Village mobs or vigilante groups reportedly killed over 20 alleged Maoists in Kapilvastu district between 17 and 23 February 2005. The houses and properties of alleged CPN-M supporters were burnt or looted by the rampaging villagers, provoking the displacement of over 300 families, partly across the border. It was reported to the Representative that some politicians from the capital had encouraged these acts. He also heard allegations of RNA detachments standing by the mobs but not interfering with these extrajudicial killings. At the time of the Representative's mission, no judicial investigation had been started to find or punish the culprits.

In the villages of Namuli, Toli and Soleri, in the district of Dailekh, villagers formed local committees to parlay with the CPN-M to stop abducting children and teachers and to desist from the taxations. Reprisals by the CPN-M in November 2004 led over 400 families from the region to flee to the Dailekh district headquarters.

SAFHR, March 2005, p. 8

"It appears that most of the people from the districts of the East, North east and South Central/East of Nepal have moved to Kathmandu while the Western, North and Southern West have moved to Surkhet district headquarters at Birendranagar. However, we also found that some people from Far West districts like Rukum, Salyan, Baitadi, Kailali and Darchula had moved to Kathmandu, over a period of time. This information is further corroborated through our findings from informal discussions and focus group discussions with groups of people in Kathmandu and Surkhet.

Most of the people came directly to the district headquarters. However, even within that area many have moved house several times. Some people have gone to district headquarters and then come to the capital city. A majority of people seem to have moved mainly to urban or peri-urban areas, primarily with the expectation of finding some kind of succor and a greater abundance of opportunity for finding some kind of work."

OCHA/IDP Unit June 2004, p. 3

"5.1 The mission paid particular attention to the situation of the internally displaced. It was often difficult to determine whether economic or conflict-related factors provided the overriding motivation to move. It is also nearly impossible to verify the number and location of IDPs, as they generally move in small groups and merge into a social network of families and friends. The typical pattern of displacement is from poor, conflict-affected rural areas to larger towns or across the border to India. Many of those displaced by Maoist violence appear to be individually targeted landowners, government officials and others who have reserves to live from for a period of time. The poorer IDPs fleeing generalised violence or human rights abuses move to district headquarters or, if they can afford the journey, to India where economic opportunities are slightly better than in Nepal."

CSWC 1 February 2004, p. 4

"Pattern of Displacement Movement

1. District Headquarters,
2. City Centers-Terai
3. Capital,
4. India,
5. Third Country for employment (Malaysia and Gulf countries)

The number of IDPs falling in each category is not known."

INSEC April 2004, pp. 113-114

"A family prepares to migrate as soon as possible after the Maoists kill any of its members. The tendency of migration after killing of a family member is also seen and they even abandon all their properties in the rural areas. People of this category have mostly migrated to the capital city or the regional headquarters. Members of the political parties and security personnel are found to immediately migrate to bigger and relatively safer places after killing of a family member.

(...)

Those displaced by the ongoing violence have not migrated towards a certain place and the background of the people being displaced is also not the same. The family members, capacity, economic ability, probability of employment opportunities all have played important roles to determine the destination of the displaced people.

Source: INSEC, April 2004, p. 115

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, p. 10

Some people have resided in nearby villages with their relatives to instantly seek refuge from increasing dangers, the others for long term security have sought refuge in district headquarters and the other district headquarters where they have some one of their acquaintance. But there are many people who have directly migrated to the capital city or such other larger towns where they have access. "

"The data gathered provides a mixed and complex picture. The general pattern appears to be a movement of people from remote hill areas, first to the District centres and then on to larger towns or per-urban areas, often on the Terai. Many then continue over the border into India. Against this general pattern there were other types of movement, for example some people moved in an east – west or west – east direction. These patterns of movement are illustrated in figure 4 (See Annex 9)."

Save the Children UK, March 2003, p.12

"People consulted during the assessment agreed in considering the migration phenomena much wider than what it traditionally is. While there are reports of entire villages virtually derelict of men between 12 and 60 years of age, the lack of monitoring and the open border with India makes it virtually impossible to gain a clear picture of migration in Nepal. It is possible however, to identify some more recent features of migration pattern. Over the last year entire families have left their villages, migrating to the Terai, urban areas like Kathmandu (this is where the confusion with IDPs happens), and to India. But more interesting, is the recent phenomena of youngsters migrating by themselves inside the country and abroad. Traditionally these migrated with adults from the village. From the little data collected about migration, it would seem that in addition to economic reasons there are protection concerns pushing people and youth to leave their villages. Most wealthy families have managed to migrate to the capital; or to send their children to boarding schools outside the conflict area. Poor people more often did not migrate and tried to cope *in loco*."

Martinez, Esperanza, July 2002, pp. 5-7

Maoist insurgency has modified traditional patterns of internal and international migration

"Nepal has traditional patterns of internal and international migration, mostly related to the search for better job opportunities. However, the outbreak of the Maoist insurgency in 1996 and most especially, the deterioration of the security situation after the failure of peace talks at the end of 2001, have modified these patterns and forcibly uprooted certain groups of population from their homes.

1. Seasonal migration

Seasonal migration in Nepal from the highlands to the lowlands in winter has a long history in the country. The massive internal migration was facilitated by the building of the east-west and north-south highways, and after malaria was controlled in the south.

Lack of work in the mountains and hills during the slack agricultural season in winter, of non-agricultural sources of income and of basic services annually induce a large number of Nepalese workers to move to the Terai and India in search for work. The largest number of migrants to India comes from landless groups, the highly indebted and members of the “low caste” groups and is especially high in the Far Western Region. Wealthier people tend to go to East and South Asian countries where earnings are significantly higher.

Other factors that have contributed to the large numbers of people migrating to India on a seasonal basis are the open border between Nepal and India, high demand for cheap labour in India and a common linguistic and cultural background across the border. Needless to say that the fact that the Far Western Region is better linked by road to India than other parts of Nepal has also played an important role.

There is no available data on the exact scale of seasonal migration, but some studies conducted in villages in the Western Region have shown that between 60-80 percent of the male population are away from home during the winter.

The official current figure on the number of labour migrants (except those in India) is about 12,000. However, independent estimates show that more than 200,000 people have gone to several countries as foreign workers from Nepal. Other figures indicate that as many as 500,000 Nepalese workers are working abroad.

Concerning the benefits obtained from migrant labour, many argue that remittances form a high proportion of the total household income for the seasonal migrants’ households. However, other studies show that in poor households, especially in the Far Western Region, the benefits from migration are low and consist mainly in a reduced number of household members to be fed on the household income at the place of origin. There is also a general observation that migrant households are poorer than non-migrant households, with less access to agricultural production.

For those migrant Nepalese workers who return home with remittances, the deterioration of the security situation in Nepal places them at the risk of robbery and subject to extortion by the Maoists. In some Asian countries, migrant workers use an informal money transfer system through private agents as it is a cheap and efficient form of money transfer and involves lower transaction costs and a better exchange rate. However, this so-called *Hundi* system is not applicable in India.

The flow of migrants across the border into India has dramatically increased since the escalation of the conflict in 2001, and especially after the imposition of the state of emergency, according to district and municipal authorities in the Mid and Far Western Regions. The majority of migrants are male youths escaping forced recruitment into the Maoist forces and the pressure imposed on them by HMG/N’s security forces. As the Nepalese-Indian border is open, there are no available figures as to the extent of the increase in migration.

According to Douglas Coutts of WFP, “the unrest in Nepal has affected the traditional coping mechanisms of communities. Men used to leave to work and come back with cash or food. Much of that traditional migration has been affected”. In fact, at the beginning of the monsoon many men return from India to Nepal in order to help in the rice planting. A phenomenon widely observed by district government officials and development workers in Nepalganj –one of the main crossing points to India- is that very few people are returning home this planting season.

2. Conflict-related Displacement

With the deterioration of the security situation in 2001, in many mid and far western districts the Maoists expanded their intimidation and violence practices targeting landowners, members of the ruling party, VDC chairmen and wealthy people. As a result, most of them decided to migrate to the district headquarters in search of safety. In recent months, remaining government officials and teachers under threat from the Maoists have been forced to migrate from their villages. Field reports indicate that these targeted persons have, in most of the cases, moved to the district headquarters leaving their families behind. Those reports also suggest that the families are not being further threatened at this stage.

The declaration by the Maoists of the "district people's government" strategy in August 2001 and the beginning of forced recruitment from every family of one young man or woman, prompted the increased exodus of young people to India. In addition, the military pressure from the security forces since the imposition of the state of emergency in November 2001 has further increased the migration of especially males aged 13-28."

IDPs prefer not to be recognized as such to avoid stigmatisation (July 2006)

- Most displaced have either moved to India or settled in the district headquarters, generally unaware of their status or remaining voluntarily unidentified out of fear of retribution by Maoist or security forces.
- In the east, although the effects of displacement are very visible in the empty villages, the displaced themselves are rather invisible, the majority preferring to keep a low profile to avoid the stigmatisation associated to the "IDP" label, often used by Maoists to refer to political criminals.
- Many health workers and teachers have been transferred to different areas as a result of threats.
- Large-scale displacement took place in Kapilbastu district as a result of vigilante violence, forcing up to 35,000 to flee across the Indian border.

OCHA, September 2006, p. 1

"Monitoring the dynamics of displacement in Nepal has never been a straightforward task. Unlike other contexts where IDPs remain within the internationally recognized borders of the country to seek refuge in established settlements or easy-to-trace host families, in Nepal IDPs have either gone to India through the 1,500 km-long open border or quietly settled in the district headquarters.

The majority have remained voluntarily unidentified due to fear, insecurity or unawareness of their status. The unclear boundaries between conflict-related displacement and historically seasonal and economic migration from the hill districts to the Terai and to India have further complicated the task of identifying and monitoring IDPs.

(...)

The wide range and diversity of the persons displaced has further hampered the ability to trace them and contributed to the relative 'invisibility' of the IDPs. Traditionally, landowners, political party workers and the village elites were the first to flee following or fearing harassment by the CPN-Maoist. Forced recruitment of men and youth by the CPN-Maoist combined with the Security Forces' suspicion of their collaboration with the CPN-Maoist forced many young people and male heads of households to move out. As the conflict evolved, extortions, closure of schools, disruption of local commerce and failure of basic services prompted entire families to abandon their homes in numerous instances."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 7

"In spite of the very visible consequences of forced displacement in the villages themselves³, the magnitude and nature of displacement to district headquarters and other urban areas in the East is not nearly as visible. By and large displaced persons are assumed to have had an association with the CPN/M or security forces and face suspicions from their host communities, preferring to keep a low profile in their new environments. Admitting to be displaced also involves social stigmatization as the term "IDP" has become generally associated with an unpopular group of people - "the exploiters or betrayers of the people" as labeled by the Maoists in some areas, but also referred to as informers, village bullies, criminals, or corrupt politicians by normal villagers.

In response to threats, the State transferred teachers and health workers from one area to another. The mission met with some teachers living in the district headquarters and commuting to their teaching posts daily by foot due to continued fear of the Maoists. Occasionally, transferal to a remote area was used as a threat to health workers and teachers who did not cooperate and give information about the Maoists' activities. The mission was told that the State had recently informed displaced teachers that they had to return to their original posts or their contracts would not be renewed. Most displacements in response to forced recruitment have been of individuals. They have not been given 'IDPs' status in the district HQs as they do not meet the Government's restrictive definition which does not include threats as a basis for IDP status. However, there is a growing awareness among local NGOs, security forces and even with local government officials that they have fled the consequences of the conflict. Many have left Nepal, fleeing to India and to Gulf states."

OCHA, 7 October 2005

"There are various complex dynamics of conflict-related displacement occurring in Nepal. The first to be displaced have generally been members of the mainstream political parties, the land-owning elites, and other enemies of the so-called 'People's War'. Whilst these groups have specific protection concerns, they have usually had the resources to move and the connections to allow them to integrate at their new destinations, both inside and outside Nepal.

Other individuals and families have had to leave their homes as a result of being unable to sustain their livelihoods because of the conflict and because of threats from the warring parties, and in particular by the CPN (Maoist)'s drive to recruit 'one fulltime member from each family'. These people, especially poor and marginalised people, have often settled in slum areas around district headquarter towns and in the Terai⁶. Many have continued to Kathmandu or India. A recent mission from the UN Inter-agency Internal Displacement Division was told that in some highland villages up to 80% of the population has left. This has resulted in a breakdown of village social structures where only old and vulnerable groups are left behind as most young men and many of their immediate families have fled.

Others have fled in large groups from new intensive fighting. A number of districts have recently witnessed the re-emergence of 'village defence committees', or vigilante groups. In Kapilbastu district, in a recent 'civilian uprising' against the CPN (Maoist), a 4,000-strong mob killed or terrorized individuals suspected of aiding CPN (Maoist) cadres, and torched an entire village. Recriminatory attacks by the CPN (Maoist) left further casualties. It is estimated that up to 35,000 people fled across the nearby border to India. Many started to return only a month after the attacks. Similar incidents have been recorded elsewhere, notably in Dailekh and Surkhet. On the rare occasions when IDPs have settled in ad-hoc camps they have not received sustained or coordinated aid. Most displaced have integrated into urban centres and there are currently no large permanent camp-like populations existing in Nepal."

Majority of working IDP children were accompanied when traveling to urban areas (June 2006)

- Study by TDH and SCA showed that the majority of children migrating to urban centers in the past years and who engaged in some form of productive work, traveled safely from source to destination thanks to family and village networks.
- Based on INSEC's data, the study observed that 3/4 of the children came from seriously conflict-affected districts.
- Half indicated that they had fled Maoist problems, while the other half cited economic motives as the main reason.
- Half of the girls and three-quarters of the boys had knowledge of the type of work they would be doing.

TDH & SC Alliance, June 2006, p. 2-20

"The study challenged the somewhat dramatic assumption that much of child IDP migration is made up of children separated from their families and travelling unaided in a hostile environment, prey to abusers and traffickers. The majority of children travelled with family or persons from the same village, went directly to the destination and were provided support upon arrival. Exploitative labour agents and traffickers were not reported. Although some of the children indeed travelled at risk and definitely needed support and protection, the majority of children and their families did not appear to need 'safe migration' interventions. Family and village networks supported the children well during migration, although the support from these networks weakened after the children arrived at their destination. The problems of children appeared to be most significant at the source and destination rather than during the migration process.

(...)

The study used the article 'IDPs in Nepal: Most Affected Districts' from the INSEC Human Rights Yearbook 2004 as the basis for differentiating between districts that were either moderately or seriously affected by the conflict. The study showed that three quarters of the children came from seriously conflict-affected districts. More than one half of the children stated that Maoist problems, among other reasons, was the cause of their migration. Nearly one half attributed home economic problems, among other reasons, as the cause of their migration. The extent to which these economic problems are a direct result of the conflict could not be determined, although other studies indicate severe disruption of rural economies, particularly in seriously conflict-affected areas. A small but notable number of children migrated because they had been abandoned by their families. Whether this abandonment is due to the conflict or other reasons is not clear. However, a significant lack of family care and support is indicated and requires further investigation.

It is clear from the study that the majority of the families of these working children took concrete steps to protect their children from the conflict by arranging their placement in work situations in Nepal's urban areas. In two thirds of the cases, families unilaterally made the decision for their children to migrate. The great majority of children travelled directly from their homes to the urban destination, and the majority were aware of that destination at the time they migrated. Almost all families provided protection to their children en route, sending them to the cities accompanied by family members or persons from the same village. It should be noted, however, that neither village acquaintances nor distant relatives necessarily provide the support and protection to a child that is provided by close family members. Almost all the girls and three fourths of the boys travelled accompanied by someone they knew. As expected, those who travelled alone were primarily older boys. In the cities, relatives and persons from the same village most often placed the child in the work situation. In some cases, such as stone quarry work, entire families migrated together for employment. In other cases, such as carpet factory labour, children entered workplaces with long-existing presence of family members or fellow villagers. Children were not

always knowledgeable of the work they would perform at the time of their migration, however. Approximately one half of the girls and three quarters of the boys had no prior knowledge of the work they would engage in."

Displacement to India

Large flow of displaced people moving to India illustrates the transboundary nature of the displacement crisis (June 2006)

- Between 10,000 and 16,000 displaced children reported to have crossed the Indian border in only three months time, between June and August 2004.
- Indian embassy officials claim 120,000 Nepalese moved to India fleeing the conflict in January 2003 alone.
- During 2002, the displaced fleeing the conflict have added to the traditional flow of migrants to India.
- More than 8,000 people passed through the border with India during the week 4-11 December, the highest weekly figure that they have ever recorded.
- Many of the Nepalese end up as apple pickers in Simla, where they have friends. Others find work as construction crew, kitchen help in restaurants, or even rickshaw-pullers in cities of north India.
- Wealthier people from the northern districts have moved permanently to Nepalgunj, buying property and building houses on the outskirts of the city.

IOM, 29 June 2006, pp. 13-14

"Between one million and five million Nepali citizens live in India. Major concentrations can be found along the border region, as well as in New Delhi, Calcutta, and Mumbai. Nepal and India have shared an "open border" since 1950, and Nepalis have the right to live and work in India without a visa. According to the 1950 Treaty of Peace and Friendship, the citizens of both countries are entitled to the realization of all rights while in each other's territory, with the exception of voting rights. As a result, India claims that no Nepali in India qualifies for refugee status as per the 1951 Convention Related to the Status of Refugees.

Seasonal migration patterns make it difficult to distinguish between conflict-forced migrants and economic migrants. Many displaced persons move within Nepal first, winding up in the District Centers in the Southern lowlands that border India (the Terai), and then crossing into India in search of employment and subsistence. According to Refugees International, "...the conflict is now so all-pervasive that it is impossible to separate purely economic migrants from those fleeing the conflict. India has become a safety valve for those seeking security and economic survival. NGO leaders who monitor the situation worry that as larger than usual numbers of Nepalis keep coming to India, the Government of India will become concerned about the effect on domestic and national security. There are concerns about potential linkages between left-wing insurgency groups operating in India and Nepali Maoists in India..."¹³

In addition, trafficking is becoming increasingly common, with criminal organizations moving IDPs to India under the pretense of restaurant or domestic employment, only to traffic them into the brothels of New Delhi and Mumbai.

During the assessment visit, civil society organizations and the political parties voiced strong support for including Nepalese citizens in India in the referendum process, but few had concrete

ideas about how that might happen. Given the limited timeframe of the assessment visit, it was not possible to visit India. Follow-up programming to better understand the demographics and issues confronted by this population is warranted.

Kantipur Online, 9 June 2005

"India is worried about the influx of people from Nepal, especially those living in the rural areas, because of continuing instability in Nepal, reported The Himalayan Times Thursday.

'The number of people coming from Nepal to India through various checkpoints has doubled,' said the THT report filed from New Delhi quoting an official source. 'The number of people streaming across the border is increasing with every day.' "

Between 10,000 and 16,000 children reported to have left Nepal for India between June and August 2004

SAFHR, March 2005, p. 37

"In September 2004, discussions with the Save the Children Norway, revealed disturbing trends of displacement of children and young persons. This information emerged from a survey they carried out at five of the exit points along the western border of Nepal and India that showed a regular flow of young persons in the age group 14-18, but many others as young as 6 years, out of Nepal into India. In the monitoring during the months of June, July and August 2004, it appeared that at least 10,000 young persons went over to India. Whether these children will return is a matter of conjecture, even though many of them said they were going to India to earn some money and return to Nepal for Dassain (major festival of the Hindus in Nepal). While there were a number of young girls, usually with family members, a majority in this age group are young boys who are with friends or other members of their community. There is no monitoring done on the Indian side.

Subsequently, a report published in The Kathmandu Post, December 6, 2004 (Conflict drives children towards muglan), further highlights these findings, stating that over 16,000 children to date had left Nepal, with only 5458 of them having returned to Nepal. The report also mentions that these children find work as "hotel and factory labor and in apple plantations".

ICG, 10 April 2003, p. 2

"Indian embassy officials indicate that roughly 120,000 displaced Nepalese crossed into India during January 2003 alone – fleeing both forced recruitment by the Maoists and RNA attacks."

The Nepali Times, 19 December 2002

"They come across the border by the thousands every day. Young, old, men and women fleeing the fighting in Nepal for safety and jobs in India. It is happening in most towns along Nepal's 1,800 km frontier with India, but the exodus is most visible here on the Indian side of the border from Nepalganj.

(...)

This is not new, Nepali hill farmers have been migrating for decades after their harvests to find seasonal work in India. But what is different this year is the sheer volume of displaced people, and the fact that they are not seasonal migrants—many are not going to return until Nepal returns to normal. It is obvious that added up, there is a massive humanitarian crisis brewing here.

The outflow of villagers from insurgency-hit mid-western districts has now reached a peak. Officials at the border police post at Nepalganj told us they counted more than 8,000 people

passed through during the week 4-11 December, the highest weekly figure that they have ever recorded.

Those leaving Nepal range from three-month old children in the lap of mothers to 60-year-old villagers. Clad in torn jackets, dirty caps, slippers and jute sacks full of belongings, they have been travelling on foot and bus for days to reach this border. But here, their ordeal has just begun as they face an uncertain future in a foreign land. 'We left because it was getting more and more dangerous. The soldiers come and want to know about Maoists, and the Maoists come and punish us for talking to soldiers,' says Tanka Shahi, 24, who has left his home village of Jamla in Jajarkot and is headed to India. He doesn't know where he is going, or what type of work he will get. All he knows is that he wants to be somewhere safe.

(...)

Many of the Nepalis end up as apple pickers in Simla, where they have friends. Others find work as construction crew, kitchen help in restaurants, or even rickshaw-pullers in cities of north India. 'In India they can not just earn some money, but they will also have security,' explains Niraj Acharya, former member of the Jajarkot district development committee who has himself fled for the relative safety of Nepalganj.

(...)

Paradoxically, the unfolding human tragedy of the mid-western districts has resulted in an urban boom in Nepalganj. Roadside lodges and restaurants are doing a roaring business, and transport operators in Nepal and India have a lot of customers. Wealthier people from the northern districts have moved permanently here, buying property and building houses on the outskirts of Nepalganj.

Satta Prakash Singh, who operates a private bus service in India out of Rupediya, told us: 'I have had to double my fleet to accommodate the Nepalis.' Singh's company used to operate eight buses from Rupediya to Delhi, Hardwar and Simla daily till a few months ago. 'Now, we operate a total of 20 buses every day,' he said. Ten three-wheelers used to ferry passengers from Nepalganj to Rupediya till last year, now there are over 25.

Go to Rupediya on any given day, and you can see hundreds of Nepalis boarding buses here. One bus we saw this week with a capacity of 70 passengers was carrying 100—all of them Nepalis bound for Lucknow. As Nepali nationals do not need a passport or visa to travel to India and it is much cheaper to travel by land route across the border, India is the destination of choice. As long as the insurgency continues, it is clear that this migration will not stop, and perhaps it will even intensify.

The question is: can the Nepali hills sustain losing 16,000 mostly-able bodied men every month? Who will plant crops, maintain terraces, take care of the families who remain behind?

This humanitarian crisis also highlights the trans-boundary nature of the conflict in Nepal. So far, there have not been any reports of Nepalis being prevented from entering India, but officials here say that with the tight job market in India which is already full of its own internally displaced people and the possibility of more Nepali migrants moving down, the situation needs to be carefully monitored by both governments."

Exploitative working conditions in Nepal encourage IDP children to move to India (June 2006)

- Exploitative conditions for IDP children in urban labour situations encourage many, in particular boys, to leave for India

- During July and October 2004, a total of 17,583 children were documented crossing the border from Nepal to India
- Children below 12 were found to be traveling in groups but nearly about fifty percent of children above 15 were spotted traveling without any guardian.
- Children not traveling with family were often being accompanied by people referred to as "mets" locally, who gained a monetary commission in providing children as labour.

TDH & SCA, June 2006, p. 1

"It is evident from the study that rural internally displaced children in urban labour situations are subject to severe exploitation in the form of heavy workloads, lack of remuneration and denial of basic needs. These exploitative conditions encourage children to leave their jobs, and many boys, after attempting to survive in urban Nepal, have migrated to India. Girls, however, have fewer options than boys and many must work to support their families. Hence, most girl children are compelled to live and continue working in their present circumstances. For many IDP working children, labour abuse is complemented by social discrimination, and many children in the study felt they were mistreated because of their rural origins, poverty and current status as displaced persons. This discrimination has given rise to the incidents of physical abuse, psychological abuse and sexual exploitation of labouring children that have been documented in the present study."

SCA & CCWB, July 2005, pp.10-20

"During the three months period that data collection targeted outgoing children, a total of 17,583 children were documented crossing the border from Nepal to India at the five monitored checkpoints. As seen from the table and chart below, the largest outflows were from Nepalgunj and Mahendranagar respectively.

The enumerators also made some interesting observations about the patterns of movement among these children. In general, children below 12 were found to be traveling in groups but nearly about fifty percent of children above 15 were spotted traveling without any guardian, although some were accompanied by other children of their relevant age group. A group of about 5-12 children guided by an elderly person before noon was a common sight. The observers/researchers reported that the traveling children looked like they were flustered and in despair. It should be noted that, most of these children who were being guided by an elderly person of no family relation were being accompanied by people referred to as "mets" locally. These "mets" gain a monetary commission from people seeking labour in India when they provide these children to them. This form of child migration illustrates the economic exploitation of children that is prevalent in Nepal due to the prevalent poverty and further research on this topic may even prove that such practises can be possibly be considered as a form of ongoing child trafficking.

Also, most traveling groups heeded to the advice of astrologers while crossing the borders. In these western regions of nepal, astrologers often proclaimed "good days" for traveling on Wednesdays and Thursdays. Mondays and Saturdays are believed to be "bad days" for traveling in the western and souther direction for the long trips"

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

Human rights situation improves following the establishment of a new government, but serious concerns remain (July 2006)

- Sharp deterioration of the general human rights situation was noted between 2004 and 2005.
- Torture is reportedly widely practised in Nepalese prisons.
- TADA 2002 was replaced in October 2004 by a even more draconian anti-terrorist legislation allowing authorities to detain a suspect up to one year without charge or trial.
- Most arrests and initial period of detentions take place outside any legal framework, especially when suspects are held in army custody.

OCHA, 18 July 2006, pp. 4-5

"The installation of a new government and subsequent developments has resulted in some improvements in the human rights situation, particularly with regard to freedom of assembly and expression. Several hundred detainees suspected of involvement in the CPN-M and held under Terrorist and Disruptive Activities Ordinance (TADO) have been released, including juveniles, and there has been a sharp reduction of detention in army barracks. The Government has announced the repeal of several pieces of legislation, which curtailed human rights, including the Media Ordinance. The ceasefires announced by the two parties to the conflict have drastically reduced the number of International Humanitarian Law (IHL) violations by both sides.

Nevertheless, the Office of the High Commissioner for Human Rights (OHCHR) and other organisations have raised a number of continuing concerns with regard to basic human rights and international humanitarian law by both parties to the conflict. Reports of cases of abduction, extortion and also some recruitment of children by the CPN-Maoist have continued during the entire period. Of particular concern has been a spate of abductions by the CPN-Maoist since late April 2006 where the victims have subsequently been found dead.

The issue of impunity and accountability for past abuses committed by both sides remains pending, including the clarification of the whereabouts of several hundred detainees who disappeared in the years prior to 2006, although the new Government has started to take some initiatives to clarify individual cases of disappearances. More long-term concerns such as gender and caste discrimination also need to be more fully addressed."

OHCHR, 16 February 2006, pp.2-3

Although the number of reported killings of civilians by CPN (Maoist) fell during its unilateral ceasefire, OHCHR-Nepal received information about killings of civilians and members of security forces who were hors de combat, abductions, other violence and threats to civilians, including Government officials, teachers, journalists and human rights defenders. The leadership of CPN (Maoist) stated that it was no longer their policy to kill any unarmed persons or to target the families of security forces personnel, and that it had taken or would take action against those responsible for violations, but OHCHR-Nepal was unable to ascertain or verify the punishment.

OHCHR-Nepal investigations in three districts found that illegal armed groups have committed threats, extortion, assaults, and killings against suspected Maoists and that, in some cases, the State either tolerated or colluded with their actions.

(...)

Children's rights to life, physical integrity, health and education, were repeatedly violated by both sides to the conflict and there were reports of killings, beatings, arbitrary detention, recruitment or other use of children for military purposes, as well as attacks against schools and health facilities. OHCHR-Nepal investigated scores of conflict-related cases of human rights abuses against women and girls, including abuse and torture in the course of search operations by the security forces or during the presence of CPN (Maoist) in their villages. Human rights defenders, especially those working outside of the Kathmandu Valley, remained vulnerable to threats, intimidation and detention by State authorities and CPN (Maoist)."

INSEC documents sharp deterioration of human rights situation in 2004 and 2005

OMCT, 10 April 2006

In 2005, the human rights situation seriously worsened in Nepal, as highlighted throughout the year by INSEC and OMCT's activities, notably following the Royal Proclamation on 1st February 2005. Since then, the State was engaged in the violation of human rights and humanitarian laws in the name of ending the conflict. There was suspension of civil and political rights and the State used every measure to suppress the peaceful protest programmes of political parties and civil society. This year, the prolonged conflict claimed the lives of 1,524 persons - 815 from security persons and 709 from the Maoists.

In 2005, Nepal witnessed unilateral ceasefire from the Maoists for four months. Though national and international communities appreciated it, the government was reluctant to reciprocate. This made clear that the government was not in the mentality to find peaceful solution to the ongoing crisis. During the unilateral ceasefire 85 persons were killed by the State and 24 persons by the Maoists. Notable thing was the reduction in the per day killings during the ceasefire.

Maoists were also involved in abuse of human rights and violation of international humanitarian laws. They abducted 32,857 persons this year, most of them being school children. Child rights was breached most from the Maoist activities this year.

After February 1, 2005, the trend to re-arrest political activists and human rights defenders by defying the court verdicts increased dramatically. As per INSEC documentation, as many as 84 persons were re-arrested in 11 months of the King's direct rule. Some of them were re-arrested from the even Supreme Court. As many as 100 cases of re-arrest have been recorded in INSEC.

The absence of security institution in the rural areas helped the criminal groups operate freely. Such groups killed 371 persons out of 1,895 persons in the year 2005."

Kathmandu Post, 9 April 2005

"Democracy and human rights face serious crisis in Nepal at present than in the past, observed a United Nations official.

"Democracy and human rights are now in a more difficult situation than in the past," said David Johnson, senior human rights advisor from the Office of the UN High Commissioner for Human Rights, United Nations, in Nepal. He was speaking at the launch of the Human Rights Year Book 2005 prepared by Informal Sector Service Center (Insec) on Saturday.

(...)

The Insec Human Rights Year Book 2005 states that the human rights situation and democratic values are deteriorating rapidly.

It said that 2,681 people - 1,077 by Maoists and 1,604 by the state - were killed in the past one year.

"The year was marked by increasing reports of arbitrary arrest, torture, abduction, disappearances and killings related to insurgency and counter-insurgency operations," the Insec report said.

It also stated that Maoists had abducted about 26,000 people in 2004. Most of them were forcibly taken away to attend Maoist indoctrination programs.

Over 250 people were killed in landmines and bomb explosions in the past one year, the Year Book has stated. Insec has recorded that over 12,000 people were displaced during the year due to insurgency. "But the number of people who have been displaced due to insecurity could be four times higher than that," the annual report said.

"Due to weak presence of the state, instances of impunity and Maoist excesses were on the rise," said the report. Similarly, hundreds of people remained in the "disappeared" category at the end of the year. The number of people who have "disappeared" after they were taken into custody by security forces has crossed the one thousand mark, the HR Year Book claimed.

Subodh Raj Pyakurel, chairman of Insec, said that the human rights body had documented the government's excesses."

Torture reported to be widely practised under detention

IRIN, 28 June 2005

"Activists and lawyers in Nepal are seriously concerned about the lack of proper documentation or official investigation into the cases of suspects allegedly tortured in police and army custody. They say that former detainees who were subject to torture whilst in detention inside army barracks and police stations are often too scared to go to the courts to seek justice and compensation because they fear reprisals by security force personnel.

(...)

"Many are unwilling to file cases at the courts for fear of being rearrested and tortured again. They are really traumatised, so they keep quiet," said lawyer Mandira Sharma from Advocacy Forum (AF), one of a handful of NGOs fighting against the illegal detention and torture of detainees.

"They are even afraid to go to doctors and mention torture while undergoing medical check-ups. The victims are constantly threatened not to reveal any information," added Sharma.

According to AF's ongoing four-year-old custody monitoring in over 10 districts, most individuals detained under the Terrorist and Disruptive Activities Act (TADA) have suffered torture and inhuman treatment at the hands of security personnel.

Introduced in 2002, TADA gave special powers to the authorities to arrest anyone without a warrant on suspicion of being either a Maoist or a Maoist supporter. Since then, many innocent civilians have been subjected to illegal detention, say the activists.

A report by leading local human rights organisation, Insec, documented nearly 3,430 arrests in 2002, the highest ever recorded in the nine years since the start of the violent Maoist campaign in 1996.

"The situation for the detainees is quite worrisome. We can easily gauge that from the cases of the individuals released from detention," said advocate Rajendra Ghimire from the Centre for Victims of Torture (CVICT). He added that many don't want to take the risk of seeking justice when they are released after receiving mortal threats from the officials not to open their mouths."

Anti-terrorist legislation of 2002 (TADA) replaced in October 2004 by a more draconian anti-terrorist ordinance (TADO)

HRW, March 2005, pp. 53-54

"Under the state of emergency declared in November 2001, the constitutional protections against arbitrary detention and the right to judicial remedies (apart from habeas corpus) were suspended altogether, thus rendering people even more vulnerable to arbitrariness and abuse. At the same time, security forces were given additional powers to arrest and detain suspects on preventive detention orders under the Terrorist and Disruptive Activities Ordinance (TADO). The ordinance was later replaced by the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), which was enacted into law for two years in April 2002.

When TADA expired in April 2004, the Nepali authorities were unable to renew it as a parliamentary act, as Parliament and other democratic institutions had been disbanded by King Gyanendra in October 2002, effectively suspending Nepal's brief experiment with democracy. Instead, King Gyanendra extended the legislation by royal proclamation (reverting to its status as an ordinance).

The first TADO granted security forces sweeping powers to arrest persons suspected of involvement in acts of terrorism without a warrant. Under the law, detainees can be kept for up to sixty days for investigation and for up to ninety days in preventive detention in "a place suitable for human beings," without being brought before a court of law.

On October 13, 2004, King Gyanendra again issued by Royal Proclamation a revised and even more draconian Terrorist and Disruptive Activities Ordinance (TADO 2004), which provides the security forces with even greater powers, allowing them to hold individuals in preventive detention for up to one year without charge or trial and without any recourse to the judiciary.

In its current incarnation, TADO 2004 also provides Nepali security forces with immunity from prosecution for "any act or work performed or attempted to be performed in good faith while undertaking their duties," effectively making them unaccountable for possible violations.¹⁸² RNA personnel seem to interpret the various versions of TADO as relieving them of accountability for unlawful actions imposed by the Army Act (see below)."

Few working IDP children exposed to physical abuse or trafficking (June 2006)

- Study by TDH and SCA showed that few IDP working children faced significant external risk factors such as involvement in drugs, crime, unwilling sex or prostitution.
- The main reason for the low exposure to these risks were the long working hours, which kept them away from negative influences

TDH, CREHPA, SCA, June 2006, p. 25

"The study attempted to assess factors outside the residence and workplace that could result in children's increased exploitation or abuse, involvement in drugs, crime, unwilling sex or violence, or entering worse working situations such as prostitution or other forced labour. These were termed 'external risk factors.' Generally, it was found that few children faced significant external risk factors. Families, employers and the children themselves arranged the entry into labour for all children, and labour agents were not mentioned. Investigation of children's knowledge of the departure of other children from the workplace, and their accompaniment and destinations, provided no data indicating the presence of traffickers.

Notably, the primary 'protection' for children from external risk factors came not from family or employers, but from the children's long working hours and lack of mobility, which kept them away from negative influences. With the exception of girl carpet factory workers, about whom other studies have noted the problems of sexual abuse and trafficking, rag pickers were the only child labourers who faced significant external risks in their 'workplace.'"

Parallel judiciary structures run by Maoists in rural areas lack independence and fail to guarantee people's right to security and physical integrity (September 2006)

- OHCHR gathered information showing that despite the end of hostilities and commitments by the Maoist, "people's courts" continue to run outside the main urban centers.
- Although filling a gap caused by the absence or inefficiency of state law enforcement and criminal justice system, OHCHR expressed concern that the parallel judiciary system run by Maoist fail to provide minimum guarantees of due process and fair trial by an independent court.
- In 2004, Maoists were reported to run parallel courts in 25 of Nepal's 75 districts, in particular in the districts of the rebel heartland.

OHCHR, 25 September 2006

"OHCHR's investigations into allegations of human rights abuses by the CPN-M have found that many are committed in relation to the "people's courts" and "law enforcement" activities. After the ceasefire declaration, the CPN-M started to extend their parallel structures to districts headquarters and villages where they had previously not been present, most notably through the setting up of "people's courts". OHCHR confirmed that "people's courts" gradually ceased to function in some urban areas after CPN-M Chairman Prachanda issued a directive, on 3 July, that "people's courts" were to cease to function in "big cities and Kathmandu". In some case, the "people's courts" were transferred from the district headquarters to a nearby Village Development Committee (VDC) apparently to circumvent the instruction. At the village level, the "people's courts" continue to function in many areas as they did prior to the ceasefire, although the concept of a "people's court" varies from place to place.

It is recognised that some villagers in some rural areas appear to seek to use the CPN-M "people's courts" because of the absence, passivity of, or a lack of trust in the state law enforcement and criminal justice system. Local populations have, for example, reacted positively to CPN-M actions against those suspected of serious crimes such as rape and murder. OHCHR's investigations suggest that many abductions for "law enforcement" purposes occurred in VDCs where there is no Nepali Police (NP) presence. During the decade-long conflict, many police posts were destroyed or abandoned and police were killed or threatened. The NP has started to redeploy to some posts but have mostly been unable or unwilling to respond to the need for the re-establishment of former police posts, often being prevented from doing so by the CPN-M, by lack of resources or due to prevailing uncertainty regarding the outcome of the peace process.

Most of the current NP posts are located in district headquarters and the three or four largest towns of any district.

Nevertheless, OHCHR believes that the abductions, related investigations and punishment related to the “people’s courts”, including holding people in private houses, fail to provide minimum guarantees of due process and fair trial by an independent court. They give rise to concerns regarding issues related to the right to liberty and security and, in some cases, to physical integrity (ill-treatment and torture) and to life (killing).”

IRIN, 14 September 2006

“The rebels and the government have had a series of talks and agreed to the key Maoist demand of holding elections to the constituent assembly by 2007 but the parties are concerned that the rebels are already trying to govern most of the parts of the country outside the capital even prior to the elections.

“The Maoists are already acting as a parallel government. This is causing serious concern amongst us,” said Debraj Bhar, leader of Unified Marxist Leninist (UML), the country’s second largest party.

The seven parties have been voicing their concerns over the past few months since the peace process started. They say that the Maoists should stop acting like they are superior to other parties and that they have violated all the agreements reached during the last three rounds of peace talks.

“It is very unethical on the part of the Maoists, who have turned a deaf ear to both the parties and the government when requested to stop collecting taxes, or making their own policies, especially in the villages,” said Krishna Man Shrestha, leader of the Nepali Congress (NC), the largest national party.

However, the Maoist leaders have told IRIN in Nepalganj that they have the right to govern as they control nearly three-quarters of the Himalayan kingdom. “We are the parallel government and will not stop acting as such,” explained the rebel leader Subedi.

The Maoists are finding it easy to collect taxes from vegetable and livestock markets, forestry, transportation, hotels, schools, colleges, and individuals, and even collect customs duties near the Nepal-India border, according to observers.

(...)

Another key concern among the parties and human rights activists has been Maoist attempts to interfere into the country’s judiciary system by running their own ‘People’s Courts,’ to help to find justice for people who lost their cases in the real courts.

“As a political force, we have to be involved in every sector and so we have our own legal system, vastly different from the usual court system of this country,” said Anil Chettri, who is the chief judge of the ‘People’s Court’ in Kohalpur village, 50 km from Nepalganj. Chettri did not attend university and has no formal training in law, although he says he has enough practical experience.

But there are concerns that this judge has often ruled in favour of his own Maoist supporters despite lack of strong evidence against their opponents.

“You have to be a Maoist supporter to win the case. The innocent people who are not supporting their rebellion will be victimised,” said a landowner requesting anonymity as he was leaving the

Maoist court after losing his case over a land dispute with a rebel farmer. He explained that many people have lost their lands to farmers backed by the Maoists after filing cases in the rebel court."

One World South Asia, 29 July 2004

"Even as the local administration in Nepal remains virtually paralyzed, Maoist rebels are reportedly running parallel courts in rural areas, which dispense rough and ready justice, much to the satisfaction of the poor.

The contrast couldn't be starker. While the Nepalese army and police have spurned the Supreme Court's directives on human rights violations, contending that the court lacks jurisdiction, in Nepal's remote villages where Maoist writ prevails, none dare defy the rebel courts which the authorities derisively call "kangaroo courts."

Kangaroo or not, their numbers are clearly jumping. According to observers, rebel courts are in full swing in 25 of Nepal's 75 districts, and especially in districts in the rebel heartland, where state law has almost abdicated.

The government doesn't deny the existence of this parallel administration either. Devendra Satyal, an official in Nepal's Law and Justice Ministry concedes that the Maoist courts are running in the nine mountainous mid-western districts of Rukum, Rolpa, Salyan, Pyuthan, Jajarkot, Kalikot, Dolpa, Dailekh and Achham, while pockets of influence are growing elsewhere.

Shanti Rana (name changed), a lady government schoolteacher in a southern district village, says the state courts are "totally paralyzed" in the region.

"It's not just because of the fear of militants that the Maoist courts are successful. In a criminal justice system that is brazenly pro-rich, for the poor chasing justice is like chasing a mirage," voices Rana.

To be sure, the Maoist judges, though not legal experts, are local people who have grassroots appeal. "They dispense prompt and impartial justice. There's the fear of harsh reprisals so people avoid legal machinations or lies, ensuring fair play and quick justice," explains Rana.

The Maoist courts mainly deal with ordinary people, marginal farmers and laborers. "The rich landlords have abandoned villages and their lands are now in possession of the actual tillers, thanks to the Maoists. So land disputes are literally non-existent now," says an official in a southern village."

See also on the Nepalese local governance system:

["Local governance"](#), Friedrich-Ebert Stiftung, 2002

Freedom of movement

Landmines constrain movement of people within Nepal and contribute to displacement (September 2006)

- According to a Nepalese anti-mine group, an estimated 13,000 people have been killed by landmines in Nepal in the last decade.

- From only 4 mine-affected districts in 1999, the number increased in the following years to reach 75, or all the districts only 3 years later.
- The increased use of mines has restricted movements within the country and contributed to the increase in the number of IDPs by disrupting farming and economic activities.
- An anti-landmine activist estimates the number of landmines to reach at least 10,000.

Reuters, 11 September 2006

"At least 1,290 people have been killed by landmines planted by government troops and Maoist rebels during Nepal's decade-old conflict, a leading anti-mine group said on Monday.

The victims, including nearly 200 women and children, are among more than 13,000 people killed since Maoist guerrillas bent on toppling the Himalayan nation's monarchy launched a revolt in 1996.

"It is very serious and most of the victims are innocent civilians," Purna Shobha Chitrakar, coordinator of Ban Landmine Campaign Nepal, part of a international anti-landmine campaign, told Reuters.

At least 4,262 others have been injured by landmines, said Chitrakar.

The government and Maoists agreed to a ceasefire after King Gyanendra restored democracy following weeks of popular protests in April and returned power to political parties, leading to the formation of a multi-party, interim administration.

Both sides have pledged not to lay any new mines as part of a peace process they launched in May but activists say all existing mines must also be destroyed immediately."

AFP, 10 December 2005

"The International Campaign to Ban Landmines (ICBL) says the number of deaths and injuries from landmines worldwide has fallen -- but not in Nepal, where a Maoist insurgency has seen both sides increase the use of the deadly devices.

Since the Maoists began their "people's war" in 1996, more than 1,200 people have been killed and 2,500 more maimed by landmines and improvised explosive devices (IEDs).

(...)

In 2004, the government began supplying local militias with landmines to be planted around villages, to protect them from Maoist attacks, according to the NCBL.

The year 2004 saw 389 landmine deaths in Nepal, and before the Maoists declared a ceasefire in September of this year, the devices had killed 203 people and injured over 700.

The ceasefire has improved the situation to some degree, but it still remains a serious concern for the NCBL"

ICBL, October 2004

"There have been no formal surveys or assessments of the mine situation in Nepal. The extent of the landmine problem is not fully known, but it has clearly grown significantly year after year. Landmine Monitor reported that four districts were mine-affected in 1999, 37 districts in 2000, 71 districts in 2001, and all 75 districts in 2002. Since the end of the cease-fire in August 2003, both government forces and rebels have been laying more mines. In 2004, the Army has been building more security posts, and planting more mines to protect them. In Rasuwa District, a landslide

swept away landmines laid around the Ramche Army barracks, and the mines became a threat in a wide area.

Increased use of mines by government and rebel forces has had a corresponding socio-economic impact. The danger of mines has hindered movement within the country, but has also contributed to the increase in the number of internally displaced people and refugees. It has also disrupted farming and other economic activity. This is particularly true for the mid-western regions of the country.

The government has been expropriating more land, including agricultural land, to be fenced and mined for military purposes. According to a press article, in Chanak one man saw his land, valued at five million Nepalese rupees (US\$71,943), confiscated, then mined and fenced with wire. A former parliamentarian told Landmine Monitor that compensation is not always provided for the expropriated land and expressed concern that people have to move from their land to an unsecured life.

As the conflict has expanded and shifted to new battlegrounds, landmines and other explosive remnants of war in former battle areas are increasingly a threat for local populations. In Baglung District two children were killed when they played with mines found in such an area. In the Sallepakha Village Development Committee of Ramechhap District, villagers will no longer go into an area where they used to collect firewood, leaves and grass due to the danger of mines and UXO left behind after a battle between the Maoists and government forces."

Increasing number of landmines in Nepal

BBC, 3 December 2003

"Troops and Maoist rebels are increasingly using landmines in the conflict in Nepal, campaigners say. Those most at risk are children, the International Campaign to Ban Landmines said in a report released on Wednesday.

The number of civilian casualties from mines planted by both sides is rising as a result, they say. (...)

The Nepal branch of the International Campaign to Ban Landmines says the organisation has recorded around 500 deaths caused by landmines in the past 33 months.

More than 100 of the victims were civilians and a quarter of them children.

Thousands have died since the rebels took up arms in 1996. Of some 900 wounded, nearly one third were civilians.

The group's co-ordinator in Nepal, Purna Shova Chitrakar, said the army had planted more than 10,000 landmines in different parts of the country.

She said Maoist rebels frequently use improvised devices - but she could not say how many they have used.

Nepal is not a signatory to the 1997 international Ottawa Treaty that banned landmines.

The Nepal branch of the International Campaign to Ban Landmines says that the rebels are increasingly using both factory and homemade mines and explosive devices against security personnel."

SUBSISTENCE NEEDS

General

Displaced community remains fairly well integrated, although living conditions are often difficult (July 2006)

- People displaced in the early phase of the conflict, mainly from the wealthier strata, had little difficulty in re-establishing a livelihood in area of displacement.
- For the poorest IDPs, living conditions were described as difficult with little support to cope with high unemployment rates, large debts and a high level of dependency on assistance from relatives or friends.
- By and large, IDPs in Nepal live like the rest of the Nepalese, mainly thanks to traditional coping mechanisms.
- The open border with India has played a major role in preventing the displacement crisis to turn into a major humanitarian one.

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 9

"Many of the displaced people have integrated into their new environments. They are living with relatives or in rented accommodation, have been able to find jobs and enroll their children in schools. For others the displacement has been a serious obstacle in reestablishing a normal life, having lost everything they owned and coming to a town already pressured by an increased population. Originally, the majority of the displaced people belonged to the wealthier part of the population, that first wave of displacement was followed by displacement of more vulnerable groups.

The first weeks of displacement were described to the mission as an extremely difficult time for most of the displaced. Some had been forced to beg for food at the local hotels while taking care of their children. Because of the distrust among the host community, many faced problems renting flats or finding jobs. Most IDPs lived with relatives or in rented houses often in poor conditions. Many had run up large debts: they had left all their property and investments behind, had used their savings, and were forced to take up loans to survive. The unemployment rate among the IDPs was high. The women were reported to find work in hotels and bars; while prostitution was the only option for some. The mission also received reports of child labor among IDPs. Many mentioned that they still lived in constant fear, even if there had not been any incidents since they arrived at the district headquarters.

Upon arrival in district headquarters, some IDPs had received emergency supplies from ICRC such as a blanket and a kettle. Registering with the CDO had not resulted in any formal support from the Government. Some who had been beaten by the Maoists and the security forces had received free treatment, paid either by the government or the political party he or she belonged to. Most were dependant on support from their friends and relatives. A few women had received some support collected by women's groups in the headquarters. Emergency shelter has so far not been necessary as IDPs have not gathered in specific areas, but live scattered around the towns."

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 6

"Fortunately however, due to the cohesive and extended family structures, and the open border with a large country of significant wealth and opportunity, there are not groups of hungry women and children gathering around Kathmandu or other urban areas or in camps. Rather, most of the displaced appear to be living in urban or semi-urban areas, privately accommodated and quietly going about the task of reconstructing their lives. Traditional coping mechanisms such as seasonal migration to urban areas and India, support of family and community members, and movement of youth to Kathmandu and beyond for educational and work opportunities, have helped the Nepalese population face the additional burdens imposed upon them by conflict. Displaced Nepalese mingle with established communities, living in private housing that ranges from adequate to barely tolerable. Whenever possible, their children attend schools, private or public. They use existing health services to the extent they are available and accessible. Essentially, they live as most other Nepalese in Nepal.

Because the displaced community – for the moment – remains fairly well-integrated, a large scale humanitarian response is not needed and would not be appropriate at this time. Nevertheless, the current response of the HGMM and the international community to the needs of Nepalese affected by the conflict is not sufficient or acceptable. In this regard, it is important and possible to make the distinction between seasonal migration to India and urban areas in Nepal, and displacements provoked by the conflict. The scale of the displacement within and from Nepal remains somewhat obscured because of the Friendship Treaty and the open border with India. Large numbers of Nepalese flee to India because there is no capacity or effective response to meet needs or ensure adequate protection within Nepal. If they had found refuge in another country, many of the Nepalese currently in India would warrant international protection and be granted refugee status. The need to recognize and understand the magnitude of the movement to India due to conflict and the failure of systems in Nepal to address these needs is a principal observation of this mission.

(...)

Poorer populations have trouble covering medical and educational costs, as well as securing adequate housing, sanitation and water. Problems associated with the lack of access to basic services have been long standing; however these basic services have also been hard hit by the conflict as noted above. Amongst the groups of IDPs met by the mission there seems to be no specific discrimination against them in having access to what limited services exist. However, the rapid increase in urban populations was noted to have stretched existing services and infrastructure beyond its capacity in a number of towns, particularly in the Terai, and many poor lack financial resources to pay for required medical services. According to hospital administrator in Nepalgunj, medical services have been provided free of charge to displaced people, provided they have a recommendation from the VDC Secretary, such as a medical referral letter or a 'migration certificate' testifying to their status as an IDP. While this is valuable support for displaced with medical needs, it is not physically or politically possible for all to have equal access to their VDC Secretary and it cannot be assumed that this benefit is available to all needy IDPs. Also, mission team members heard other accounts of IDPs being prevented from accessing medical care and education in the region, which needs further assessment.

For the most part the mission agrees with many of the development agencies, that the material and livelihood needs of IDPs should be covered under the umbrella of development assistance and that emphasis should be given to absorption capacities of host communities. Of course, existing coping mechanisms should not be undermined. The mission however found a number of serious gaps in the delivery of development assistance, mostly caused by the conflict, which have contributed to a situation where a combination of material needs and security problems exerted unbearable pressure on the population. Also, there are serious indications that 'coping mechanisms' are beginning to fail, as people have reached the end of their savings to pay for rent or schooling and earnings from seasonal labour fall due to increased labour competition in India and a slowed economy in Nepal. Given the long period of displacement for some and the

increasing numbers of displaced, it is no surprise that these support structures are reaching their limits."

Most humanitarian indicators in Nepal have been at 'emergency' levels for generations (October 2005)

- Conflict has exacerbated the already fragile humanitarian situation.
- Mortality and malnutrition rates among children under five are alarming, with under-five mortality rates in the far-western region reaching 149 per 1,000 live birth.
- Access to safe drinking water is very limited with many rural drinking water systems having reportedly collapsed in rural areas.
- 39 out of 75 districts are food-deficient and 60% of rural households cannot produce enough food to feed themselves.
- Despite notable improvements in economic and social conditions over the past decades, Nepal remains the Asian country with the highest level of absolute poverty. According to UNDP, over 80% of the population lives with less than US\$2.0 per day.
- Poverty is much more prevalent and severe in rural areas where the poverty incidence (44%) is almost double that of urban areas (23%)

OCHA, 7 October 2005

"Rural Nepal has always been poor, over one-third of the population subsist below the absolute poverty line, and 86% under the US\$ 2 per day mark. As demonstrated below, many of the traditional indicators of a humanitarian crisis have been at what may have been considered 'emergency' levels for generations, though with structural origins. The conflict has exacerbated the situation, and development progress has slowed down, in some cases even been undone.

According to the most recent Health and Demographic Survey (HDS) conducted in 2001, the mortality rate among children under-five is 91/1,000, and infant mortality is estimated at 64 per 1,000 live birth. Wide disparities prevail between regions as evidenced by the under-five mortality rate and infant mortality rates in the far-western development region of 149 per 1,000 live birth and 112 per 1,000 live births respectively. Half of Nepali children under-five are stunted (short for their age) and 10% are acutely malnourished (wasted)⁹. A level of 10% wasting is usually considered the level above which emergency actions are required.

The maternal mortality rate in Nepal for 1990-96 is estimated at 539 deaths per 100,000 live births. In 2004 United Nations Children's Fund (UNICEF) produced an adjusted figure of 740 deaths per 100,000 live births, clearly an unacceptably high toll, even compared to other countries in the region. 75% of the country's pregnant women are anaemic.

Nepal as many other countries in the region is experiencing an increase in Human Immunodeficiency Virus (HIV) incidence. World Health Organization / Joint United Nations Programme on HIV/AIDS (WHO/UNAIDS) estimate prevalence levels at 0.5% in the general population, with the highest rates amongst injecting drug users (68%) and female sex workers (20%). Migration and separation of families and the presence of armed groups in communities increases the risk of sexual exploitation and violence, the main challenge is how to respond amidst an armed conflict to stop spread of the disease into the general population.

(...)

National statistics suggest that 80% of Nepalis have access to 'improved' drinking water sources, where improved means only that some form of basic infrastructure has been established and is not indicative of water sources being safe. Recent studies suggest that many rural drinking water

systems have collapsed, or are in need of major rehabilitation. Only 27% of rural households have access to a latrine.

WFP reports that 39 of Nepal's 75 districts are food-deficient with serious constraints to food access in many parts of the hills and mountains — areas that are also prone to natural hazards. Sixty percent of rural households cannot produce enough food to meet their basic needs and need a supplementary income to buy food.

ADB, September 2004, Appendix 3, p. 83

"29. Nepal has made steady improvements in economic and social conditions over the past four decades. There is a better road system and far greater access to irrigation, safe drinking water, electricity, schooling, and health care. Still, poverty is widespread and the quality of life of a substantial section of the population has remained poor.

30. The level of absolute poverty in Nepal is among the highest in Asia: about 42% of the population (more than 9 million people) are estimated to have incomes below the national poverty line, set at NRs4,400 (\$77) per capita per annum.² According to the United Nations Development Programme (UNDP), some 82.5% of the population, in 2002, had incomes below the international poverty comparator of US\$2.00 per day. Although Nepal's most recent poverty estimates are somewhat outdated, and comparability among different poverty estimates is questionable, there is evidence that the distribution of income has become more unequal since the 1980s and that progress toward attaining the Millennium Development Goals (MDGs) is slow and mixed.

31. Poverty is much more prevalent and severe in rural areas where the poverty incidence (44%) is almost double that of urban areas (23%). The incidence of poverty in the Midwestern and Farwestern regions (72%) and in the mountain districts (56%) greatly exceeds the national average. There are tremendous differences between those in Kathmandu Valley and in the rest of the country. In Kathmandu Valley, the poverty incidence is 4%—one tenth of the national average.

32. In 1976, the national poverty incidence was estimated at 33%. Although comparisons over time are inexact at best, poverty incidence in 1996 was estimated at 42%. A comparison between the 1996 indicators and the results of the 2001 Rural Household Survey indicate that poverty may have registered a decline in all regions of the country. This would be consistent with growth in per capita income of 2.5% per annum between 1996 and 2003. Confirmation of the trends in poverty incidence, however, will hinge on the findings of the 2003/2004 Nepal Living Standards Survey that has yet to be fully analyzed."

Aid community warns Nepal is on the brink of a humanitarian disaster (April 2005)

- Following a visit to Nepal, the head of the UN inter-agency IDP body stated that there was no humanitarian crisis yet in Nepal, but a pre-crisis, which, if the situation deteriorates further could turn into a full-fledged crisis.
- In March 2005, a group of the UN, international donors and aid agencies in Nepal warned that the conflict, and in particular restrictions imposed on the movements of supplies and vehicles, was leaving many civilians without access to humanitarian and medical assistance.
- Nepal was described as headed towards "the abyss of a humanitarian crisis".
- Following a 2 week visit to Nepal, a OCHA/IDP Unit mission reported in June 2004 that the country was not yet experiencing a humanitarian crisis and that basic needs were being met.

- It further noted that those displaced by the conflict usually followed traditional migration routes to other areas of Nepal or abroad (mainly to India) and that most received assistance from relatives and friends.

Reuters, 27 April 2005

"The Himalayan kingdom of Nepal could slide into a major humanitarian crisis unless outside powers help government and Maoist rebels put an end to their long civil conflict, a senior U.N. official said on Wednesday.

Denis McNamara of the world body's Office for the Coordination of Humanitarian Affairs (OCHA) told a news conference the decade-long fighting had driven up to 200,000 people from their homes.

"These people are caught in the middle of a nasty internal conflict and are left without basic support or protection," said McNamara, who heads OCHA's division focussing on the problems of the internally-displaced in civil conflicts around the world.

"It is not yet a humanitarian crisis on the magnitude of (Sudan's) Darfur, but a pre-crisis, and if there is no action by governments, it may become a major humanitarian crisis...."

BBC, 18 March 2005

"Nepal is on the brink of a humanitarian crisis, the United Nations and international agencies have warned. Conflict between security forces and Maoist guerrillas has left civilians and refugees exposed and often cut off from aid supplies and medical help.

In a statement, the UN, European Union and nine Western aid agencies urged both sides to respect human rights.

Nepal's government said the criticism was misplaced, and that it was overcoming the Maoist blockades.

(...)

The United Nations and bilateral donor agencies in Nepal urge all parties to ensure that movement of supplies and vehicles intended to alleviate the suffering of civilian populations are not restricted," the statement says. It goes on to list in stark terms the difficulties facing Nepalese civilians caught up in the ongoing conflict.

According to the organisations, Nepalese are often denied access to humanitarian and medical supplies because of security roadblocks set up by Maoists. Children are among the worst affected, it says, with many suffering from a lack of vitamins and essential drugs.

(...)

"Insecurity, armed activity and Maoist blockades are pushing Nepal towards the abyss of a humanitarian crisis," the groups conclude."

OCHA/IDP Unit June 2004, p. 2

"3.1 While the Maoist rebellion has caused great socio-economic disruption and increased population displacement, Nepal is not yet experiencing a humanitarian crisis. Basic needs terms of food, health, shelter and water continue to be met, at least according to the standards of a very poor developing country. Those affected or victimised by the conflict often follow a long established tradition of migration, moving to other parts of Nepal or abroad in search of security and employment, and usually receiving support or accommodation from relatives and friends. This has resulted in splitting up families, often leaving women behind in very precarious circumstances. Moreover, in contrast to the traditional pattern of seasonal economic migration, many of those displaced in recent years are staying away for long periods or indefinitely."

Exodus to the urban areas places pressure on the infrastructure and capacity to deliver basic services (2005)

- Nepalese economists suggest majority of IDPs who move to the main cities end up as urban poor.
- Exodus is creating supply side constraints of drinking water, sanitation and other health services, which in turn further worsens the living standard of the poor people
- Exodus to the cities has placed enormous strain on urban services such as health, water supply, education and transportation. Government has resorted to rationing water in Kathmandu.
- Land prices have spiraled by as much as 100 percent in the past two years
- Displacement to urban areas is placing pressure on the infrastructure of urban areas, posing huge challenges for local governance.
- The arrival of the displaced is also resulting in increased competition for the marginalized people on the job market, lowering wages.

Kathmandu Post, 20 April 2005

"(...) according to a survey, it was found that the largest chunk of such population that migrate to the cities later turn into urban poor," stated Dr Khadka.

"Very fact that 28 percent of the total population living in squatter settlements for the last 10 years are mainly people displaced by the conflict is an evidence to prove that people who shift to urban areas due to insurgency are prone to transforming into urban poor," he argued.

(...)

Commenting on the paper, Professor Dr Bishwambar Pyakuryal conceded that such increasing density of poor population in urban areas would create supply side constraints of drinking water, sanitation and other health services. That would further worsen the living standard of the poor people and affect others as well, he stated.

"Such condition will not only hinder the process of urbanization and economic development, but will also widen inequality and increase unemployment rate," he said.

Speaking on the occasion, Vice Chairman of Poverty Alleviation Fund, Dr Mohan Man Sainju observed that urbanization process in Nepal is considered as one of the fastest in the third world countries. "But, urbanization triggered by social disparity and displacement will further increase the gap between 'haves' and 'have nots', setting a stage for eruption of another conflict," he said."

INSEC April 2004, p. 119

"The capital city has been the top priority for destination among the displaced people because there is more chance of getting jobs. According to the Census 2001, the urban population increased by 3.5 per cent. According to another report the urban population has been increasing at the rate of 5.2-7 per cent. Unplanned settlement, unexpected rise in population density have affected the quality of drinking water, education, health services, electricity and other basic services. Problems are increased to contain diseases as well."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 15-16

"Displacement has a number of fairly obvious economic and social implications for Nepal. One of the main implications is the pressure that growing numbers of migrants are placing on the

infrastructure of urban areas. Growth rates in some municipalities that are equivalent to a doubling in size every 7 to 10 years pose huge challenges for local governance. Basic infrastructure such as roads, water supplies, sanitation, waste management and housing are frequently already inadequate and likely to become more so. Key services, particularly health and education are similarly coming under increasing strain.

For marginalised people in areas of IDP arrival, an increase in competition for unskilled labour is reducing daily wages and making livelihoods that are already precarious even more vulnerable. In some cases this is already leading to conflicts, which may become more common and serious in future.

In some cases, IDP livelihoods are dependent on the unsustainable use of natural resources. Obvious examples are the quarrying of riverbeds for stone and sand and the illegal cutting and sale of firewood. In addition to potential environmental problems, unsustainable use of these resources means that their ability to sustain livelihoods will be finite.

The negative implications of displacement and urbanisation are perhaps the most obvious. However there are more positive ones too. For example, growing urban areas provide growing markets for rural produce. The reduction of traditional caste and ethnic divisions in IDP communities might also be viewed as positive."

Food

Lack of coherent assistance provided in camps force IDPs to hasten their return home (January 2006)

- UN Representative on the Human Rights of IDPs was informed during his mission that the lack of a consistent assistance from the government and NGOs provided to IDPs in camps, in particular with regards to food, was sometimes forcing them to return home.

CHR, 7 January 2006, p. 15

"48. In the camps visited by the Representative, the pervasive problem for the IDPs was the lack of a consistent response by the Government and the various aid agencies in the distribution of aid. This is understandable since massive displacement has not been the rule in Nepal and the international agencies have tended to focus on development projects and not on emergency aid. However, in the cases where several scores or hundreds of families left their villages to seek shelter in the nearest district headquarter, local resources have been overstretched. The coherent response that would help them face these needs has not been forthcoming. In Dailekh, the local Nepal Red Cross branch confirmed that they had only been able to distribute rice portions that were far below the Sphere Minimum Standards in Disaster Response.¹³ This was corroborated by returnees interviewed by the Representative, who stated that they had returned to their villages despite the prevalent insecurity in order to be able to plant crops and supply themselves to meet their basic needs, since the food in the temporary camps was insufficient.

49. On these and other occasions it became clear that although emergency aid had been provided, it was inadequate and distributed haphazardly. There was no coherent assistance and protection response in place, neither from the Government, nor from the national or international organizations.

50. Furthermore, no particular effort seems to have been made to include women in the planning and distribution of the basic supplies."

Limited reports of food shortages for IDPs (June 2005)

- The UN inter-agency IDP body identified a significant need for enhanced basic services for in peri-urban areas where most IDPs tend to settle amongst other poor people.
- The mission met IDPs who reported food shortages, in particular in Dailekh district.
- Displaced people returning to their homes in Dailekh district reported that their homes and belongings had been looted during their absence and that they had very little to eat.
- WFP's rapid assessment of 'internal migrants' conducted in urban, semi-urban and rural areas of Kathmandu region and various districts in the country concluded that the food security situation of the migrants surveyed was not a cause of particular concern, although it warranted a continued monitoring of the situation.

IDD, 2 June 2005, pp.2-4

"There is a need for greatly enhanced basic services (including health and education) targeting peri-urban slum areas both by the Government and by agencies. Given that many IDPs are settling amongst the poorest of the poor, this would be a relatively nondisruptive way to meet the needs of several different, but practically non-distinguishable, vulnerable groups. It should also help to avoid the creation of camps. Whilst the Government should be encouraged to extend these services, its ability to deliver directly must also be questioned in light of security concerns - the international community may have to assume the role of service provider. The Government should be encouraged to accept and facilitate such external assistance, especially by easing bureaucratic restrictions on INGOs, such as visa restrictions on the number of international staff per agency.

(...)

Though the recently published WFP Internal Migration study indicates limited food insecurity for displaced populations, some of the IDPs met during the course of the mission reported food shortages. Recent IDP returnees in Dailekh District told the mission that they had been forced to return to homes in the midst of a hostile protection environment due to a lack of food aid in the temporary camp that had been established in the district centre. WFP has initiated preparedness measures but was concerned not to disrupt traditional coping mechanism as well as creating pull factors in an extremely poor country. Operations have also been hampered by the Government's insistence on no dialogue with the CPN/M, without which staff safety and security cannot be guaranteed."

WFP, March 2005, p. 1

"From October 10, 2004 to March 11, 2005, WFP conducted a rapid assessment of internal migration in the urban, semi-urban, and rural parts of Bhaktapur, Lalitpur, and Kathmandu districts as well as Kathmandu Metropolitan Area and the headquarters of five districts (Dailekh, Gorkha, Kailali, Kavre and Rupandehi); rural areas and municipalities of two districts (Nawalparasi and Jhapa); and headquarters, rural areas, and municipalities of eight other districts: Banke, Chitwan, Dang, Kanchanpur, Kapilvastu, Makwanpur, Morang and Surkhet. (see map overleaf)

The objective was to take a provisional look at the food security of a cross-section of migrants. It was designed to be comprehensive in scope and cover not only conflict-induced, but also economic and other types of in-country migration so as to place any findings of conflict-induced in the context of othertypes of migration.

For the purposes of this assessment, a migrant is defined as: Any person(s) who for all practical purposes have shifted permanent residence to an identifiably different location within Nepal for any reason ranging from earning constraints to displacement by flooding or conflict.

From the perspective of the mandate of the World Food Programme, the findings of this particular assessment of various migrant populations are not a cause for serious concern but do highlight the need for continued monitoring of migration patterns and their link to basic needs in collaboration with concerned partners."

Media report food shortages affecting returning IDPs in Dailekh districts

Kathmandu Post, 20 December 2004

"Villagers returning to the homes they had fled in the third week of November due to Maoist excesses are facing severe food shortage.

When 25 families of Goganpani of Salleri VDC Ward No-1 returned home with the help of journalists on Sunday, quite a few among them had to sleep with empty stomachs, said Ganesh Gurung, one of the returnees to the Post. But everyone is in high spirits after being able to come back.

(...)

On November 19, the Maoists had brutally killed Mahendra Subedi, the head of one of their "ward people's committees," on charges of inciting villagers to retaliate against the rebels, along with five other villagers including an eight-year-old girl. The killings prompted 443 families from eight villages of Salleri and Naumule VDCs to flock to the district headquarters demanding security. The 150 villagers belonging to 25 families were able to return to Goganpani following an agreement between local Maoists and journalists after many displaced people refused to heed the Maoist call to return home. Before making the call, the western central command of the Maoists had formed a probe committee to investigate the November 19 killings.

Locals complain that food grains, clothes, utensils, chicken, goats and other items were looted from their homes immediately after their departure. On Monday morning, people looked for yam in their homesteads as well as in the nearby jungle.

"Pumpkin, yam and other vegetables are served as curry till the month of June. This time around, however, stray cattle have eaten up all the pumpkin. They have also eaten our wheat. How will we survive next year?" asks former member of the Indian army Chaman Singh Gurung, 68."

Displacement has exacerbated malnutrition among children (September 2005)

- Survey among IDP children in Banke district show high rates of malnutrition.
- NHDP 2004 estimated that 63% of children under 5 suffered from chronic malnutrition in Nepal.
- Nutrition experts claim that conflict and the subsequent constant migration and displacement of people has worsen the nutrition situation, in particular for the most vulnerable: children
- The mid-western region is the worst-affected by malnutrition, with 90 percent of children in Humla were suffering from chronic malnourishment.
- There are 5 doctors for every 100,000 people. Most live in Kathmandu and are reluctant to serve in rural areas where life is less comfortable. Many hospitals in the rural areas are therefore empty and understaffed.
- The conflict has seriously affected people' access to health and the supply of medicine.

- Vaccination and immunization programmes to protect children from polio, measles, diphtheria, tuberculosis, whooping cough, etc. have also been seriously affected.
- According to a UNICEF study, 47 percent of children below five age suffer from general malnutrition, weight-for-age, and nearly 63 percent of children of the age group suffer from chronic malnutrition, low-height-for-age, causing stunting.

Nutritional survey in Banke district reveal worrying rate of malnutrition among IDP children

TDH, 20 September 2005, p. 5

"Terre des hommes Nepal's urban nutrition project team undertook a survey in summer to determine the status of nutrition among displaced children population. This survey included 264 under 3 year old children from the four project locations where IDPs families are known to have been living. In addition to taking anthropometric measurements of these children the nutrition assessment team also conducted focus group discussions with mothers and compiled case studies of selected families.

The survey established that more than 59% of screened under 3 children are underweight and up to 15.9 % are wasted. The highest number of malnourished children were found in Rajhena camp (73 %) followed by Simalghari (63 %). At least 55% were suffering from common illnesses like diahhorea, fever, ARI and skin ailments. Malnutrition rate and prevalence of common illnesses (82%) in small children, especially in Rajhena IDP camp, can be considered as worrying.

The discussions and case studies with mothers revealed several key issues that has impact on the nutritional status of children. Most of the malnourished children came from female headed families. Husbands of such families are away in India to make an earning for their families thus overburdening the mothers. Some of these mothers also had the added pain of having to endure gross abuses themselves or loose their family members at the hands of the warring parties while others had to accept their husband's second wife. Not only did mothers looked highly stressed but also clearly expressed on their difficulties in looking after family matters from children rearing to housekeeping. While mothers from Simalghari have to overcome difficulties like tending the field, look after the children and home while their husbands are away. The waiting for the mothers of Rajhena IDP camps are even more difficult as their husband's return will determine how long their hardship will continue. Mothers in Rajhena camp were very concerned as their children were compelled to go to sleep at night often without food. Many families said that previously they could feed their children on demand as they had most of what children need in their place of origin.

The knowledge among mothers on the feeding practices of small children seemed limited. Only one of the 18 mothers said she fed her child 5 times a day while others fed much less. The most widely fed food to the children is dal/bhat or just bhat and with lower frequency of feeding than necessary. Whatever little food they have access to, many mothers were not aware that these very food items can be prepared nutritiously for their children. None of the mothers prepared separate food for their children.

It is important for baby and mother to initiate breastfeeding as early as possible. Although most mothers knew that breast milk was the best food for their children many of them could not exclusively breastfed their children. It's rate could be much lower as most women fed traditional medicine, diary milk and water from a very early age with the assumption that they are exclusively breastfeeding their children. Some mothers also did not realize that breastmilk alone was enough for the child for the first six months while others understood that exclusive breastfeeding practice could be taken beyond the six month period.

The overall nutritional situations of displaced children in these four VDCs in Banke require immediate intervention in order to prevent further deterioration of these childrens' overall health

and development. The earlier we can make for the 'provision of organized medical support', give 'access to complementary food' like superflour, and also put in place a 'well coordinated humanitarian assistance programme for the IDPs' as the basic requirements for these children, the commitment that 'we should not say tomorrow for children' will have carried less meaning."

IRIN, 14 June 2005

"According to the Nepal Human Development Report (NHDP) for 2004, nearly 63 percent of children under five suffered from chronic malnutrition that exacerbated curable diseases like diarrhoea, measles and acute respiratory infection (ARI) from which a large number of children die every year.

The Ministry of Health (MoH) reported that diarrhoea alone causes an estimated 30,000 child deaths every year. Another government report revealed that ARIs affected nearly a million children all over the country.

(...)

Some nutrition experts are concerned that malnutrition has been made worse by the Maoist conflict that has been dragging on for the last nine years.

"The constant migration and displacement of villagers has made the problem even worse, because especially, it is the children who have to change their food habits once they arrive in the cities," said Pradeep Silwal from World Vision International Nepal (WVIN). WVIN has been working in several food deficit districts and villages where they operate nutrition projects.

Silwal maintained that many parents could not afford fresh vegetables or enough rice, leaving the children to satisfy their hunger with low-protein, dry and non-nutritious foods.

"Once the children are displaced in the capital or other major cities with their parents, there is negligible childcare as parents are often away from home working in the factories and other low paid jobs where they hardly get a break to eat themselves," explained Paneru.

A report by the NHDP said that even in the capital, Kathmandu, there were chronic malnourishment rates of over 50 percent in children under five.

The malnutrition situation is particularly serious in many parts of the mid-western region, which are badly affected by the Maoist insurgency, with Humla district having the highest rate of malnourishment, according to a recent study by WVIN.

"Lack of scarce food due to constant road blockades is already causing a genuine crisis, especially in areas where there is a lack of arable land," Indra Baral, a nutrition worker from WVIN, explained.

According to the NHDP report, nearly 90 percent of children in Humla were suffering from chronic malnourishment and the illiteracy rate was over 80 percent." (IRIN, 14 June 2005)

NHRC September 2003, pp. 53-54

"Nepal's infant mortality rate is 66 per 1,000 live births, mostly because 90 percent of all the births take place at home in the absence of trained medical personnel. Additionally, 20 percent of the children suffer from severe malnutrition and 48 percent suffer from moderate malnutrition, and stunted growth is one of the consequences.

There are only 5 doctors for every 100,000 people. Most of the hospitals in the rural areas are understaffed and very few doctors are available. Hospitals without doctors are common, as most

of the doctors do not want to leave urban area, especially Kathmandu, where opportunities are in abundance and life is comfortable. On the other hand, doctors who have completed their studies on government scholarships flagrantly breach with impunity their contract requiring them to serve rural areas. The government has not been able to enforce the contractual requirements. It is not surprising that whilst rural and district hospitals have acute shortage of doctors, the capital city Kathmandu is abound with them.

(...)

Impact of Conflict on Public Health

Right to health of the people living in the area hard hit by conflict is seriously affected. The health posts are without any medical staff and essential medicines, which were already in short supply, are no longer available either because security personnel have blocked their supply or Maoists have looted the stock. The incidents have occurred in which security forces closing down or destroying pharmacies on the suspicion that the medicines are being supplied to the Maoists. Due to the security related problem, vaccination and immunization programmes to protect children from polio, measles, diphtheria, tuberculosis, whooping cough, etc. have been seriously affected. The blockade of medicine supply includes essential medicines like antibiotics, ointments for cuts and injuries, and bandages.

(...)

A 2001 survey conducted during a two-week period preceding the interview day found one-fifth of the children below five years afflicted by diarrhoea. The incidence of diarrhoea is higher in areas of endemic poverty and among children of illiterate or less educated mothers.

Malnutrition is a major problem contributing to high rates of disease and death as well as slow physical and mental development of children. The presences of diseases, especially diarrhoeal and parasitic episodes, are other factors that affect the well being of the child.

According to a UNICEF study on the status of children and women in Nepal, 47 percent of children below five age suffer from general malnutrition, weight-for-age, and nearly 63 percent of children of the age group suffer from chronic malnutrition, low-height-for-age, causing stunting. The problem of wasting, weight-for-height, due to acute malnutrition, is not so acute as only 5.5 percent of children are reported to fall under this category. The prevalence of malnutrition among children varies from region to region; for example, children in the Mid-Western region are the worst sufferers of chronic malnutrition whereas general malnutrition is more prevalent in the Mountains and the Terai than in the Hills. Also, urban and rural variation is quite significant in that urban area have low rates of general, acute, and chronic malnutrition. "

Mid-Western and Far-Western regions most affected by food insecurity caused by drought (May 2006)

- In 2006, WFP identified 10 districts in the Far-Western hill and mountain regions as in need of immediate food assistance as a result this winter's drought and a reduced summer crop production in late 2005.
- According to WFP, at the end of 2005, the situation in Nepal was characterised by chronic food insecurity in the hills and mountains, but did not qualify as an alarming food crisis.
- A study by ACF in September 2005 showed very different nutritional and health conditions, depending on the district visited.
- World Vision notes high levels of acute malnutrition in all districts of the Mid West and extremely high levels of chronic malnutrition in Jumla, Jajarkot and Kalikot.

- Level of food security found to be precarious in all districts assessed. Food insecurity higher in rural areas than in district headquarters.

WFP, May 2006, pp.1-2

"Using primary and secondary data gathered through the Food Security Monitoring System (FSMS) and a rapid EFSA, 70 Village Development Committees (VDCs) in 10 districts in the mid and farwestern hill and mountain regions of Nepal have been identified as severely or highly affected by this winter's drought and in need of food assistance. These chronically food insecure areas already experienced a reduced summer crop production in late 2005 due to late and erratic monsoon rains and now are expecting a 50% to 100% crop failure due to the lack of moisture this winter. Food availability and access in the targeted areas are severely limited due to the drought conditions recently seen.

(...)

Current Level of Food Insecurity in Selected Districts of Mid-West and Farwest

Source, WFP, May 2006

The main affected districts are Bajura in the far-west region, and Dolpa, Dailekh, Humla, Jajarkot, Jumla, Kalikot, Mugu, Rukum and Rolpa in the mid-west. Using both primary and secondary data, VDCs in the affected districts have been classified under three degrees of vulnerability: severe, high, and moderate (cf map in annex IV). Total population under severe and high levels of vulnerability and needing external food assistance is estimated at 225,000."

IRIN, December 2005, p. 11

"WFP currently monitors over half of the 75 districts in Nepal and will be extending its monitoring to 19 new districts in 2006. WFP Representative in Kathmandu, Erika Joergensen, maintained that the results reflected chronic food insecurity in the hills and mountains, but did not point to an imminent food crisis. However, she did acknowledge the situation could deteriorate.

"We could easily see increased vulnerability in those areas where we've seen movements of people. We could certainly see increased needs if people started to move," she said.

To date, WFP's approach has been to supplement local food intake, with food-for-work and education projects. "We firmly think that the best approach is to reinforce the structures already in place," she said. This approach was well-received by local communities. The food-for-education programme had led to a rise in attendance at schools, particularly among girls, while the food-for-work schemes have led to road building in some districts.

(...)

A field assessment by one international NGO, Action Contre la Faim (ACF,) in September 2005, highlighted very different nutritional and health conditions, depending on the district visited.

Yusuf Hammache, Asia Desk officer for ACF in Paris, said the report was an opportunity to dispel polarised views that Nepal is either a development challenge or facing an apocalyptic crisis.

For example, conditions in Kathmandu or on the Terai (the southern plain along the border with India) and some parts of the far west, were best suited to a development approach as economic exchanges and amenities continued to function relatively well, he said.

However, substantial regional variations mean Nepalis do not experience the year in the same way. Other districts had witnessed seasonal food gaps, forced or voluntary migration and increased vulnerability.

"It has become clear to us that there are pockets of vulnerability in the country and the conflict has been very much the catalyst for the degradation," he said."

World Vision rapid assessment notes high level of acute malnutrition in all districts of the Midwest

WV February 2003, pp. 8-9

"Based on the growing concern regarding the nutritional status of children in the Mid West Region, a rapid nutritional and food security assessment was conducted by World Vision International Nepal (WVIN) in Jumla, Jajarkot and Kalikot Districts during February, 2003 (initial findings in Dailek District indicated an assessment was not necessary there at this time).

(...)

Main findings

High levels of acute malnutrition were discovered in all districts of the Mid West. 12.83%, 10.91% and 11.53% of children assessed in Jumla, Jajarkot and Kalikot Districts respectively were found to be either moderately or severely acutely malnourished. In comparison, the incidence of acute malnutrition in Lamjung District (4.6%) was far less. Incidence of acute malnutrition greater than or equal to 15% is considered a severe public health concern.

Extremely high levels of chronic malnutrition were revealed in the three districts of the Mid West Region. In comparison to the incidence of chronic malnutrition in Lamjung (37.07%), a level that in itself is considered high, the incidence of chronic malnutrition in Jumla, Jajarkot and Kalikot were estimated at 78.32%, 69.64% and 83.06% respectively. Taking into account that the World Health Organisation considers an incidence of equal to or greater than 40% a severe public health concern, these figures clearly indicate the need for urgent attention. These figures are also high in comparison with the national estimates of chronic malnutrition, which at present is approximately 50%.

The level of food security, despite not having changed significantly during the past five years, nevertheless was found to be precarious in all districts assessed. Many residents are only food sufficient for 3 or 6 months, if at all. Food insecurity tends to be higher in rural and remote areas as compared to in district headquarters'.

Several major factors are currently precipitating the current status of food insecurity in the districts assessed. These include a lack of opportunities for income generation, inadequate availability of and access to food, and low socioeconomic status.

From discussions with participants, it is apparent that coping mechanisms traditionally used to deal with food insufficiency are becoming stretched. Such mechanisms include participation in wage labor, migration to urban areas within Nepal, external migration e.g. to India, sale of property such as land, jewelry and livestock, taking of monetary loans and the importing of food by foot from surrounding districts.

The ability to locally produce food is decreasing in many remote villages due to both a decrease in soil fertility. In concurrence, the population of the areas assessed is rapidly increasing, placing further strain on food availability. While the situation is not currently at a crisis level, the potential for rapid deterioration is considerable."

Health

Psycho-socials needs of IDPs remain unaddressed (July 2006)

- Inter-agency mission to the Eastern Region in May 2006 noted widespread psycho-social concerns among IDPs
- Adaptation from a rural to an urban environment is often difficult for displaced persons.
- Due to the conflict thousands of children are pouring into urban and semi-urban areas like Kathmandu, Biratnagar, Nepalgunj, Bhairahawa, Pokhara, Kailali and Surkhet.
- They are compelled to live in unhygienic and hostile places, including the street and are suffering from deep psychological trauma.
- While economically well off children of the capital are going abroad, those from rural and semi-urban areas who can afford are coming to Kathmandu.

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 10

"As victims of violence, many of the IDPs often need both physical and mental care. The civilian population appears to be clearly traumatized by the violence they have experienced. This is as true for displaced as for those who remained in their homes throughout the conflict. There has been little or no special care provided to survivors of torture, or those who have suffered beatings, violent deaths of close family members and household heads, or sexual and gender-based violence. There are wide-spread psycho-social concerns including trauma among women and children. Local people and children were fearful of new faces, uncertain of what new people were bringing to their communities, including threats of abduction, torture, and physical and mental abuse."

INSEC, April 2004, p. 117

"IDPs are prone to psychological problems and diseases. They have to struggle much for livelihood in the new place, s/he is always under stress and that because the social, cultural, economic and other values of the village life differs with that in the city and undergo several changes which is quite strenuous. Peoples right to life are at stake and the children are badly affected by violence. It may take a long time for anyone to recuperate from the trauma one had undergone while leaving the home and for children it may have an adverse impact throughout their life and seriously affect their growth."

Spotlight, 6 December 2002

"With the escalation of murders, bombings of school buildings, strikes and other forms of violence and disruptions, thousands of children like Rajan are pouring into urban and semi-urban areas like Kathmandu, Biratnagar, Nepalgunj, Bhairahawa, Pokhara, Kailali and Surkhet in search of a better future. Rajan is among the lucky few who have relatives with moderate income to support his education. A large number of displaced children are compelled to live in unhygienic and hostile places, including the street.

All the children, whether on the streets, in sheds or houses, are suffering from deep psychological trauma. Many have developed erratic behavior and neurotic problems. As the conflict continues to grow, countless other children may have to pass through such anguish and pain.

(...)

A large number of children find themselves mired in fear. As families move to new areas, the habitual behavior of the children becomes different. This motivates children to do all kinds of harmful work. According to psychologists, the greater the fear, the greater the disturbance of attention, comprehension and retention and, therefore, the less the persuasive impact.

I find the children of displaced parents in Surkhet district having deviant behavior. Most of the children are shy and psychologically shocked,' says Devkota. According to recent reports, large numbers of displaced people are living now in Kathmandu, Nepalgunj, Surkhet, Dang, Dhangadi, and Rajapur of Bardiya.

(...)

As displaced children find themselves in unfamiliar places with different surrounding, they grow up in completely different setting. 'Majority of the children in Nepal do believe in religion, which is due to the impact of their parents and guardians,' says Dr. Niranjana Prasad Upadhyay, a consultant psychologist.

'Religion plays a very important role in the inculcation of good values among children. The displaced children miss this core value while in the process of socialization. The children growing up in conflict and displacement areas will have very unpredictable behavior,' he says. 'Children growing up in conflict situations justify any kind of risk for inhuman activities.' "

Poor IDPs experience problems in accessing health services in areas of displacement (July 2006)

- UN mission noted a general lack of data on health issues facing IDPs in the districts visited.
- IDPs had little access to free treatment provided by the hospitals for the poor and there was no specific IDP programme targeting their health needs.
- Study by TDH & SCA showed that IDP working children had a poor access to health care.

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 11

"District health offices had not collected data on IDPs. The hospitals provided free treatment for poor people; mostly identified by the local community or the VDC chairman, an obstacle for poor IDPs who are unknown in their new environments. The health offices had no specific programs targeting IDPs and had received no additional funds for assisting them. Many IDPs the mission met with had taken up loans to pay for treatment after injuries sustained in beatings and torture either by security forces or by the CPN/M. There are no programmes targeting HIV/AIDS concerns for displaced persons or those returning from abroad in the remoter district headquarters.

IDPs utilize the existing health services in the areas they relocate to. Main obstacles of access relates to inability to pay the fees for the poorer IDPs. District hospitals have a provision to partially or fully support the cost of care for poor and marginalized patients and IDPs can be covered by these funds if found eligible. A hospital committee decides if an IDP should be provided with free treatment. One hospital indicated that IDPs needed some kind of proof of IDP status in order to be considered eligible for financial support under this scheme.

In one hospital it had been necessary to re-plan the distribution of medical supplies to the district to counter the fact that needs had gone up in the District headquarter due to the increasing number of people seeking treatment here. At one district hospital, only one out of four allocated

doctors was actually in his post. Two posts had not been filled for several years and the third was on educational leave for the second year running. One District health officer indicated the need to negotiate with both CPN/M and the Security Forces on a regular basis. Due to these negotiations, no major problems with medical supply distribution, supervision visits or treatment was experienced in the district headquarter."

TDH, CREPA, SCA, June 2006, p.21

"The study investigated the basic needs of IDP working children, including education, health care, nutrition and physical living conditions. These needs were addressed from several sources: family members and those sharing the child's residence, employers, governmental and non-governmental organizations, and the children themselves. Overall, it was found that many of the children's needs were not addressed, depending considerably upon the labour situation. Family members and employers attended to the majority of those needs that were addressed, followed by the children themselves. With the exception of the NGOs who provided gatekeeper support to the study, organizations performed poorly in addressing the needs of IDP working children.

(...)

Few of the children had access health care services, although almost all were provided 'medicines' by the employers if they were sick. The efficacy of medical care through pharmaceuticals prescribed by employers or local pharmacists is questionable and a number of diseases and ailments, such as tuberculosis and intestinal parasites, are likely not attended to. Notably, due to their association with NGOs, street children (rag pickers) had the most access to formal health care services. Health care provided by NGOs for other working children was not reported. The nutritional status of the children was not formally assessed in the study. However, it was found that almost all children were provided with an adequate quantity, if not quality, of food, viz. two meals a day plus tiffin. Only rag pickers appeared to be lacking sufficient nutrition."

Displacement crisis likely to have contributed to the spread of HIV/AIDS (January 2006)

- The Far-Western region, where large number of IDPs are concentrated, has one of the highest rise in HIV rates in South Asia.
- No HIV seroprevalence data available for IDPs.
- Researchers have suggested that the displacement crisis was likely to have contributed to the spread of HIV/AIDS.
- Most of the girls working in cabins and restaurants in the capital are reported to be displaced from their homes. Working in this environment makes them vulnerable to HIV/AIDS, which is reported to be spreading.
- The conflict, which is increasing population movements, is exacerbating the health crisis.
- Many of the displaced girls reportedly end up working in the sex business.

UNHCR, 1 January 2006, p.29

"Nepal's adult HIV prevalence at the end of 2003 was 0.5%, with a low estimate of 0.3% and a high estimate of 0.9%.⁵⁷ Nepal has moved from a low-level epidemic in the late 1990s to a country experiencing a concentrated epidemic, particularly among injecting drug users and female sex workers. The epidemic could worsen for several reasons: high rate of male migration, prostitution, poverty, low socio-economic status of women, and illicit trafficking; ⁵⁷ UNAIDS and WHO does not categorise IDPs as a high-risk group in this report. Nepal has a lower HIV prevalence compared with other countries in South-East Asia.⁵⁵ However, the far Western regions, where the majority of IDPs are concentrated, have one of the highest rise in HIV rates in South Asia.⁵⁸ There are no HIV seroprevalence data for the IDP population."

IRIN, December 2005, p. 8

"The ongoing Maoist insurgency and resulting conflict in Nepal have created large numbers of internally displaced people as well as economic and social instability, which may also contribute to the spread of HIV/AIDS," said a report by United States Agency for International Development (USAID), a key bilateral donor to Nepal and the lead donor for family planning and HIV/AIDS programmes in the country.

Although there has been no in-depth study on how HIV/AIDS has been affected by the nine-year conflict between the Maoists and the state, several studies have reported serious indirect effects.

The conflict has fuelled displacement and large-scale male migration to Kathmandu and India for work. According to hospital records, many male migrant labourers return to their villages HIV positive. According to UNAIDS, at least 10 percent of 2-3 million Nepali migrant workers in India are HIV positive and they in turn infect their spouses upon return to their villages. This has been seen most notably in Maoist-controlled districts such as Accham, Kailali and Doti, where around 6-10 percent of migrant labourers were reported to be HIV positive.

"These men are now infecting spouses and others in many parts of the country. By pushing rural residents from war-torn areas to the capital, Kathmandu, the conflict may have helped spread HIV/AIDS," said a recent report on HIV in Nepal, 'Is the Violent Conflict Fuelling the Epidemic?' published in July 2005 by a group of international and local specialists."

Kathmandu Post, 29 April 2005

"Most of the victims working in cabin and dance restaurants are illiterate villagers who had fled their homes in the wake of Maoist abductions and torture. As jobs are not easily available in other sectors, they join cabin and dance restaurants to make their livings in the capital.

The survey conducted by Rahat, a non-governmental organization, states that most of these restaurants run in the capital city are neither registered nor are they operating as per the norms outlined in the Labor Act. It is not only the roadside restaurants that have hired waitresses to entertain their customers but also the well-known star hotels where young girls are employed to attract tourists and casino visitors. And these star hotels have exploited the young girls in different ways. The hotels along the highways have employed commercial sex workers to make an additional income. The policemen and truck drivers, who visit these sex workers regularly, have caught HIV/AIDS. (...)

Now the fear is that these restaurants may have been spreading HIV/AIDS in the country. The government has let the restaurants exploit waitresses in the form of dance. It has neither regulated them nor initiated any actions against the restaurants exploiting the waitresses. There has to be a code of conduct to monitor the restaurants performing dance, ghazals and other activities. The police force has already warned its personnel not to visit the commercial sex workers along the highways. It has taken an initiative to provide information about the HIV/AIDS, which has threatened the economic prosperity, development and stability of the country. Let us hope that the ongoing conflict will become the major reason for the spread of HIV/AIDS. Undermining the threat of HIV/AIDS will be costly. The girls working in restaurants are the ones who have been displaced by the conflict. Formulation and enforcement of comprehensive policy to solve the problem of displaced girls, and setting up proper mechanism to regulate restaurants will help in preventing the spread of HIV/AIDS."

Watchlist, 26 January 2005, pp. 19-31

"In 2002, Nepal entered the stage of "concentrated epidemic" with HIV/AIDS prevalence constantly exceeding 5 percent in one or more high-risk groups, such as sex workers and injecting drug users, particularly among those under 25 years old, according to the World Bank Group, Nepal/HIV/AIDS Update 2002.

HIV/AIDS is considered a major development issue in Nepal, with significant attention from various sectors. HIV/AIDS is one of the three priority topics for joint action by the UN country team in Nepal, which focuses on supporting implementation of the National Strategy on HIV/AIDS. In this context, several factors have been identified for putting Nepal in immediate danger of a possible widespread epidemic. These factors are the commercial sex industry, behavior of young people, labor migration and prevalence of injected drug use.

In Nepal, like other situations of armed conflict, several factors directly related to armed conflict, violence and insecurity are likely to exacerbate a potential HIV/AIDS explosion. These include population movements/displacement (especially to and from high HIV prevalence areas, such as parts of India); lack of information; lack of adequate HIV testing centers; sexual violence; increased presence of armed personnel separated from their families for extended periods; increased vulnerability of girls to trafficking for sexual purposes; and breakdown of social norms, stable relationships and family and community life. An increased level of commercial sex work by girls displaced by the armed conflict is also a contributing factor.

(...)

Years of armed conflict and political unrest have increased this problem, such that children who leave their villages for fear of abduction or recruitment, or in search of a functioning school, may end up in situations where they must work in dangerous conditions in order to survive, including commercial sex work.

(...)

The increase in the number of girls fleeing armed conflict, together with a lack of jobs and poverty, has contributed to a new surge of prostitution in the Kathmandu Valley, according to the Nepali Times article, "Selling Sex to Survive." Much of this activity has shifted to massage parlors, cabin restaurants and cheap lodges, as police have increased vigilance on the streets. Women and girls in cabin restaurants interviewed by the journalist said they had fled their villages for fear of the Maoists who were trying to force them to join military training. The girls also said that some clients force them not to use condoms, or offer to pay higher prices for unprotected sex.

This combination of displacement, prostitution and unprotected sex increases the threat of HIV/AIDS (see HIV/AIDS above.) A reliable source in Nepal described to Watchlist the case of a young girl from Kanchanpur district who fled from her home due to the armed conflict. She eventually found temporary shelter in a hotel, where she was also forced into commercial sex work. After some time, she tested positive for HIV, but was forced to continue the commercial sex work. "

OCHA/IDP Unit June 2004, p. 3

"5.3 Other vulnerable groups meriting particular attention include women and children. Many children are abandoned by their parents and end up living in the street from petty crime. Others are sent off to become factory workers or domestic servants. For women, the risk of getting involved in trafficking and prostitution -- formerly not a feature of Nepalese society as it is considered to be unholy -- has increased sharply. Special note should also be made of the spread of HIV/AIDS, especially among those returning from India. In this group, 10% of the male laborers and over 50% of the women tested positive for HIV. HIV/AIDS, which is often referred to in Nepal as Mumbai disease, could become the leading cause of death by 2010 in the 15-49 year age group if the current trend is not reversed."

Displaced women in Dailekh reported to live in unhygienic and dangerous conditions (January 2005)

- Conflict and displacement has restricted women's access to health care and resulted in
- Some 2,000 people displaced in November 2004 by fear of reprisal of the Maoists are living in a public building at Dailekh district headquarter.
- Sanitary conditions are reported to be inadequate for nursing mothers, with little food and access to health care.

UNFPA, 30 November 2005

"Women and girls have been severely affected. Both the displaced and those remaining in conflict zones face a heightened risk of sexual and gender-based violence.

Fighting, kidnappings, blockades and curfews have crippled medical services and cut off supplies of drugs and other essentials. Attacks have damaged many health facilities, and staff are often reluctant or unable to travel in rural areas. Many women are reported to have died during childbirth because they could not reach emergency obstetric care.

Even before the conflict, Nepal had Asia's second highest incidence of maternal death (after Afghanistan), 740 per 100,000 live births. Most Nepali women give birth at home. Only one delivery in eight is attended by a doctor or a midwife. Many women live in villages without roads or transport to health facilities."

Kathmandu Post, 30 November 2005

"Nursing mothers, among the displaced families sheltering at the Tribhuvan Higher Secondary School at the district headquarters are living in very difficult conditions.

Among the 443 families living here, there are nine women with recently born children. Living in the cold and damp rooms of the school building, and further aggravated by malnutrition and unhygienic living conditions, the women normally needing better care and nourishment, are facing trying times.

With faces swollen due to illness, they neither have enough food for themselves nor are they able to feed their babies. One of them lost her child while travelling to the headquarters. "She had twins, one of them died while on our way here. We buried him in the forest," says Bhavisara BK, taking about his sickly daughter-in-law, lying in the cold floor with her child.

The women are sharing accommodations with 1,923 people who have been crammed inside the 12 rooms of the building.

They evacuated their villages fearing reprisals from the Maoists after they had tried to revolt against the rebels. The mass exodus had started during the third week of November."

Water & sanitation

Influx of IDPs in Birendranagar (Surkhet) increase demand for drinking water supply and sanitation (March 2005)

- The current capacity of Birendanagar to supply drinking water is reportedly inadequate. The influx of IDPs has increased demand for both water supply and sanitation facilities.

"In the discussions with Municipal authorities in Birendanagar, we understood that the town has had an influx of IDPs not only from within Surkhet district but also from adjoining and nearby districts. There are about 200 families living in the municipal areas. Most of them having fled from home due to political reasons, many of whom have left other members of the family behind. Some have taken over a small piece of land to live off. They are living in different areas of the municipality but not at specific location as such.

There is a demand for drinking water supply in the municipal area as the current capacity cannot serve the additional numbers of people. Since there are no permanent settlements or any plans for such, the IDPs are using the public toilets and bathrooms located in the bus park. Complaints have come in from the local communities regarding the deteriorated conditions of these public facilities. Electricity supply is not yet a problem but problems of providing adequate drinking water and sanitation facilities have increased." (SAFHR, March 2005, p. 18)

Shelter and non-food items

Only the most vulnerable remained living under tents in Dailekh 6 months after being initially displaced (January 2006)

- UN Representative on the Human Rights of IDPs noted during his mission that only the most vulnerable were still staying in makeshift camps in Nepalgunj and Dailekh and that the length of displacement warranted better housing conditions.

CHR, 7 January 2006, p. 14

"47. Situations requiring emergency aid do sporadically occur, especially in the context of mass flights of villages referred to above. The makeshift camps the Representative visited in Nepalgunj and in Dailekh were according to the IDPs themselves not usual and many IDPs did not sleep in them. However, for the few that did use the camps to sleep in, there was no protection of the camps' perimeter in the suburban areas. Furthermore, sleeping in the camps seemed to be the only solution for those who did not have the means to rent accommodation in safer places or stay with relatives. Most of the permanent camp dwellers were single-parent households, mainly headed by women, as well as elderly people without family support, living in makeshift shelters. While this is understandable in the first weeks of an emergency and with an unexpected influx of people, the Representative is of the opinion that half a year later, even if very few people still live there, it is not acceptable for them to continue to live in open-sided tents with a mere tarpaulin top as a roof."

Survey shows most IDPs in Kathmandu live in rented rooms and do not encroach on public land (March 2005)

- WFP study revealed that almost 50% of IDPs lived in rented homes.
- SAFHR study has showed that 74% of surveyed IDPs live in rented houses.
- Many people fleeing the rural areas end up in urban areas putting pressure on already stretched infrastructures.

- Influx of displaced in Kathmandu has resulted in encroachment on public land and spiraling real state prices, increasing by 100 per cent in the last two years.

WFP survey of internal migrants in Kathmandu show nearly half of IDPs live in rented houses

"The vast majority of respondents (93%) live in rented homes. Four percent live in self-owned homes; 1% with relatives; 1% with non-relatives; and 1% in other housing (factories and servants' quarters). Almost half of the respondents who stated they left their homes primarily due to the conflict live in rented housing." (WFP, March 2005, p. 7)

SAFHR study shows 74% of IDPs live in rented houses

"Mr Sangacheche (acting member secretary of the Kathmandu Valley Town Development Committee) quoted earlier, has pointed out that displaced persons coming to the valley have started encroaching on public land. This is not corroborated by our discussions with IDPs, an overwhelming majority of whom live in rented rooms, with a small percentage with their 'own house' (could be a permanent structure or a mud hut!). Discussions with an NGO working on urban shelter /housing issues also brought out the fact that their work over the past so many years has shown that almost all displaced persons are living in rented rooms and there are very few if any displaced persons, actually living in shanties/slums areas. However they also said that there was a possibility that some displaced persons may have lived temporarily in such areas before moving on.

(...)

It is significant that over 74% of the IDPs live in rented house with an addition approximately 15% living with relatives, temporary shacks and dharamshalas. Only 10% of the people said that they had their own house, a majority of them being in Birendranagar." (SAFHR, March 2005, p. 40)

Media reported in 2003 that IDPs flocking to Kathmandu end up living in shanties and encroach on public land

"With the insurgency raging in the countryside, the fleeing rural population have cramped on the urban parts of the country putting pressure on its already stretched infrastructures.

With thousands of displaced people fleeing to Kathmandu, the city areas are being encroached. While relatively affluent rural people have started buying the lands in the valley, this has led to a sudden boom in real state business. According to Kathmandu District Land Registration Office, they received average 400 cases of transactions of lands everyday – a considerable rise compared to the previous year.

'The real estate prices have increased by as much as 100 percent in the last two years. Nearly a dozen of private housing complexes have also come into being,' Surya Bhakta Sangachche, acting member secretary of the government's Kathmandu Valley Town Development Committee.

On the other hand, deprived populations who have been similarly displaced have started encroaching public lands. The areas around the river-banks in Kathmandu have been their favorite targets. Small to medium sized shanties have sprouted in the banks of rivers like Bagmati and Bishnumati. 'Even the rent prices have gone up considerably,' said Sangachche." (Nepalnews 18 September 2003)

Situation in relation to shelter is mixed (March 2005)

- In Kathmandu, most IDPs tend to stay in rented rooms or with relatives. Inability to pay the rent forces many IDPs to shift accommodation several times.

- In Surkhet district, many IDP families live in temporary shelters made from some locally available materials such as bamboo and mud.
- House rent in Kathmandu is reported to have gone up by as much as 100-300 percent in the last three years.
- Richer IDPs can afford to buy land and build a house. Those who go to urban areas are often obliged to rent, and frequently share with others.
- In the rural areas families might build a hut, or are invited by a relative to share their accommodation.

"Most are staying in rented houses (rooms) with a few staying with relatives and/or have their own house in the city/town. The type of housing ranges from a one room cramped accommodation to larger houses (belonging to a very tiny percentage of the more affluent people). Most have access to electricity and water facilities, although this is often quite inadequate. Most of the people have had to shift accommodation several times within a span of a couple of years, for a variety of reasons. The most common one is the inability to pay house rent or lack of security.

Many IDPs are living in places where they have not been able to pay rent for the past several months and in some cases for over 12 months. In Birendranagar, in particular we found that house owners tended to be a bit more large hearted and have allowed the IDPs to stay in their house, even though they have been unable to pay the rent for over 18 months. Many of them are not always openly able to say that they are IDPs. Landlords/house owners are reluctant to give them rooms on rent if they know that the tenants are IDPs. Single girls have particular problems in finding accommodation and tend to stay in groups either with siblings or other girls who have also come from the rural areas to Kathmandu (in particular).

In Surkhet, in Birendranagar and its adjoining VDCs, the situation is more dire as there are many families living in tin sheds, or temporary shelters made from some locally available materials such as bamboo and mud, that provide little or almost no protection from the weather conditions. Many of these huts were on precarious riversides. The monsoons were at their height when the team visited Surkhet and the condition of these huts was such that it hardly shielded the families from the rain, wind and the cold. As winter approaches these people will have to bear the additional hardship of the cold, of trying to somehow survive as they do not have proper warm clothing or appropriate bedding such as blankets, mattresses or quilts.

(...)

House owners in both survey sites said that the influx of people (displaced) has increased in the last 3 years in particular. They were aware that many of the displaced have taken up rented accommodation, with usually at least 5 persons in each family, although few have come alone or with one or two other family members. They have not had any problems generally except that the IDPs cannot pay rent on time. In some cases, house owners (Birendranagar mostly) have not received rent for the past 12 – 18 months or more. They are generally sympathetic towards their tenants: "Jab hola tah di nai halchann ni!" (They will give it, when they have it). It could also be that, as some of the IDPs have sons working overseas, the hope of getting some accumulated sum of money may be an incentive to retain their IDP tenants. In Kathmandu, while house owners said they did not have problems, nevertheless we found a higher incidence of IDPs who have moved house several times even in the last couple of years as they were unable to pay rent or felt insecure. Discussions with IDPs and general community people in Kathmandu revealed that the house rent had gone up by as much as 100-300 percent in the last three years or so.

(...)

Displaced girls face problems finding accommodation

Finding safe accommodation to stay in has become a matter of daily struggle for many of these girls. Those who have siblings or other relatives (who came earlier) who have a place to stay are

more fortunate to some degree than those who have to face major difficulties convincing house owners to give out a room on rent to a single girl. All the young girls we met said that they did not tell anyone that they had come from the districts or under what circumstances fearing that they would be asked to leave. Some girls found temporary shelter with NGOs who run rehabilitation and emergency centres. But this was only a small fraction we met of the many girls who are in the urban areas and live in high risk situations. Several people (girls and NGOs) said that there was an urgent need to establish safe shelters for such young girls and women. Young children in orphanages face a bleak future. Quality assistance orphanages in terms of physical infrastructure, meals, education, health and care is still a far cry.
(...)

[Unable to pay the rent, many IDPs are constantly on the move]

As far as shelter is concerned, it is clear that most of them do not even have adequate let alone appropriate places to stay. Very often families of 5 or more have to stay in a single room that also doubles as a kitchen. Toilet facilities are usually shared with others living in the same building or as in the case of Birendranagar, IDP families use the public facilities at the local bus stand. Drinking water is available to some extent. Poor and cramped accommodations brings its hand maidens of poor hygiene and sanitation and its accompanying stomach and respiratory diseases compounded by malnutrition. In no way can such accommodation be considered an "adequate standard of living".

For lack of options, most IDPs live in rented accommodation. Many of them particularly in Kathmandu live in rented houses as they have no other place to go or are able to obtain assistance for alternate shelter.

In addition, IDPs are unable to often pay rent on time which makes its uncertain whether they would be able to retain their living quarters on a more long term basis. As has been shared by several of the IDPs, many families are constantly on the move as they are unable to pay rent at all which then bring back many questions of the inability of children therefore to continue regular schooling, further break down of social networks and support systems. Finding enough money to pay for two square meals a day has become a daily struggle for many families – some of whom get barely enough for one meal."
(SAFHR, March 2005, pp. 14-40)

"According to the SNV/INF survey the situation in relation to shelter is mixed. The richer IDPs buy land and build a house. Those who go to urban areas are often obliged to rent, and frequently share with others. In the rural areas (of the Terai) families might build a hut, or are invited by a relative to share their accommodation.

Data from the RUPP survey (appendix 4) confirms this pattern for the urban areas with 73% of new arrivals reported as living in rented accommodation. However many IDPs living in temporary shelters will be outside municipality boundaries and so these people are likely to be under reported in the data. " (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, p. 12)

Vulnerable groups

**Children are particularly vulnerable to the disastrous effects of displacement
(September 2006)**

- Despite the end of hostilities since April 2006, violations of children's rights by Maoists are reported to have continued.
- Maoists have reportedly intensified their recruitment campaign in 2005. Lack of adults make them turn to children.
- Inter-agency report released in April 2005 shows that 40,000 children have been displaced by the conflict since 1996.
- Children displaced to the cities end up excluded from the education system, forced to take up dangerous, under-paid jobs and at risk of sexual exploitation.
- 10,000 to 15,000 children are expected to be displaced to urban areas during 2005.
- Large number of displaced children cross the border into India in search of safety and work. Study showed that nearly 17,000 children fled to India during June and August 2004

Maoists' violations against children reported to continue in 2006 despite end of hostilities

"OHCHR has confirmed the presence of numerous children in the PLA and prior to the ceasefire had documented the use of children as combatants by the PLA. Other information clearly suggests that the CPN-M's cultural groups and militias have significant numbers of children who may at the same time also used for military purposes as messengers or informants, and to attract other children into the CPN-M-affiliated movements. In addition, since the ceasefire, concerns have been raised that some 50 children - including some as young as 12 years old - were taken away from their families to take part in PLA and militia activities. OHCHR has received credible reports that some of them have received military training with weapons. In August alone, allegations of child recruitment were received from Chitwan, Dolakha, Gorkha, Ilam, Nawalparasi, Nuwakot, Ramechhap, Kaski, Baglung, and Kathmandu Districts. In all instances, the CPN-M denied that the children were forced to join and stated that the recruitment was voluntary. While some children may have consented to accompany those recruiting initially, it is not clear under what conditions. In some cases parents stated that they had not given their consent. In other cases, the parents denied that the recruitment was voluntary.

(...)

OHCHR has also received reports of individual abductions of children, often on suspicion of involvement in petty crime. Twenty-nine children were known to have been abducted, accused mainly of robbery, rape or murder. As indicated above, one 13-year-old boy committed suicide after being abducted and reportedly sentenced to carrying out "forced labour". Children have been taken for short periods of time to attend mass political/student gatherings. In Kathmandu, on several occasions in August, thousands of children were taken from schools to participate in day-long programmes organized by the ANNFSU-Revolutionary. Further, the CPN-M and its sister organizations such as the ANNFSU-R have disrupted classes by taking children away temporarily from their schools to participate in political demonstrations, student organization conferences and mass rallies in Ramechhap, Rasuwa, Achham and Banke Districts. In some cases, reports indicate that participation was sometimes forced.

(...)

Even if the most serious type of violations affecting educational facilities, such as military attacks in and around schools, have stopped since the ceasefire, incidents of inappropriate use of schools have continued to occur. Thirty such violations were documented mostly in districts of the Western and Mid-Western Regions, such as the occupation of, or (particularly in the case of the Western Region) settlement in the immediate vicinity of educational facilities by the PLA. Such violations are in contravention of the Ceasefire Code of Conduct, under which the CPN-M explicitly agreed to "create an atmosphere conducive to the operation of schools."

Study finds evidence of exploitative working conditions for IDP children, but without obvious risk factors

TDH & SC Alliance, June 2006, p. 3

"While the majority of the working situations were exploitative, the study found no obvious risk factors – with the exception of those for girls working in carpet factories – which would result in girls and boys entering worse circumstances, such as being trafficked, entering prostitution, or entering slavery-like labour situations. Employers exploited the children's labour and frequently deprived them of basic needs, but there was little evidence of more extreme danger to the children.

Both disturbing and reassuring data emerged regarding children's labour situations. The level of verbal and corporal punishment of labouring children was much higher than expected. As well, the amount of social discrimination against labouring children was extreme, and was noted by many children. At the same time, all children, except street children, appeared to receive adequate nutrition and most came to their employment with some education and a wish to enrol in school, although this was not always granted by their employers.

In terms of releasing children from child labour, perhaps the most disturbing finding of the study was that a small percentage of children wanted to return home. This finding, coupled with the low percentage of working children who lived with close family members, means that many children, if 'freed' from child labour, would be without any means of support and protection from caring adults – and may be at greater risk than if they stayed in the workplace. This uncomfortable conclusion must be considered in planning interventions on behalf of working IDP children."

Intensification of Maoist' targeting of children as recruits during first half of 2005

CSM, 28 June 2005

"Forced recruitment of children has now become widespread in Nepal's remote hills, with the introduction some months ago of what the Maoists call "Whole-timers," or WTs. In rural regions under the rebel thumb, every family must send one member as a WT to aid the rebels' cause. The job often falls to the most dispensable family member - usually a child.

(...)

Over 8,000 children have been orphaned and tens of thousands displaced in a conflict that has claimed over 12,000 lives. The Royal Nepalese Army (RNA) has caused two-thirds of the deaths, according to INSEC, a human rights organization.

(...)

To escape Maoist atrocities, people with means continue to flee Nepal's hills en masse to the kingdom's relatively safer lowlands and cities, and to neighboring India. This has depleted the recruitment pool of adults for Maoists, making them turn to children."

More than 40,000 children displaced since 1996

Dawn, 12 June 2005

"Many said they were forced to leave their villages due to threats from Maoists. Today they work in restaurants and carpet factories, among others, facing hardships that range from low wages to sexual abuse. Most of the children who flee home (or are sent away by their parents to prevent their forced recruitment by the Maoists) end up in Nepal's urban areas, either as domestic help, 'khalasi' like Dipak or child labourers in carpet factories, stone quarries or brick kilns.

An April 30 CWIN report (based on data collated from its own surveys and others by the United Nations Children's Fund (Unicef) and the International Labour Organisation (ILO), among others, shows that around 40,000 children have been displaced by conflict since 1996, when the now-outlawed Maoist party launched its armed uprising. More than 12,000 people have already been killed, among them 361 children.

(...)

[Forced to leave their schools, many children end up at risk of forced labour and sexual exploitation]

The desperate children who are forced to leave their homes and schools take up any job, however hazardous, giving rise not only to exploitation but also risking their lives.

About 32,000 Nepalese children are currently working in 1,600 stone quarries, with only 30 per cent of those registered with the government, found a study conducted by another NGO, Concern for Children and Environment-Nepal (CONCERN).

The ILO, however, says more than 10,000 children work in stone quarries, coal, sand, and red soil mines in Nepal, the majority of them aged 11 to 13. Most are young girls. According to the ILO's International Programme for the Elimination of Child Labour (IPEC), 127,000 children in Nepal are working in mining and other hazardous situations it calls "the worst form of labour." Sunday, June 12, is the ILO's World Day Against Child Labour.

(...)

Another problem is that the armed conflict has severely affected the outreach programmes of ILO-IPEC and its partners, resulting in the rise of internally displaced persons (IDPs), says Yadav Amatya, a senior adviser with IPEC. "Inaccessibility is yet another problem and we face difficulties in locating families of child labourers," he told IPS. CWIN's Pradhan warns that with child traffickers on the prowl for vulnerable children, the situation could go out of hand. Sexual exploitation is increasing, CWIN data shows."

10,000 to 15,000 children expected to be displaced to urban areas in 2005

IRIN, 4 July 2005

"(...) today activists say that the number of working children in the Himalayan kingdom has increased rather than gone down, in part because of the conditions created by the current insurgency.

"The conflict has had a serious negative impact on our past efforts, and the challenges are enormous today," said long-time child labour activist, Uddhab Poudel from ILO. Poudel added that as the insurgency forces more children to leave their villages, the problem of child labour worsens.

It's not only the number of working children that startles observers but the kind of work they are increasingly being forced to undertake. Heavy migration of displaced children into urban areas because of the nine-year long Maoist conflict, means young people are being forced to engage in some of the most dangerous and exploitative forms of labour.

"We expect about 10,000 to 15,000 children to be displaced into urban areas this year - this will grow by ten fold if the situation deteriorates," explained Poudel. "A peace settlement is the only way to protect our children from further harm," he added.

Concern for children has been mounting among activists working for children's rights. In a report reviewing the situation in Nepal by the UN Committee on Rights of the Child (CRC) in May, one of the committee experts, Lucy Smith, said that Nepal was in many ways not a country fit for children.

(...)

A recent Child Workers in Nepal (CWIN) report, said that child labour is widespread in agriculture, manual work (such as carpet weaving) basket making, iron and steel production, as well as industrial sectors such as brick-making and stone quarrying. It added that most children are exploited while employed as domestic helpers, hotel servants, porters or when picking over rubbish looking for items to sell.

"Before the conflict, children had the choice of returning home to their families but now all they can do is keep quiet and do not have the power to bargain with their employers," explained activist Tarak Dhital from CWIN. He added that there was a dire need for contemporary research on the situation of displaced children in the context of the current conflict.

[Children displaced to urban areas end up working to survive]

Other organisations, like Maiti Nepal, which focuses on reducing the number of girls trafficked for prostitution, are concerned that the sexual exploitation of children is also on the rise. This is especially the case amongst those who end up in the capital and other main cities. "Most of them are in a vulnerable state and are without any protection as they don't know where to approach for help," said Anuradha Koirala from Maiti Nepal.

Nearly two years have passed since the Children as Zone of Peace (CAZOP) initiative was established to pressure both the rebels and security forces to leave children out of the conflict. But activists maintain that both parties have only made the situation worse for children, many of whom have been the victims of constant abduction, interrogation, sexual abuse and physical torture, leading them to flee their villages and work in exploitative conditions in urban areas to survive.

"The country is losing a whole generation of youth when they flee to India and leave schools and live in hostile conditions without any certainty about their future," said activist Reinhard Fichtl from Terre de Hommes, one of the handful of NGOs that is planning to launch a project for internally displaced Nepali children.

Fichtl is worried that most organisations are only focusing on the IDP camps whereas the large numbers of displaced children end up in the local district headquarters near the villages.

"Most live in cowsheds and whatever accommodation is available for the children," he explained. "Whenever we talk of civilians affected by conflict, we tend to leave out children who are in need of most state protection from all sorts of exploitation," Fichtl added."

One World, 14 July 2003

"With the rebels and government forces battling for control of the countryside, hundreds of children have fled to cities, but their nightmare hasn't ended.

'While many are in orphanages, hundreds of such children are forced to work in dangerous conditions in brick kilns, quarries and wool spinning mills. Others have become domestic servants,' says CWIN president Gauri Pradhan.

Of the 575 inmates in the Nepal Children Organization (NCO), one of the largest orphanages in Nepal, 133 are the victims of the conflict. "We have opened a separate shelter for such orphans in the western town of Dhangadhi. A few of them also stay at our shelter home in the capital Kathmandu," says an NCO official, Rajeshwor Niraula.

Apart from those children who have lost one or both parents in the conflict, many more have been displaced along with their entire families. Hundreds migrated to cities or fled to India.

Pradhan points out that such children are more vulnerable to exploitation in the worst forms of child labor. 'They can also be sold for sexual exploitation in brothels. These displaced children end up in a worse situation than they were back in their villages,' he observes.

'Scores of such children have come to our notice. We have arranged for their stay in shelters at various organizations,' says Pradhan. CWIN itself provides shelter to dozens of such children."

Conflict pushes tens of thousand of children across the Indian border

Kathmandu Post, 5 December 2004

"A study conducted by the Save the Children Norway-Nepal (SCN-N), states that 16,871 children entered muglan (alien lands), for safety and in search of opportunities during the three-month span (July 4 – October 4). Similarly, according to figures compiled by Child Workers in Nepal Concerned Center (CWIN), 347 children have already died in the insurgency till August 2004. The migration figures compiled by SCN-N at five exit points – Bhairahawa, Nepalgunj, Tikapur, Dhangadhi and Mahendranagar – show that the number of children, in times of acute political dilemma such as blockades, patrolling by security forces, and violent encounters between the security forces and the Maoist rebels, is remarkably high. Bhola Prasad Dahal, Senior Program Manager at SCN-N, said that 1024 children entered India, the highest ever in a week, through Nepalgunj during July 19-24. "During that period, the security forces had carried out offensive operations on rebel hideouts in Salyan district," Dahal said.

The report, which will be published in January 2005, said most of the children below 18 years of age head toward the Indian states of Himachal Pradesh (Simla), Punjab and Uttaranchal (Garwal). Largest proportion of the children entering India is from the conflict hotbeds such as Salyan, Jajarkot, Dang, Rolpa, Dailekh and Banke.

Raghunath Adhikari, a research consultant involved in the study, said boy-girl ratio of the fleeing children is around 9:1. Those below six years of age accompany their parents, while those between 6-12 years of age often cross the border along with their neighbors and relatives. Surprisingly, some children either go themselves or pay money to agents to cross the border and for employment arrangement.

"They pay as much as Rs 500–1000 to the agents for a job in India," Dahal said. According to Adhikari, these children work as hotel and factory laborers, and in apple plantations. "Only one percent (approx.) of them go for study purpose." Adhikari added that 30 per cent of the children are leaving home solely because of the armed conflict, while others' reasons vary from conflict to seasonal migration for better opportunities. He argues that, for these poor children, going to India is more feasible than coming to Kathmandu. The busiest exit points are Nepalgunj and Mahendranagar. The number of incoming children is far less than those leaving. During another two months of study, only 5458 children have returned. Altogether 1460 children had left for India from the Mahendranagar point during the 21-day period (July 12 – Aug 1), while only 602 had returned home during the same period of 21 days (Oct 17 – Nov 6) from the same point."

Mixed situation with regards to IDP children in urban areas (June 2006)

- Study by TDH and SCA showed that few IDP working children faced significant external risk factors such as involvement in drugs, crime, unwilling sex or prostitution.
- The main reason for the low exposure to these risks were the long working hours, which kept them away from negative influences
- LACC, an NGO working with women and children, warned that displaced young people living in the streets were exposed to physical abuses and assault by the police.
- CWIN, an NGO working with children, estimates that a total of 5,000 children live in the streets of the main cities in Nepal.

Study finds evidence of exploitative working conditions for IDP children, but without obvious risk factors

TDH & SC Alliance, June 2006, p. 3

"While the majority of the working situations were exploitative, the study found no obvious risk factors – with the exception of those for girls working in carpet factories – which would result in girls and boys entering worse circumstances, such as being trafficked, entering prostitution, or entering slavery-like labour situations. Employers exploited the children's labour and frequently deprived them of basic needs, but there was little evidence of more extreme danger to the children.

Both disturbing and reassuring data emerged regarding children's labour situations. The level of verbal and corporal punishment of labouring children was much higher than expected. As well, the amount of social discrimination against labouring children was extreme, and was noted by many children. At the same time, all children, except street children, appeared to receive adequate nutrition and most came to their employment with some education and a wish to enrol in school, although this was not always granted by their employers.

In terms of releasing children from child labour, perhaps the most disturbing finding of the study was that a small percentage of children wanted to return home. This finding, coupled with the low percentage of working children who lived with close family members, means that many children, if 'freed' from child labour, would be without any means of support and protection from caring adults – and may be at greater risk than if they stayed in the workplace. This uncomfortable conclusion must be considered in planning interventions on behalf of working IDP children."

Kathmandu Post, 13 January 2005

"An NGO working for women and children has accused the police of frequently assaulting street children without any reason whatsoever. Legal Aid and Consultancy Center (LACC), on Thursday, said three policemen in uniform attacked a 16-year old beneficiary of the International Labor Organization ILO/IPEC program at Makkhantole, near Hanumandhoka, Wednesday night.

Issuing a statement, LACC said the child had sustained a serious head injury and was taken to Saath Saath, another NGO working for street children, after receiving treatment at Bir Hospital. The unconscious child was taken to the hospital by police after other children informed the police station about the incident.

Similarly, police also detained four rag-picking children on the same day on the suspicion that they had taken part in the demonstration against the price-hike of petroleum products. "We are deeply concerned over the uncalled for harassment by the police of the children, who already are in a vulnerable position," the statement said.

LACC also said that internally displaced young people, who are and compelled to live in the streets due to the insurgency, have become easy prey for security forces. The NGO further stated that in most cases, street children lack proper identification papers or citizenships."

Watchlist, 26 January 2005, p. 30

"At least 5,000 children are living and working on the streets in Nepal, primarily in Kathmandu, Pokhara, Dharan, Narayanghat, Butwal and Biratnagar, according to CWIN. CWIN cites many causes for children ending up on the streets, including poverty, intensification of armed conflict and forced displacement due to armed conflict. Once on the streets, these children may take up a variety of odd jobs, such as begging, rag picking, portering and shoe shining. They are faced with hunger, lack of shelter, lack of clothing, vulnerability to trafficking and various forms of exploitation. The use and abuse of alcohol, glue sniffing and drugs are also problems for street children, according to CWIN.

On August 30, 2004, the Kathmandu Post reported that the Defense and Home Ministries have proposed a three-year security and development plan, prepared by the RNA, the Armed Police Force (APF) and Nepal police, which includes a proposal to “manage” the estimated 3,500 street children living in the Kathmandu valley, “Security Agencies Demand Additional Rs 11 Billion.” According to the news article, management of street children is necessary because intelligence reports indicate that the Maoists are using street children to trace daily movements of high-level politicians and to transport explosives. No details were provided as to what “management” of street children would entail."

Women headed households particularly vulnerable during displacement (July 2006)

- Inter-agency mission to the Eastern Region in May 2006 noted that situation of women had further deteriorated
- UN Representative on the Human Rights of IDPs noted during his mission that the situation of women heads of households was particularly dire.
- SAFHR survey notes a substantial rise in the number of female-headed households among displaced people.
- Displaced women and girls are reported to have more problems finding shelter.

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 8

"The women have been particularly pressured from both sides to give information on the whereabouts of the men and the other party's activities. Many women have fled to the headquarters after the killing or disappearance of their husband while others have had no option but to remain in their villages. When asked, neither the police nor the health officials knew of any incidents of rape or violence against displaced women – but neither did they have any procedures to deal with such cases. However, the mission had informal reports that women faced various forms of harassment, exploitation and abuse while displaced, including from women themselves in focus group discussions.

The situation of women is worse than before and the workload of women has increased. In addition to the traditional tasks delegated to them, they now must cook and provide shelter for large numbers of visiting CPN/M, participate in forced labor activities for construction of roads, “chautaris” (places of rest on road), and memorials of slain combatants; carry injured CPN/M from one place to another and transport food stuffs from one place to another. Male family members have departed for elsewhere searching for employment and protection both within and out of the country. Most of the IDP children live with relatives or go to boarding schools, while some end up in the streets or in child labor. There were also reports of children being used as labor in the military barracks in Phidim, Taplejung and Tehrathum."

CHR, 7 January 2006, p. 16

"53. Women were in particular worried about access to education for their children and the lack of work opportunities. They pointed out to the lack of medical care, mainly for children. When asked, many confessed being afraid of having to resort to prostitution or to send their children into indentured labour in order for their offspring to survive, because they themselves could no longer pay for their upkeep. They also stated that they had little or no access to reproductive health services since they had been displaced. Although they often came from regions with an already low medical coverage, health risks had increased as a result of displacement and therefore needed greater attention. The situation was particularly dire for women heads of households and for elderly people without families to care for them."

SAFHR, March 2005, p. 39

"Many women who have lost their husbands to the conflict or other main male earning members of the household have found themselves willy-nilly having to deal with the sudden increases in level of responsibilities of not only having to look after home, children and the elderly but the added burden of finding a regular source of income to feed the family. Work place harassment and abuse, vulnerability, personal safety and security and questions of sustainability of any income/assistance have become a daily challenge. The stress associated with assuming the mantle of the head of household, is a factor women of these households were ill prepared or equipped for.

The rise in number of women headed households appears substantial as we have understood from our informal and focus group discussions with the respondents and from discussions with some NGOs. From this survey, out of the 53 women we met, not all are actually (sic) heads of households, but have become de facto heads of households as in some cases where the husband is disabled, paralysed or unable to work for some other reasons. Although women have been able to organize themselves to some extent through the help of NGOs (Single Women's Group or those NGOs providing loans for small business) nevertheless displacing themselves from the site of violence has not always meant that the threat has not pursued them to this new location. As one of the women respondents told us: "We left home due to the threats from the Maoists, 5 years ago. Less than a year and a half ago my husband was abducted and I don't have any news about him. Recently I too have been threatened." In another scenario, the assistance that had once been extended by some NGOs was withdrawn. This was clear from what a staff of one of the NGOs we met said, "In the beginning widows of security forces were also included in our programmes but since we were threatened by Maoist, we now do not include such women in our programmes." This already raises warning signals, as these women who are already in dire straits due to displacement, now find themselves deprived of whatever little assistance NGOs may be able to offer.

As mentioned above, in urban areas like Kathmandu, finding appropriate shelter is a primary concern for young girls in particular, adding to their already precarious situation of personal security and vulnerability. A lack of information on where to go to seek help compounds their fears and feeling of disorientation. Only a small percentage of the young girls and women have been able to access assistance from some of the NGOs.

We came across several instances of women living alone due to a variety of reasons but one of the women we met said she was doubly displaced, one because she is the widow of a policeman killed by the Maoist and was insecure herself, and secondly because after she received some compensation amount on the death of her husband, her in-laws threw her out of the house. There were several such instances quoted to us by one of the NGOs working with women."

Displaced women vulnerable to trafficking when ending up in urban areas of Nepal or in India (February 2006)

- Many women leaving their villages to end up in urban centers or to India are reported to fall prey to traffickers.
- Survey conducted by Rahat reveal that many displaced girls hired as waitresses end up as sex workers in unregistered restaurants
- Lack of employment opportunities reportedly forces many displaced women to join the sex business
- Girls displaced from rural areas have flocked to Kathmandu where they end up working in underpaid jobs in cabin restaurants, hotels and discotheques.

- An NGO estimates half of the girls working in such places are IDP girls who are emotionally, physically and financially exploited by the owners.

IRIN, 17 February 2006

"These conditions are also prompting women to seek opportunities abroad. Local NGO Saathi has reported an increasing number of women leaving villages. Many of these women are falling prey to traffickers.

On the busy, open border post with India, near Nepalganj, Pushpa Rana and her colleagues monitor movements across the frontier. Over the last year and a half, Saathi has intercepted 70 girls being taken across the border crossing against their will or knowledge.

The NGO has also counselled 1,000 women on the risks of working in India, especially the risk of brokers who might lure them into brothels. "We just want them to be aware of that, so they don't fall prey to these characters who would exploit them," Rana said.

Rana said that the women she intercepted being taken across the border by minders had different levels of understanding as to what was happening. "About 40 percent were entirely innocent and unaware that they were crossing over into India. They had assumed that Nepalganj was in fact Kathmandu and they were travelling to another part of Nepal," she said.

Other women had been led to understand they were being taken to Arab countries. In some cases, women knew the risks, but went voluntarily as they felt they had no option.

A surprising number of women came from the district of Sindhupalchok in central Nepal, and were told that they would be carpet weavers in Kathmandu.

Rana said there were also a number of women from the local IDP camp near Nepalganj who had been trafficked to become sex workers in big Indian cities.

The human trafficking business is not new in Nepal. "What is new is that the conflict has displaced a lot of women, many of whom are young, typically between 20 to 35 years old," Rana said. "In many cases, these women are married but don't have their husbands around. They need to look after their families. These women are prime targets for traffickers. Many of them go across the border. They are not educated and consider going across border as one way to earn a living."

Kathmandu Post, 28 April 2005

"A survey conducted by Rahat, an organization working for girls and women, especially those displaced by the conflict, revealed that although hired to work as waitress, these girls and women are also forced into the flesh trade. "The government, however, has shown no concern about it," Madhavi Singh, president of Rahat said.

She said that girls and women are compelled to follow their employers' orders. "In case they refuse to comply, they are sacked," she said, adding, "most of them are displaced by the conflict and are, therefore, compelled to do what their employers want. They lack education and skill also."

Sharing the findings of the survey: "Situation overview on entertainment sectors" in the capital Thursday, she said that most of the mushrooming dance and cabin restaurants are not registered. "Those restaurants registered are also not operating as per the norms outlined in the Labor Act," she said."

Kathmandu Post, 20 May 2004

"With the escalation of violence in the country more rural women are being drawn into prostitution. Women from the rural areas, displaced by insurgency and various incidents of violence, have been entering Hetauda in search of work. However, the lack of employment opportunities forces many of these fugitive women joining the thriving sex business around the markets and the along the highways.

According to a survey conducted by General Welfare Pratisthan (GWP), the flesh trade around the market region of Hetauda and along the highway has soared recently. GWP which has been providing counseling for the past five years in safe sex, maintains that the reason for this proliferation of the sex business; together with an increase in the number of female sex workers is the result of limited work opportunities.

Stretching along the highway from Lothar Bazaar between Chitwan and Makwanpur district, to Amalekhgunj in Bara, there are 228 female sex workers, between the ages of 16 to 45.

The GWP data also shows that about 60 percent of these sex workers have been employing safety measures. Though 98 percent of these sex workers are aware of the use of condoms to prevent HIV/AIDS and spread of Sexually Transmitted Diseases (STDs), not more than 60 percent have been making use of condoms. According to a survey conducted by New Era in 2003, 70 percent of the clients were found carrying condoms for use in the brothels around the region."

The Kathmandu Post, 8 June 2003

"Hard pressed young girls from the Maoist-hit villages are knocking at the doors of cabin restaurants, hotels and discotheques that have mushroomed at every nook and corner of the capital.

Displaced by the Maoist conflict, a large number of these girls end up in these places for jobs that are barely enough for them to eke out a living.

According to a study by 'Meet Nepal' an NGO, 51 percent of girls in such places are found to have been displaced by the Maoist conflict. Virtually every one of them has a tale of woe to tell.

(...)

There are about 3 thousand dance restaurants, cabin restaurants and discotheques in the valley. About 150,000 girls are working in all kinds of hotels including five star hotels, according to Karna Dawi, general secretary of 'Meet Nepal', as waitresses, dancers and other aspects of 'hospitality' services.

Despite having jobs, these girls are not happy. Instead, they are exploited emotionally, physically and financially by the owners, who pressurise them constantly, for more output and sometimes into situations that the girls do not want to be a part of. On an average, they get a salary of about Rs 2,000."

Maoists surrendering to the state often become displaced within district headquarters and face abuses (July 2006)

- Maoists who have surrendered to the state have often ended up as IDPs in district headquarters, with limited freedom of movements and in constant fear of retribution from the Maoists.
- This made them more vulnerable to abuses of all kind

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 8

"The mission found that former Maoists who have gone through formal surrender procedures often found themselves displaced to district headquarters. Many had to report regularly to the district police and were unable to leave the district headquarters. The CPN/M does not permit people to leave its ranks and re-recruitment is a constant threat, rendering their physical security situation extremely precarious.⁴ The mission was told of sexual and gender-based abuse of both female and male surrenders in the district headquarters. For example, female surrenders had been threatened with jail if they did not provide sexual services to the security officers and prostitution and domestic service were often only forms of income available to them. Others reportedly had been forced to dance naked or otherwise entertain security force members.

Those displaced by the State are less visible: many of them stay hidden in the rural areas, hide in the forest temporarily, or go abroad, crossing the border into Sikkim and traveling on from there. The mission met with several persons who had been repeatedly threatened by the army and joined the Maoists for protection. There are also many reported cases of those fleeing the state being arrested in India (Sikkim) and handed over to Nepalese police. However, there were a few unexpected cases of individuals who had been displaced by the army and who had been given protection in district headquarters."

ACCESS TO EDUCATION

General

Conflict and displacement has deprived many children of education (December 2005)

- UN estimates that there are 35,000 school-age children in need of humanitarian support and who also need basic education and other social services.
- Many of these displaced children, if not accompanied by their family, end up in the worst forms of child labour, preventing them from attending school.
- Department of Education estimates that 3,000 teachers have been displaced by the conflict so far, adversely affecting the education of children.
- The conflict has also created additional workload for children at home and prevented them from attending classes.
- Studies have shown that re-integration into new schools is difficult for displaced children and that many eventually drop out.
- According to CWIN the number of street children has sharply increased and is about 4,000

UNICEF, 31 December 2005, pp.5-8

"The UN Contingency Planning Workshop (April, 2005) estimated that of these IDPs [100,000-200,000 IDPs nationwide] about 65,000 need basic humanitarian support and 35,000 are school-age children who also need basic education and other social services. The IDP population is spread across the country and includes vulnerable working children that are either accompanied by their families or alone. When not with their families, these children often end up in the worst forms of child labor which typically prevents them from attending school. Indirect evidence suggests that Kathmandu attracts the maximum number of migrants given that casual work opportunities are easier due to the scale of the population.

(...)

One of the grave consequences of the armed conflict is the suffering of the innocent children. They have been forcefully recruited and deployed as fighters or informants in the combat, they were debarred from education as schools were closed or destroyed. When a family is made homeless or displaced or a breadwinner is killed, it is the children and women who suffer the most.

Displacement of children has increased the vulnerability of this group. If education is considered a basic fundamental right of all children, the many children who are unable to attend school or access any educational service are being deprived from enjoying this basic right. Moreover, poverty and ignorance of the guardians and the poor conditions of the public schools are the additional factors to the agony of the children belonging to low income groups or urban poor in Kathmandu.

All of these have constituted a series of challenges to the question of schooling of the children as a fundamental right.

(...)

Impact of the conflict on children's education

"For the vast majority of refugees living outside of camps and for IDPs, their right to education is often denied"⁴.

In Nepal, the education system in rural areas is deeply affected by the current armed conflict. The Maoists are effectively in control of most of the countryside; estimates vary from 65% to 80%. Hindrance in children's education and disturbances in schools, teacher's displacement, destruction of schools, forced closures of private schools, use of school premises as battlegrounds by both the Maoists and security forces, 'bandhs' (strikes), schools targeted for attacks and used as ground for child recruitment, indoctrination and abduction, and children's forced participation in the Maoists' programmes have led to the breakdown of education. There is evidence that disruption in education and safety concerns have been one of the push factors of internal displacement. Owing to displacement, children have no scope to pursue their education.

OCHA, 7 October 2005, p. 8

"Since the beginning of the 2005-2006 academic year schools have been forced to close for 23% of the time by the CPN (Maoist). The government reports that 187 schools have been completely destroyed by the insurgents. Teachers have been killed by both sides in the conflict, and have regularly been abducted and forced to hand over a percentage of their salaries to the CPN (Maoist). It is estimated that many schools in conflict-affected areas have been closed for more than 120 of the requisite 220 days that comprises an academic year. The World Food Programme (WFP) routinely provides targeted school feeding in 4,170 schools, however has only been able to implement this activity at 62% of capacity due to the conflict."

INSEC, April 2004, p. 118

"The Education Department estimates that some 3000 teachers are displaced by the armed conflict till now. Internal displacement has adversely affected the education of children. Many of the children of the displaced family remain in their homes and there is much problem to manage money for schooling. Moreover, psychological pressure and excessive workload the children have to bear because of the absence of their parents also affect education. At times the children are deprived of education because the family head is displaced and they have to bear the burden of the family. For the children who have been displaced with their parents, they too have to face a lot of problems at new place with new schools and new teachers as well as new subjects. Studies have shown that the number of children quitting school after their parents were displaced has increased tremendously. A CWIN report reveals that the number of street children has grown rapidly during the past eight years of armed conflict. The number of such street children is about 4000.

Not only students but also the teachers are also victimized by the conflict. Maoists collect donations on monthly basis from the teachers and if they deny paying to the Maoists they are abducted, tortured or at times killed and on the other hand the security forces threaten, arrest and torture teachers for helping the Maoists. In this situation, the helpless teachers seek transfers to district headquarters, cities or places adjoining the capital city in search of safety and this too affects the education of the children.

About 5,000 people were displaced from Taplejung, Panchthar and Ilam districts to Mangsebung of Banjho VDC and the consequence is that the 14 teachers in a school had to teach some 1400 students. Many times the students would not see the teacher and vice versa."

Majority of working IDP children had received at least primary education prior to displacement (June 2006)

- Majority of working IDP children had received primary education or higher prior to displacement.

- Nearly 1/5 of the working children had attended Class 6 or above.
- Children working as mechanic helpers had the highest level of education, followed by restaurant workers.
- Girl tea stall workers had the lowest level of education

TDH, CREHPA, SCA, June 2006, p. 54

"The educational backgrounds of the IDP children in different labour situations are shown in Table 3.3. 'Non-formal education' refers to children attending NFE classes before their migration, not after arrival in their present destination. A high percentage of the respondents had received primary education or above (82% of boys and 62% of girls). Notably, among the IDP working children, 23% of the boys and 18% of the girls had attended Class 6 or above. This may reflect the disruption of more educated influential families in rural communities by the Maoist insurgency.

Educational attainment was most noteworthy among mechanic helpers (all boys), 37% of whom had lower secondary education (Classes 6 to 8) and 20% of whom had higher secondary education (Classes 9 or 10). This is likely related to the predominance of Brahmin/Chettri youth among the population of mechanic helpers. Surprisingly, following mechanic helpers, girls and boys working in stone quarries had the highest levels of education among the children interviewed. Notably, 57% of girl stone breakers had primary education, and 30% had lower secondary education. Overall, participation in non-formal education (NFE) classes was higher among girls (19%) than the boys (6%). Participation in NFE classes was highest among girls engaged as domestic workers (30%). Low educational attainment predominated among girl tea stall workers (67% illiterate, 33% primary education). No girl tea stall workers had attended NFE classes."

Conflict has had disastrous effects on the education system (May 2005)

- Only about 75 percent of the children belonging to primary school age group are enrolled and only about 37 percent of the primary school age children are expected to complete their primary education within a period of 5 to 13 years.
- The main causes for high drop-out rates and repetition are opportunity costs of education, income poverty, physical distance, perceived irrelevance of education, social prejudices along the lines of caste and ethnicity, under aged children, irregular school operation and neglect of mother-tongue in school.
- Frequent forced closures of the schools, and closures resulting from strikes and Bandhs have become another factor affecting the quality of education.
- There are now two types of schools: the ones run by the government and the ones run by the Maoists.
- Education strikes called by Maoist student organisations, targeting of teachers by Maoists, abduction of children, but also use of schools by the army as military barracks all have a disastrous impact on the children's right to education.

NHRC September 2003, pp. 58-59

"(...) the education system in Nepal still faces a whole range of problems. Only about 75 percent of the children belonging to primary school age group are enrolled. A large number of children have no opportunity for primary education. The gross enrollment rate is increasing indicating large numbers of underage and/or overage children in the classrooms. Gender disparities in access and performance are significant. Only 10 percent of the children entering Grade 1 will

complete Grade 5 without repeating any grade and only 44 percent of the students enrolled in Grade 1 manage to reach Grade 5. Also, only about 37 percent of the primary school age children are expected to complete their primary education within a period of 5 to 13 years.

The major causes for high drop-out rates and repetition are opportunity costs of education, income poverty, physical distance, perceived irrelevance of education, social prejudices along the lines of caste and ethnicity, underaged children, irregular school operation and neglect of mother-tongue in school. Many families cannot afford even the most basic school supplies. Untrained teachers, overcrowding of classrooms, high teacher-pupil ratio, inadequate provision of essential teaching-learning materials and resources, low level of motivation among teachers, and teacher absenteeism continue to hinder improvements in the quality of teaching and learning in schools. In addition, the curriculum content and teaching methods are not sufficiently related to the economic and social environment awaiting the student outside the school. All these factors contribute to violation of the right of children to receive quality education. The poor success rate of public school students in School Leaving Examination remains one major indicator of the problems faced by education in the public schools.

Lately, frequent forced closures of the schools, and closures resulting from strikes and Bandhs have become another factor affecting the quality of education. In B.S. 2059, schools were open only for 120 days. The political parties as well as their sister organizations should realize that their actions violate the basic right to education of 9.4 million children of Nepal."

Armed conflict has had disastrous effects on the education system

ACHR, 20 May 2005, pp. 22-23

"The right to education has virtually collapsed due to the armed conflict. There are two kinds of educational systems in Nepal – one run by the government and the other by the Maoists, known as Janabadi Sikshya (people's education). In May 2004, the Maoists prevented approximately 7,000, out of the 14,500 newly appointed teachers, who had passed the licensing examinations conducted by the Teachers' Service Commission from joining duty. The Maoists insist that their Janabadi Sikshya (people's education) be made part of the school curriculum and that teachers got training on it first.

(...)

Many schools have turned into military barracks of the RNA and the RNA personnel deliberately targeted the schools.

(...)

Owing to violence, the number of students in schools in Darchula, Baitadi, Dadeldhura, Bajhang, Bajura, Achham and Doti districts had gone down by 15 per cent as compared to previous years. Fear of being picked up by the Maoists led to the students of Mudbhara leaving their village to join the schools in the district headquarters.

(...)

The Maoists' student wing All Nepal National Free Students Union -Revolutionary (ANNFSU -R) often calls for indefinite closure of schools and colleges in the country to press their demands. Private schools are specifically targeted. There are over 8,500 private schools in Nepal that enroll at least 1.5 million students and provide employment to over 175,000 teachers.

After proclamation of emergency on 1 February 2005, the Maoists imposed an indefinite educational bandh in Bardiya and Chitwan districts. A total of 371 schools have been closed in Bardiya district following the Maoist threats. The Maoists have reportedly instructed the teachers and students to boycott classes until further notice. The Maoists' diktat came a month before the School Leaving Certificate examinations and over 100,000 students in Bardiya district have been affected. In Chitwan district, over 70,000 students belonging to 240 schools (private and public) have been affected by the Maoists' educational bandh. The Maoists reportedly abducted over 200 students and teachers from Bhumadevi Secondary School at Deurali VDC in Nuwakot district."

Attacks on teachers

Watchlist, 26 January 2005, p. 25

"Since 1996, more than 160 schoolteachers from all parts of Nepal have been killed in relation to the armed conflict, according to the National Teacher's Association. Another estimated 3,000 teachers have been displaced from districts' schools, fleeing their villages in search of security in district headquarters, according to the Department of Education.

Some teachers have come under pressure by both the Maoists and the government, causing anxiety and stress, and compromising their ability to focus on teaching and to assist students in coping with psychosocial issues. For example, both the the Maoists and government security forces are known to use blacklists to intimidate teachers. When teachers' names are put on such lists, they are likely to be interrogated by the security forces or called to the government security offices of the district for alleged Maoist activity. Ironically, this may cause the Maoists to accuse the same teachers of being government informers because they were seen at the government offices and to put them on their own black lists— and vice versa.

(...)

The Children in Conflict studies describe teachers having been tortured during interrogation in the custody of government security forces for suspicion of supporting the Maoists, or in an attempt to get information about Maoist activity. In one case, reported in May 2004 in the Samay National Weekly, "Scared for Life," Kamal Dahal, a teacher and father of a 12-year-old school student, was killed in front of his daughter by the government security forces on charges of being associated with the Maoists.

Similarly, Maoists may threaten teachers and force them to make "donations" from their monthly salaries to support Maoist activities, putting strain on teachers and their families who must survive on the salaries. According to local sources, forced "donations" from teachers is occurring throughout the country. A news story reported that the rate of "donations" is approximately 10 percent of teachers' salaries. However, this rate may vary at the discretion of local Maoist leaders, Kantipur, "Salaries to Maoists, Family Empty Handed," July 26, 2004."

Obstacles to education

Need to support the family and lack of transfer documents are major obstacles to IDPs' access to education (July 2006)

- Lack of transfer documents, lack of teachers and the need for the children to work to support his family are major factors hindering IDPs' access to school

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 11

"A problem faced by many IDP children in the major towns is the lack of transfer documents necessary to enroll in the schools in place of residence.⁶ These documents are only necessary after fifth grade and the older children are usually sent to Biratnagar to study. The lack of documents therefore did not constitute such a large problem in the headquarter of Taplejung district, where there had been taken occasional decisions to enroll IDP children from remote areas without the documents. The lack of teachers and closure of private boarding schools had led to heavy pressure on the public schools in the district headquarters. In Taplejung district there was one teacher for 38 students. The large taxation imposed by the Maoists on the schools has put an end to additional resources. Many IDP parents stated to the mission that they could not

afford to send their children even to public schools. In Phidim for example, most IDP children were not enrolled in schools due to costs of uniforms and books. Government had allocated some budget to assist IDPs by providing them some allowances."

TDH, CREPA, SCA, June 2006, p. 21

"Nearly three times more girls than boys were attending formal or non-formal education. While nearly two thirds of girl children were attending school, only one fifth of the boys were doing so. The large number of boys not attending school greatly consisted of older boys working and living semi-independently. Notably, many these boys were those who came from the village with the highest education, indicating a disruption of these children's educational track. Lack of interest was the most frequent reason for non-attendance cited by boys, and economic obligation to the family was the most frequent reason cited by girls. Lack of time to study due to work was nearly as common, and was cited by both girls and boys."

CHR, 7 January 2006, p. 16

"54. Regarding education (Guiding Principle 23), internally displaced children face several problems. In particular, they often lack the transfer papers issued by the school in the village or town of origin necessary to be enrolled in a new school. As the Representative noted with appreciation, in many places access to schools for displaced children is granted in a flexible and non-bureaucratic manner. But education officers in the districts visited by the Representative confirmed that the high increase of primary school enrolments without the corresponding increase in the State budget affects the quality of education. Finally, once families exhaust their savings or the support capacity of their relatives, sending children to school becomes too costly for many parents. The difficult education situation is exacerbated by the fact that many private, and a considerable number of public schools, have closed due to threats and acts of violence by the CPN-M."

Survey shows only a quarter of IDP children attend school in Kathmandu (March 2005)

- In both Kathmandu and Birendranagar, only one displaced children out of four attend school. Of these, the majority (60% in Kathmandu and 90% in Birendranagar) go to government schools.
- Lack of ID papers or money to buy uniforms and books are major obstacles to school attendance.
- More than 80% of the displaced children attending school do so with the support of their own family. Only 1.4 % (or two children) received support from the government.

SAFHR, March 2005, p. 12

"(...) there appears to be a higher incidence of children attending schools in Birendranagar. (see Table 5 below) Most of them go to government schools (where education is free) and some of them have been provided educational assistance by the schools themselves and by some of the local NGOs in Birendranagar in particular. In Kathmandu, fewer children attend school – many, because they have no identification papers for admission formalities and also because they cannot afford to buy school uniforms and textbooks. It is not clear why some schools have relaxed their policy to allow children from displaced families to attend school and why other have not shown the same generosity (sic). One of the reasons for non attendance is also due to the families having to move frequently from place to place looking for affordable accommodation and therefore finding it difficult to find schools for their children to attend on a regular basis.

As is evident from Table 6, most of the families said that they were sending their children to school with their own funds which meant that they were receiving either some sort of support from relatives, friends or taking loans. It is revealing in itself that only 2 children from among these families have received any government support for education"

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

Many IDPs moving to the main cities may end up as urban poor (March 2005)

- Most IDPs have no regular source of income or no income at all. Those who do try to make a living out of selling small goods, operating small lodge and kitchen businesses or doing construction work. Those who don't are forced to beg in the streets.
- Many of the girls who have fled to Kathmandu end up working in restaurants and bars. The lucky ones have received training by an NGO, although often short term.
- The study found that few displaced children in Kathmandu or in Birendranagar were working.
- Over 70 per cent of the people said that they could not earn enough or anything at all to even feed their families.
- Concentration of poor in urban areas is reported to have increased due to the conflict and the subsequent displacement of people.
- Study shows that a significant proportion of IDPs moving to urban areas end up as urban poor.
- ADB study estimates that between 300,000 and 400,000 rural landowning families have been displaced since 1996.
- Most experienced a serious decline in annual income with families displaced from the mid-western regions being both the largest group (1.2 million) and having experienced the sharpest decline (more than 50%)

SAFHR, March 2005, pp. 15; 40

"Many of the people who have been displaced have no regular source of income or have no source of income at all. Persons with political affiliations continue to be associated with party offices but on a voluntary basis. Many of the IDPs, both in Kathmandu as well as in Birendranagar, make a living as small vendors, what is called 'nanglo pasal' literally, selling small goods like cigarettes, sweets and small knick knacks out of a nanglo (flat round bamboo tray used to clean grain). Small road construction work (gitti kutney or stone breaking) appears to be the next option, with many children also accompanying their parents in this work.

Some of the people in Birendranagar, a few women, have begun brewing and selling "rakshi" or home brewed liquor, which at the least ensures some degree of daily income! A few entrepreneurs have rented a few rooms and run a lodge and kitchen. This is usually two rooms, one doubling as the kitchen and sleeping space for the entire family and one room to be rented out. They are able to make some money to pay all or part of the rent.

In both places, some of the IDPs said that they and their children have had to resort to begging on the streets. Older girls who have come to Kathmandu on their own, work in garment factories, restaurants or in some cases in dance bars. Young boys, interestingly enough were either continuing with their education or were working part time in restaurants as service staff. Some of the displaced youth have been provided with vocational training and internships with various NGOs. However this is short term and there is only one instance of such a programme, funding for which, according to the NGO, will soon cease.

Girl children in Kathmandu are working in hotel/restaurants or in brick kilns or other casual wage labour while in Surkhet they are working as domestic labour. However the numbers of girls working is very low. We found only four incidences where the family has sent girls out to work. Boys in Kathmandu and Surkhet are mostly working as domestic labour, transport labour (at garage/workshops), in hotel/restaurants and casual wage labour. The number of boys working is also quite low. In Kathmandu it is not quite clear what the children are doing as the incidence of school attendance is low in comparison to Surkhet where one may conjecture that more children are in school and therefore not working. Although on being asked, what do the children do, some of the respondents in Kathmandu said, "Kehi gardaina, gharma baschha. Iskool janu sakdaina, kaam garnu pathaune sakdaina, sa-saana chan!" (they don't do anything, they just stay at home. They cannot go to school, they cannot be sent to work as they are too small).

Table 8 presents a dismal picture of the current situation of income sufficiency of the IDPs in both Kathmandu and Birendranagar. A small percentage of people said they earn just about enough to meet their daily needs, although if a sudden emergency came up they would not have any money for that. Over 70 percent of the people said that they could not earn enough or anything at all to even feed their families. Some of them said that they were at starvation point with not even one full meal a day. Approximately 46% the IDPs have to manage their expenses by taking loans while other have additionally taken some form of cash (grant) or support in kind from family or by selling off property. A few said that they managed to get some grain and other food stuff sent to them from the village. However this is not a regular supply as the family is only able to send it to them in small amounts and in some cases secretly.

(...)

Most IDPs survive on loans

"The survey has also highlighted the high probability of further impoverishment of this group of IDPs directly attributable to the fact almost all of them survive on 'loans' taken from friends, relatives and sometimes money lenders. Since there is no steady source of income available to these people, the likelihood of their incurring more and more debt is exponentially high.

It is significant that over 74% of the IDPs live in rented house with an addition approximately 15% living with relatives, temporary shacks and dharamshalas. Only 10% of the people said that they had their own house, a majority of them being in Birendranagar.

Combined with the feedback received from over 68% of the IDPs who do not have sufficient means to survive and that at least 63% of them had taken loans to make ends meet, it can be said that the propensity for increasing indebtedness of these people is undisputed. This percentage does not cover those who said they were starving or that those who were making do with some food on a daily basis. As has already been mentioned earlier, the IDPs already have run up debts on rent and food on credit. With no regular source of income or any assistance, it appears likely that a new community of urban poor will emerge and increase."

Study shows that IDPs who move to the main cities are likely to become urban poor **Kathmandu Post, 20 April 2005**

"Senior economists of the country on Wednesday expressed deep concern over the rise in urban poverty level and warned that the problem, which remains largely overlooked, may soon turn into an epidemic if appropriate measures are not taken on time.

According to a report, only 14.2 percent of the total population are currently residing in urban areas and of this number about 20 percent are living under poverty level. "However, the alarming

fact is that the number is increasing at the rate around eight percent every year," said Dr Keshav Khadka, an economist.

Presenting a paper on 'Rising Urban Poverty and Impact on Conflict' at a program, he added that the concentration of the poor is expected to increase further in urban settlements due to growing tendency of the conflict-displaced people to migrate towards cities.

"And, according to a survey, it was found that the largest chunk of such population that migrate to the cities later turn into urban poors," stated Dr Khadka.

"Very fact that 28 percent of the total population living in squatter settlements for the last 10 years are mainly people displaced by the conflict is an evidence to prove that people who shift to urban areas due to insurgency are prone to transforming into urban poor," he argued."

Study suggests sharp decline of income for landowning families after displacement
ADB, September 2004, p. 2; Appendix, p.78

"Over the past year, the conflict has spread. At present, 36 of the 75 districts are classified as Phase III districts under the United Nations' security system. Since 1996, about 10,000 people have been killed, 300,000–400,000 rural families displaced, and infrastructure facilities estimated to cost about \$400 million destroyed.

(...)

The estimated number of people displaced by the conflict varies. A study conducted in 53 districts reported that some 402,100 landowning families were displaced, affecting nearly 2.4 million people.¹ More details are shown in the following table:

18. The same research also found that there was a substantial decline in the annual income for the displaced persons in the areas of study. These are detailed in the following table:

"

Some IDPs reported to have managed to acquire new entrepreneurial skills (May 2005)

- Some IDPs in urban areas are reported to have managed to do pretty well by making use of their entrepreneur skills.
- While some work as daily labourers, some other are assisted by their relatives.
- IDPs with some sort of entrepreneur skill have become luckier in getting jobs than the peasants who know little about entrepreneur skills and trade transactions
- Many of the displaced find themselves in a very difficult economic situation and have to opt for unskilled, manual jobs when they can find one.
- The government provides very limited assistance to the displaced and most aid agencies do not target them in their assistance schemes.
- Interviews and studies among IDPs have shown that only 7'343 people are receiving displacement stipends from the Home Ministry and there is much political influence in the process of distribution of such stipends.
- Poorer IDPs maintain their livelihoods in a variety of ways, most unskilled and menial, requiring low or minimal capital investment and generating low returns.

- Competition for business is increasing with the arrival of the displaced, resulting in lower daily wages or business profits, impacting not only on poor displaced people but also on poorer sections of the host community.

Nepalnews, 6 May 2005

"Budha and Khadka are not alone surviving on new entrepreneurial skills. There are many other IDPs living in major cities like Nepalgunj, Butwal, Pokhara, Mahendranagar in the west; Biratnagar, Jhapa, Dharan, Iathari in the east; and Kathmandu, Birgunj, Narayanghat and Janakpur in the center, who are in the small business now.

Along with major cities, many other IDPs living in the district headquarters have to search the employment for themselves. From political workers, teachers to families of Royal Nepalese Army, Indian Army, Nepal Police and other common people, there are different kinds of IDPs in search of work.

At a time when the government does not have any policy on IDPs, most of IDPs are living on their own. Some live working as daily wage laborers and others depend on their relatives. Families of Indian army, Nepalese Army and Nepal Police live under salary sent by their beloved. There are some people who don't have anything to live on. Those who have acquired the entrepreneur skills are lucky enough to have better life.

As soon as people move from their native and land in new place, their immediate priority will be to search for a job to sustain their families. Since there are no mechanisms for their registration and identification, these IDPs have to search the employment for themselves.

As population in district headquarters increase, the demands of various goods including consumer items, food stuffs, vegetables etc also increase. Furthermore, triggered by the number of population migrating to district headquarters for safety reason, there has been a construction boom and high demand of laborers.

As such, the IDPs with some sort of entrepreneur skill have become luckier in getting jobs. "This skill will benefit now and later when we return to our villages," said Khadka. "If I am allowed to live back in my village, I will grow vegetables and fruits to sell them in the urban areas. I know the trade tricks now."

Having survived on subsistence-based agriculture, the rural people in Nepal know little about entrepreneur skills and trade transactions. The people don't have any knowledge on market, demand and supply mechanism and so on since rural people mostly grow food only to sustain their families."

Lack of jobs is forcing IDPs to maintain their livelihoods in a variety of ways, most unskilled and menial

INSEC 2004, p. 117

"Economic problem can be considered to be the greatest problem a displaced person faces in the new place. The displaced people may need to face additional burden to meet expenses for house rent, food, education, medical treatment and others, which may create a lot of other problems. There are cases where people who have plenty of land in the villages are working as porters in brick kilns in Bhaktapur and Lalitpur. The NGOs, private offices and human rights organisations receive many job applications agreeing to do any jobs from the people who were once teachers in different schools in the rural area. And at many times people maimed in the violent attacks are working in stone quarries in the urban areas.

Managing money for livelihood is the greatest problem facing the displaced people and it is a greater problem for people who have no skills and used to rely on agriculture in their homeland. The government is not much serious to help these troubled people by providing them rehabilitation and ensuring food, shelter, education and other basic facilities for livelihood. The development agencies too, do not seem seriously concerned over the welfare of the displaced people.

Unemployment

It could be a matter of great relief if the displaced people get proper jobs as per their qualification upon arrival to the new place but this is not the situation. These displaced people have to suffer a lot to find a job for their sustenance. In other countries the government provides unemployment allowances, free medical services, free education and other services to support the displaced people. In Nepal the government is not able to support these people by providing the services like scholarships and displacement stipends which it had promised to do, let alone other facilities. Only 7343 people are receiving displacement stipends from the Home Ministry but there is much political influence in the process of distribution of such stipends. This fact has been proven through the interviews with the displaced people and several other researches."

"Livelihood Strategies and Characteristics

The SNV/INF survey showed that poorer IDPs maintain their livelihoods in a variety of ways, most unskilled and menial. Typical activities include:

Manual work in factories (brick factory, iron factory, flour mills)
Sale of forest products, timber and firewood and
Herding animals
Work in hotels
Cattle rearing using loans
Small trading such as tea shops and vegetable stalls
Stone breaking, sand sieving and lorry loading
Carrying loads
Rickshaw driving
Washing clothes in the bazaar

These types of activity generally require low or minimal capital investment, are physically demanding, insecure and generate low returns. In summary, they are no different from the normal activities of poor economic migrants. As the number of people engaged in these activities increases, so does the competition for business. This usually results in lower daily wages or business profits, impacting not only on poor displaced people but also on poorer sections of the host community.

Reponses suggest that few IDPs are supported by their family members in their original areas." (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 11-12)

Majority of IDP working children earn barely enough to support themselves (June 2006)

- Study shows that despite the children's own overall tolerance over their working conditions, these were severely and unequivocally exploitative with long working hours, sometimes even without pay.

- Most IDP working children earned barely enough to support themselves and only one half of the girls and one fourth of the boys managed to send monetary support to their family.
- The main problems reported by the children were attributed to the employer and not the working conditions and included the lack of a decent place to sleep, beating and scolding

TDH, CREHPA, SCA, June 2006, pp. 22-23

"Although the study found most of the children's workplace situations to be poor, the children themselves proved remarkably tolerant. The majority of both boys and girls described their work situation as good or average. It is not clear whether this indicates an improvement over their situation in the village, a reluctance to complain or a high tolerance for discomfort. At the same time, when asked what they liked about their work situation, the children were unable to provide many answers. On the other hand, when asked about things they didn't like, their answers were abundant. Notably, scolding and corporal punishment were most frequently mentioned as a reason for disliking the work situation. As well, many children reported that their employers expected them to work without pay.

Investigation of the working hours and remuneration of child labourers indicates severe and unequivocal exploitation. With few exceptions, the children worked long hours, girls on average of 11 hours per day and boys on average of nine hours per day. The most exploitative labour situations in terms of working hours were carpet factory labour and tea stall labour, with the majority of these children working more than 13 hours per day. Many children received no payment for their work, particularly domestic workers and mechanic helpers. Nearly one third of the boys and girls earned 'no fixed amount', meaning that they earned according to either production or number of clients served.

Thus children were forced to work long hours in order to earn sufficient income for their needs. At the same time, one half of the girls and one fourth of the boys worked to provide monetary support to their families. Surprisingly, one fourth of rag pickers reported that they sent money home to their families. Regarding health problems in the workplace, it was found that about one half of the children's work situations indicated no significant health concerns. On the other hand, transport workers, carpet factory labourers and stone breakers conducted work in situations that would not be tolerable for either children or adults.

When asked about the types of problems encountered in the workplace, children most often attributed their problems directly to their employer, rather than to the physical situation, the work itself or their co-workers. Most frequently, children said that employers did not provide them decent places to sleep, and next frequently children said that employers often beat and scolded them. Forced labour and poor wages were also frequently reported by the children. Although direct questions about sexual abuse were not asked children for reasons of protection, a number of girls in carpet factories and domestic labour voluntarily reported attempted sexual abuse in their workplace."

Public participation

National IDP policy provides IDPs with the rights to participate in elections, but many obstacles still to be addressed (June 2006)

- Nepal's IDP policy, issued in March 2006, provides that the IDPs will have their right to participate in elections guaranteed, namely by providing them with the opportunity to cast absentee ballots in their current place of residence.

- The Constitution of Nepal also guarantees that all citizens equal and universal suffrage.
- There are several logistical problems to be addressed in conducting an IDP registration and voting.
- Constitution and national IDP policy are currently in contradiction as the former prohibits voting outside of the place of permanent residence. Parliament needs to amend the constitution, preferably in the context of a broader electoral law.
- Existing voter registers are incomplete and need to be updated.
- IDP communities should preferably be served by dedicated registration and polling centers and their votes should be mixed with those of regular voters.
- Information campaigns should target IDPs and migrants.

IOM, June 2006, p.9, 30-32

"The Compilation and Analysis of Legal Norms,⁶ a document that details the specific human rights instruments relevant to IDPs and forms the background to the Guiding Principles, argues that: "Amidst the many deprivations they face, internally displaced persons often are stripped of the opportunity to participate in government on a local or national basis. This denial may be enhanced by the fact that they have lost their identification papers and/or property. The ability to participate in governmental or public affairs can enable internally displaced persons to influence or possibly ameliorate their own situation of displacement."⁷ The Compilation concludes that, "the means for their [IDPs] participation, including access to voter registration procedures, must be safeguarded."⁸

In line with this principle, Section 5.4.2 of the Nepal's National Policy on Internal Displacement provides that IDPs shall be guaranteed the right to participate in elections and explicitly provides for the opportunity to cast absentee ballots in their current place of residence for their original constituency if they so choose.

The Constitution of Nepal, Part 45(6) holds: "Every Nepali citizen who has attained the age of eighteen shall be entitled to vote in one of the election constituencies in accordance with the provisions of the law." The only other limitations include mental competence, permanent residence in the electoral district where the ballot will be cast, and not having been in prison less than a year prior to Election Day. The residency limitation is important in the context of displaced and external voting rights and will be discussed further below. The important point is that constitution guarantees equal and universal suffrage, and combined with Nepal's obligations under international human rights law, warrants a substantial effort to ensure that displaced and migrant voters are able to participate in elections in a manner that guarantees their physical security and freedom to vote in accordance with the conscience.

The question for Nepali stakeholders is not whether displaced populations should be provided the right to vote, but how to establish the means necessary to deliver that right."

Issues to address to maximise IDP enfranchisement prospects

"IDP registration and voting raises special logistical problems that must be addressed early if the program is to guarantee the widest possible opportunities for participation. This section briefly identifies issues confronting election organizers and stakeholders in terms of organizing a registration and balloting program that maximizes IDP and migrant enfranchisement prospects.

Statutory Basis for Absentee Balloting

Section 5.4.2 of the National IDP Policy provides that IDPs shall be provided the opportunity to cast absentee ballots in their current place of residence for their original constituency.²⁷ Absentee balloting is not just a convenience issue, but directly affects the security of IDPs and their ability to vote their conscience free from physical intimidation and threats. Requiring displaced populations to return to their home communities to vote will put them in direct contact with individuals and groups that may have been responsible for their displacement. As a general rule, the absence of a large scale, spontaneous return prior to the elections indicates that the security situation does not warrant the use of repatriation prior to elections as a means for IDP enfranchisement. In these situations, the only option for protecting IDPs' physical safety is through registration and balloting in their place of current residence.

The IDP Policy provision on absentee balloting directly conflicts with the 1990 Constitution's prohibition on voting from outside the place of permanent residence. In the current environment, however, the extent to which the 1990 Constitution continues to hold force is debatable. A simple act of parliament, preferably in the context of a broader electoral law, should be sufficient to guarantee the realization of this right. The law should also include language governing voter eligibility that gives the right to IDPs to register and vote for their home constituencies, either in person or by absentee ballot, in line with the Constitution's guarantee of universal suffrage, the National Policy on Internal Displacement, and the Guiding Principles on Internal Displacement.

Voter Registration

Voter registration, which is supposed to occur annually, has not been effectively conducted in much of the country since the rebellion began. While the government has maintained control over the 75 District Centers, it does not control much of the country-side. As a result, the existing voter registers are incomplete and out of date. Even in the urban areas, many NGOs complained that voter registration is not transparent and often difficult for the individual voter. During the Assessment visit, for example, registration was occurring in Kathmandu, yet almost nobody interviewed, even political parties, were aware of it. Most stakeholders, including the EC, agreed that a comprehensive, free and transparent re-registration process is required in order to guarantee access to the ballot.

The EC will need to make special provisions for IDP and Migrant registration. New registration procedures and forms will be needed to ensure that voters resident outside of their regular electoral constituency will be provided an absentee ballot in their present location. While the EC does maintain a sophisticated IT infrastructure, as currently designed it could not account for displacement and migration. Substantial technical assistance and new IT investments will be required to design the data capture elements of the absentee balloting. In addition, a mechanism will need to be devised to account for population movements between the close of the registration process and Election Day. This process should also be prepared to account for ongoing demobilization programs.

One additional option could be to combine the voter registration process with the civil registration program described above. In this scenario, the civil registration database could be designed to capture required voter details, and the voter register extracted from the civil register.

Balloting & Counting

If properly designed and implemented, the results of the voter registration should provide an adequate basis on which to design and implement ballot distribution programs. However, stakeholders and the EC should consider two additional questions related to the conduct of the polling: should IDPs be provided dedicated absentee polling stations and how should absentee ballots be sorted and counted?

In general, IDP communities should be served by dedicated registration and polling centers near their location and staffed by fellow IDPs (and other election workers) who understand their unique needs and procedures. Mixing displaced voters in with regular voters is certainly possible; however, co-mingling voters with varying identification and balloting needs can create long queues and overcrowded polling stations. The separation of these voters from regular voters can speed up the voting process and ensure that long lines and crowded facilities do not result in violence. This separation can occur either through separate lines and voting station within a “twin” station, or through providing special absentee balloting stations.

Given the reluctance of many Nepali IDPs to identify as displaced persons, the absentee stations should be labeled “Migrant Polling Stations,” and be available to both IDPs and any other Nepali who applied to cast an absentee ballot on polling day.

A second important issue is where and how IDP votes should be counted. In general, it is preferable to mix IDP ballots with those of non-displaced voters based on the constituency where the ballot will have effect and count them in a central location. This provides additional security to IDP communities, as those who threaten violence in order to swing their vote to preferred candidates will not be able to distinguish how local communities voted. The EC, however, expressed the view that counting IDP ballots in Kathmandu would be logistically easier than having to sort all the ballots and then send them on to the community where they will have effect. Given weaknesses in transportation infrastructure (some communities are more than five days walk from the nearest road), it would make sense to have absentee ballots transported to Kathmandu for counting, and only transmit the results of the counts to the Districts, where the tallies would be added to the regular results.

Voter/Civic

Education Nepali voters will require access to three types of election-related information: 1) Process information regarding the registration procedures, eligibility requirements, and voting dates and locations. This information should be made widely available by the EC and distributed through media outlets, the VDCs, and local CSO counterparts; 2) Sensitization information regarding the political rights, responsibilities, and practices related to a functioning and healthy democratic polity. This information should be the special focus of the EC, international agencies, and donor supported initiatives that build the capacity of the CSOs to carry out local training; and 3) Political information regarding the programs and platforms of the candidates. This information is produced and distributed by the parties and candidates, either directly through paid advertisements, posters, and rallies, debates or indirectly through press coverage and editorials.

In order for Nepali IDPs and migrants to vote with full information, donor-supported programs will be required in all three areas. This will require the development of information distribution platforms that address the difficulties of identifying and reaching IDPs, particularly in more remote parts of the country or where VDC infrastructure remains weak. Nepal is abundantly endowed with active (although still young) civil society organizations, and a mechanism for linking these groups to the information distribution platform should be developed. Training on IDP and Migrant specific procedures and issues could be provided by agencies with experience conducting these programs in other countries.

Technical assistance can also be provided to political parties to build awareness of IDP issues as a party platform issue. Organizing party workshops with such a focus and involving displaced communities in the workshop presentations should be explored with INGOs that work with political parties. This assistance should include encouraging the political parties to establish a Code of Conduct in displaced communities and development of a training program for political party agents to monitor registration and voting in displaced communities.

Observation

IDPs are an exposed and almost defenseless population – easily subject to electoral coercion. As a result, the electoral process needs a third-party validation of the integrity of their participation. International and domestic observers should be present in all districts camps through the campaign period and on polling day, and should be authorized to monitor the counting and transport of ballots. Both domestic and international observation groups should include an emphasis on the access of conflict affected migrants to the process. NDI is currently working with a coalition of democracy and human rights groups to create a national alliance for observing the elections. This work should be expanded and supported as the election date approaches."

Continued extortion by Maoists and lack of administrative capacity at local level are major obstacles to free and fair elections (June 2006)

- Elections for the constituent assembly will be held by June 2007.
- Extortion and sporadic acts of violence by Maoists, which have continued since the end of hostilities, are major obstacles to the conducting of free and fair elections.
- The government and the Maoists will have to agree on the modalities for the cantonment and /or demobilisation of the Maoist cadres.
- Local administrative capacity will have to be rebuilt and VDC officials allowed to return.
- Registration of IDPs will have to be conducted in order to provide them with the necessary documentation to take part in the elections

IRIN, 10 October 2005

"Maoist rebels and Nepal's interim government have agreed to hold elections for a constituent assembly by June 2007, negotiators from both sides said on Tuesday at the end of three days of high-level peace talks."

IOM, 29 June 2006, p. 23

"Maoist cadres continue to engage in extortion and sporadic acts of violence against members of competing political parties, even as negotiations continue in Katmandu. Elections in which voters are subject to threats, intimidation, or physical attacks cannot reflect the will of the people. Allowing non-government forces to retain their weapons and move freely through the countryside would send a disturbing signal to voters, particularly IDPs. The SPA and Maoists must therefore reach an agreement on the modalities for the cantonment and/or demobilization of the Maoist cadres. In addition, the Parliament will need to clarify the appropriate role and conduct of the Nepal Army and police in securing the election process.

The negotiations will also need to finalize the process of re-establishing VDC administrative capacity throughout the countryside. Government officials at the village levels constitute a substantial portion of the displaced and state infrastructure in much of the countryside has disintegrated. While the SPA and Maoists have agreed, in principle, that the "People's Governments" (i.e., the Maoist organized local governments in areas they control) will be disbanded once the interim government is seated, the process of re-building local administrative capacity could prove time consuming and should be subject to international and domestic monitoring. This is especially important in the context of the Election Commission's ability to conduct voter registration. Almost all parties interviewed during the assessment voiced strong support for a substantial UN role in facilitating and observing any cantonment or demobilization

process. On May 29, the government, in agreement with India and the Maoists indicated it will soon send a formal letter to the United Nations inviting involvement in three key areas:

Ceasefire Monitoring;
Assisting in the cantonment of Maoist cadres prior to the CA election; and
Witnessing the ongoing government/Maoist talks.

The impetus is on the Government and UN agencies to arrange for the details and enter into a formal agreement on the scope and mandate of the operation. If the cantonment also includes elements of demobilization programming, a variety of agencies can be called upon to provide implementation support. Donors are prepared to provide funding for these programs.

In terms of re-establishing local infrastructure, the government, donors and the international community should be prepared to fund the restructuring of government offices and other property once negotiations are concluded and the situation is safe for VDC officials to return. In addition, the process should be subject to domestic and international monitoring. At the domestic level, NGOs such as INSEC already have a field presence and contact with local NGOs and provide these reporting services in many areas. At the international level, OHCHR will likely expand its human rights monitoring and reporting activities.

In terms of the elections, the EC will require substantial support to re-establish its operational capacity at the field level. Many VDC Secretaries, who also serve as Village Registration Officers, have been displaced or killed in the conflict. New field staffing and training programs will be required, warranting substantial capacity building assistance to the EC."

CHR, 7 January 2006, p. 17

"57. Registration issues are also particularly important in an electoral context. Without appropriate documentation and legislation, IDPs cannot exercise their voting rights, which is contrary to Guiding Principle 22. The Representative is not convinced that all efforts were being undertaken to ensure that the IDPs will be able to participate in any electoral process."

IOM suggests Action Plan to address core IDP issues linked to the upcoming CA elections (June 2006)

- According to IOM, the core issues to be addressed in the context of the upcoming CA elections include: transition & ceasefire, citizenship, registration & documentation, electoral formula, redistricting of administrative boundaries and zones, census, voter registration and balloting for IDPs and migrants and external voting.
- IOM addresses each of these issues in an Action Plan.

IOM, June 2006, pp. 4-6

"This IOM PRESS Action Plan examines issues associated with displacement and migration (internal and external) in the context of the CA elections. It also proposes modalities to ensure that these elections will be transparent, inclusive and genuinely reflect the will of the Nepali people. The assessment visit revealed a profound need to begin considering the political and technical elements of the CA process.

Some stakeholders interviewed during the assessment visit argued that CA elections could be held by the end of 2006.¹ This is unrealistic, given the enormity of the task and the imperative that the elections sustain the democratic transition and solidify the peace. In order for the elections to

occur in an inclusive, free and fair, manner, parties and stakeholders will need to address the following core issues:

1. Transition and Ceasefire
2. Citizenship
3. Registration & Documentation
4. Electoral Formula
5. Redistricting of Administrative Boundaries and Zones
6. Census
7. Voter Registration and Balloting for IDPs and Migrants
8. External Voting

Substantial population movements over the previous ten years will require careful planning in order to make the process succeed. Unfortunately, the government's response to the IDP crisis has been politicized and insufficient. As a result, many IDPs are unwilling to identify themselves as displaced and do not register with authorities. The reasons for this are complex and more fully explored in the main body of the report. In short, while it is possible to distinguish multiple causes and patterns of displacement in Nepal, election-related programming will need to account for migration in general, whether induced by the conflict or not.

Each of the above issues raises important considerations in terms of IDP and migrant participation. The Action Plan examines each in turn, identifying the key political and technical issues that need to be addressed and proposing programming options to keep the process in motion. Key recommendations include:

>Transition and ceasefire: The government and Maoists must reach an agreement on the modalities for the cantonment and/or demobilization of Maoist cadres and on the reestablishment of local administrative capacity throughout the countryside. All parties should pledge to create an environment in which local institutions of governance can be re-established and displaced Nepalis can return home. International agencies, together with domestic NGOs, will need to support and observe these programs.

>Citizenship: Nepal needs to resolve issues associated with statelessness and citizenship. Current constitutional and statutory requirements for the acquisition of citizenship are discriminatory and should be reformed. A new citizenship law is critical to the inclusiveness of the electoral process, and procedures for acquisition of nationality should be completed prior to beginning a voter registration program.

>Documentation: Nepal's documentation problems are substantial, affecting displaced persons and women in particular. Legislative action is required to eliminate the current obstacles to obtaining documents and establish a mechanism for the issuance of new or replacement documents. However, a national-effort to implement a document reissuance program should be linked to a broader process of civil and/or electoral registration. These tasks require careful deliberation and planning. Two possible modalities include an IDP/Migrant-specific registration process (which could prove problematic) or a comprehensive civil registration that would result in the issuance of a new national identity card for all Nepalis.

>Electoral Formula: Stakeholders need to determine the formula for electing delegates to the CA. The model adopted will have important implications for the representation of different parties and social groups. There is considerable (although varying) expertise among political parties, academics, and civil society organizations regarding the pros and cons of various electoral formulas. Few of the proposals, however, seem to recognize the important impact that displacement and migration will have on the system. The Action Plan briefly discusses the

common models, First-Past-the-Post, Proportional Representation, and Parallel Systems in terms of how each will affect and be affected by migrant populations.

>Redistricting of Administrative Boundaries and Zones: Related to the electoral formula is whether and how to re-draw the country's administrative and constituency boundaries. Some proposals for a CA electoral formula include a PR mechanism based on 7 to 33 regional districts. However, any electoral formula requiring sub-national districts or constituencies would require a census or registration process to ensure equality of the vote. These corollary processes also need to account for displacement and migration in the drawing of boundaries and apportionment of seats.

The final two sections of the report examine issues and options associated with absentee balloting, both inside Nepal and externally. The government's 2006 National IDP Policy provides that IDPs shall be provided the opportunity to cast absentee ballots in their current place of residence for their original constituency. Absentee balloting is not just a convenience issue, but directly affects the security of IDPs and their ability to vote their conscience free from physical intimidation and threats. The Parliament will need to enact a legislative framework for the election that provides mechanisms for absentee registration and balloting and the Election Commission will require technical support to organize such a program. In addition, stakeholders will need to discuss options for a possible external voting project, particularly in regards to the substantial Nepali population in India. Civil society and voter education programs will also be required to ensure that Nepalis understand the process and are able to participate effectively. Important considerations in this regard include:

Updating the voters register;
Provision of an absentee ballot;
Whether to establish IDP and migrant specific polling stations;
How to count absentee ballots;
Provision of civic and voter education;
Observation of the process;
Whether and how to organize an external voting program."

Majority of IDPs living in rural areas felt little discrimination from their host community (March 2003)

- Majority of IDPs living in rural areas feel little discrimination from their host community and are integrated in social events and the local economy.
- In more isolated or separate IDP settlements, there are few interaction with the host community
- Some IDPs are disappointed that few organisations are active in promoting their welfare. Food and shelter as the main needs of IDPs.

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp.13-15

"The SNV/INF survey suggested that the majority of IDPs living in rural areas felt little discrimination from their host community. Festivals were commonly celebrated together and toilet facilities / grounds were usually shared without problem. Where the host community comprised family and friends they were often helpful in providing food, shelter and clothing. Food and other necessary items are often bought in the same markets as the host communities, providing a boost to the local economy. In Nepal's growing towns, a significant proportion of the host community has also recently arrived and therefore are perhaps more accepting of new arrivals than host communities in more stable rural areas.

While this is a general overview, there are exceptions, particularly where IDPs live in their own temporary settlements and form discrete communities. In these areas IDPs often felt that they were either tolerated or disliked by the local host communities. The survey revealed cases of conflict over the use of land and footpaths and instances where IDPs felt humiliated because of host community attitudes. It also found that in some cases, for example in settlements along rivers where IDPs are involved in stone breaking, people were so focussed on survival and work that they had little time or reason for interaction with neighbouring communities. Most IDPs expressed disappointment that there were no organisations active in promoting their welfare.

Education and health facilities are scarce in many places and in such areas the increase in population as a result of displacement can put pressure on these services. IDPs are often unable to access these services due to insufficient income and sometimes a lack of awareness or knowledge.

In general, IDPs are hesitant to share their background with the local community, often out of fear of reprisals from one side or the other. Instead they prefer to maintain good relationships in order to minimise trouble and maximise their chances of employment.

(...)

Host community members interviewed during the SNV/INF survey indicated that IDPs have been arriving for at least 2 years and that the process accelerated after the state of emergency in November 2001. Respondents seem aware why IDPs flee and why they choose particular areas to settle.

They identify food and shelter as the main needs of IDPs and express concern about the pressure of new arrivals on education and health facilities. They also frequently highlighted the lack of organisations to support IDPs. Most respondents claimed that IDPs are welcome to join their festivals and that they have good relationships with displaced people. Members of host communities generally assume that IDPs will return home when the security situation improves. Some stated that the Government should solve the IDP problem by facilitating the return of IDPs to their villages.

Data from the RUPP survey are consistent with this overview. 71% of the TLOs in RUPP municipalities claimed that there were no significant problems between host community members and migrants. However this refers to migrants as a whole rather than IDPs and IDPs in these areas will generally be better integrated than those living outside municipalities."

Access to land

Ex-Kamaiyas' access to land still not fully addressed (July 2006)

- In July 2006, the government of Nepal announced that it would take steps to provide the ex-Kamaiyas with long-term loans at concessionary rate for the purchase of land
- 4 years after their formal liberation, Kamaya's access to land has still not been addressed by the government.
- Frustrated with government's empty promises and apathy ex-Kamaiyas have grabbed some 10.000 acres of state-owned land in protest
- Fifth postponing of land distribution for ex-Kamaiyas raise doubts on government's willingness.

- The size of the plots offered to ex-Kamaiyas is far from what is needed for basic food-sufficiency of a family.
- Long-term strategies are needed to provide kamaiyas with sustainable livelihoods in the future.

Scoop, 14 July 2006

"17. With a view to ending dual control over land, the Government of Nepal will carry out the task of separating the tenants' and the owners' share of land as a special program in a time-bound manner, and will increase the access of landless people to land through legal and institutional arrangements, and will provide the families of landless-free Kamayas (freed bonded-laborers) with a long-term loan at concessionary rate for the purchase of land."

MS Nepal, 11 January 2006

"Four years ago the Nepalese government freed Kamaiyas from their debt bondage. But even four years after this historical event, the problem of rehabilitation and distribution of land has not yet been solved. Frustration and bitterness among the ex-Kamaiyas has given rise to a new campaign, which will pressure the government and force it to live up to its own promises. Yagya Raj Chaudhary, who played a key role in the Kamaiya movement, says: "This time we are serious and will fight until every single ex-Kamaiya gets a plot of land to live"."

Oneworld 13 August 2004

"Over 200,000 Nepalese tribals freed from slavery and living in makeshift tents have grabbed more than 10,000 acres of government land in protest against the state's failure to rehabilitate them, more than four years after their release.

In July 2000, Nepal had officially declared the Kamaiya system - bonded labor - illegal and freed the laborers belonging to the Tharu tribe from the clutches of landlords who had given them ruinous loans.

According to 62-year-old Anirudha Shakya, a Tharu Buddhist monk from a village in Dang district, some 400 kilometers southwest of the capital Kathmandu, while the tribesmen have been freed from the yoke of the landlords, thanks to official apathy, they are still in the grip of poverty.

'The laborers have launched the mini revolt because of the state's failure to grant them land promised four years back,' explains the monk affiliated to the indigenous Nepalese Buddhist Bhikshu Mahasangh (Confederation).

According to a land reforms official of Dang district, since July 17, the day of the fifth anniversary of their liberation, 'The ex-Kamaiyas have already occupied over 10,000 acres of government land.'

The official says the ex-Kamaiya's were running amok and grabbing government land wherever they could find it. 'We are helpless spectators. The police and army are not intervening on the plea that annoying the tribesmen could drive them straight into the arms of the Maoist separatists.'

He concedes the ex-Kamaiyas' intransigence was due to the government's apathy.

(...)

Rajesh Danwar, one of the 1,000 ex-Kamaiyas who recently captured an airstrip in Kailali district, threatens that if the government remains callous to their plight, 'we will plough the airfield and start cultivation.'

(...)

The FKS, founded in early 2001, claims to work among 200,000 former bonded laborers in the five southwestern districts of Kanchanpur, Kailali, Bardiya, Banke and Dang, some 400 to 600 kilometers southwest of Kathmandu."

MS Nepal, October 2001

"7. Sher Bahadur Deuba, the new Prime Minister, has promised to finish the process of distributing land within the month of Paush (mid-January 2002). This is the 5th time the government has extended its deadline for completing process since freedom declaration in July last year. It is doubtful, however, that the new deadline will be met either however as the registration of kamaiyas is still incomplete.

8. The current distribution program has been plagued by many problems. Many Freed kamaiyas have received *Lal Purja*, or Land Ownerwhip Certificates, without being shown any real plots of land.

9. The government's process of identifying available land has been hampered in many places by an underlying conflict between the Forest Ministry and the Land Reform Ministry. Initially, Land Reform officials had indicated that they intended to make land available by reclaiming *Ailani*, or unregistered, land that is often cultivated illegally by large landowners. This would save Forest Land and was supported by the Forest Ministry. However, it now appears that the government has decided to distribute forest land instead. In Kailali district, the Forest Office informed us that they had designated 517 bigha to distribute to 2,662 families (an average of 3.8 Katta.)

10. The size of plots given to the former kamaiyas is in many cases less than 5 kattha (0.15 hectare). Whole settlements are planned with plots of 3 kattha per household. We found instances where families had been given as little as 1 kattha (0.03 hectare), even ½ kattha. These plots are far from what is needed for basic food-sufficiency of a family.

11. The distribution of small plots of land has continued despite the government's announcement of the Land Reform Bill, which plans to provide each landless Nepali family with a minimum of 5 kattha of land. It seems contradictory for the government to be proclaiming 5 kattha as a legal minimum for land reform programs, while at the same time providing freed kamaiya families with much less than this. The government could provide the kamaiyas with 5 kattha under current guidelines (which provide for a *maximum* of 5 kattha), but in many cases they are not doing this. When we asked local Land Reform Officials about this, they stated simply that they had received no new instructions from Kathmandu regarding this.

12. The quality of plots distributed varies greatly. In some cases, as in the settlement by Kohalpur, in Banke District, it is quite good though even here they received less than 5 katthas. In other cases, the plots are so poor as to be almost worthless. Some plots are in areas about to be eaten by rivers, some with sandy soil, and some simply too far from laboring opportunities.

13. Our own visual estimates was that some plots distributed may not in reality measure up to the size indicated on the Land Certificates.

14. The Land certificates only show husbands picture, contrary to land distribution guidelines adopted by Landless People's Problem Solving Commission (*Sukumbasi Samassaya Samadhan Ayog*). Both the husband and wife are meant to be shown on the picture, to ensure their joint ownership.

15. In general there seems to be a lack of long-term vision in the rehabilitation programs. Even 5 kattha plot sizes are not at all sufficient to provide subsistence for the families. In settlements

close to the bazaars daily wage labor may support the families. But subsistence will be very difficult in the many settlements being designated on forestland away from other villages. Here the government's policy seems to be directly encouraging illegal use of forest materials and/or further encroachment, as well as ongoing dependency on aid programs.

16. Integrated planning, including various governmental departments, NGOs and donors/INGOs, is needed to provide a strategy for kamaiyas livelihoods in the future. The government seems to be missing the historic opportunity of its freedom declaration to significantly improve the lives of 100,000 of its citizens."

Study among displaced landowners shows a third have rented out their land (April 2003)

- 28 per cent of displaced landowners still relied on income from their land after displacement, 24 per cent have borrowed money, 24 per cent have taken up other activities, 15 per cent have started small business ventures, and two per cent are in receipt of government compensation.
- The majority declared themselves to have farmed their own land and not to have employed extra labor.
- 44 per cent have been able to retain a degree of involvement by continuing that relationship. 30 per cent have rented out their land; and 14 per cent have allowed the laborers to cultivate the land for free.

This information is based on interviews conducted among 2,334 displaced landowners from 53 different districts.

"As to their current livelihood status, 28 per cent still relied on income from their land (in the case of those displaced from homes in the eastern region this category amounted to 62 per cent), 24 per cent (39 per cent of those from the mid west) have borrowed money, 24 per cent have taken up other activities, 15 per cent have started small business ventures, and two per cent are in receipt of government compensation. Many expressed concern that their savings will soon be exhausted if they cannot return home soon. As regards their relationship to other members of their families, 67 per cent have their children with them and 33 per cent have left them 'at home'; older family members and women tend to have been left behind - of these, the majority (57 per cent) are still farming.

The majority of these displaced persons were landowners and wealthier peasants, but many were not obviously members of the rural elites, suggesting that there may have been other reasons for their displacement than their class status. This is simply not explored. Those from the eastern region included many larger landowners and the average size of holding prior to displacement was 4.88 hectares of irrigated land. The average size of landholding of those from other regions was substantially less, ranging from 1.7 hectares for those from the far west to between 1 hectare and 0.5 hectare for those from the central region. The majority declared themselves to have farmed their own land and not to have employed extra labour, 45 per cent had employed labour on their farms. In the case of those from the mid west and far west, the proportion of employers was significantly higher, around 60 per cent in both cases. Most employers employed both a small number of permanent (in some cases bonded) labourers (particularly in the mid and far west) and a larger (but still small) number of daily wage labourers in the peak season.

Many were involved in various kinds of sharecropping arrangement and many (44 per cent) have been able to retain a degree of involvement by continuing that relationship. Others (30 per cent) have rented out their land; and 14 per cent have allowed the labourers to cultivate the land for

free. Despite the fact that these various arrangements have been maintained to ensure that land is still cultivated, the study concludes, largely because of the land that would be now left fallow and uncultivated (khet land - 31 per cent of total, bari land - 46 per cent of total and pakho land - 58 per cent of total), that "the conflict and the resulting displacement of the landowners have affected cultivation practices and involvement of the landowner in all the land categories, thus affecting production everywhere on the farms" (2003: 23). They suggest that this will result in a severe decrease in output.

Some of the displaced persons had managed to retain labourers, as their farming activities continued under the management of those adults left behind; but the general effect of their departure was to reduce the numbers employed. Most of the displaced persons had no idea what the former labourers they had employed were now doing, although a significant minority (mainly those still farming) were in touch with their labourers. The study reports that 46 per cent of displaced persons thought that the situation of their former employees would not have changed much as a result of their employer's departure, 36 per cent considered that their situation would have deteriorated and 3 per cent thought their situation might have improved. The study itself concludes that, in general, the former employees and workers would have suffered a deterioration in their livelihoods as a result of the departure of their former employers (2003: 19-20).

In some areas, notably the mid west, it seems that the former labourers may now be working the land of these displaced farmers. The study suggests that "many of the former workers have been allowed to continue cultivating the land belonging to their owners." (EC & RRN April 2003, pp.

DOCUMENTATION NEEDS AND CITIZENSHIP

General

IDPs' documentation problem calls for a broader document re-issuance programme (June 2006)

- It is believed that Nepal's documentation problems are substantial, affecting IDPs and women in particular.
- In the context of the upcoming constituent assembly elections scheduled to take place by June 2007, the government will need to ensure that all IDPs are provided with the necessary documents, through the establishment of a mechanism for the issuance of new or replacement documents.
- IOM suggests that a national re-issuance of documents should take place together with a broader registration process.
- The first option would be to conduct a re-issuance programme giving those without documents the possibility to register to obtain new documents. Without making specific reference to IDPs, the programme could still capture data on them that could prove useful for humanitarian agencies.
- The second option would be to conduct a broader house-to-house civil registration.

IOM, 29 June 2006, pp. 24-25

"The right to documentation is established in a variety of human rights instruments. Most importantly, the UDHR, and International Covenant on Civil and Political Rights (ICCPR) both guarantee the right to a legal personality and "recognition as a person before the law."¹⁹ A basic prerequisite to the realization of this right is adequate documentation proving identity, citizenship, and residence. The Guiding Principles directly address the issue, with Principle 20 holding that: "Every human being has the right to recognition everywhere as a person before the law ... To give effect to this right for internally displaced persons, the authorities concerned shall issue them all documents necessary for the exercise and enjoyment of their legal rights ... without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents."

Documentation is particularly important in an electoral context in order to guarantee enfranchisement rights while preventing electoral fraud. While the extent of Nepal's documentation problems is unknown, most agencies and observers believe it is substantial, affecting IDPs and women in particular. Government agencies and the Election Commission will therefore face a stark dilemma: in order to minimize the potential for fraud, strict documentation criteria for participation should be implemented. Unfortunately, the stricter these criteria, the more likely it is that refugee and IDP applicants will be unable to prove their identity, citizenship, and eligibility and will thus be disenfranchised through no fault of their own.

Nepal will need to take legislative action to eliminate the current statutory obstacles to obtaining documents and establish a mechanism for the issuance of new or replacement documents, particularly for IDPs. However, a national-effort to implement a document re-issuance program should also entail a broader process of registration. These tasks require careful deliberation and planning. Two possible modalities are discussed below.

IDP Registration & Re-Issue of Documents

Given the political issues associated with self-identifying as an IDP, a national IDP-specific registration and document re-issue program would likely not result in high participation rates. However, both government ministries and international agencies expressed a strong desire to generate a comprehensive database of displaced locations, conditions, and return plans. If a genuine and monitored peace appears to take hold in the villages, VDC infrastructure is reestablished, and a nation-wide information campaign undertaken to encourage registration and document issue, a registration and documentation program would be warranted.

However, any such program should be broader than simple IDP registration. If advertised as a nation-wide process to enable those without proper documents to obtain them, without directly referencing internal displacement, IDP participation rates could be substantially higher. In the course of applying for new or replacement documents, the implementing agency (most likely the Home Ministry in conjunction with the DDC and VDC secretaries) would be able to capture important data on issues of migration and displacement that would prove useful to humanitarian agencies, government ministries, and the election commission. This would require: a) passage of legislation regarding citizenship and requirements for the issuance of documents; b) an assessment of village infrastructure to implement such a program; c) the design of a program; and d) implementation. At each phase, donor support and technical assistance would be critical to enhancing the capacity of state ministries to successfully implement the project.

The project would need to be designed in such a way that IDPs who have not returned to their homes would be able to participate. This will necessitate a serious consideration of social verification procedures and/or the establishment of programs whereby IDPs can request verification and replacement documents in their current location. Mechanisms will need to be developed that allow the DDCs and VDCs to transmit IDP verification requests to the relevant counterpart in the original location of the applicant. In an ideal scenario, this would be coordinated via a centralized office in Kathmandu, which would ensure that each application be transmitted and the results from the home district returned, a logistically complex process, but certainly feasible.

Civil Registration

A civil registration program would be more broadly based than the IDP registration and document re-issue described above. The program would entail either a house-to-house survey or the establishment of village-level registration centers. All Nepalis would take part in the process, and a new national ID card issued to all registrants over the age of sixteen.²⁰ In order to account for issues of migration, displacement, and lost documents, the registration could follow a three track process. The first track would include Nepalis who possess a citizenship card or could otherwise prove citizenship and are resident in their regular municipality. These persons would simply complete the registration form, be entered into a database, and be issued the national ID card.

The second track (occurring in tandem and at the same registration locations) would include IDPs and migrants who possess documents. These persons could be registered in their current location. However, the applicant for registration would be asked whether or not they are in their regular or intended permanent residence, and if they are not, additional questions would be completed. In this way, IDP-specific data could be extracted from the resulting national register, without having to undertake a separate process of IDP registration. The resulting civil register would provide a comprehensive national database on IDP locations and whether they intend to return home or settle permanently in their current location.

A third track could be designed to assist and track Nepali citizens who have lost their documents. These persons (whether IDP or not) would present themselves at a registration center, but undergo a screening and verification procedure. The DDCs could compile and digitize available records into a database that could be checked for those without documents. In the case that these records are missing or incomplete, a social verification process could be implemented, in which the applicant swears an affirmation in front of a judge of village official, or provides two witnesses who will swear under oath to the applicant's claim for citizenship and residence in a VDC.

The advantages to a civil registration include:

The resulting data would form the basis for a redistricting process and make an apportionment process transparent and equitable;

IDPs could be registered, and the social stigma and other reasons that many IDPs are reluctant to register would be mitigated, since the process is nation-wide and applies to all Nepalis, not only the displaced;

The data capture would reveal a comprehensive national snapshot of displacement in Nepal that would assist the government and humanitarian community in prioritizing assistance and planning for return or re-integration;

The registration could issue each Nepali with a biometric document, proving identity, citizenship, home municipality, date of birth and containing biometric data;

The voter's register could potentially be extracted from the civil registration.

Planning for either of the above scenarios would require close coordination between the Ministry of Home Affairs, the Central Bureau of Statistics, District Offices, and the international community. Various agencies have extensive experience organizing and assisting in these processes, and could provide significant technical assistance. The process would also need to be subject to an extensive information campaign, which would involve the VDCs and domestic CSOs. The information campaign should stress only the nationwide registration process, not the IDP specific elements in order maximize IDP participation rates."

Documentation needs

IDPs face difficulties in obtaining basic documents from administrative authorities (July 2006)

- In order to get any official documents, the displaced need to first get a certificate from the VDC secretary of his/her home village. This has made it difficult for the IDPs to get new documents since the secretaries are often displaced themselves and have not been replaced.
- Often the displaced are reluctant to make contact with the authorities to avoid raising suspicion.
- An unknown number of IDPs have lost their documents and are not able to obtain replacements as it implies an expensive sometimes perilous journey to district headquarters to have education, citizenship, birth, marriage and death certificates, and passports issued.
- Women face particular difficulties; they need permission from their father or husband for most legal and administrative procedures

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 10

"As in other areas of Nepal issuance of birth certificates, passports and other official documents remains dependent on getting a certificate from the VDC Secretary of the home village to first confirm the individual's identity. In addition many persons, including IDPs, are reluctant to contact

government officials to avoid raising suspicions. The issuance of a certificate, identifying the person as an IDP was unheard of. No alternative provisions have been made to reflect the absence of VDC secretaries from their posts.

The mission met with a few IDP organizations; mostly established to seek compensation for their members or on the basis of political membership. Most IDPs lack basic knowledge of their rights; they do not know about the compensation opportunities, how to present their case or how to assess their losses."

IOM, 29 June 2006, pp. 14-15

"The basic identity document that Nepali citizens carry is the Citizenship Certificate, which is the foundation requirement for entry on the voter register and other administrative services. The document is issued at the DDC level by the Chief District Officer. However, obtaining the document requires an affirmation from the VDC Secretaries, the majority of whom are displaced or have been killed and often cannot be contacted by IDPs. Other common documents include: drivers license, passports, land ownership certificates, utility bills, and migration and residence certificates (usually issued only those who have moved and do not own property, see below).

An unknown number of IDPs have lost their documents and are not able to obtain replacements. According to a report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons in January 2006: "[M]any IDPs face problems due to lacking documentation ... both from their places of origin, but also in their new places of residence. Authorities have to date not taken any measures to facilitate the issuance of new documents to replace documents lost in the course of displacement. This is a major obstacle for IDPs to integrate into the towns and district headquarters they fled to. It becomes a human rights problem because it bars citizens from all access to public services and participation."¹⁴

Given the interruption of VDC administrative infrastructure, many Nepalis, even those not directly displaced the conflict, face an almost impossible task in obtaining new or replacement documents. According to the Inter-Agency Report, "Most important documents can only be issued by the CDO Office and for those who have left their homes, this means an expensive sometimes perilous journey to district headquarters to have education, citizenship, birth, marriage and death certificates, and passports issued. Although there are merits to the system – few Nepalis have identity documents and identity is confirmed through community based systems – it is open to abuse and potentially discriminatory in the current situation ... Women face particular difficulties; they need permission from their father or husband for most legal and administrative procedures, a situation heightened by the conflict. It is the duty of the State to provide documents such as citizenship cards or passports; capacity support can also be given to local and national authorities responsible for document issuance..."¹⁵

Related to documentation is the issue of citizenship and statelessness. Until a Parliamentary Act in June 2006, Nepali citizenship was based on jus sanguinis or descent. According to Article 9(1) of the 1990 Constitution, "A person who is born after the commencement of this Constitution and whose father is a citizen of Nepal at the birth of the child shall be a citizen of Nepal." Persons born before the 1990 constitution are governed by identical requirements found in Section 3 of the Nepal Citizenship Act 1964 (as amended). Thus both the constitution and citizenship statutes discriminated against persons who were unable to verify that their father was a Nepali citizen, resulting in a substantial number of stateless Nepali residents, although the actual number is subject to considerable dispute.¹⁶

The Citizenship Act of 1964 (as amended) does provide for acquisition of Nepali Citizenship. Any foreign national of full age and capacity may submit an application to obtain Nepali citizenship if he: 1) can speak and write in the national language of Nepali; 2) is engaged in any occupation in

Nepal; 3) has relinquished his citizenship of another state; 4) has resided in Nepal for at least 15 years; 5) is a citizen of a country where there is legal provision or a custom to provide naturalized citizenship to Nepali nationals; and 6) is of good conduct and character.

As documented citizenship is a basic pre-requisite to voting rights, this issue should be resolved prior to any registration process for the CA elections. On June 1, the Parliament initiated discussion of an Act to remedy this problem."

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 8

"Old, pre-conflict administrative structures and procedures remain despite their apparent weaknesses in the current situation. For example, many documents must be issued by the Village Development Committee (VDC) - effectively the civil administrative authorities in villages - Secretary, the vast majority of which are no longer present in their villages. Displaced persons, but also those who have remained in their homes, must track down the VDC Secretary to obtain basic documents. For example, a citizenship card, necessary for property and banking transactions, securing a national passport and other basic rights, can only be issued upon certification by the VDC Secretary and the issuance of a migration certificate.

Most important documents can only be issued at the CDO (Chief District Officer) office and for those who have left their homes, this means an expensive and sometimes perilous journey to district Headquarters to have education, citizenship, birth, marriage and death certificates, and passports issued. Although there are merits in the system - few Nepalese have identity documents and identity is confirmed through community-based systems - it is open to abuse and potentially discriminatory in the current situation. The government should be encouraged to establish alternative procedures where VDCs are no longer functional or VDC secretaries no longer present. Women faced particular difficulties; they need permission from their father or husband for most legal or administrative procedures, a situation heightened by the conflict."

CHR, 7 January 2006, p. 16

"56. Regarding other civil and political protection needs, many IDPs face problems due to lacking documentation (see Guiding Principle 20), both from their places of origin, but also in their new places of residence. Authorities have to date not taken any measures to facilitate the issuance of new documents to replace documents lost in the course of displacement. This is a major obstacle for IDPs to integrate into the towns and district headquarters they fled to. It becomes a human rights problem because it bars citizens from all access to public services and participation. The Representative is especially worried that no particular effort seems to have been made to help the IDPs register their newly born children."

Only 4 per cent of children migrating to India possess identification documents (July 2005)

- According to SCA, only 4 % of children crossing the border to India between July and October 2004 possessed ID documents

SCA & CCWB, July 2005, p. 23

"In order to assess levels of vulnerability to exploitation, children were asked whether they had any form of official identification documents. The response was alarming: only 670 or 4%, of outgoing children possessed any identification document while crossing the Indo-Nepalese border into India. This means that 96% of the children possessed no documentation that would

identify them as citizens of Nepal while traveling to India, making them highly vulnerable to exploitation.

Nepalese displaced to India obliged to get an "identification certificate" from the Indian police (January 2004)

- Indian police requests Nepalese migrants fleeing the conflict or looking for job opportunities to get an 'identification certificate' to stay in hotels or apply for a job.
- Many Nepalese traditionally migrate to India in search for jobs, but the flow of migrants has sharply increased since the intensification of the 'People's war' in 2001. Some 100 Nepalis arrive in Dehli every day.
- Since the end of 2003 and the tightening of the tightening of security situation in India, it has become more difficult for Nepalis to get a shelter and job in India.
- There is no data on the proportion of conflict-affected people compared to traditional migrants.

The Kathmandu Post, 27 January 2004

"Delhi Police has started collecting personal details of Nepali visitors here as more and more people displaced from the current conflict in Nepal have begun to arrive here for jobs and safety.

The police has made "identification certificate" compulsory for Nepalis in order to stay in hotels or to apply even for menial jobs in the city, said Pradeep Khatiwada, first secretary at the Royal Nepalese Embassy.

He also said that the identification certificate has been made compulsory especially for domestic helpers, such as cooks and housemaids since there has been rise in domestic crimes in the capital city.

An estimated 100 Nepalis come to Delhi every day searching for menial jobs as they fear atrocities back in Nepal due to the on-going conflict. They end up in restaurants, hotels and as domestic helpers often with little or no pay.

As per the government rule, an employee should pay at least Rs 2,500 as minimum wages to the workers but in practice, many labourers effectively get nothing.

(...)

According to Durga Prasad Aryal, chairman of the Pravasi Nepali Mitra Manch, an organisation of Nepalis residing in India, which helps Nepalis during crisis in Delhi, more people have been coming from Nepal to hunt for jobs and safety.

'But they contact us only when they are caught in problems or need financial help,' he said. He further said that with the tightening of security situation in India especially following the meeting between the CPN-UML leader Madhav Kumar Nepal and the Maoist leaders in Lucknow about two months ago, it has become difficult for a Nepali to get a job and shelter in India.

Tika Ram Wagle, general secretary of the Nepali Congress-affiliated Nepali Jansampark Samiti (NJS) in Gurgaon, Haryana, said the police in Delhi has started hunting down the Nepalis following the Lucknow meeting between Nepal and the Maoist leaders.

Bal Krishna Pande, information officer of the NJS said a delegation of Nepalis here met with the Uttar Pradesh Chief Minister Mulayam Singh Yadav to apprise the latter of the hardships faced by innocent Nepalis in India.

Though the conflict in Nepal has forced more rural people to come to India for safety and jobs, there is no authentic data on the actual number of Nepalis working in India following the conflict.

But in number of hotels, restaurants, residential houses, circus and tea-stalls, it is the cheap Nepali migrant labour force that constitutes the major workforce."

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Majority of working IDP children not provided with a safety net by family members (June 2006)

- Study found that only 1/3 of the girls and 1/4 of the boys lived with their parents or relatives. The majority lived with their employers.
- According to the study, the presence of family members or persons of the same village in the workplace does generally does not provide a safety net for the children.
- Similarly, the presence of relatives or persons of the same village in the same city proved not to be a reliable source of protection for the working children

TDH, CREHPA, SCA, June 2006, p. 24

"In this study, it was assumed that the presence and potential support of family members or concerned adults in the living situation comprises a 'safety net' for children. This assumption is limited however, as extended family members may not adequately protect children, and employers can either protect or abuse children, depending on the individual employer. The study found that only one third of the girls and one fourth of the boys lived with their parents, spouses or other close family members. More than one half of the girls lived with their employers. While some employers might provide a child with security, others could abuse or exploit a child in the relative isolation of the workplace, particularly domestic servants. Domestic servants, girl tea stall workers and boy rag pickers had the most inadequate safety nets in terms of accompaniment in their living situation, whereas a high percentage of girl carpet factory workers and boy and girl stone breakers lived with their family members.

Accompaniment in the workplace of family members and known persons from the same village was also assumed to provide a safety net for children. Here, quite inadequate safety nets were found. One half of the girls and two thirds of the boys had no relatives or fellow villagers in their workplace. While a high percentage of carpet factory workers worked with family members or persons from their village, studies and field observers have reported a high incidence of sexual abuse and trafficking of girls in carpet factories. The assumption that the presence of known persons in the workplace ensures protection for the child is inadequate and data need to be interpreted with care.

In the study design, it was also assumed that the presence of relatives or fellow villagers in the same city would provide a source of support for working children. This assumption proved to be incorrect. While the majority of children had relatives or acquaintances in the same city, these persons provided little contact and support.

Employers appeared to be those who, while economically exploiting the children, provided them with the most physical support, including food, shelter, clothing, health care and education. Two thirds of the boys and three quarters of the girls received varying amounts of support from their employers. The kinds of support least provided by employers were access to education and appropriate medical care."

Displacement affects the social and cultural life of the displaced (2004)

- For most of the displaced, the shift from rural areas- where life is characterized by cooperation, solidarity and shared values-, to urban areas has an important psychological impact.
- Many of the displaced are deprived from participating in the cultural activities in their areas of arrival and this made them feel sad and depressed, according to interviews conducted among IDPs.

"The migration of a person away from his homeland causes a great impact in his social life. Rural life is characterized by cooperation, support and intimacy and every aspect of life is directed by their accepted values but when one reaches to a new place where most of his values, beliefs, traditions are looked down at, then certainly he feels very disheartened and alone. He has to undergo bitter experiences of non-cooperation and he feels like he has lost all his prestige and dignity. This makes a man psychologically weak.

Cultural Festivities and Ceremonies

Traditions, culture, festivities and accepted practices tie humans together in a group and factors like this keep human society towards civilization. It is an inborn right of a human to participate in cultural activities and when one is deprived from such opportunities, this may deter personal growth. Displaced people who were interviewed said that they missed their hometowns, the festivals, the celebrations and practices and also said that such deprivations make them feel sad and disheartened." (INSEC April 2004, pp. 117-118)

PROPERTY ISSUES

Restitution

Land and property restitution still problematic in many areas of Nepal (July 2006)

- In some districts visited by the UN since April 2006, Maoists continue to control the land of IDPs and are reported to hand over land and property only to returnees not considered as 'feudal/exploiters'.
- In places where the Maoist prohibited the selling of land, IDPs were not able to sell the land before leaving and take the money with them.
- In many cases, the displaced appear to have left the land in the care of relatives who stayed behind and paid 50% of the income to the IDP. This arrangement would make it easier for the returnees to reclaim the land and property upon return.
- Houses and land of landowners, political workers and members of the local elite had sometimes their houses locked by the Maoist and forced to leave. Their land would also be distributed to poor people.
- Secondary occupation of housing appeared to be low in the east, while secondary occupation of land is common and frequently administered by the CPN/M

OCHA, 6 September 2006, p. 3

"Despite very positive results experienced by some returnees, many are still reluctant to return home until they see how the situation develops. Continued insecurity and extortion by the CPN-Maoist are negatively impacting the social and economic development of host communities and opportunities for sustainable returns and reintegration.

Land and property restitution are major issues that will have a lasting impact on the IDP returns. Compensation for the loss of property and possessions incurred due to the Government and CPN-Maoist actions will be extremely controversial, according to NGOs who are working on the IDP returns.

In many of the districts visited by OCHA since April 2006, CPN-Maoist and their supporters continue to control IDPs' lands, many of them with cash crops, despite claims for property restitution by the returnees. In Sankhuwasabha district, an NGO staff member reported that CPN-Maoist had given 'fair land restitution' only to those returnees who were not considered 'feudal/exploiters'. One returnee, a political party member, placed under the 'feudal' category received only one-third of his land on return."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 14

"What happens to property during displacement varies, depending on the place and the individual. In some places the Maoists are taxing or prohibiting the selling and buying of land, making it more difficult for people to make arrangements before they flee and take their money with them. If selling of land was not restricted many people would have sold their land at an unfair price increasing the likelihood of future land disputes. Many IDPs had left their land in the care of relatives who stayed behind. There was frequently an agreement by which the relative would pay 50% of the income to the displaced person. This arrangement could, depending on the harvest, be profitable to the relative or lead to rather poor conditions and create conflicts between the

relative and the displaced. The positive aspect of the arrangement is that the land and the house were cared for and can be used upon return.

Some people had their houses locked up by CPN/M and were forced to leave the village; this include particularly government officials, politicians, landlords and others who were seen as enemies of the people's war. One person the mission met with had been forced to sign documents on the handover of the property. In some instances the CPN/M had given the land to poor people for a certain percentage of the harvest; the Maoists claimed that the land was only being taken care of temporarily and would be returned. In several VDCs the mission was told the left land was cultivated and shared within the community.

The mission met with several returnees who were able to get their houses and land back from the Maoists but also met with people who were staying with relatives in the same village because their house was still locked and the land being used by others. One Maoist representatives met with suggested they might need a circular from central level to return the occupied land. Most of them stated that immovable property would be returned, whereas they could not do anything to compensate for the movable property that was damaged or looted. Property restitution is as always likely to become problematic. Secondary occupation of housing appeared to be low in the east, while secondary occupation of land is common and frequently administered by the CPN/M. In general, the CPN/M offered no solutions for the secondary occupants, leaving it up to the former owner to negotiate the return of their property with those occupying it. This is particularly true for land occupation, a remnant of tenant farming arrangements that existed prior to the CPN/M. One suggestion given to the mission was that the returnees could continue to pay a certain percentage of the harvest according to the agreement between the CPN-M and the present land-users."

CHR, 7 January 2006, p. 16

"55. Another problem relates to property rights (Guiding Principle 21). While some displaced persons were able to leave family members behind to look after their property, others had to leave it unattended or hand it over to the CPN-M. There are no mechanisms to protect the houses and land left behind. In cases where property had been given as collateral to a bank loan, owners now face the problem of having to honour their obligations vis-à-vis the bank."

PATTERNS OF RETURN AND RESETTLEMENT

Return prospects

Many IDPs not yet ready to return despite ceasefire (September 2006)

- Limited number of IDPs have returned during the 2006 post-ceasefire period, many are still uncertain about the security situation and lack assistance to return.
- Ceasefire Code of Conduct, signed in May 2006, provided explicitly for the return of the displaced.
- IDP mission to the Mid-West in December 2005 concluded that conditions were not yet in place for promoting return
- 12-point agreement between the Maoist and political parties in November 2005 provided for the return of the displaced
- In view of the continued deterioration of the political and human rights situation, massive returns appear unlikely in the near future.
- Also, many of those who have moved to urban areas or to India are likely to stay, especially the youngest.
- WFP survey reveals that almost half of the displaced have no intention of returning to their homes.
- Since the ceasefire, only small numbers of people have gone back from the capital and some district headquarters. Many prefer to wait and see.
- Some will not return as they have nothing to return to in their homes due to looting and destruction of their homes by the Maoists and without any compensation received by from the government.

OCHA, 6 September 2006, p.1

"With the signing of the 12-point agreement in November 2005, the Seven Party Alliance (SPA) and the CPN-Maoist have already expressed their willingness to unconditionally allow the safe return of "displaced democratic party leaders, activists and common people". The ceasefire Code of Conduct signed on 26 May takes it a step further with specific references to the needs of IDPs¹ and the issue of restitution of land and property to returnees². Moreover, for the fiscal year 2006-07, the government committed to mobilizing resources to support the process of return and announced an immediate cash relief package for conflict victims³.

Since the end of the hostilities in April, it is estimated that thousands of displaced persons have returned to their original homes either spontaneously or under the auspices of local human rights NGOs. The majority of IDPs are still uncertain about the security situation or unable to make it back to their home due to financial constraints, but may well be on the verge of returning."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 12

"Following the ceasefire, there has been increased interest in returning home. However, some people had begun to come back even before. Some had been able to return after the request to the CPN/M by the community. Many teachers were asked to return by the community and the Maoists, but had been forced to pay donations and participate in indoctrination programs upon return. Others had decided that they simply wanted to return, and entered into quiet and informal

explorations to learn if their return would be accepted. This included wealthy individuals who had returned late 2005 and early 2006. Some returnees felt safe, and that their departure had been in response to subjective rather than objective fear (the 'tiger in the mind').

Negotiations between CPN/M and local NGOs had enabled some IDPs to return safely. However, the agreement with the Maoists had not always been kept, as some had been threatened upon return and re-displaced. In Jhapa district, a VDC secretary who attempted to return to his original VDC was advised to leave by local CPN/M leaders because he was a representative of the "old regime".

Since the ceasefire, there had been an increasing number of recent returns but many are still reluctant to return until they see how the situation develops. Most IDPs keep update on the situation at home through regular contact with friends and relatives. A few persons had gone back to check the situation before they made up their mind. The local community's ability to assist returnees varied from one VDC to another; some held collections within the community and saw support to returnees as their duty, while others said they could not afford to assist them. The conflict has, by extortions and lack of manpower, left a very fragile economic situation in the villages.

Willingness to return

It is too early to make general statements regarding the willingness of individuals to return to their homes, particularly as the preconditions of safety and security against future violations do not exist. When asked if they wanted to return, the responses from the displaced community were mixed. Some expressed the desire but did not feel the conditions were right. Others were less certain, having managed to successfully establish themselves in the district headquarters if it was in their best interest to return. Even though the Maoists have requested government officials and teachers to return to their posts, many were still reluctant to return. However, most information regarding the interest and will of people to return is circumstantial – gathered at the tea-shop, based on belief rather than research, or presented at the group rather than individual level."

OCHA, 18 July 2006, p. 5

"Post-ceasefire, limited returns have been taking place, a number of them facilitated by local human rights organisations. Many displaced are not yet ready to return due to security concerns. Promotion of proper return conditions must address issues such as food security, shelter, income opportunities, property restitution, compensation, and most importantly, physical security against further human rights violations."

OHCHR, 16 February 2006, pp. 18-19

"63. In the Letter of Understanding with the seven-party alliance, CPN (Maoist) "expressed its commitment to create an environment allowing the political activists of other democratic parties displaced during the course of the armed conflict to return to their former localities and live there with dignity, return their home, land and property seized in an unjust manner and carry out their activities without let or hindrance". In the weeks that followed, there were reports of some families deciding to return to their villages in conflict-affected districts, but many remained reluctant to do so. Before this period, displacement was reported to have continued, and there were early reports of its resumption following the ending of the ceasefire."

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 10

"While the 12 point agreement between the CPN/M and political parties has led to some returns, mainly of political workers, the non-extension of the cease fire is likely to lead to renewed displacement, rather than more returns. There is no information about returns of IDPs who were

displaced by security forces, and their numbers are likely to be insignificant for the moment. In any event, the right to safe return needs to be discussed with the security forces.

Eventually, a more permanent political settlement or substantively improved respect for human rights and IHL will be the only sustainable basis for return. In the longer term, IDP return (already part of the 12 point agreement) needs to be ensured a prominent place on the agenda of future peace-talks. Also important for issues related to return are the potentially large numbers of persons who have fled to India due to lack of services and basic livelihood opportunities in Nepal. Although these persons are neither refugees or internally displaced persons, they should also be of concern to the international community, and included in any community-based efforts to support return.

Needless to say, conditions are not in place for the UN to promote return of IDPs. Limited returns have however been taking place, a number of them facilitated by local human rights organisations. According to one, they negotiate written conditions of return with the CPN/M. While IDPs have the right to return, there is a need to ensure that sufficient and accurate information about conditions in return areas is provided to enable people to freely exercise this right. For a start, closer and regular contacts with local human rights organisations are necessary on the issue of IDP return. There are concerns that the security forces are not aware of role that UN and humanitarian agencies need to play in secure conditions of return and monitoring of conditions. The role of independent organisations - particularly UN human rights agencies - in securing, assessing and monitoring conditions of return needs to be understood and respected by both State and non-State parties. Also, informal returns will continue to be organised and the UN needs to ensure independent monitoring of such movements."

12 point agreement between Maoists and political parties provides for the return of the displaced

Kantipure Online, 22 November 2005

"The seven-party alliance and Maoists have reached a consensus "to restore democracy in the country."

(...)

In the agreement, the parties and the Maoists have agreed to the demand put forward by the seven-party alliance to revive the House of Representatives and form an all-party government to hold talks with the Maoists and to go for constituent assembly elections.

Both the sides have decided to target their assault on the "autocratic monarchy" from their own positions for the establishment of a full-fledged democracy.

The agreement paper also says that, in order for a free and fair election, the Maoists and the parties have reached an understanding to keep the Maoists' armed forces and the Royal Nepalese Army under UN or other trustworthy international supervision during the constituent assembly election.

The Maoist rebels, in the agreement paper, have also expressed their commitment to competitive multi-party democracy, civil liberty, civil rights, the concept of rule of law, and human rights.

Admitting their mistakes on their own part in the past, the parties and the Maoists, in two separate points, have uttered that they would not commit such mistakes in the future.

The Maoists have also promised to allow leaders and cadres of other political parties and the public, who were displaced during the armed conflict, to return home and carryout their political activities without let or hindrance."

SAFHR, March 2005, pp. 35-36

"It is also clear that the situation of IDPs and the rising numbers of persons of this category is no longer one that is of a very short term nature. With no end in sight for restoration of peace (cessation of armed hostilities as a first step even) it is not likely that the numbers of IDPs will reduce. In such circumstances returning home is not likely to take place either. Youth who have moved out are equally unlikely to move back to their villages permanently. "I may not go back to my village after having stayed in the city/town area but I want to have the choice to go home when I want to!" (one of the young IDP men we met in Kathmandu, August 2004) (...)

In the event that there is 'peace' back in the villages, those who had little or no land or those who have nothing left back home any more, have no incentive to return and attempt to put together a life of sorts. Return to a state where nothing exists in terms of physical assets or basic services or local infrastructure, and more importantly the total breakdown of social networks and support systems, is unimaginable."

WFP survey reveals that almost half of the displaced have no intention of returning to their homes

WFP, March 2005, pp. 9

"Ten field monitors visited 14 municipalities, 32 VDCs and 380 households in the headquarters, municipalities and districts of Banke, Chitwan, Dailekh, Dang, Gorkha, Jhapa, Kailali, Kanchanpur, Kapilvastu, Kavre, Makwanpur, Morang, Nawalparasi, Rupandehi and Surkhet from October 19, 2004 to

January 13, 2005. Migrant households were selected with the help of district officials and key informants. A full household interview was conducted for each.

(...)

The majority of respondents (45%) stated that they did not want to return to their district of origin. 34% stated that they would return provided there was security and/or peace; 20% if they were provided with land and/or income and employment generation opportunities; and 1% if provision of basic services improved.

Over half of households that primarily left for conflict-related reasons say that they would return if peace and security prevailed in their districts of origin. A little less than half have no plans or intentions to return – regardless of what happens. The small remaining fraction would be motivated to return if they were provided with land and/or income and employment generation opportunities.

Slightly more than half of the households that primarily left due to earning constraints have no plan or intention to return home. Thirty-seven percent would return home if they were provided with land and/or income and employment generation opportunities, and ten percent if there was security and/or peace."

Maoists encourage IDP return, but are reported to apply a selective "approval" (October 2006)

- In September 2006, Maoists continued to encourage IDP return with commitments to return land and property to the displaced and facilitate their return through newly established offices.

- Inter-agency mission to the East noted a tenuous line of control between central level CPN-M and local level cadres resulting in discrepancies between the official line encouraging return and the reality in the field where CPN-M pose conditions to IDP return, which cannot guarantee a dignified return for the displaced.
- Divided in 3 categories by the Maoists, only the displaced belonging to category 3 are welcome to return without any conditions. IDPs of category 2 and foremost 1, accused of having committed serious crimes, need to appear before a people's court to apologize.

OCHA, 5 October 2006, p.2

"During the reporting period, thousands of Nepalis returned home from India for Dashain; CPN-Maoist continued to encourage IDP returns right across the country with promises to return properties confiscated during the conflict and facilitating the returns through its newly established offices aimed at working with the returnees.

In Udaypur district in the East CPN-Maoist announced that it would return the property of four of the 30 families whose land had been confiscated by the party; CPN-Maoist informed OCHA that 15 families have returned to their villages from the district headquarters since the April ceasefire. CPN-Maoist also announced that it was willing to return land belonging to the IDPs in Saptari and Siraha districts. In Sankhuwasabha district, a joint follow-up meeting between UNHCR, SPA representatives, CPN-Maoist and the CDO agreed to support the IDP returns, with CPN undertaking to provide security to the returnees.

In Ilam, the party opened its office to facilitate the process of IDP returns; there were two applications from the displaced people by 22 Sept. A returnee reported that the local cadres of CPN-Maoist had banned her to harvest cardamom from her own field.

Following the assassination of a lawmaker in Siraha district on 23 Sept, the people of hill origin went on a high alert in the southern VDCs of the Terai district; some fled to urban centers for safety. Also, CPN-Maoist opened the contact office for displaced persons in the district headquarters to facilitate the IDP returns."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 12

"As mentioned earlier, the CPN/M divided IDPs into three categories: A, B and C. Reportedly those in Category A could never return; they are people who have seriously exploited the local population or committed serious crimes in the villages. People assumed to be spies or having caused casualties would also belong in category A. There are few in this category; reportedly less than 7 families in each of the districts visited. Those in Category B included people who had been in a position of power or performed activities in opposition to the Maoists insurgency, such as politicians, village leaders and government officials. If these people wanted to return, they would have to go before the people's court or stand in front of the local population and apologize. Punishments would be sentenced according to the people's will and varied from very large donations, forced labor and regular participation in party activities, to simply promise to "behave" and simply not cause trouble. Those in C category were welcome to return. The majority of IDPs seem to fall in groups B and C.

Based on talks with the different levels of the CPN/M, the mission noted a tenuous line of control from central level CPN/M to local level cadres on many issues including the return of the displaced. As a result policies and practices on return vary widely from one VDC to another. However, most CPN/M reiterated their commitment to the 12 point agreement, including point 7 referring specifically to the returns. However, they did stress that while the party might not have any objection to the return of all displaced, some persons would not be welcomed by the community due to their past behavior. The mission found a need for a more comprehensive

understanding within the CPN/M as to the causes of displacement, along with awareness raising on the responsibilities of local authorities to create conditions conducive to return. Maoist cadres dismissed subjective fear as an individual's problem rather than a condition provoking displacement and therefore not part of their responsibility to address.

Many working IDP children likely to stay in new place of residence despite ending of hostilities (June 2006)

- Study among IDP working children showed that many intended to stay in their job and place of residence despite difficult working conditions. Few children expressed the desire to return, even if the conflict ended.
- Factors influencing the IDPs' decision to return are: the degree of investment made in their new location and the success of that investment, the person's age, with younger people generally less keen to return to village life, the person's resources back in the village with poorer people less likely to return.
- It is important to remain alert to the possibility that many of the poorest IDPs may choose to stay in their new locations

TDH, CREHPA, SCA, June 2006, p. 26

"While many children did not like their working situations, most intended to stay. Boys showed more interest in seeking other employment and moving to other places than girls. One half of the boys and almost two thirds of the girls intended to remain in their present jobs.

The most common reasons cited by children for remaining in their current jobs were liking their work situation and having no work alternatives. Difficulties of returning home and fear of Maoists were rarely reported as reasons for remaining in the current job. The most prevalent reasons given by the children for leaving the work situation were excessive workload, verbal or physical abuse by the employer, and lack of payment for work. More than one half of all girls reported excessive workload as the reason they wanted to leave their job.

Children were not clear what they wanted to do if they left their jobs, and were vague about their desired destinations. Most children did not intend to return home, and most expressed an intention to remain in the city where they were presently working. Only one in four girls and one in seven boys desired to return to their homes. Travel difficulties and fear of Maoists were not prevalent reasons for staying in urban areas, and it can be supposed that many children who have been displaced by the present conflict will not return to village life once the conflict has ended."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 12-13

"The SNV/INF survey asked IDPs about their thoughts and plans for the future (the survey was carried out in the weeks prior to the cease-fire). Most of those interviewed were focussed more on their present needs and situation rather than on long term planning. Some expressed a desire to return to their villages. Others were quite explicit about their desire to sell off their village assets and remain in their new locations. The situation can be summarised by one individual who commented that, in the event of a stable settlement to the conflict 'some people will stay and some will return home'. What is unknown is how many will stay and how many will return. The interviews highlighted a number of factors that might influence an IDP's decision to stay or return. In addition to issues of personal security, these included:

the degree of investment made in their new location and the success of that investment
the person's age, with younger people generally less keen to return to village life

the person's resources back in the village with poorer people less likely to return

Many IDPs are young and poor, highlighting the danger of assuming that the 'IDP problem' of accelerated urbanisation will resolve itself in the event of a stable settlement. In the course of researching appropriate intervention strategies for working with IDPs in Nepal, discussions with UNHABITAT staff in Nairobi highlighted the experience of Cambodia where most IDPs chose to settle in urban areas after the conflict. At the time the development community focussed its intervention on programmes to encourage return to rural areas and livelihoods, in the process missing the opportunity of helping the majority of people who had decided to stay. The situation in Nepal may be similar or different, depending on when the conflict is resolved. However, it is important to remain alert to the possibility that many of the poorest IDPs may choose to stay in their new locations."

Obstacles to return

Selective "approval" of IDP return by Maoists violates IDPs' right to a dignified return (September 2006)

- Information gathered by OHCHR showed that the formal commitment by CPN-M central level to the safe and dignified return of IDPs was often not implemented by CPN-M cadres, who in some regions oppose the return of IDPs or pose conditions to their return.
- In some areas, CPN-M use the "IDP" term as a negative label to designate a small group of displaced belonging to the upper strata of society and closely linked to the State.
- OHCHR expressed deep concern about the emerging pattern of selective "approval" of IDP return by CPN-M who, in some regions, classify IDPs in different groups depending on their degree of alleged linkage to the State.

OHCHR, 25 September 2006, p. 7

"Since April 2006, the CPN-M has repeatedly given commitments in writing to respect the right of internally displaced persons (IDPs) to safely return to their places of origin and to have their land and property returned to them. Information gathered by OHCHR shows that this commitment has not been universally adhered to. In some regions, IDPs have been able to safely return and local CPN-M cadres have handed back their land and houses (but generally not movable property). In other areas, the CPN-M local and district-level representatives have ignored CPN-M central-level commitments to allow IDPs to return safely. In those areas, CPN-M local cadres either disapprove of IDP return or condition return on the returnees appearance before the "people's courts", or in front of the community, to apologize or "clarify their action" before they were displaced. Others have had to pay sums of money to the CPN-M upon return.

In some areas, the CPN-M has classified the IDPs into categories of displaced persons. The label "IDP" is often used for a very limited and specific group of displaced persons, namely the wealthier land-owners, those affiliated to political parties or those openly opposed to the CPN-M, as well as persons the CPN-M judges to be "bad or anti-revolutionary people". In its on-going dialogue with the CPN-M, OHCHR has tried to create a better understanding of the international definition of an IDP and the fact that most individuals have fled quietly due to threats of forced recruitment, extortions or other violations.

OHCHR is therefore urging the CPN-M to unconditionally fulfill its commitment to respect safe and sustainable return of all displaced persons and to return all the property illegally confiscated or looted by the CPN-M. While recognising the CPN-M Central Committee's recently stated

willingness to provide institutional support to this process, OHCHR is deeply concerned about an emerging pattern of CPN-M selective "approval" of IDP return, which risks being further formalized by the Central Committee-proposed establishment of CPN-M administered "IDP-return application" processes in each district. Given that many IDPs were originally displaced by the CPN-M, their internationally recognized right to a dignified return would be violated if they had to "apply" for permission to return from the same organization that displaced many of them. In addition, central and regional-level CPN-M representatives have the obligation to monitor and ensure that local CPN-M cadres adhere to commitments to respect safe, dignified and unconditional return of all IDPs."

OCHA, 6 September 2006, p.3

"There are a number of key elements that must be taken into account by the authorities, NGOs and agencies in the planning and implementation of the return process, including preconditions, definition, reparations, return conditions and assistance.

To date, the UN is still questioning whether the appropriate conditions are in place for a safe return of IDPs. Apart from the security concerns, the possibility of return has to be granted to all IDPs, independent of their ideology or past activities and that the ad hoc and selective approach observed to date in some instances is unacceptable.

Currently there is no comprehensive plan for return that includes both those who found protection within Nepal and those who fled abroad to avoid the effects of the conflict. The UN stresses that gearing up to address the needs of returnees in terms of protection and material assistance is a priority.

Facilitated and spontaneous return

The UN recognizes that the return is occurring with a notable increase since the SPA and CPN-Maoist signed a 12-point agreement in November 2005. Further, an improved security situation since the ceasefire has resulted in facilitated IDP returns by local human rights organizations and an increase in spontaneous IDP returns, though the number of individuals who have returned spontaneously is difficult to determine. According to a recent assessment mission to Jumla and Mugu districts, the majority of IDPs returning spontaneously are the youth who had fled forced recruitment by CPN-Maoist and individuals or families with a political affiliation.

The IDPs' right to return is not consistently respected by the CPN-Maoist. Questions are being raised over the CPN-Maoist commitment to the 12-point agreement. While in some districts there are reports of safe returns and CPN-Maoist keeping its commitment, reports from other districts suggest that the CPN-Maoist have not always allowed unconditional return.

In Taplejung, Panchthar and Bara districts, for example, CPN-Maoist has categorized the IDPs: a) those who cannot return (those accused by the CPN-Maoist of 'spying for the old regime,' or 'class enemies,' etc); b) those who have 'excusable criminal records' but could still return after issuing a public apology; and c) those who could return with dignity, but most likely after a payment. Such a categorization contradicts the spirit of the 12-Point Agreement signed in November 2005 by the SPA and the CPN-Maoist and makes IDPs question whether they will be able to live without fear of attacks or reprisals by CPN-Maoist. This issue calls for immediate attention or will create new hurdles in the peace process."

Absence of return plan and continued extortion by Maoists hamper return of IDPs (October 2006)

- In September, Maoists were reported to continue resist the reestablishment of police posts while also continuing their practice of abductions, extortions and recruitment.
- Failure by Maoists to guarantee IDPs' safety is preventing their return.
- No return plan has been devised so far by the government or the Maoists.
- IDPs suggested setting up neutral committees on VDC level to help them make an informed decision.
- Need for comprehensive reparation policy was also noted.
- Depressed economy and lack of investments in rural Maoist-controlled areas during the conflict are serious obstacles to sustainable returns.
- Continued extortion and insecurity in areas of return discourage returns.
- Fear of being suspected by the Maoists of being informants is another obstacle to return.

OCHA, 5 October 2006, p.1

"Across the country, the CPN-Maoist strongly resisted the government's efforts to reestablish police posts displaced or damaged during the conflict, arguing that the expansion of security installations violates the mutually agreed ceasefire code of conduct.

Abductions, which had not been a noticeable trend since the ceasefire in April, re-emerged during the reporting period.

A high incidence of extortion was reported in Siraha, Saptari, Jhapa, Sankhuwasabha, Bhojpur, Morang, Terhathum, Dhankuta and Udaypur districts. Businessmen and others, who were approached by the CPN-Maoist or its sister organizations for donations, however, reported that the CPN-Maoist cadres were engaging in negotiations and resorting to threats only as a last resort.

During the reporting period, CPN-Maoist also continued to exert justice through their own courts. In Kailali district, it ordered six individuals to six months' labor, charging them with murder and incest.

The reporting period also saw CPN-Maoist expanding its support base in the Eastern region, encouraging military and PLA recruitments. Reports from Sunsari, Bhojpur, Solukhumbu and Morang districts in the Eastern region indicated that CPN-Maoist was recruiting new militia. The CPN-Maoist leadership in Morang confirmed the recruitment, adding the militias would be deployed to maintain law and order, and possibly transfer to PLA. CPN-Maoist cadres in Sankhuwasabha district were reportedly involved in issuing party membership to the school students."

IRIN, 13 September 2006

"Despite the end of armed hostilities and the ongoing peace process, most IDPs say they are not ready to go back to their homes because the Maoists have failed to guarantee their safety.

'How can I go home when I do not know what the rebels will do? They still have their weapons and do what they like in many areas they still control', Buda said.

(...)

Although Maoist leaders in the capital and some key cities have agreed that IDPs return to their homes, rebel structures at village level have not made it easy for returning families, complained a large number of IDPs in west Nepal.

'The rebels who were responsible for our homeless state are the ones who have to come here and assure us of our security once we return to our villages,' said Prem Bahadur Shahi from

Dailekh district, 450 km west of the capital. He explained that only a handful of people out of the hundreds of families in the region displaced due to the conflict have returned home.

'The local Maoists who have locked my house and seized my farm will kill me - that was always their main intention while I was in my village,' said 72-year-old Kesar Bahadur Shaha from Jajarkot, 400 km west of Kathmandu.

Shaha said he was targeted as he was a member of the Nepali Congress (NC) - the country's largest political party - and had refused to join or support the Maoist rebellion.

A perspective supported by evidence from OCHA's latest IDP report: 'In many districts visited by OCHA since April 2006, CPN-Maoists and their supporters continue to control IDPs' lands, many of them with cash crops, despite claims for property restitution by the returnees.' But local Maoist leaders in west Nepal told IRIN that they were committed to the security and protection of IDPs and would return property.

"The main problem is that there is a lack of effective coordination between these [IDP] families and our party cadres on how they should be returned," said Maoist leader Anil Chettri in Banke.

'But whatever has happened in the past should be forgotten, which is why we are willing to return their property and allow them to stay in their villages without causing any harm,' added Chettri.

Despite these assurances, some rebels want retribution. 'There were some villagers who were involved in committing crimes against our supporters and besides, it is the local community who will decide how to take action against them before letting them into their homes,' said Sunil, a Maoist leader in Banke."

OCHA, 6 September 2006, p.2

"Near-absence of government officials outside the district headquarters has led to lack of protection mechanisms and provisions for basic services and development for the returnees.

According to a recent survey (July. 06) by OCHA and UNDP, 68% of the Village Development Committee (VDC) Secretaries in Nepal are displaced as a direct result of the CPN-Maoist insurgency. Most have settled in district headquarters, or in clusters close to Nepali Army barracks. Ongoing assessments indicate that many VDC Secretaries have not been able to return as they would be required to work with CPN-Maoist. The 16 June 8-point agreement between the SPA and the CPN-Maoist has provisions for the CPN-Maoist's participation in the government, an Interim Constitution and an interim parliament. Until these conditions are met, it would seem unlikely that the CPN-Maoist will allow the VDC Secretaries to return."

IRIN, 22 August 2006

"Many internally displaced persons (IDPs) in Nepal still feel threatened by Maoist insurgents and have not been able to return to their homes despite the peace process.

(...)

The Maoists have already called on the IDPs to return home, assuring them safe passage and the return of their seized properties.

But the IDPs claim that the Maoists have not kept their promises.

The Association of Sufferers of the Maoists, Nepal (ASMAN), a group formed by 20,000 IDPs, said that cadres in the villages had refused to return the lands and houses seized when people refused to join, pay donations or support them.

(...)

"The Maoists are still doing injustices to a lot of poor villagers. They still intimidate us, ask for donations, torture and even kill people who don't support their party or do as they ask," Dharma Raj Neupane, ASMAN's president, maintained.

A large number of IDPs had not been able to return home, with the government and Maoists failing to do anything to reintegrate them into their village communities, Neupane added.

Less than 1,000 IDPs had returned home with the help of human rights organisations, and a large number were still living in difficult conditions in the country's towns and cities, Insec, a prominent rights group, said."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 13

"Neither the Government nor the CPN/M has a plan for returns of the internally displaced, or appears to have considered the wider issues of people returning home from India or abroad. The UN and donors can provide advice and best practice as needed in this regard, including assisting in the development of a plan for returns.

The IDPs told the mission that the lack of government representatives was one of the obstacles for safe returns. Some IDPs suggested district committees on VDC level or other forms of network to gather, analyze and provide information on the situation in areas of return. The committee could also contribute to creating a favorable return environment. Many people said a neutral institution was most needed to resolve conflicts upon return. State institutions have been absent for years and are generally not trusted. In the absence of any other institution the CPN/M has been assisting in resolving conflicts between villagers. Their decisions were in general reported to be fair and satisfying, but people had no record of the decisions taken. The need for a formal reconciliation process, including investigations for disappearances and killings committed by both armed parties, was also noted. In this regard, a comprehensive reparations policy is needed as well.

To avoid the certain risk of losing money to the CPN/M, individual and private investments were made in the district headquarters, major towns in the Terai or in Kathmandu. As a result, there was little private investment in the rural communities during the conflict, impacting on schools, local business, trading opportunities, and the general economic situation in rural areas. Continued insecurity and extortion by the CPNM will not encourage private investment in rural areas, negatively impacting on the social and economic development of these communities and opportunities for sustainable returns and reintegration. As long as the extortion and the taxation go on it will be hard for people to return. Most of the IDP does not want to go back to place of origin unless and until disarmament has been made. IDPs do not believe safe conditions are in place and there is no common understanding between the different CPN/M cadre and CPN/M central level.

One major obstacle for return of some is suspicion of being an informant. Many IDPs are subjects of such suspicions as they have been away in district head quarters where the security forces are present and are now widely distrusted. They risk retaliation by the community when they return and as there is no legal system to judge them, they may need protection.

Facilitation of 'go-and-see' visits was requested by some IDPs. The assistance would provide safety on the way home and could ease the meeting with the local leadership upon return. Some abandoned houses have fallen into disrepair during the occupant's absence and returnees may need support to repair and rebuild their houses. Assistance may be needed to begin cultivation of some lands, and some families may need assistance with food and other basic commodities while waiting for a first harvest. Many of the IDPs had experienced attacks of extremely cruel

nature; involving torture, beatings and assaults, most assumable leading to traumas and need for psychological assistance."

IPS, 28 June 2006

"At least tens of thousands of Nepalis have fled their homes during a Maoist uprising and now that peace has come, many are pondering a return. But it is not easy: no government programmes pave their way, many of their homes need repairs while long-neglected fields require work before planting, and locals must first assuage Maoist gatekeepers.

"First our district representative must talk with the local Maoist leadership to get their OK. But they can't make that decision themselves: they have to talk with the regional leader. Once we get assurances from them, we can begin. It's a lengthy process," says Rupesh Nepal of the non-governmental organisation (NGO,) Informal Sector Service Centre (INSEC), which has helped settle a few hundred internally displaced people (IDPs).

"Each district is different," adds Nepal. "In some places the Maoists are softer, they want to be seen respecting human rights...but they still have not let some people return -- those who have killed one of their members, acted as spies or committed other major 'crimes'."

(...)

The latter is hindering many potential returnees, found a recent United Nations mission to the country's east. "Local commanders were familiar with the party's commitment (to allow IDPs safe passage home) but in reality they put up conditions," said Bjorn Pettersson of the U.N.'s Nepal human rights office (OHCHR) in an interview.

"They would say (returnees) have to come before the people's court" or perform forced labour, added Pettersson, one of 15 people from six U.N. agencies and two NGOs who travelled on foot and by vehicle for nearly two weeks to assess the situation in eight districts. Some areas they visited hadn't seen international workers during the decade of conflict."

Food insecurity and lack of livelihood are obstacles to return (September 2006)

OCHA, 6 September 2006, p.3

"Food insecurity may become an issue as recent returnees may not be able to harvest their own crop until spring 2007. Food transport costs to some areas of return are often four times the value of the commodities themselves⁷.

Assessments suggest that lack of livelihood is both a reason to leave and an obstacle to return. Many IDP families have been away for such a long time that they have no means of livelihood. While some returnees have struggled to re-establish themselves others moved back to houses and land looked after and maintained by relatives."

Return movements

Thousands of IDPs have returned in the wake of the ceasefire (September 2006)

- Despite the ending of hostilities and repeated commitments by the Maoists, both in the November 2005 12-point agreement and in the May 2006 Code of Conduct, only a few thousand IDPs have returned to their homes.

- Most return movements appear to have been isolated and the majority of the displaced are still too uncertain about the security situation and fear Maoist's attitude towards the displaced.
- On some regions, Maoists established three categories depending on the profile of the displaced: those who can't return home, those who can after public apology and those who can return home unconditionally.

OCHA, 6 September 2006

"With the signing of the 12-point agreement in November 2005, the Seven Party Alliance (SPA) and the CPN-Maoist have already expressed their willingness to unconditionally allow the safe return of "displaced democratic party leaders, activists and common people". The ceasefire Code of Conduct signed on 26 May takes it a step further with specific references to the needs of IDPs1 and the issue of restitution of land and property to returnees2. Moreover, for the fiscal year 2006-07, the government committed to mobilizing resources to support the process of return and announced an immediate cash relief package for conflict victims3.

Since the end of the hostilities in April, it is estimated that thousands of displaced persons have returned to their original homes either spontaneously or under the auspices of local human rights NGOs. The majority of IDPs are still uncertain about the security situation or unable to make it back to their home due to financial constraints, but may well be on the verge of returning."

OCHA, 7 June 2006, p. 2

"Despite the ceasefire and appeals made to the IDPs by the CPN-Maoist, there was no significant return of IDPs during the reporting period; population movements were rather isolated, according to OCHA field offices and preliminary findings of an IDP inter-agency field mission to eight Eastern districts carried out during the reporting period.

Uncertainty regarding the security situation on the ground and the CPN-Maoist policy toward IDPs were reported as the main reasons holding people back from returning. However, reports from across the country indicated that some groups of IDPs were starting to approach CDOs, CPN-Maoist, and human rights workers for information on the ground conditions and to get assistance for resettlement.

In many districts, the issue of resettlement of the IDPs emerged as a major concern with serious differences between the CPN-Maoist and the mainstream political parties over who should be allowed to return home. CPN-Maoist workers in Taplejung, for example, have put the displaced under three categories depending on the profile of the displaced: those who can't return home, those who can after public apology and those who can return home unconditionally. CPN-Maoist maintains that the return of those placed in the first category is non-negotiable while those in the third category would be resettled with dignity and due compensations.

The SPA on the other hand insists that the 12-point agreement—the framework document that outlines cooperation between the CPN-Maoist and SPA—doesn't foresee such categories for the IDPs. Some of the displaced who had returned to their villages in Dhanusha district in the Central region accused the CPN-Maoist of creating new hurdles in violation of the letter and spirit of the 12-point agreement1. Isolated returns of IDPs were reported by NGOs based in Baitadi, Dailekh, Jajarkot, Jumla, Kailali, Mugu, Rukum and Surkhet in the Mid and Far Western regions. In Mugu, KIRDAC, an NGO, facilitated discussion between 19 IDP leaders and CPN-Maoist district chief.

On 12 May, 25 IDP families of Jumla district returned home; they were living in Rajhena camp in Banke district for the last two years. INSEC, a human rights group, mediated for their return."

Over 900 IDPs have been assisted to return to the mid-western region since 2004 (August 2006)

- Improvement of the security situation in Mugu and Jummla districts since May 2006 has encouraged spontaneous return movements as well as returns facilitated by human right organisations.
- Over 900 IDPs have been assisted to return to their homes in the Mid-Western region.
- The number of individuals who have returned spontaneously is difficult to determine. Youth and politically affiliated IDPs appear to represent the majority of people returning spontaneously .

OCHA & OHCHR, August 2006, pp.1-2

"Information from various sources suggests that over 3,700 people were displaced from Jumla, during the course of armed conflict. In June 2004 the most significant displacement took place when the CPN-M introduced the 'Suuj campaign' forcing one individual per household to join the CPN-M. An estimated 2,500 individuals fled Sinja as a result of the campaign. The majority of IDPs were initially located in Jumla DHQ but later families and individuals fled to Surkhet or Nepalgunj.

(...)

All individuals the mission spoke to felt that the security situation had greatly improved since the cease fire declarations in May 2006. This has resulted in additional facilitated IDP return by local human rights organizations and an increase in spontaneous IDP return. Some of the IDPs returning with the support of human right organizations who act as interlocutors with the CPN-M have also received travel and cash assistance (see table). Human right organizations have facilitated in the return of 437 IDPs in Mugu and 161 IDPs in Jumla. Over 900 individuals have received assistance returning to their homes in Mid Western Development Region. Currently 273 IDPs from Mugu and over 38 IDPs from Jumla (displaced to Banke and Surkhet) have requested human right organizations to facilitate their return¹.

On 25 May 2006 in Mugu, OCHA attended a meeting between 19 IDP heads-of-households (representing 170 IDPs) and the CPN-M district in-charge. The meeting, facilitated by KIRDARC, concluded with an agreement on reparation and the return of the IDPs - few of whom had seen their homes since being displaced 2-3 years ago. When the OCHA/OHCHR mission arrived in Mugu on 8 August all of the IDPs had visited their homes, 15 families choose to return while 4-5 choose to remain in Mugu DHQ due to the poor condition of their home and/or business interests in DHQ.

In April 2006, 14 teachers in Mugu remained displaced in DHQ. As of 25 May 2006, 3 had returned. At the time of the missions visit to Mugu in August, the remaining 11 IDP teachers had all returned to their respective schools.⁵

The number of individuals who have returned spontaneously is difficult to determine, however, the mission met with families and individuals who have returned on their own who reported that several other IDPs have done similar. Displaced youth fleeing forced recruitment by the CPN-M, and individuals or families with a political affiliation appear to represent the majority of IDPs spontaneously returning. Based on discussions in Sija there are, at a minimum, a few hundred IDPs and possibly more than one thousand who have returned spontaneously to Sija Valley."

Some 28,000 villagers return home in eastern Nepal after Maoists lift attack threats (September 2004)

- Some 28,000 people who fled the threats of Maoist attack in eastern Nepal, started returning gradually after only a few days.

AFP, 9 September 2004

"Villagers in remote eastern Nepal began filtering home Thursday after Maoist rebels lifted a threat to attack the area and install a "people's government," police said.

"The people are gradually returning to their respective residences including government officials and businessmen and the buses have started rolling," said a senior police officer who wished to remain anonymous.

The army deployed heavy security in the remote eastern districts of Ilam and Panchthar after the Maoists, who have been waging a bloody eight-year battle to overthrow the constitutional monarchy, said they would attack September 8 and install a "people's government" in the area.

They warned people to leave to avoid getting hurt.

Some 10,000 villagers in Ilam fled their homes after the threat and at least 18,000 people from Panchthar left, local human rights activist Yogesh Kharel Kharel said. Other residents had locked themselves inside their homes.

Villagers started returning home Thursday after the Maoists telephoned a human rights group, the Informal Service Sector Centre, giving them permission to return."

HUMANITARIAN ACCESS

General

Ceasefire has only slightly improved humanitarian access to countryside (October 2006)

- During September 2006, the Maoist were reported to continue to resist the re-establishment of police posts displaced or damaged during the conflict.
- Also the Maoist continued to interfere with the work of development and humanitarian actors and repeatedly violated the Basic Operating Guidelines (BOG).
- The presence of Village Development Committee's secretaries, a good indicator of the State's reach in rural areas, was still very limited in July 2006, with at least 68% of the secretaries were displaced.
- In December 2005, the CPN-Maoist leadership followed an earlier statement by the Government of Nepal in publicly accepting the Basic Operating Guidelines (BOGs) of both the UN system and of the bilateral donors.
- Prior to the 2006 ceasefire, the absence of a dialogue with the Maoist, to which the government was firmly opposed, was a major obstacle to the safety of the expatriate staff. This was hindering the deployment in the field and assistance to the displaced.

OCHA, 5 October 2006, pp.1-2

"Across the country, the CPN-Maoist strongly resisted the government's efforts to reestablish police posts displaced or damaged during the conflict, arguing that the expansion of security installations violates the mutually agreed ceasefire code of conduct.

(...)

The capacity of development and humanitarian actors to work free of CPN-Maoist interference further eroded during the reporting period. A high incidence of the Basic Operating Guidelines (BOGS) violations continued to be recorded. In the Far West, CPN-Maoist has reportedly directed its district committees to impose tax on imports and exports and to stop the Municipalities, DDCs and the VDCs from carrying out any development work. In the Western region, the party issued a notice to the Community Forest Users Federation in Nawalparasi district to suspend activities of all forest users groups.

In the Eastern region, CPN-Maoist threatened to continue frustrating all development projects implemented by/through the government. Its cadres have asked local residents of Rangeli, Morang district not to pay their electricity bills and frustrated revenue collection in Jhapa, Saptari and Siraha districts. In Terhathum district, they issued a six-point circular to the I/NGOs operating in the district to give 10% of their total budget to the party before starting a project; CPN-Maoist leadership reportedly also stated how the NRs. 1 million of the VDC budget proposed by the SPA government should be used—10% of it should go directly to CPN-Maoist, 20% to community based education and health projects and 70% to road constructions. CPN-Maoist has reportedly pre-positioned its cadres to tax the road construction projects. In the Eastern Terai, there is a poor working environment for development agencies based along the Indo-Nepal border due to the strong presence of TJMM in Saptari and Siraha districts; the CDO in Saptari said the security for the staff members of development agencies in the districts was a serious concern."

OCHA, 6 September 2006, p. 2

"Near-absence of government officials outside the district headquarters has led to lack of protection mechanisms and provisions for basic services and development for the returnees.

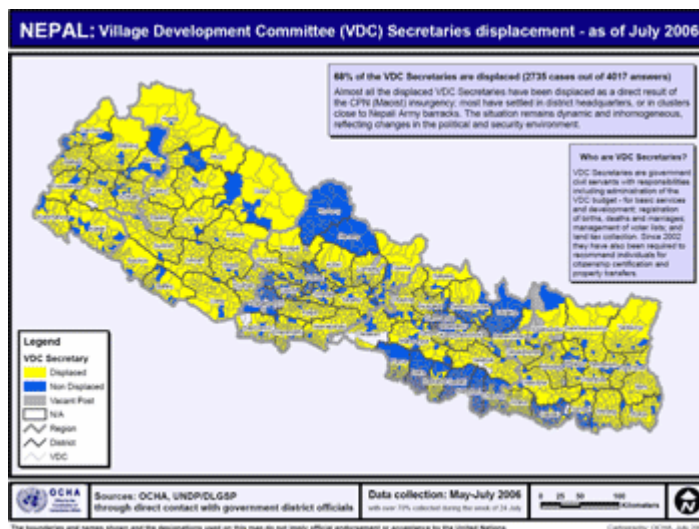
According to a recent survey (July. 06) by OCHA and UNDP, 68% of the Village Development Committee (VDC) Secretaries in Nepal are displaced as a direct result of the CPN-Maoist insurgency. Most have settled in district headquarters, or in clusters close to Nepali Army barracks. Ongoing assessments indicate that many VDC Secretaries have not been able to return as they would be required to work with CPN-Maoist.

The 16 June 8-point agreement between the SPA and the CPN-Maoist has provisions for the CPN-Maoist's participation in the government, an Interim Constitution and an interim parliament. Until these conditions are met, it would seem unlikely that the CPN-Maoist will allow the VDC Secretaries to return.

OCHA, 11 August 2006, p.2

"Over the last few months OCHA has been consulting with representatives from the government and the international community to select a proxy indicator for 'the reach of the state'. Most agreed that mapping the presence/absence of Village Development Committee (VDC) Secretaries was the best quantifiable indicator to demonstrate the state's reach.

The map included (page 3) here has been compiled through direct contact with government/SPA officials in all districts. It shows that, despite the recent positive political changes and the ongoing ceasefires (the CPN-Maoist ceasefire reciprocated by the government) the administration still has extremely limited presence in most rural areas.



Three months after the ceasefire, many VDC secretaries are still reluctant to leave for their villages due to uncertainty surrounding their modus operandi, threats of CPN-Maoist extortion and in some cases due to security concerns. CPN-Maoist's general approach — reported to OCHA in the field — is not to allow the VDC secretaries to return to their villages until the ongoing political negotiations are complete, and it is included in the interim government.

Some CPN-Maoist district leaders, however, have encouraged conditional return of VDC secretaries. In Khotang, Sankhuwasabha and Siraha districts in the Eastern region, for example, CPN-Maoist cadres have reportedly encouraged the return of displaced VDC secretaries

provided they pay a substantial amount of the VDC budget to their party and agree to work under the directives of the party.

The nationwide research also found a varied status of the VDC secretaries. In a number of VDCs in Achham district, for example, the VDC secretaries are still in assigned places of work, though the VDC buildings are destroyed.

In Bajura, some VDC secretaries have been making day visits to their VDCs since the April ceasefire. In Kalikot, SPA, CPN/Maoist and VDC secretaries recently conducted a coordination meeting in Manma and decided to send VDC secretaries back to the villages, effectively from Shrawan (July-August). In Rolpa, the 48 VDC secretaries are operating from the district headquarters and have collectively announced that unless government line agency staff (agriculture, veterinary, etc.) and police return to the VDCs, the secretaries will not. In Dang, the VDC secretaries are operating from three different 'clusters,' centres with the presence of the security forces."

OCHA, 18 July 2006, p. 4

"Whilst the conflict was at a peak during the first few months of the reporting period there have been very few incidents since the declarations of ceasefire. The Nepali Army has reportedly remained largely in its barracks. However, urban centres including Kathmandu have seen an increase in criminal activity, including daylight robberies in banks and civilian houses. In addition, 142 civilian injuries and deaths have been caused from the unintentional explosion of Improvised Explosive Devices (IEDs) in 2005 alone, out of which 80 were children.

The reach of the state

Despite the two unilateral ceasefires much of the countryside has remained a no-go area for many civil servants, including Village Development Committee (VDC) secretaries and other service providers, who generally remain displaced in district headquarters, prevented from visiting their assigned areas by the CPN-Maoist.

Operational space

In December 2005 the CPN-Maoist leadership followed an earlier statement by the Government of Nepal in publicly accepting the Basic Operating Guidelines (BOGs) of both the UN system and of the bilateral donors. Since the two unilateral ceasefires were declared, physical access to remote areas of rural districts has improved - thought to be partially due to the new presence of CPN-Maoist cadres in district headquarters. Despite this, true 'operational space' for humanitarian and development organisations remains a major challenge with new incidents of CPN-Maoist attempting to dictate geographic areas for development agencies to work in, and the continued regular demands for agencies to register programmes and pay 'donations'."

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 9

"Operational space for humanitarian and development activities remains of serious concern. The mission heard numerous informal reports in 'both' – or three? districts of development staff regularly making unacceptable Basic Operating Guidelines - related concessions - either voluntarily or whilst under duress - to both the CPN/M (payment & registration), and the security forces (reports on CPN/M activity). There were also reports of a number of VDCs where development work has all-but stopped due to the difficulties in working there, resulting from access challenges posed by both sides. In Kalikot the mission was also provided with a copy of an NGO 'Code of Conduct' developed by CPN/M.

Development programmes being implemented 'through' HMG/N seemed hardest hit. The mission recommends that development organisations should urgently review the effectiveness of aid

programmes managed in this manner, as many District Development Committee (DDC) staff themselves reported that it was all but impossible for them to access the majority of VDCs in the districts visited."

IDD, 2 June 2005, p. 4

"(...) Operations have also been hampered by the Government's insistence on no dialogue with the CPN/M, without which staff safety and security cannot be guaranteed.

During a three-day visit to the Terai (India/Nepal border) in the far west of the country, only one resident international UN staff member was seen. The large majority are in Kathmandu. The mission heard repeatedly about the challenges faced by national staff in the field, especially security and access concerns due to suspicions and demands for concessions from all parties. Agencies need to urgently increase international staff field presence wherever possible in order to strengthen representation and improve monitoring of the situation and project implementation.

The Government places severe restrictions on the 46 international NGOs in Nepal, limiting them to one international staff member each. These restrictions as well as difficulties of humanitarian access complicate delivery of services to IDPs. Local NGOs are numerous, widespread and active, but they need stronger international support, especially in the field. OHCHR's planned field presence will be crucial in this respect, as could OCHA's." (IDD, 2 June 2005, p. 4)

OCHA/IDP Unit, June 2004, p. 3

"4.1 Up to now the United Nations has not engaged in systematic dialogue with the Maoists on access-related issues, partly for lack of an identifiable interlocutor, but also because the Maoists, until recently, were not unduly impeding activities.

4.2 In recent months, however, UN agencies and NGOs have found it increasingly difficult to operate in Maoist-controlled areas. In addition to the risk of armed clashes breaking out unexpectedly, agencies are now confronted with unacceptable demands from the Maoists for control over programmes and resources, backed by implicit threats of violence. While such demands are still sporadic they are clearly on the rise and have already caused donors and agencies to suspend rural public works and food security programmes benefiting some 55,000 people."

NATIONAL AND INTERNATIONAL RESPONSES

National response

Government's response still inadequate and discriminatory despite new IDP policy

Since the beginning of the conflict, the government has to a large extent ignored its obligation to protect and assist IDPs. Its response can be described as inadequate, discriminatory and largely insufficient.

Although the government established several compensation and resettlement funds for victims of the conflict, most dried up after a relatively short time. Also, government assistance has only been provided to people displaced by the Maoists. Authorities have not encouraged people displaced by government security forces to come forward with their problems, and people remained reluctant to register as displaced for fear of retaliation or being suspected of being rebel sympathisers (Martinez, Esperanza, July 2002, pp.8-9). A registration process established by the government has allowed some displaced people to register at their local district office, but the criteria for eligibility was reportedly the following: to be displaced "due to the murder of a family member by a terrorist" (SAFHR, June 2003, p. 16).

There have also been indications that funds have been arbitrarily disbursed and that only those with the right political connections have been able to access these them (GTZ, INF, SNV, UNDP/RUPP, NHRC & The Global IDP Project, March 2004, Annex 1). During 2002, the government distributed displacement allowances amounting to Rs. 100 per person a day under the Ganeshman Singh Peace Campaign (Kathmandu Post, 18 December 2002).

In 2003 and 2004, the government allocated 50 million rupees (\$667,000) for the rehabilitation of IDPs or rather to "provide immediate compensation and relief to the victims" (Ministry of Finance, 16 July 2004, p.13). It was not clear if people displaced by government forces were intended to benefit from this fund.

In October 2004, under pressure from IDP associations, the government of Nepal made public a 15-point relief package for victims of the Maoist rebellion, which included monthly allowances for displaced people. However, the allowance was reportedly limited to IDPs above the age of 60 who had lost the family bread-winner and to children whose parents had been displaced by the Maoists (Government of Nepal, 13 August 2004). Again, those displaced by the security forces were excluded from the assistance scheme.

[For more detailed information on the various government's relief plans and policies prior to 2005, see "[State of Statelessness, A Critical Observation on Government Responsibility for Conflict-induced IDPs in Nepal](#)", Prakash Gnyawali, 2006, in Informal Special Issue on IDPs, Vol. 19, No.2 & 3, Sep. & Dec. 2005, pp. 3-20]

Following the royal takeover in February 2005, the government sent signals that it was willing to do more to help and assist its displaced population. Following the visit in April 2005 of the UN Secretary-General's Representative on the Human Rights of IDPs, Walter Kälin, who described the IDPs in Nepal as "largely overlooked and neglected", the government promised to develop a new IDP policy (UN, 22 April 2005). In May, the Minister of Finance publicly acknowledged the gravity of the displacement crisis and urged donors to help the government provide assistance to

the IDPs, described as “the first and foremost victims of terrorism” (The Rising Nepal, 6 May 2005).

In January 2006, the UN Representative of the Secretary-General on the Human Rights of IDPs presented his report on the situation in Nepal where he expressed his concern on the many limitations of the government's response, including the fact that many IDPs were not eligible for assistance, that those who were had to produce documentation, which they did not possess and also that financial resources made available were largely inadequate. Finally, Walter Kälin noted that protection and other assistance needs of IDPs were largely ignored (CHR, 7 January 2006, p. 10)

National IDP Policy

In March 2006, the government issued a National IDP Policy. Although, steps were made by the government with this policy to formalise the situation of IDPs, it remains far from comprehensive and fails to address the main weakness of previous state policies on IDPs, i.e. a politicized IDP definition, which excludes people displaced by state forces. Also, despite explicit references to the UN Guiding Principles on Internal Displacement, the policy ignores a number of basic principles and recommendations (OCHA, 6 September 2006).

On the positive side, this new policy established 3 coordination mechanisms and national focal points, namely the Central Directorate Committee, responsible for the overall policy framework; the Central Programme Coordination Committee, responsible for the implementation of the policy; and, at the field level, 75 District Programme Coordination Committees. At the same time, however, it has been noted that the policy lacked a proper dissemination at the district level, with the majority of District Secretaries unfamiliar with the policy and implementation guidelines. Also, insufficient resources for its implementation were made available by the government (IOM, 29 June 2006, p. 13).

While there was initially hope that the formation of a new government and the restoration of the Parliament at the end of April would lead to a revised IDP policy, which would take into account the comments formulated by the United Nations, this hope did not materialize and as of early September 2006 and no formal revision was reportedly underway. The IDP policy is currently on hold while implementation plans are being devised and modifications considered (OCHA, 6 September 2006, p. 2).

In July 2006, the government announced that it had set funds aside help displaced people return to their original places and to reconstruct destroyed infrastructure. Individual 'conflict victims' returning home were to receive a grant of Rs 5,000, while returning families would get as agriculture credits up to Rs. 10,000 per family (OCHA, 11 August 2006, p.1). The government's extremely precarious financial situation raises serious doubts about its capacity to back up financial promises to the displaced. In May, the new government announced that the state was bankrupt (OCHA, 18 July 2006, p.1). Government's officials at the district level were also reported to have limited knowledge of the financial assistance available for returning IDPs (OCHA & OHCHR, August 2006).

Maoist's formal commitment to the return and rehabilitation of the displaced

While formally committed to facilitate the return and reintegration of the displaced, the Maoists continue to represent the major obstacle for their return. Abuses including killings, abductions and extortion have reportedly continued since the ending of the hostilities in May 2006, maintaining an insecure environment not conducive the large-scale returns.

Despite repeated commitments and public statements encouraging the displaced to return home, many IDPs were still too uncertain about security conditions and lacked confidence in the Maoist to make the journey home. Continued abuses by the Maoists, who were also reported to condition the return of IDPs using a classification of "good" and "bad" IDPs, but also the lack of government representatives in areas of return were cited as major obstacles for the return of the displaced.

In November 2005, the seven main political parties and the Maoist signed a 12-point agreement where they approved a common platform of action for ending the king's absolute rule and restoring sovereignty to the people. The agreement also provided explicitly for the rights of IDPs to go back to their homes and recover their land and property. While some limited return movements started taking place in the wake of the agreement, it was mainly after the end of the hostilities at the end of April 2006 and the signing of the Code of Conduct on 26 May that significant numbers of people, estimated at a few thousands, started returning to their homes. In the Code of Conduct, both the government and the Maoists made clear references about the needs of IDPs [1] and their rights[2] during the return phase and committed to provide assistance (OCHA, 6 September 2006, p.1).

In early September 2006, the Maoist leadership issued a directive to set up of offices at the district level to resolve issues relating to internal displacement. The Maoists also continued to encourage the return of the displaced by promising to return properties confiscated during the conflict and facilitate return through the newly created IDP offices (OCHA, 5 October 2006).

National organisations working with the displaced and providing assistance

The **National Human Rights Commission (NHRC)** [Internet], which was established in 2000 has set up a unit to focus on the issue of internal displacement and disappearances. The NHRC listed "studying, investigating and documenting internal displacement" as one of its key priorities of its first strategic objective for the years 2004-2008 (See [Strategic Plan 2004-2008](#)). Following the royal takeover in February 2005 and the subsequent amendment 3 months later of the Human Rights Commission Act as well as the reconstitution of the 'Recommendation Committee' (responsible for recommending the NHRC Commissioners) with members who had openly supported the royal takeover, the legitimacy and independence of the NHRC was severely undermined (see [NHRC Nepal: A case for review of status](#), September 2005, p. 1).

The **Nepal Red Cross Society** [Internet], which is the country's largest humanitarian organisation and maintains a network in Nepal's 75 districts, has been assisting IDPs since the conflict started. More details on the assistance provided during 2005 to displaced and conflict-affected people can be found in the [Annual Report 2005](#) (30 May 2006).

INSEC [Internet], is Nepal's largest human right NGO. In addition to its human rights monitoring and advocacy activities, INSEC has also been active in [assisting the displaced return](#) to their home since 2004. See [Informal, Special Issue on IDPs, Sept-Dec. 2005](#) for more information on INSEC's involvement in the return of IDPs.

The **Community Study and Welfare Center (CSWC)** has since 2004 advocated on behalf of the displaced. Based on a survey conducted between November 2003 and January 2004 in 5 districts of the Midwestern Region, CSWC identified 160,000 IDPs and suggested between 350,000 and 400,000 people could be internally displaced in Nepal.

Other organisations do not work have specific programs for displaced people, but include them in their assistance work.

Child Workers in Nepal Concerned Centre (CWIN) [\[Internet\]](#) work with children affected by conflict and has assisted displaced children. In 2005, it published a report showing that children were increasingly affected by displacement and that most of these children ended up in exploitative jobs and at risk of physical abuse (IRIN, 4 July 2005) .

Maiti Nepal [\[Internet\]](#) is working with victims of sexual abuses and has assisted displaced women and girls.

DOFA Nepal, is an NGO that is [helping IDP children attend school](#).

[1] “Assistance shall be provided in the work of returning displaced persons to their respective and rehabilitating them peacefully, comfortably and with dignity.”

[2] “The property of political party leaders and workers and ordinary members which was seized or padlocked or whose use was not permitted during the conflict shall be returned to the individual or family concerned and its use shall be allowed. Any problems which may arise in the process of returning this property shall be resolved on the basis of mutual agreement.”

International response

International response: slowly shifting in response of IDPs

Many UN agencies and international NGOs have been in Nepal for numerous years providing development-oriented assistance, but almost none provide humanitarian relief or target their assistance at IDPs. Instead, most agencies have preferred to assist conflict-affected areas mainly through already existing development programmes.

In April 2005, the UN's Internal Displacement Division (IDD) noted a change in the UN agencies attitude and greater willingness to address the humanitarian and protection needs of the displaced. In addition to the updating of contingency plans, taking into account the new situation, UN agencies established a Crisis Management Group to improve inter-agency coordination (IDD, 2 June 2005, p.3). To strengthen the capacity of the UN to respond to the needs of the displaced, a Humanitarian Affairs Officer as well as an IDP Advisor have during the past year assisted the UN Resident/Humanitarian Coordinator, responsible at the field level for the strategic coordination of protection and assistance to IDPs. The IDD mission further encouraged all agencies to step up their activities towards meeting the needs of the displaced, pointing out that many agencies were still too development-focused and entrenched in a “business as usual” attitude. Donors were also strongly encouraged to support the shift from development to humanitarian action (IDD, 2 June 2005, pp.3-6).

Clearly, more efforts were still needed by both the government and the international aid community to effectively address the needs of the displaced. In April 2005, in conjunction with OCHA's IDD, the Representative of the Secretary-General on the human rights of IDPs, Walter Kälin, conducted a 9-day mission to assess the IDP situation and make recommendations to the government and other relevant actors, including the international aid community of Nepal. Walter Kälin [described](#) the needs of the people displaced by the decade-long conflict between the

monarchy and rebel Maoists in Nepal as having been “largely overlooked and neglected”. Kälin called on the government to better address the protection needs of its displaced population, inter alia through the adoption of a comprehensive national IDP policy and appropriate legislation.

As a positive step towards increasing scrutiny of human rights abuses and making both the government and the insurgents accountable for their actions, the government accepted in April 2005 the setting up of a human rights monitoring operation by the UN Office of the High Commissioner for Human Rights. The mission's mandate would be to monitor and report on human rights abuses as well as provide advisory services to the government (UNOHCHR, 11 April 2005).

Common Humanitarian Action Plan (CHAP)

At the end of June 2005, representatives of the international assistance community met during a three-day workshop in Kathmandu to collectively develop a Common Humanitarian Action Plan (CHAP). The Plan, which would form the basis of the Consolidated Appeal Process (CAP), covers the period October 2005-December 2006 and asks for US\$ 65 million to cover projects presented by 25 different organisations.

One of the main objective of the CHAP was to help agencies establish a common understanding of the humanitarian priorities and, with regards to the displacement problem, to lead the way to an improved assistance to IDPs.

With regards to IDPs, the UN agencies developed a common contingency plan identifying a total of 65,000 vulnerable IDPs. Of this number, 15,000 would be located in district headquarters in 15 hill districts; 20,000 in major regional municipalities; 20,000 scattered across the Terai and 10,000 in Kathmandu Valley. The Plan also identified 1.4 million people in need of essential medicines and 50,000 households in need of humanitarian-type assistance, including food, shelter, education and water & sanitation.

The strategic priorities of the CHAP, which are to guide the humanitarian response during 2006 were identified as the following:

- Expand and maintain ‘operational space’ for humanitarian action and development cooperation;
- Ensure effective monitoring of, advocacy and response to, major protection concerns, where operational protection is defined as ‘all activities aimed at ensuring full respect of the individual, particularly members of vulnerable groups, in accordance with the letter and the spirit of the relevant international and national laws, including human rights law, international humanitarian law, and refugee law’;
- Ensure the provision of basic services for people in need by linking humanitarian responses with longer-term goals and building the capacity of civil society and pre-existing structures;
- Develop systems for common assessment, needs analysis, and the coordination of emergency preparedness and responses." (CAP-Nepal, OCHA, 7 October 2005, p. 11)

One year after its launch in October 2005, the CAP had received funding pledges amounting to 77 per cent of the total requirements. The protection sector remains well funded, while the following sectors have not yet received any funding as of 16 October 2006: agriculture, education, economic recovery & infrastructure, water & sanitation and shelter & non-food items . For an update on the funding of the CAP, see the [Financial Tracking Service \(FTS\) website](#). The CAP Mid-Year Review confirmed that the CHAP strategy remained largely valid. Despite the positive political developments which took place during the spring, protection and humanitarian concerns remained with limited operational space in areas controlled by the Maoists. For a review

of the response plans, the main developments and funding gaps by sectors, see the [Mid-Year CAP review](#) (18 July 2006, pp. 8-13)

UNHCR, OCHA and OHCHR coordinate the inter-agency response to IDPs

Within a collaborative approach framework, UNHCR and OHCHR are leading the UN response on IDP protection and co-chair the IDP Protection Sub-Group of the Human Rights and Protection Working Group (UNHCR, 8 June 2006, p.8). The group consists of UN agencies, NGOs, INGOs, and donor agencies. The main mechanism for inter-agency coordination of humanitarian assistance is a local Inter-Agency Standing Committee (IASC), which meets twice a month to share information and address the main humanitarian issues (UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 5). OHCHR, UNHCR and OCHA have all deployed IDP protection experts and have established field presences in areas of displacement.

Several inter-agency IDP missions have been conducted since the end of 2005 with the aim of enhancing the understanding of IDP issues among humanitarian actors and promoting sustainable solutions for the return of the displaced. The missions as well as an increased field presence during 2006 have also been opportunities to better monitor return conditions and ensure that the Maoists fulfil their commitments to guarantee the return of the displaced in safety and dignity.

In addition to the legal and physical protection it provides to refugees and asylum seekers in Nepal, UNHCR decided in 2005 to also extend its assistance to IDPs. One of the main objective of the UN refugee agency's activities in Nepal in 2006 will be to "actively participate in the inter-agency response to internal displacement; assist and protect internally displaced persons (IDPs) and seek solutions within a collaborative approach". Protection, shelter and non-food assistance will be provided and activities on behalf of the displaced will include direct legal services, registration and documentation. Further, UNHCR plans to set up open information centres and mobile teams for the displaced and other vulnerable people. Discussions are also ongoing for a comprehensive IDP assessment, which is to be conducted in 2006 in partnership with the Norwegian Refugee Council (NRC). With regards to coordination, UNHCR will take the lead on shelter, while coordinating with OCHA and OHCHR to respond to the protection needs of the displaced. More information on UNHCR's plan in Nepal for 2006 is available [here](#). In July 2006, UNHCR started its activities for to the protection and assistance to IDPs and opened a field office in Biratnagar, together with OCHA (OCHA, 11 August 2006).

In June 2006, the UN food agency started its first ever emergency food distribution in Nepal, aiming at feeding 225,000 potential beneficiaries in the Mid- and Far Western districts, most affected by 2 successive poor harvests. The monsoon and poor donor support reportedly hampered the operation. As of 21 August 2006, only 1/5 of the total amount requested by WFP had been forthcoming. More information on the operation and the funding status can be accessed on [WFP website](#).

International NGOs working with the displaced

Action Aid (AAN) [\[Internet\]](#) has carried out a IDP survey together with INSEC and has also supported the latter in facilitation of return in the Mid-west region during 2006.

Caritas [\[Internet\]](#) provides educational assistance to IDPs in addition to the support it provides to conflict-affected people. In February 2006, Caritas launched a \$ 1 million Appeal to assist some 100,000 IDPs. Return and reintegration assistance is also planned.

International Nepal Fellowship (INF) [[Internet](#)] launched a "Displaced People Initiative" Programme in 2003 in districts of the mid-western region such as Jumla, Dang, Bardiya and Banke. Instead of providing the displaced with relief aid, the programme seeks to facilitate the absorption of the displaced into host communities.

Terre des Hommes (TDH) [[Internet](#)] has in May 2005 started a project to assist displaced children in Nepalgunj. The beneficiaries will also include other conflict-affected children. Support will be provided in the field of education, psychosocial assistance and nutrition. [[Internet](#)]

Médecins Sans Frontières (MSF) [[Internet](#)] has been in Nepal since 2002 providing health care support . It maintains a presence in Rukum district in mid-western Nepal where it runs the hospital. In January 2004, it was forced to close its mission Jumla district. [[Internet](#)]

Other organisations having displaced people as beneficiaries include: [ActionAid](#), [Action contre la Faim](#) (ACF), the [Lutheran World Federation](#) (LWF) -working essentially with ex-Kamayyas, [Oxfam](#), [Plan International](#), [Save the Children](#) and [World Vision](#).

See here an [updated list of organisations](#) assisting the displaced in Nepal. See also the following [Who's doing What, Where \(WWW\) on Internal displacement in Nepal](#) (updated as of 18 September 2006).

Donors

In addition to the total of \$51,327,549 (as of 16 October 2006) committed by donors to humanitarian projects through the 2005-2006 CAP, \$13,5 million have been contributed/pledged outside the CAP during 2006.

The European Commission (ECHO) is the largest donor with nearly \$16 million (or 27 per cent) committed to humanitarian projects in Nepal. Nearly a third of this amount, or \$6,2 million, was provided outside of the CAP. The UN (21%), Denmark (7%), the United States (5.6%), Norway (5.5%), Canada (5.3%), Germany (4.7%), the UK (4.7%) and Japan (3.4%) are the other main donors.

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