

Procedural Directives 2007 of National Policy Relating to Internally Displaced Persons, 2007

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1. United Nations Guiding Principles on Internal Displacement
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 - (a) International Covenant on Civil and Political Rights (ICCPR)
 - (b) Optional Protocol to the ICCPR
 - (c) Second Optional Protocol to the ICCPR, Aiming at the Abolition of the Death Penalty
 - (d) International Covenant on Economic, Social and Cultural Rights
 - (e) International Convention for the Elimination of All Forms of Racial Discrimination (CERD)
 - (f) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
 - (g) Optional Protocol to the CEDAW
 - (h) Convention on the Rights of the Child (CRC)
 - (i) Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
 - (j) Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
 - (k) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)

Part I

Introduction

1. Background:

The provision has been made in Section 10.9 of the National Policy Relating to Internally Displaced Persons, 2007 endorsed according to the decision of the Government of Nepal (Council of Ministers) dated **2063-11-6** that “necessary procedural directives shall be made and issued in order to implement this policy”.

The Policy notes, in Section 1 (Background) that “the state is required to play a lead role to prevent internal displacement, provide security to displaced persons, protect human rights, make provisions for immediate relief and necessary humanitarian support and service as well as facilitate and make appropriate provisions for their return to their place of habitual residence or settling them voluntarily in other places in the country.”

2. Objectives:

The objectives of directives are:

- (a) To make it easy and convenient for the entities and officials involved in the implementation of the policy to perform their work by clarifying the procedures to be followed by all service providers, governmental and non-governmental, and by beneficiaries; and to facilitate the implementation of programmes by incorporating and systematizing institutional mechanisms under these directives.
- (b) To ensure effective coordination by setting up clear procedures for the entities that will need to implement the programmes.
- (c) To help the beneficiaries by setting out in clear, easy and simple terms the procedures they will have to follow in order to acquire their entitlements and access services.

3. Definitions:

Unless otherwise specified with reference to the subject or context in this Policy:

- (a) "Policy" means the National Policy Relating to Internally Displaced Persons 2063 (2007).
- (b) "Displaced Person" means Internally Displaced Person defined pursuant to Section 3 of the Policy and explained in detail in Section 4 of these Directives.
- (c) "Directives" means this Directive.
- (d) "Ministry" means the Ministry of Peace and Reconstruction in the case of a person or family displaced due to conflict as provided in Section 3 Clause (b) of the policy; it means the Ministry of Home Affairs in the case of a person or family displaced due to natural or human-made disasters as provided in Clauses (c) and (d) of the Policy.

- (e) “Rehabilitation” means the activities set out in Section 8.3 of the Policy.

4. Internally Displaced Persons

There are two Sections of the Policy where internally displaced persons (IDPs) are defined or their characteristics are described.

4.1 Definition: Section 3 of the Policy provides a general definition of an internally displaced person, based on the definition provided in the United Nations Guiding Principles on Internal Displacement (see Appendix 1). It then distinguishes between three types of IDPs:

- (a) those displaced as a result of conflict, violence or gross violations of their human rights (Section 3(b) of the Policy);
- (b) those displaced as a result of human-made disasters (e.g., development, construction or industrial activities) (Section 3(c) of the Policy); and
- (c) those displaced as a result of natural disasters (e.g., floods, landslides) (Section 3(d) of the Policy).

4.2 Criteria for Identification. In Section 12 of the Policy, specific criteria are listed to help the Displaced Persons Identification Committee to determine who is an IDP and in which category they fall. These criteria should be considered illustrative and not definitive lists. If questions arise, they should be resolved with reference to the definitions in Sections 2 and 3 of the Policy.

5. Name and Entry into Force:

- (a) The name of this directive shall be the Procedural Directives 2064 (2007) of the National Policy Relating to Internally Displaced Persons 2064 (2007).
- (b) It shall come into force immediately.

6. Responsibilities for the implementation of the policy:

It shall be the main responsibility of the Ministry of Peace and Reconstruction to perform work relating to persons and families internally displaced as a result of conflict, violence or human rights violations as mentioned in Section 3 Clause (b) of the Policy. Work relating to persons and families internally displaced due to other reasons shall be the responsibility of the Ministry of Home Affairs.

Part II

Principles

7. Guiding Principles

The Policy in Section 2 lists the international and national instruments, principles, laws and agreements from which Guiding Principles shall be derived in implementing the Policy. The following rights and principles will be respected and form the normative framework for all programmes and activities designed to implement this Policy.

It should be noted that the Policy combines a rights-based approach with a needs-based approach. The needs-based perspective is applied whenever the issue of scarce resources emerges, in order to determine priorities.

7.1 Responsibility:

The Nepali Government recognizes that the prevention of displacement, the protection of IDPs, the provision of immediate humanitarian support and the implementation of durable solutions is first and foremost its own responsibility. All levels of government will be called upon to address these issues. However, the Government will encourage all stakeholders to provide humanitarian assistance and contribute to durable solutions.

7.2 Participation and Mainstreaming:

In finding solutions to the problems faced by displaced persons, IDPs as well as host or receiving communities shall participate in the planning, design and implementation of relevant strategies, programmes and activities. In addition, women, children, the elderly and minorities, who are often marginalized, must be given the opportunity to participate in decisions that directly affect their lives. For this purpose, the government should support a rights-based and community-based approach to working with displaced persons that promotes gender equality, the rights of IDP women and children, and equal access to assistance for all groups regardless of gender, age, caste, ethnicity, religion, ability or any other marker of differentiation.

7.3 Non-discrimination:

The Policy recognizes that IDPs, like all other citizens of Nepal, enjoy in full equality all the rights and liberties as set out in the constitutional law of Nepal. IDPs shall not be

discriminated against in the fulfillment of any rights and freedoms on the grounds that they are internally displaced.

7.4 International Obligations:

The treatment of displaced persons in Nepal will conform to international humanitarian law, human rights law and guiding principles. In particular, as of the date of entry into force of these Directives, Nepal is party to the following international human rights instruments (date of ratification noted). (Texts of the instruments are provided in Appendix 2.)

- International Covenant on Civil and Political Rights (ICCPR) (14 May 1991)
- Optional Protocol to the ICCPR (14 May 1991)
- Second Optional Protocol to the ICCPR, Aiming at the Abolition of the Death Penalty (4 March 1998)
- International Covenant on Economic, Social and Cultural Rights (14 My 1991)
- International Convention for the Elimination of All Forms of Racial Discrimination (CERD) (30 January 1971)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (22 April 1991)
- Optional Protocol to the CEDAW (18 December 2006)
- Convention on the Rights of the Child (CRC) (14 September 1990)
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (3 January 2007)
- Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (6 January 2006)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (14 May 1991)

Nepal recognizes the United Nations Guiding Principles on Internal Displacement as guidance for this policy. (See Appendix 1.)

7.5 Protection from Arbitrary Displacement:

Everyone has the right to be protected against arbitrary displacement from his or her home, land or place of habitual residence.

7.6 Freedom of Movement:

The relevant authorities have a responsibility to ensure that IDPs enjoy the right to freedom of movement and to choose their own residence, including the right to return and to re-establish themselves at their places of origin or habitual residence, to integrate locally or to resettle elsewhere in Nepal. No one shall be arbitrarily or unlawfully forced to remain within a certain territory, area or region or to leave a certain territory, area or region. The Government will ensure that freedom of movement and the right to choose one's residence are not subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with international human rights standards.

7.7 Identification and Registration:

The relevant authorities shall take steps to facilitate the registration of all displaced persons, whether they are in urban, rural or camp settings. The relevant authorities will make arrangements so that internally displaced persons are able, without returning to their place of habitual residence, to acquire documents necessary for the exercise of their legal rights as stated in this Policy.

7.8 Protection of Property

No one may damage, destroy or unlawfully use the house, the land or other property which IDPs leave behind in their habitual place of residence. Local Administration shall make the necessary arrangements for the protection of such property. Displaced persons have the right to have restored to them all properties which were arbitrarily or unlawfully taken from them.

7.9 Durable solutions: Voluntary Return, Integration and Resettlement:

The Government commits itself to finding durable solutions to the problems resulting from displacement. In deciding whether to return to their places or regions of origin, to integrate locally or to seek resettlement, IDPs should be able to make such decisions voluntarily, without pressure and with complete, objective, up-to-date and accurate information, including on physical, material and legal safety issues in their area of origin and about this policy. Relevant authorities shall assure proper protection and dignified treatment of displaced persons during the process of voluntary return, local integration and or resettlement.

7.10 Family Unity:

The relevant authorities will protect the integrity of the family and community and the right to family life. Every effort will be made to ensure children stay with their families during all movements and resettlements and to re-unite unaccompanied and separated children.¹ Those intervening on behalf of unaccompanied and separated children have an obligation to assist them to find, communicate and rejoin family members through tracing and other services.

Special efforts will be made to trace and reunify unaccompanied and separated children with their families or extended families, and for those children who cannot be reunified, to provide interim care that meets the child's cultural, physical, psychological, emotional and developmental needs. The relevant authorities shall facilitate inquiries made by immediate and extended family members and co-operate with the work of humanitarian organisations engaged in assisting family reunification.

7.11 Protection of IDP Children

All children, including those who are unaccompanied or separated from their families, are entitled to protection of their rights, including their personal security, provision for their basic subsistence, and care that is nurturing and appropriate to their age and individual needs. Internally displaced children have the same rights as those in stable situations and the Convention on the Rights of the Child will continue to apply.

7.12 Protection of IDP Women

Women who are displaced, among them women heading households, widows, elderly women, and girls at puberty who are at high risk of sexual exploitation or of being trafficked, are entitled to protection of their rights, including their personal safety and provision for their basic subsistence. Special attention should be paid to the health needs of women, including reproductive health care and counseling for victims of

¹ An "Unaccompanied Child" means a child who is under 18 years of age or the legal age of majority, as defined by the Convention on the Rights of the Child (CRC), is separated from both parents and is not being cared for by a guardian or another adult who is responsible to do so by law or custom. A "Separated Child" means a child who is separated from both parents or from his or her previous legal or customary caregiver but not necessarily from other relatives, and may be accompanied by another adult family member.

sexual and other abuses; to ensuring that educational and training facilities are available and accessible to IDP women; and to ensuring that women participate in decisions concerning the distribution of relief, as well as in the planning and management of their relocation.

Part III

Registration and Verification of Displaced Persons

8. Notice to be Issued:

(1) For the purpose of registering displaced persons, or if it is deemed appropriate to collect data on displaced persons in order to effectively manage relief and rehabilitation programmes, the Ministry may issue or may cause to be issued a notice that a person should register their name as a displaced person. A person may register an application as a displaced person, even though no such notice is issued, and they may register an application after the expiry date of such a notice.

(2) In order to facilitate the registration of internally displaced persons, the Ministry of Peace and Reconstruction will establish a database or central registry of conflict-affected IDPs. The Ministry of Home Affairs will establish a separate database or registry for those who have become IDPs as a result of human-made or natural disaster. As stated in Section 10.6 of the Policy, the Chief District Officer has primary responsibility for compiling records on displaced individuals and their families and sending such records to the respective Ministry.

(3) While issuing a notice pursuant to Sub-section (1), the Ministry must make all reasonable efforts to ensure such notices are widely publicized in the relevant areas of Nepal through the national and local media (including radio stations), in the national language and the local language(s) spoken by the respective community or communities.

9. Registration of Application:

(1) In order to register as a displaced person, an individual must submit an application to the District Administration Office (DAO) in the district where they are currently

residing (i.e., in their displacement) in the format prescribed in Annex 1. The head of the family, or any other adult member of the family, may fill out the application on behalf of all family members without the need for them to be present at the time the application is made. Each IDP, including children, will receive a separate identity card in his or her own name. To receive their identity cards, each individual entitled to a card will need to present themselves at the DOA, although exceptions can be made for minors, people with disabilities, the sick, the elderly or others unable to travel.

(2) Applications filed pursuant to Sub-section (4) shall be registered in the format prescribed in Annex 2.

(3) The DAO shall provide notice of receipt of application to the person registering the application pursuant to Sub-section (4) in the format prescribed in Annex 3.

(4) If a person files an application to be registered as displaced in one district and, before receiving the identity card of a displaced person, decides to resubmit their application in another district, the latter district should inform the former district before starting the registration process. After receiving such notification, the former district should cease any investigation it may have started and forward any information it has collected to the other district. A displaced person, when filing an application for registration, must disclose whether s/he has filed such an application in any other district.

(5) A person who has obtained an identity card as a displaced person from one district who then moves to other district and wants to be listed in the records of the latter district, must file an application with that DAO enclosing a copy of their identity card, in the format prescribed in Annex 4. A separate record of such an application will be maintained and a notice must be provided to the district which originally issued the identity card. When a new identity card is issued to the IDP by the DAO in the district where s/he now resides, the IDP must hand in the old identity card to the DAO.

10. Investigation and Verification:

(1) In every district, a Displaced Persons Identification Committee (Committee DPIC) will be established to confirm that the details of the applications submitted pursuant to Section 9 are genuine. As set out in Section 11.4 of the Policy, the DPIC is to be comprised of the Chief of the Local Peace Council (or the CDO if the council is not constituted) as Chairperson, two additional representatives of the Local Peace Council (or if the LPC is onto constituted, two representatives of civil society chosen by the

DPIC), the Local Development Officer, the Chief of the District Police Office, and (as Secretary) the Assistant Chief District Officer or officer-level personnel assigned by the CDO. In establishing the DPIC, every effort should be made to ensure that at least two of the six members are women. The DPIC will establish its own Rules of Procedure and shall meet at least once a month and at any other time as required.

(2) For the purpose of investigation and verification, the DPIC may base its decision on any documentation or statement deemed appropriate, including depositions (*sarjamins*) filed by the applicants themselves to assist the verification process or filed depositions of others, and it may examine the records maintained by the concerned Village Development Committee Office, Municipality Office, Police Office or Local Administration Office. It may also use information provided by NGOs, Community Based Organizations and Human Rights Organizations and may ask such organizations to assist in verifying that an applicant is a displaced person. The DPIC must issue its decision within 60 days of receiving an IDP's application.

(3) When the DPIC confirms that an applicant is internally displaced, the reason for such displacement must be identified, classifying the displacement in accordance with Sections 3 and 12 of the Policy, and registered in the format prescribed in Annex 2.

(4) If the DPIC decides that the applicant is not a displaced person, this must be recorded as prescribed in Annex 2 and the information must be given to the concerned applicant in the format prescribed in Annex 5, within 15 days of the DPIC's decision. To inform applicants who do not reside in District Headquarters, notices should be posted not only at the DAO but also outside the Village District Council (VDC) or Municipality Office in their areas of residence.

(5) If the applicant, pursuant to Sub-section (4), is not satisfied with the decision of the DPIC, s/he can submit a complaint within 60 days of such decision to the Chief District Officer, unless the CDO is the Chair of the DPIC, in which case the complaint will be submitted to the Regional Administrator.

(6) The final settlement of the complaint pursuant to Sub-section (5) should be completed within 2 months.

(7) While undertaking an investigation and verification, or while investigating a complaint, the individual/body hearing the complaint can invite testimony by and seek advice from individuals or organizations representing civil society, including NGOs, Community Based Organizations and Human Rights Organizations.

11. Unaccompanied and Separated Children²:

The relevant authorities, including the Women's Development Offices, District Child Welfare Committees, and the Central Child Welfare Board, with assistance from humanitarian organizations will:

- (a) Provide special assistance to ensure the registration and verification of unaccompanied and separated children;
- (b) Assist unaccompanied and separated children to obtain an identity card; and
- (c) Facilitate the tracing, identification and reunification of unaccompanied and separated children with their immediate and/or extended family members.

12. Granting an Identity Card:

(1) An identity card must be granted to every person identified as internally displaced pursuant to Section 9 of these Directives in the format prescribed in Annex 6.

(2) The identity card, when issued for the first time, shall be valid for 2 years. If the person remains in displacement for more than 2 years, s/he may apply to the District Administration Office (DAO) for the identity card to be renewed for an additional 2 years. Such an application may be submitted up to three months before the expiry of the identity card according to the format set out in Annex 7. Request for renewal of the identity card can be made up to one year after the expiry of the card. The DPIC shall make a decision on whether or not to renew the identity card.

(3) If an applicant's request for renewal is rejected by the DPIC, the applicant will be notified in the format prescribed in Annex 8. The applicant may appeal the decision to Chief District Officer, unless the CDO is Chair of the DPIC, in which case the appeal shall be made to the Regional Administrator, within 35 days of such decision.

13. Removal from the IDP Register:

(1) In the following situations, the name of the displaced person, will be removed from the list of displaced persons:

- a. in the case of an individual filing for cancellation;
- b. in the case of a person rehabilitated in his/her former place of residence;
- c. in the case of a person rehabilitated in his/her current place of residence;

² See definitions provided in footnote 1.

d. in the case of a person rehabilitated after settling elsewhere in Nepal (i.e., not mentioned in clauses (b) and (c)).

e. in the case of a person whose Identity Card lapses;

f. in the case of the death of the individual

(2) Notwithstanding anything contained in sub-section 13 (1), the return of a displaced person to his/her former residence shall not prevent the Government of Nepal from providing them with needed support.

(3) No displaced person shall be refused support from the Government simply because they chose to reside somewhere other than their former place of residence after rehabilitation. If a person files an application asking for support to be provided to them in their current residence mentioning that s/he intends to integrate or settle there after rehabilitation, the concerned authority, after providing support, will give this information to the DAO in the applicant's place of habitual residence.

(4) Any decision regarding cancellation of a person's IDP status will be made by the DPIC. The details of the cancellation pursuant to the decision of the DPIC shall be recorded in the register in the format prescribed in Annex 9.

Part IV

Protecting and Assisting Displaced Persons

14. Physical Protection

14.1 Obligation of the Government:

Section 8.1.5 of the Policy recognizes that persons forced to flee their homes as a result of violent conflict often face threats to their physical safety, and that the Government has an obligation to ensure that appropriate security arrangements are made to protect them. Sections 6.3 and 7.7 of the Policy commit the Government to creating an environment where internally displaced persons can exercise their fundamental human rights without hindrances. The local administration should, where necessary, adopt special measures to ensure security of displaced persons in the locations in which they have taken shelter.

14.2 Specific Threats faced by Internally Displaced Persons:

Section 8.1.7 of the Policy recognizes that internally displaced persons may be particularly vulnerable to different forms of violence, abuse and exploitation including enslavement, killing, and disappearance. They may also face, inter alia, extortion and illegal “taxation”, rape and other forms of gender-based violence, forced recruitment by armed groups and kidnapping and trafficking. Security Forces will be instructed to protect displaced persons and their possessions, with special attention to threats to the following especially vulnerable groups:

- **Children in need of special protection:** specifically, unaccompanied children or separated children, orphans, child- and youth-headed households, children forced to drop out of school to work, children living on the streets, children with disabilities or learning difficulties, children traumatized by violence and/or displacement, children abused or sexually exploited, children forced into early marriage, children in conflict with the law, and children recruited by armed groups.
- **Women in need of special protection:** specifically, females heading households, widows, pregnant and lactating mothers, women with young children, women who are at risk of physical, psychological or sexual abuse, women traumatized by violence and/or displacement.
- **The elderly in need of special protection:** especially, those without income or means of support, those who are chronically ill and those who have been traumatized by violence and/or displacement.
- **The sick and persons with disabilities:** those who are ill especially the chronically ill, and those who have physical or mental disabilities.

The relevant authorities will make clear what entitlements such people have, make them aware of their entitlements, and assist them in getting their entitlements.

14.3 As stated in Sections 7.10 and 9.13 of the Policy, specially targeted programs shall be developed to protect the rights of such vulnerable groups facing special risks. This will include programmes to raise awareness of the dangers of exploitation faced by displaced children, as specified in Section 9.14 of the Policy.

15. Protection of Property

15.1 Protection of Property: Section 8.1.10 of the Policy recognizes that arrangements must be made by the local administration to protect the property

and possessions left behind by IDPs from destruction and indiscriminate or illegal utilization.

15.2 Restitution of Property: Section 8.3.4 of the Policy states that the state shall make necessary arrangements to return such physical properties which were forcefully seized or looted at the time of conflict.

15.3 Free Use of Property: In Section 8.1.8 of the Policy, the Government guarantees that internally displaced persons will not be subjected to any direct or indirect pressure, nor will they be forced to act against their will or interests, concerning how they use their property, provided that they do not violate the law.

15.4 War Widows Deprived of their Property: One particularly vulnerable group of IDPs are widows of men killed in the conflict who, together with their children, are forced out of their homes by the family of their late husband. Such women should be provided with legal and any other assistance necessary to acquire and protect their property rights.

16. Legal Protection

16.1 Right to Information: IDPs have a right to know their entitlements, including any benefits or services they should have access to, as well as their basic human rights. Within every CDO office, one person shall be designated as focal point for the IDP issue and will be available to provide advice and assistance to IDPs on their entitlements and how to access them. The CDO, in cooperation with the District Development Office, NGOs and civil society, will organize counseling and awareness programmes for IDPs so that they understand their fundamental human rights as per Section 9.19 of the Policy.

16.2 Access to Civil and Other Documentation:

Section 8.2.5 of the Policy recognizes the importance of the right of IDPs to civil and other documentation which is of central importance to their legal protection and to access basic services and entitlements. The Government recognizes that people in displacement have often left behind or lost important personal documents, and that they often face enormous difficulties in obtaining personal documentation or copies of such documents, or in

extending or replacing documents that have expired or require renewal. The Policy states that “arrangements will be made to provide such services as passport, citizenship certificate, registration of birth and migration to internally displaced persons from the concerned offices of their current residences.” To implement this provision, the following measures shall be taken.

16.2.1 Vital Events Registration: Displaced persons shall be able to acquire vital events registration documentation (birth, death, marriage, divorce, relationship, or migration certificates) or copies of such documentation from the local registrar’s office in the area in which they currently reside. If it is necessary to obtain or verify information from the registrar’s office in the IDP’s area of habitual residence, the registrar’s office where the application is being made will request that it be sent expeditiously using the fastest available medium (fax, mail or email) to ensure that a determination can be made within the prescribed period, without the imposition of any fees, costs or delays, and without requiring that the displaced person return to their place of habitual residence. Authorities receiving requests for such information will provide a complete response to the requesting authority within 15 days. Where necessary and applicable, traditional administration or community leadership, or sworn affidavits or depositions (*sarjamin*) will be used for proof of identity or verification of information.

16.2.2 Birth Registration: Recognizing that Article 7, paragraph 1 of the Convention on the Rights of the Child states, inter alia, that “The child shall be registered immediately after birth and shall have the right from birth to name, the right to acquire a nationality...” and that Article 22(1) of the Nepal Interim Constitution states that “Every child shall have the right to his/her own identity and name”, the Ministry of Local Development will instruct all local registrars offices to permit a parent (a mother or father) to register the birth of child wherever they are residing. If the internally displaced person does not have the documentation normally required to register the birth, their sworn statement or deposition (*sarjamin*) that they are the parent of the child, in the format prescribed in Annex 9, will be sufficient for the registration.

16.2.3 Passports: The Ministry of Foreign Affairs will take whatever measures are necessary to facilitate the issuance or replacement of a passport to an internally displaced person without the imposition of unreasonable conditions, costs or delays, without prejudice to the condition under which the passport was lost, and without requiring that the displaced person return to their place of habitual residence.

16.2.4 Citizenship Certificates: The Ministry of Home Affairs will take whatever measures are necessary to facilitate the issuance or replacement of a Citizenship Certificate to an internally displaced person without the imposition of unreasonable conditions, costs or delays, and without requiring that the displaced person return to their place of habitual residence.

16.2.5 School Records: Schools will not refuse to register a child or refuse to allow a child to sit for examinations because the child does not have the required school records. The Ministry of Education will instruct schools to register displaced children whether or not they have copies of their previous school records and to facilitate the transference of their records from the schools they previously attended. Should this not be possible, the school authorities will test the child to determine their appropriate grade, or statements may be taken from parents or community leaders to testify to their level of attainment.

16.2.6 Professional Accreditation: Where internally displaced persons have lost copies of their professional accreditation (as teachers, doctors, nurses, lawyers, etc.), the relevant authority or institution will assist them in getting a replacement copy, without the imposition of unreasonable conditions, costs or delays and without requiring that the displaced person return to their place of habitual residence.

16.2.7 Equality of Treatment: Displaced women and men have equal rights to obtain all required documents. Women and girls will have documentation issued in their own names. Every effort will be made to provide documents to unaccompanied and separated children.

16.3 Legal Aid: Article 8.1.2 states that, to ensure that internally displaced persons can exercise their fundamental rights, provision will be made for them to have special legal aid.

For this purpose, the following procedures will be followed:

- (1) Displaced persons seeking legal aid can file an application with the District Programme Coordination Committee (DPCC) described in Section 11.3 of the Policy. The DPCC, after evaluating the economic and social position of the applicant, shall if the criteria set out in the Legal Aid Act (1977) are met, make a recommendation to the concerned Legal Aid Committee to provide legal aid to the applicant. This is without prejudice to the right of a displaced person to apply directly to the Legal Aid Committee.
- (2) If the DPCC recommends to the Legal Aid Committee that a displaced person receive legal assistance, the Legal Aid Committee, must provide them with legal aid and should make arrangements for granting complete exemption without reimbursement of any expenditure.

17. Monitoring the Rights of IDPs:

To ensure that internally displaced persons wherever they are living enjoy in full equality the same rights and liberties as all other inhabitants of Nepal as set out in Section 6.4 of the Policy, and are not subject to discrimination as prohibited in Sections 8.1.1, 8.1.3 and 8.14 of the Policy, the human rights situation of displaced persons will be monitored. Such monitoring will be done by the National Human Rights Commission as provided in 8.1.1 of the Policy, and may also be undertaken by other relevant bodies.

18. Right to Vote and to Participation:

18.1 Right to Vote:

Section 8.1.11 of the Policy states that provisions will be made so that internally displaced persons can cast their vote at the time of election as provided by law.

18.2 Participation:

Section 8.2.13 of the Policy states that organizations and institutions or informal groups of internally displaced persons should be encouraged to become involved in the process of delivering services and benefits to IDPs. This is a recognition of the right of internally displaced persons to participate in decisions and processes affecting their survival and their lives. Sections 6.2 and 8.3.6 of the Policy state that, while formulating programmes concerning durable solutions, the IDPs should be mobilized to participate, with special priority given to the participation of women and other vulnerable groups. Where there are substantial concentrations of IDPs, programmes to assist them should be community-

based, also assisting the hosting communities so as not to exacerbate or create new sources of conflict; and, in such cases, host communities as well as IDPs should participate in formulating and implementing the programmes. All programmes implemented under this Policy should be guided by Principle 7.2 of these Directives.

19. Protection against Arbitrary Displacement:

The Policy recognizes that all Nepalis have the right to be protected from arbitrary displacement. Section 8.1.6 affirms that the State shall not cause displacement except for development projects and industry or livelihood projects which are to be operated for public and national interests. Special protection against displacement will be provided to endangered and marginal groups such as indigenous inhabitants and minorities as required by section 8.1.9 of the Policy.

20. Food Aid and other Relief Assistance

Section 8.2 of the Policy recognizes that persons in displacement may be in need of urgent relief, including food, and that governmental and concerned agencies will be mobilized to provide immediate humanitarian assistance to displaced persons. The Policy notes, in Section 8.2.1, the need for norms to govern such distribution. One such norm clearly stated in Section 8.2.4 of the Policy is the need to prioritize the most vulnerable groups (as defined in Section 14.2 of these Directives), while Section 9.20 of the Policy underlines the need for programs to provide nutrition and food to children of displaced families. Other universally accepted norms and principles including the following:

(1) The Government will ensure that all humanitarian assistance is carried out in accordance with the principles of humanity and impartiality and without discrimination, and that such assistance is not withheld or diverted, in particular for political or military reasons. In no circumstance will humanitarian assistance be used as a political weapon.

(2) The Government recognizes that humanitarian agencies have the right to provide assistance to those in need and shall ensure access to IDPs, especially in rural and/or remote areas, including by negotiating with insurgents and/or militias trying to block the delivery of humanitarian aid and by enlisting the assistance of community and leaders and organizations to distribute both food and non-food items.

(3) The Government will do everything possible to ensure that medical or educational facilities which provide services to IDPs are not occupied or exploited by armed forces, and that the principle of medical neutrality is respected. It will also ensure that IDPs have freedom of movement to access basic facilities, including hospitals, clinics and schools.

(4) The Government will ensure the security of humanitarian workers in a manner that does not compromise their neutrality and impartiality nor that impedes their work in any manner.

21. Health Care and Health Programmes

21.1 Primary Health Care: IDPs will be provided with primary health care and emergency treatment to deal with life threatening conditions. When making decisions about whether to provide free medical treatment beyond basic or emergency medical care, the DPCC will evaluate the socio-economic position of applicant in the light of available resources and priorities and decide how much free health treatment the individual IDP will be eligible to receive. In accordance with Section 9.16 of the Policy, special programmes will be launched for to provide free treatment for IDPs wounded, sick, incapacitated or disabled as a result of the displacement. In accordance with Section 8.2.9 of the Policy, IDPs returning to their places of habitual residence will receive a free medical examination if needed.

21.2 Administration of Health Care Programmes: Health care programmes for internally displaced persons will be implemented in coordination with the District Health Office (DHO). Such programmes may be implemented with support provided by NGOs, CBOs and other private sector actors, and local political bodies working in the health sector.

21.3 Trauma Counseling/Treatment and Psycho-social Support: Internally displaced persons who are victims of violence, especially gender-based violence, or other forms of abuse will be provided with free HIV AIDS testing, trauma counseling/treatment or psycho-social support in government hospitals and health centers in accordance with Sections 9.10 and 9.12 of the Policy. The District Programme Coordination Committees (DPCCs) are to take initiatives to generate support from the NGOS, CBOs or other private sector actors able to assist in the provision of such services.

21.4 Mobile Health Care Services: The DPCCs shall make necessary arrangements to provide mobile health care services in places where internally displaced persons are concentrated and where there are no adequate health facilities, as set out in Section 9.15 of the Policy.

22. Education Programmes

22.1 Right to Education: Children who are internally displaced, like all Nepali children, are entitled to free primary education. Section 8.2.6 of the Policy states that “proper arrangements of school education will be made for the children of internally

displaced persons.” School officials will enroll displaced children of school-going age so that they can continue their education at the point at which it was interrupted. School officials will not deny a child admission to school because they do not have the appropriate documentation to enroll. Children in displacement and war-affected children will be enrolled in school at any time, including after the school year has started.

22.2 School Records: Section 8.2.6 of the Policy states that Government bodies will facilitate the transference of school records for students in displacement. This will be done as set out in Section 16.2.5 these Directives.

22.3 Registration Data: The details of all students enrolled in displacement must be sent to the District Education Office and District Programme Coordination Committee (DPCC) in the format prescribed in Annex 11.

22.4 Informal Education Programmes: Arrangements to include internally displaced persons in informal education programmes must be made for those who cannot be accommodated in regular school programmes. The DPCC shall make the necessary arrangements for persons not enrolled in regular schools who are willing to enroll in an informal education programme. Special efforts will be made to establish such informal education programmes in areas where there are concentrations of displaced persons, including camps or where temporary accommodation has been set up. Community Learning Centres for life-long learning may be mobilized for this purpose.

22.5 Scholarships: The parents of students enrolled in regular schools who wish to obtain a scholarship to assist with their children’s education, such as to help in paying for educational materials, a place in a hostel or uniforms, must file an application with the DPCC in the format prescribed in Annex 12. The DPCC will make a determination, after evaluating the socio-economic condition of the applicant, based on the availability of resources and priorities. . Unaccompanied and separated children are entitled to apply for these scholarships and will receive support from the relevant authorities and humanitarian organisations to do so.

22.6 Trauma Counseling: In every school where there are children affected by conflict, there must be at least one teacher who receives a short training on how to counsel children traumatized by violence or displacement. The DPCC must ensure that provision is made to train such counselors by incorporating such a training into the annual teacher training programme. The Ministry of Finance in coordination with Ministry of Education must make the necessary financial and other arrangements for this purpose.

23. Temporary Shelter

The Policy, in Section 8.2.1, recognizes that internally displaced persons may need to be provided with temporary shelter until they can find more permanent safe accommodation,

while Section 9.2 of the Policy underlines the need for programmes to provide such temporary housing facilities. In planning and providing temporary shelter and more permanent accommodation for IDP's, attention must be given to the special protection needs of the most vulnerable groups outlined in Section 14.2. Planners will need to identify and allocate a 'child-friendly space'³ that can accommodate children, young people and mothers.

24. Employment and Livelihood Programmes

Internally displaced persons have a right to seek work in an environment which does not discriminate against them because of their displacement, and which recognizes the needs of both IDPs and host communities. The Policy recommends initiatives and programmes that can be taken to assist IDPs with employment and livelihood, including the following:

24.1 IDPs should be incorporated into Nepali development plans and activities if they have the skills and experience required (Section 7.9 of the Policy).

24.2. The DPCCs should ensure that economically active IDPs are included in the employment, self-employment and skills training programmes organized by government or by other organizations, oriented towards finding either domestic or foreign employment; programs should be developed to provide seed money or special training to IDPs who wish to start their own businesses (Sections 9.3, 9.4 and 9.17 of the Policy).

24.3. The DPCCs should develop programmes to assist IDPs in rural areas to reestablish their livelihoods, including lease-hold forestry programmes (Sections 9.8 and 9.21 of the Policy).

25. Social Security Assistance

In Section 9.18 of the Policy, the Government recognizes that elderly, disabled or chronically ill persons who are internally displaced should receive their allowances or social security assistance where they are living in displacement. In order to do so, the displaced person, or someone acting on their behalf, should file an application before the DPCC in the format as prescribed in Annex 13. The DPCC will then notify VDC or Municipality from which the IDP previously received their allowance to make arrangements for the Ministry of Local Development in their place of former residence to transfer the funds.

³ A child-friendly space consists of a safe space where children can go for a few hours a day, to attend pre-school, take part in youth activities, play sports or talk to trained social workers. These spaces can be used to register separated and unaccompanied children and facilitate tracing services. They are also useful spaces to provide a number of services including but not limited to mine-awareness activities; early childhood care; formal, non-formal and life skills-based education; support services including medical, legal and psycho-social ;and HIV/AIDS prevention and awareness activities for young people.

Part V

Provisions relating to the Displaced Persons Relief Fund (DPRF)

26. Displaced Persons Relief Fund (DPRF):

(1) There shall be a DPRF in every district to provide food, clothing, temporary shelter, emergency health care and other emergency and essential support to displaced persons.

(2) In every District, the Fund will be managed by a Board of Directors constituted as follows, and with the proviso that at least one third of the members will be women:

Chief District Officer - President

Local Development Officer - Member

Woman Development Officer - Member

District Chairperson of Nepal Red Cross Society - Member

District President of NGO Federation - Member

President of District Chamber of Commerce and Industries - Member

An IDP representing the IDPs in the community selected by the CDO

A representative of civil society, selected by the CDO

(3) The Board of Directors will be established by the DCO within 14 days of the entry into force of this Directive. The Board will adopt its own Rules of Procedure.

(4) The cash or kind expenditures from the fund will be spent by the CDO pursuant to decisions of the Board of Directors.

(5) It shall be the responsibility of the CDO to maintain detailed accounts of income and expenditures from the fund and to audit the accounts making their management transparent.

(7) The standard relating to emergency relief shall be determined from time to time by the Ministry. After determining the standard, the Ministry will make this information available to the CDO, mentioning the amounts involved and the procedures for providing the relief.

Part VI
Annual Programme and Budget

27. Annual Programme and Budget:

As provided by Section 11.1.1 of the Policy, the CSS will meet at least two times before the National Planning Commission approves the annual budget and before the Finance Ministry presents their program and budget.

- (1) The policy provides for the development of an Annual Programme and Budget for IDP programmes, recognizing in Section 9.24 of the Policy that programmes will be prioritized and implemented gradually on the basis of the availability of resources and means. Section 7.1 of the Policy, in discussing strategies, emphasizes the need to incorporate needs of internally displaced persons into the priorities of national development. The Annual Programme and Budget for IDPs will be developed in the following manner.
- (2) The District Programme Coordination Committees (DPCCs) (as described in Section 11.3 of the Policy), for the purpose of managing internal displacement in their own districts, will submit the details of the programmes they would like to implement during the next fiscal year, together with an estimated budget, to the Secretariat of the Central Programme Coordination Committee (CPCC), Ministry of Peace and Reconstruction (described in Section 11.2.1 of the Policy), by _____ in the format prescribed in Annex 14.
- (3) While developing the Annual Programme and Budget, an evaluation will be made of the problems relating to internal displacement and a list of beneficiaries (individuals and communities) prepared on the basis of which programmes can be prioritized, ranked and recommended for inclusion.
- (4) When developing the Annual Programme and Budget estimates, concerned regional institutions in the District will be invited to participate in the meetings where they are discussed.
- (5) There will be consultations with NGOs and CBOs (Community Based Organizations) regarding programmes to be implemented through the NGOs and CBOs .
- (6) Programmes and budget will be based on directives, if any have been issued, by the Ministry, the Central Steering Committee (CSC) (described in Section 11.1 of the Policy) or the CPCC.
- (7) The costs of each activity in the programme will be estimated.
- (8) The Annual Programme and Budget will be sent to the Secretariat of the CPCC after it has been verified by the Member Secretary of the DPCC and approved by the DPCC.

(9) After the CPCC reviews the programs and budgets provided by the DPCCs and makes any necessary adaptations to the Annual Program and Budget estimates by including additional programs if any to be implemented at the central level, it will submit the Programme and Budget to the CSC.

(10) When submitting the Annual Programme to the CSC, it will stipulate for each programme whether the expenditure is to be made from the Nepal Peace Trust Fund (NPTF) or from the Appropriations Budget of the Government of Nepal.

28. Approval of Annual Programme and Budget:

(1) If the CSC agrees that the expenditure should be made through the NPTF, approval will be obtained by submitting the project to the Fund pursuant to the regulations governing the NPTF.

(2) If expenditure is to be made through the Appropriations Budget of the Government of Nepal, approval will be obtained by including it in annual budget of the government.

(3) The approved Annual Programme and Budget will be sent to the District Program Coordination Committees with full authority for its implementation.

29. Evaluation and Auditing

Article 7.6 of the Policy states that amounts received for the benefit of internally displaced persons will be managed transparently to their benefit. For this purpose, the National Planning Commission, through the Ministry of Peace and Reconstruction, will monitor and evaluate the programmes to assess their effectiveness, as set out in Section 10.7 of the Policy, and funds will be audited in accordance with accepted government practice.

Part VII

Information, Dissemination and Awareness Raising

30. Dissemination of the Policy

Section 7.11 of the Policy states that, to raise awareness of the negative effects of internal displacement, information should be disseminated and educational activities should be undertaken in a regular and persistent manner. Section 9.11 of the Policy states that other campaign-oriented programmes on displacement prevention may be developed. For these purposes the Policy and these Directives will be widely disseminated, to governmental offices at all levels, to the IDPs themselves, to non-governmental organizations and community-based organizations, and other stakeholders. The Government will also publish and

disseminate documentation regarding the IDP policy and on programmes and decisions relating to internal displacement.

31. Study, Research and Publication:

As provided in Section 9.9 of the Policy, the Ministry may from time to time conduct or support research into areas such as the prevention of internal displacement, the effect/impact of internal displacement, durable solutions, rehabilitation programmes, and the social reintegration of displaced persons. The Ministry shall make arrangements for the publication and dissemination of the findings of such research.

VII. Miscellaneous

32. Institutional Development and Capacity-Building:

Sections 7.2 and 7.3 of the Policy recognize the need for the Government to develop institutional mechanisms for dealing with internal displacement, as well as for coordinating the efforts of local bodies, national and international NGOs, community organizations, donor agencies, and various political parties and private sector actors. Section 7.13 of the Policy underlines the need to develop the capacities of organizations working with IDPs in both the governmental and non-governmental sectors. Section 9.22 of the Policy focuses on the need for more effective data management with respect to IDPs. Section 9.23 draws attention to the need for institutional capacity development programmes in the area of conflict management, especially at the District level.

The Government will support capacity-building efforts in all of these areas aimed at improving the effective implementation of the Policy, recognizing that such programmes will need to be prioritized on the basis of available resources.

33. Collaboration and Partnership

The Policy recognizes, in Section 10.1, that matters of protection and rehabilitation of internally displaced persons are multi-faceted and cross-cutting and will need to be addressed by all ministries and bodies. It, therefore, instructs all governmental ministries and bodies to incorporate programmes addressing internal displacement into their respective plans and budgets.

Section 10.3 of the Policy recognizes the need to collaborate and work in partnership through programmes run by various government ministries/bodies and local bodies, NGOs, local communities and private sector organization.