

PROJECT

INFORMATION SHEET

FAIRNESS AND EFFICIENCY IN REPARATIONS
TO CONFLICT AFFECTED PERSONS



IOM International Organization for Migration



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Context

From 2008 (onwards) the Government of Nepal (GoN) under the overall leadership of the Ministry of Peace and Reconstruction (MoPR) has been distributing financial and non-cash benefits to the families of victims who suffered human rights violations during the ten-year armed conflict. Through the Interim Relief and Rehabilitation Program, cash payments are provided to the families of the deceased, disappeared and to those disabled during the conflict. The GoN has also been implementing various services such as providing scholarships, medical treatment and compensation for property loss to families of victims of conflict. Plans are ongoing to develop non-cash benefits such as skills training and employment generation in 2010-

2011. Despite attempts to set out rules governing the disbursement of various interim relief payments, the Government intends to develop a coherent and comprehensive policy on interim relief and reparations which takes into account impacts of existing interim relief programmes, the diverse interests of victims, gender perspectives and issues, and international best practices.

In addition to policy, there is also a lack of clarity and uniformity in the mechanisms and systems in place setting out procedures and policies for victim consultations, outreach, and the categorization, identification and benefit-distribution processes. There is a need to strengthen the capacity of MoPR officials and the

local district officials who are currently implementing the interim relief program and will be responsible for implementing a future reparation program. The draft bills on the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry on Disappearances (COI-D) envision broad reparation programs for victims and the current interim relief and rehabilitation program must take into account its possible linkages with the reparations program in the future.

Donor:	United Nations Peace Fund for Nepal
Implementing Agency:	International Organization for Migration (IOM); Office for the High Commissioner for Human Rights (OHCHR)
Lead Partner Institutions:	Ministry of Peace and Reconstruction (MoPR); District Administration Offices (Ministry of Home Affairs)
Duration:	15 Months: May 2010 – August 2011
Target Groups:	MoPR and DAO staff; Conflict-Affected Victims from Nepal's ten-year armed conflict
Overall Objective:	Peace Process strengthened by establishing effective and transparent mechanisms to provide reparations to the victims of the armed conflict
Specific Objective:	Government of Nepal has effective and transparent structures and procedures in place to implement reparations program

Planned Interventions :

Development of a Reparation Policy in line with International Human Rights Principles (OHCHR).

The project will develop a fair and effective reparations policy in line with international human rights standards that takes into account the socio-economic structure of Nepalese society, gender perspectives and issues, the needs of the victims and the state's implementation capacity. Comparative experience and international best practices will also be taken into consideration in the process.

Map existing interim relief mechanisms and develop a set of concrete recommendations for improving their delivery, processing and reporting.

The project will carry-out mapping and an analysis of the existing operational framework, procedures and practices and interview stakeholders including victims and the staff involved in the current interim relief and rehabilitation program to determine in detail where the principal problems lie and how they can be addressed. The findings will form the basis for a set of recommendations that will be provided to the MoPR.

Design an outreach strategy and implementation plan.

The project will work with the relevant Ministry and District Administration Office staff as well as the members of other governmental and non-governmental agencies and organizations (NHRC, victim groups, women organizations etc) to design a comprehensive outreach strategy and implementation plan. The project will ensure this is relevant to the context and sensitive to the needs of the different victim communities, with special attention given to vulnerable groups including women and children.

Design a strategy for the collection and registration of victims and beneficiaries data.

The project will assist the MoPR with the development of a comprehensive strategy on the collection and registration

of victims and beneficiaries data, including recommendations for data collection, database development and data protection standards.

Design process-flows and Standard Operating Procedures (SOPs) for the processing of victims' reparation claims and the provision of reparation benefits

Starting from the existing processes of the MoPR, the project will, together with the MoPR, develop the necessary process flows (from receiving the claims from the victims to delivering the benefits to the victims), SOPs and tools required to provide a defined range of reparation benefits. Dedicated MoPR staff will be trained to use the procedures and tools developed and later to train staff in the Districts.

Testing of the reparation mechanisms developed in three pilot Districts.

By the end of the project period, the use of the process flows, SOPs and tools developed earlier will be tested in three selected Districts. The test will consist of running live delivery of different types of reparation benefits in accordance with the established SOPs and Guidelines. The purpose of the testing will be to assess the adequacy of the mechanisms and identify areas for further improvement.

Progress to Date : September 2010

- Extensive stakeholder consultation with national and district government agencies, civil society, victim groups, NGOs, UN and intergovernmental agencies around interim relief.
- Mapping Exercise and Gap Analysis developed and first draft shared with MoPR.
- 2-day joint reparations workshop with MoPR and OHCHR to discuss findings of the Mapping Exercise and Gap Analysis.

The International Organization for Migration (IOM) is the leading organization working with migrants and governments in providing humane responses to migration challenges worldwide. It works in the four main areas of migration management: migration & development, regulating migration, addressing forced migration and facilitating migration. Established in 1951 and headquartered in Geneva, it has 127 Member States and 17 Observer States.



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