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## **Internally Displaced In Nepal Overlooked and Neglected, UN Expert Says**

"Internally displaced persons in Nepal have been largely overlooked and neglected", the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons (IDPs) said today at the end of a mission to that country.

Professor Walter Kälin said IDPs in Nepal are "in need of protection and assistance". Professor Kälin was invited by His Majesty's Government of Nepal to visit the country from 13 to 22 April to assess the human rights situation with regard to IDPs in the country. The Representative's preliminary findings have been discussed with representatives of His Majesty's Government. A public report will be presented to the next United Nations Commission on Human Rights, in Geneva, in March 2006.

Based on the information collected during his visit, the Representative has found that there is a widespread pattern of conflict-induced displacement in Nepal. As indicated to him by State authorities and non-governmental actors, the numbers of IDPs in the country are far greater than the roughly 8,000 IDPs quoted by the Government as the official nationwide figure. A large majority of IDPs have not been registered by the authorities because of several factors, including a restrictive registration process, a general fear of IDPs to declare themselves and the movement of many conflict-induced displaced persons across the border into India.

Professor Kälin gathered information indicating that the main causes of this population displacement are acts of violence or threats against the population, practices of forced recruitment and extortion by the Maoist armed group, fear of reprisals by the Royal Nepal Army for allegedly providing food or shelter to Maoists (even when this was provided under duress), and a generalized climate of insecurity. The Representative is particularly concerned by the recent emergence of self-defense committees within the population, some of which have received the tacit or explicit support of individual State officials, and which expose the civilian population to severe risks, contribute to a further break down of the rule of law and have caused the displacement of whole villages.

Human rights problems and violations faced by IDPs in Nepal are related to: poor security and protection; discrimination; inadequate food, shelter, health care or access to education for children; a lack of personal and property identification documents; and gender based violence, sexual abuse and increased domestic violence. Their vulnerable situation places IDPs at risk of increased female prostitution, bonded labour resulting from high debts, increasing child labour, and loss of voting and electoral rights.

The majority of IDPs have tried to support themselves through their own means or with the help of their extended families. These 'coping mechanisms' appear to be near exhaustion. The State and local and national organizations have made available some emergency assistance, however,

it has reached only a very small number of IDPs and even State officials agreed that the assistance on offer is grossly insufficient. Professor Kälin has stated that there has been no coherent assistance and protection response, either from the Government or from national or international organizations. He concludes that while this is not a humanitarian crisis in the usual sense, there are reasons for grave concerns about the humanitarian and human rights situation.

The Representative of the Secretary-General welcomes reports that His Majesty's Government of Nepal is in the process of developing a new IDP policy. He recommends that His Majesty's Government of Nepal to:

- Complete, adopt and implement as soon as possible a comprehensive national IDP policy that will provide for the rights and needs of all conflict-induced displaced persons in the country and which is in accordance with Nepal's international human rights obligations, as expressed in the Guiding Principles on Internal Displacement;
- Condemn the emergence of self-defense or vigilante groups and discourage them from taking the law into their own hands;
- Adapt national legislation to assure adequate protection of the human rights of internally displaced persons, including with regard to registration as an IDP and voting;
- Train national and local authorities, both civil and military, on the rights of IDPs and the protection of the civilian population.

The Representative calls upon the Communist Party of Nepal (M) to:

- Respect the basic principles of international humanitarian law, in particular the fundamental distinction between combatants and non-combatants and common article 3 of the Geneva Conventions;
- Make a public commitment to adhere to the Guiding Principles on Internal Displacement, which is also addressed to non-state actors.

The Representative recommends that the United Nations and, where relevant, the international community in Nepal, in collaboration with the Government, draw up a comprehensive strategy and create a framework to respond to the human rights and humanitarian needs of IDPs, including prevention of displacement, during displacement and with regard to finding long-term solutions on behalf of displaced persons; and ensure that the newly established United Nations human rights field operation monitors and addresses human rights situations which could lead to conflict-induced displacement and which could support the return of IDPs to their places of origin.

The Representative would like to thank His Majesty's Government of Nepal for the invitation and for facilitating the mission's activities, even at short notice. He also would like to thank the United Nations Country Team for its support and efforts. Finally he is indebted to the scores of

people who gave of their time and knowledge in order to help the Representative to better understand the situation of the IDPs in Nepal.

### **Activities During Visit**

During his stay in Kathmandu, the Representative met with senior Government officials, including the First Vice Chairman of the Council of Minister, Dr. Tulsi Giri, the Minister of Home Affairs, the Chief of Staff of the Royal Nepal Army, Gen. Thapa, as well as participated in a meeting organized by the National Planning Commission which was composed of representatives of all the Ministries involved in the issue of internal displacement in Nepal. He also held meetings with Nepali non-governmental organizations, international and national aid organizations, United Nations agencies, donors and members of the diplomatic community.

Professor Kälín also traveled to Kapilvastu, Banke and Dailekh districts in Western Nepal and to Morang district in Eastern Nepal where he met with regional RNA commanders, senior local and district level officials, members of the development aid community and civil society. Wherever he went, the Representative also held meetings with internally displaced persons themselves in order to hear directly from them what their key concerns were.

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