

Report on  
Mapping Exercise and Preliminary Gap Analysis  
of the Interim Relief and Rehabilitation Programme



Interim Relief and Rehabilitation to the Victims of  
Nepal's Armed Conflict

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IOM International Organization for Migration



## About the Authors

### International Organization for Migration

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 and development, regulating migration, addressing forced migration and facilitating migration. The IOM's Reparations Unit provides expert advice, technical cooperation and operational assistance to support and build the capacity of governments and international bodies in establishing and implementing reparations programmes. This report is produced under the auspices of the joint IOM/OHCHR (Office of the High Commissioner for Human Rights project) '*Fairness and Efficiency in Reparations to Conflict Affected Persons.*'

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## Scope and Methodology

### Objective

The primary purpose of the Mapping Exercise and Gap Analysis is to examine the existing policies and procedures pertinent to ongoing efforts by the GoN to provide relief to the victims of Nepal's armed conflict through the Interim Relief and Rehabilitation Programme<sup>1</sup>. A further purpose is to identify the existing and potential gaps in the current procedures and processes. Finally, the exercise also takes into consideration the implications of the current policies and processes on a future reparations programme as recommended by a future Truth and Reconciliation Commission (TRC), Commission of Inquiry on Disappearances (Col-D) and other relevant institutions.

In respect to methodology, this exercise relies on desk analysis of existing policy documents, procedures and guidelines and an extensive series of interviews with stakeholders including representatives from the Government, local authorities, civil society, victim groups and representatives of international organizations and the donor community. A joint workshop was held with Government of Nepal (GoN) representatives on the 13<sup>th</sup> and 14<sup>th</sup> of September 2010, to validate and further refine the results of this Mapping Exercise and Gap Analysis.

In terms of conceptual framework, the entire process is divided into seven analytical areas: Policy, Outreach, Intake, Processing, Registration, Delivery and Control Mechanisms and Monitoring.

### Limitations

The Mapping Exercise and Gap Analysis seeks to take stock of the ongoing Interim Relief and Rehabilitation Programme by analyzing policy documents and interviewing key stakeholders, however certain limitations must be recognized.

1. The joint team of IOM and OHCHR was only able to interview victims, and government representatives including members of the local peace committees in five districts. These districts were selected according to geographical coverage and victim population.
2. The interviewees were asked questions in a semi-structured interview format with regards to various components of the Interim Relief and Rehabilitation Programme.
3. The interviewees comprised mainly from deceased, disappeared, widows, tortured and injured victim categories. The team was unable to interview IDPs, children receiving scholarships or individuals whose property was damaged or destroyed during the conflict.

<sup>1</sup> This programme was set up under the leadership of the MoPR and is ongoing since 2008. It is designed to contribute to the peace process by providing assistance mainly in the form of interim cash transfers and services to eligible conflict affected groups.

## Abbreviations

CDO	Chief District Officer
COI-D	Commission of Inquiry for the Disappeared
CPA	Comprehensive Peace Accord
DAO	District Administration Office
DDC	District Development Committee
DEO	District Education Officer
DPHO	District Public Health Officer
DSC	District Security Committee
EPSP	Emergency Peace Support Project
FP	Focal Person
GoN	Government of Nepal
IC	Interim Constitution
ICRC	International Committee for the Red Cross
IDP	Internally Displaced Person
IOM	International Organization for Migration
IT	International Technology
KTM	Kathmandu
LDO	Local Development Officer
LPC	Local Peace Committee
MoPR	Ministry of Peace and Reconstruction
NHRC	National Human Rights Commission
NPR	Nepalese Rupee
OHCHR	Office of the High Commissioner for Human Rights
RRU	Relief and Rehabilitation Unit
SOP	Standard Operating Procedures
TJ	Transitional Justice
ToR	Terms of Reference
TRC	Truth and Reconciliation Commission
UCPN-M	United Party of Nepal- Maoist
UNPBF	United Nations Peace Building Fund
UNPFN	United Nations Peace Fund Nepal
UNSCR	United Nations Security Council Resolution
VDC	Village Development Committee
WB	World Bank
PWDs	Persons with Disabilities
GRCFC	Guideline on Relief, Compensation and Financial Assistance to the Citizen, 2009 (BS 2066)
WDO	Women Development Office
GGBRD	Guidelines for Granting Relief to the Beneficiary of Disappeared Persons, 2008 (BS 2065)
GGFBD	Guidelines for Granting Financial Support to the Beneficiary of Deceased Persons, 2008 (BS 2065)

## Executive Summary

The Comprehensive Peace Accord (CPA), 2006<sup>2</sup> and the Interim Constitution of Nepal, 2007<sup>3</sup> envisage various transitional justice mechanisms to provide redress to victims of human rights violations from the ten-year long armed conflict in Nepal. During the conflict, thousands of people lost their lives, hundreds disappeared, and many more were disabled, injured, tortured or displaced. In 2008, as a priority programme the GoN introduced the Interim Relief and Rehabilitation Programme with an aim to provide conflict victims with interim financial support and other forms of relief. As part of its commitment to the peace process, the GoN created the Ministry of Peace and Reconstruction, the Relief and Rehabilitation Unit, Task Force, Nepal Peace Trust Fund and the Local Peace Committees which facilitated the implementation of the Interim Relief and Rehabilitation Programme. It is also important to note that the absence of offices and physical presence in the districts made the MoPR dependent for implementation on other ministries who have district and local offices.

Though termed the Interim Relief and Rehabilitation Programme, this initiative contains some aspects of a reparations programme that cannot be treated in isolation from one envisioned following the future TRC and Col-D. Categories of conflict victims currently receiving assistance under this programme include families of the deceased, widows of the deceased, children of the deceased, families of the disappeared, children of the disappeared, children of disabled individuals, children with disabilities due to the conflict, individuals abducted during the conflict, individuals injured due to the conflict, persons with disabilities (PWDs) due to the conflict, individuals whose private property was destroyed during the conflict. Benefits range from one time cash payments of NPR 100,000 to families of the deceased and disappeared, scholarships amounts ranging from NPR 10,000-16,000 to children of the deceased, disappeared and disabled individuals including children disabled during the conflict, medical treatment and re-imbursments for treatment followed by individuals injured during the conflict according to the doctor's prescription and bills from government or community hospital in Nepal, cash payment of up to NPR 200,000 to PWDs, and compensation to persons whose private property was damaged or destroyed during the conflict. Within the scope of the current victim categories and benefits, however, significant lacunas exist including the continued exclusion of key victim categories such as victims of torture and sexual violence. In addition, neither at the policy nor the implementation level there is much evidence of explicit considerations related to gender sensitivities. Evidence suggests there has been little consultation with victims, women or other vulnerable groups in the design and implementation of the programme.

It is important to note that the ongoing Interim Relief and Rehabilitation Programme implemented by the MoPR, does not represent nor replace the need for comprehensive reparations which go beyond

<sup>2</sup>Sections 5.2.4; 5.2.5; 8.2, 8.4, 5.2.8, 7.2.3, 5.2.2; 5.2.3; 5.2.7; 7.1.4, 7.3.2, 7.5.3, 7.1.3 of the CPA (2006)

<sup>3</sup>Part 4, Responsibilities, Directive, Principles and Policies of the State, article 33, sections p, q, r, s, and Part 15, article 132 section i.



“victim compensation” and cover other important reparations' aspects such as satisfaction, truth-seeking, restitution, accountability, reform and guarantee for non-repetition. The current interim relief and rehabilitation programme in focusing on the compensation aspect does however provide a certain level of recognition to the victims for their loss and suffering. As detailed above and in Appendix 1 of this report, the Interim Relief and Rehabilitation Programme covers an extensive range of victim categories and provides a wide array of benefits. In terms of its scope, the administration and implementation of the Interim Relief and Rehabilitation Programme is more complex than full reparations programmes in many other countries. Notwithstanding, this report neither seeks to evaluate nor measure the current programme against the reparations yardstick but to assess and map the administration and implementation of the Interim Relief and Rehabilitation Programme as it stands to ensure recommendations can be made and incorporated into the implementation of a future wider reparations programme.

The mapping exercise and gap analysis was divided into seven analytical areas (policy, outreach, intake, processing, registration, delivery, and control mechanisms and monitoring).

## Summary of Key Recommendations

Following are a summary of recommendations based on the conclusions and findings of the Mapping Exercise and Gap Analysis according to the seven analytical areas. More comprehensive recommendations are found in the body of the report.

### 1. Policy:

- Government and the legislative bodies should speed up the adoption of the TRC and COI-D Bills.
- The TRC and the CoI-D should consider the policies and actions which were developed and implemented for the purpose of the Interim Relief and Rehabilitation Programme.
- The existing guidelines should be streamlined and clearer instructions to implementing agencies provided particularly at the district level.
- A review of existing categories and benefits should be conducted to evaluate opportunities for expanding victim categories or benefits provided.

### 2. Outreach:

- The Government needs to develop and implement a comprehensive and systematic outreach strategy in consultation with civil society organizations, victim groups/organizations and incorporate international best practices.
- The outreach strategy should start by analyzing the victims profiles, consolidating the information regarding eligibility and defining the related processes and procedures eventually ensuring their access to the respective relief and reparation measures.

### 3. Intake:

- GoN (MoPR) should decide which local entity (DAO, VDC or LPC) is responsible for leading and coordinating the intake process.
- Adequate and standardized forms for the submission of claims should be further developed and distributed to this identified local entity by the MoPR.
- Comprehensive procedures regulating the mandate and structure of the committees, agendas of the meetings, evidentiary trails, treatment of the victims/claimants (including gender considerations), communication and reporting protocols, should be developed by the MoPR.

### 4. Processing:

- There is an urgent need for MoPR to develop more detailed procedures and guidelines regarding decisions on eligibility and decisions on benefit allocation.

### 5. Registration:

- The prospective electronic database system, operated and maintained by the MoPR, needs to make clear distinctions between:
  - a) Categories of beneficiaries - families of deceased, disappeared, abducted, injured, disabled etc.
  - b) Eligibility qualifications and attributions (death, injury, property loss)
  - c) Types of benefits (educational, cash etc)
- Balance the need for transparency with confidentiality and data protection principles.

### 6. Delivery:

- The delivery process and the related administrative, accounting and reporting procedures need to be clearly defined and elaborated. These procedures should cover the following:
  - a) Proper segregation of duties, responsibilities and authority.
  - b) Customized forms harmonized with the database structure and requirements.
  - c) Schedules, guidelines and procedures and training for the relevant staff members.
  - d) Customized contractual templates regulating the cooperation between the MoPR, line ministries and other service providers.

### 7. Control Mechanisms and Monitoring:

- The MoPR should develop and implement internal control and monitoring mechanisms covering compliance with internal intake, registration, processing and deliver procedures, quality control, electronic data management, accounting and reporting, overall performance and efficiency.



## Introduction

This report represents a summary of observations, analysis and recommendations resulting from IOM's Mapping Exercise and Gap-Analysis of the Interim Relief and Rehabilitation Programme for victims of Nepal's armed conflict.

The Mapping Exercise and Gap Analysis is conducted as part of the IOM/OHCHR *"Fairness and Efficiency in Reparations to Conflict-Affected Persons"* project funded by the United Nation Peace Fund for Nepal. With this project, IOM and OHCHR seek to assist the Government of Nepal (GoN) in strengthening the peace process through the design and implementation of effective and transparent reparations structures and procedures. In order to achieve this, IOM and OHCHR will assist in the development of a reparations policy in line with International Human Rights Principles; conduct a comprehensive mapping and analysis of the existing programmes and mechanisms and provide recommendations for improving their delivery, processing and reporting; design an outreach strategy and strategy for data collection and data management; develop and introduce comprehensive SOP's, procedures and guidelines for reparations processing; train and capacitate the staff involved in reparations within the Ministry of Peace and Reconstruction (MoPR) and other relevant institutions; provide the necessary material and equipment for MoPR and District Administration Offices (DAO) and perform a test run in at least three districts.

This report attempts to illustrate the current administrative processes for different victim categories in accessing benefits and examine their implications in a context of a wider reparations programme. Process flows for the current Interim Relief and Rehabilitation Programme have been developed to clarify procedures and highlight areas of improvement (see appendix 2). This will be especially useful in identifying potential gaps in the current processes and developing recommendations for a future and more comprehensive reparations programme. This document will continue to be updated and reissued as new information becomes available and adjustments and improvements are made to the ongoing Interim Relief and Rehabilitation Programme.

## Background

Since 2008, under the overall leadership of the MoPR, the GoN has been providing cash and non-cash benefits to victims of Nepal's armed conflict through the Interim Relief and Rehabilitation Programme. Families of victims of the ten-year armed conflict (1996-2006) and the Peoples Movement (Jana Andolan II 2006) and incidents after the CPA was signed are eligible for relief under this Programme<sup>4</sup>. The categories of beneficiaries, the relief they are entitled to as well as the key ministries involved are

<sup>4</sup>Assistance for incidents occurring after the CPA include cash to families of martyrs, compensation for property and vehicles as well as those injured in actions after the signing of the CPA. Very little assistance has been provided in these categories yet and as such will not be included in the scope of this report.

detailed in appendix 1. To date over NPR 2 billion crore (USD28M) have been disbursed. Funding is provided by the GoN through line ministries as well as the World Bank and the Nepal Peace Trust Fund.

Cash disbursement to the families of the deceased is the beneficiary category to receive the highest amount of assistance to date with over USD19M disbursed to over 14,000 persons. Under this beneficiary category, over 85% of the total caseload has already been processed and it is unlikely that changes will be made so close to the end of the programme. Recommendations related to this component therefore should be taken into consideration for any future cash-based reparations programmes.

In 2010/11, MoPR are launching a pilot skills training/employment generation component of the Interim Relief and Rehabilitation Programme in 14 districts. At the time of writing the guidelines for this component were not fully developed nor implemented, thus will be covered in later editions of this document.

Return assistance to IDPs has been stalled for a number of years and is covered under a different policy directive. Further analysis on this programme will be conducted in further editions of this mapping exercise. OHCHR are finalizing a mapping of actors engaged in interim relief support and the wider transitional justice sector that will also be incorporated into the next edition. On a final note, while the guidelines make references to financial assistance to martyrs of the Jana Andolan 2 movement, very little assistance has actually been disbursed. To date 26 beneficiaries have received the lifelong subsistence allowance as martyrs of Jana Anadolan II however it is important to monitor the allocation and eligibility for this category. This category does not fall under the scope of this edition.

## Observations, Analysis and Recommendations

### 1. Policy:

This segment refers to all the relevant documents and processes which define the categories of victims, types of benefits and allocate implementation responsibility.

The observations, analysis and recommendations presented here focus on two different policy aspects: a) the political processes and legal documents which provide the legal basis for the peace building and transitional justice developments in Nepal (such as the Nepal's CPA and Interim Constitution) and b) the ensuing policies and guidelines developed by the Government of Nepal for the purpose of implementation of the Interim Relief Programme. For the sake of methodological consistency these two policy aspects are presented together.

### Observations

The main policy and legal sources for reparations (and interim relief) programmes and activities are the Comprehensive Peace Accord 2006 (CPA), signed by the GoN and the United Communist

Party of Nepal Maoist (UCPN-M) and to a certain extent the Interim Constitution of Nepal 2007. In addition, the draft bills for the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry for the Disappeared (CoI-D) that are still pending with the Parliament will provide further provisions and specifications regarding reparations and other transitional justice processes in the country.

The CPA provides a very general definition of the victim profiles and categorizations. This area is further developed within the pending TRC Bill and the existing policy guidelines<sup>5</sup> developed by the Government for the purpose of the Interim Relief and Rehabilitation Programme activities. However, in both documents the categorization of the victims and the eligibility criteria for the beneficiaries is not sufficiently elaborated and the categorization of victims is often mixed with the typology of benefits. Of particular note is the absence of important categories such as victims of sexual violence and torture<sup>6</sup>. In terms of benefits, the absence of psychosocial support to victims and their families is also noteworthy.

The IDP Policy 2007 and the Implementing Guidelines for Providing Relief to IDPs due to Conflict provide policy guidance for relief and rehabilitation measures for IDPs wishing to return to their communities of origin.

In terms of institutional responsibility, the MoPR is vested as the central body responsible for development, coordination and implementation of both the current Interim Relief and Rehabilitation Programme and future reparations programmes. However, it is widely recognized that in order to discharge its duties, the MoPR has to rely and delegate some segments to various local entities, line ministries and other service providers.

## Analysis

Based on experiences in other countries which have undergone similar transitional justice processes following internal conflict, the ultimate policy on reparations is usually derived from the recommendations of a TRC. However, in the case of Nepal the processes of definition of the reparations policy and the establishment of the TRC are operating in parallel. This characteristic of the Nepal's transitional justice process requires special consideration in order to harmonize the current and future policies and processes.

Regarding the institutional and implementation responsibility, the analysis takes stock of the complexity of Nepal's political, governmental and administrative setting. The decentralized character of the administrative processes related to the Interim Relief and Rehabilitation

<sup>5</sup>*Guideline on Relief, Compensation and Financial Assistance to the Citizen ,(GRCFC) 2009 (BS 2066), Guidelines for Granting Relief to the Beneficiary of Disappeared Persons, (GGRBD) 2008 (BS 2065), Guidelines for Granting Financial Support to Beneficiary of Deceased Persons,(GGFBD) 2008 (BS 2065).*

<sup>6</sup>*The National Plan of Action on UNSCR 1325 and 1820 finalized in October 2010 provides a framework and implementation guidelines on providing relief to women victims. The National Plan of Action on UNSCR 1612 for children in armed conflict will similarly guide reparations strategies for this target group.*

Programme, the need for political consensus at both central and local level and the limited capacities of the MoPR especially at district level all pose significant challenges when it comes to implementation and compliance monitoring.

The existing policy guidelines offer broad instructions on how to provide the interim relief payments. However there are some overlaps, possibility for inconsistent interpretation at the district level, and confusion around eligibility for certain benefits. In addition there is a lack of clarity around institutional responsibilities and implementation details.

## Recommendations

- a. Government and the legislative bodies should speed up the adoption of the TRC and COI-D Bills.
- b. The policies which are currently developed for the purpose of the Interim Relief and Rehabilitation Programme should leave space for harmonization with the outcomes of the TRC and vice versa. When deliberating in accordance with its mandate, the TRC and the Col-D should consider the policies and actions which were developed and implemented for the purpose of the Interim Relief and Rehabilitation Programme.
- c. MoPR should be sufficiently capacitated and clear procedures regarding its cooperation with local committees, line ministries and other service providers should be developed and instituted. MoPR should retain its central role and continue to ensure consistency, efficiency and compliance.
- d. The existing guidelines can be streamlined and clearer instructions to implementing agencies should be provided particularly at the district level.
- e. A review of existing categories and benefits should be conducted to evaluate opportunities for expanding victim categories or benefits provided.

## 2. Outreach:

This segment covers the efforts implemented by the Government or other parties to inform the victims about their eligibility, entitlements and procedural requirements.

### Observations

The GoN, as well as members of the national and international civil society have made some efforts to inform the conflict victims of their eligibility to interim relief and rehabilitation. However, these efforts have been limited in scope, methodology and resources. At best, they consisted of several ad-hoc media campaigns and informal dissemination of information about the relief through local government and non-government bodies related to concrete types of assistance provided under the auspices of the ongoing Interim Relief and Rehabilitation Programme. The primary burden of information gathering related to the Interim Relief and

Rehabilitation Programme, as well as processes, procedures and updates on individual claims lies heavily with the victim who is required to contact the DAO on his/her own to obtain such information. This observation is based on our interviews with representatives of victim organizations, civil society sector, government officials and other relevant stakeholders.

## Analysis

Lack of comprehensive and systematic outreach poses significant risks which might jeopardize the legitimacy and transparency of the entire process. The reparations programme, as well as the Interim Relief and Rehabilitation Programme as its precursor, is generally perceived as a transitional justice mechanism for the purpose of providing redress for past injustices and human rights violations. As such, these mechanisms represent a substantial part of the overall peace process and have to ensure the inclusion of all eligible victim categories and all eligible victims. A failure to reach the entire victim population could give rise to potential grievances and complaints which might render the process illegitimate in the eyes of general public and impede the overall peace consolidation. Most importantly, in order to maximize the level of redress within the interim relief programme, it is essential that all beneficiaries are fully aware of their entitlements as conflict victims. The provision of adequate and accurate information to all potential victims and the general public will also help minimize the possibility of third party manipulation. In addition, outreach activities have to take into account the particular circumstances of various victim groups such as their vulnerability, economic capacities, minority status, language and cultural diversity, gender considerations, geographical remoteness etc. The outreach process has to ensure that there is no room for negative discrimination on political, ethnic, economic, social or gender basis.

## Recommendations

- a. In order to avoid the above mentioned risks, the Government needs to develop and implement a comprehensive and systematic outreach strategy. This strategy should be developed in cooperation with civil society organizations and victim groups and should take stock of similar activities conducted in other countries with a similar context.
- b. The outreach strategy should start by analyzing the victim profile (including volume, geographical distribution, language and literacy, ethnicity, gender distribution, economic and social status etc), formulating and consolidating the information regarding the eligibility (including the typology of benefits) and determine the related processes and procedures ensuring victims access to relief and reparations measures.
- c. Based on the above considerations the outreach strategy should define the scope, schedule and resources required to conduct the information campaigns, including adequate dissemination tools, mechanisms and medias.



### 3. Intake:

This segment includes the procedures and actions of collecting the personal information and supporting documents pertinent to the process from the victims or their representatives.

#### Observations

Based on desk analysis of the policy guidelines and interviews with the representatives of the MoPR, local authorities, victim groups and civil society, our conclusion is that the process of collection of victim claims and their data is rather inconsistent and prone to arbitrariness. The guidelines do not provide clear division of responsibilities between central and local level, nor between the numerous institutions and stakeholders at the local level. The intake forms<sup>7</sup> for various categories of victims and benefits are not uniform or sufficiently developed. The supporting documentation required by victims is not always clearly specified for all categories. The original collection of victims' names was compiled and recommended to the Task Force by the Chief District Officer (CDO) in some cases without informing the potential beneficiaries. It is important to note that the intake is still open and individual claims can still be submitted to the District Administration Office (DAO) or other relevant line agencies as stipulated in the policy guidelines. The role of the Local Peace Committee (LPC) in the intake stage varies enormously between districts and is not regulated through the policy guidelines.

#### Analysis

According to the guidelines, the collection of data regarding the deceased will be done on the basis of "the processes of a field statement, meeting of district security committee, all party or all side meetings etc as per requirements"<sup>8</sup>. This is the only definition in terms of guidelines and procedures which regulate the intake process for the deceased category. This situation is more or less similar for the other victim categories and assistance types.

The above quotation from the existing policy guidelines sufficiently illustrates the seriousness of the problem and the level of risk exposure. The mentioned "field statement" is not specified neither in form nor in content. Without uniform and standardized documentary requirements, the process is not only exposed to arbitrariness by the agency conducting the intake, but could also severely impact the processing efficiency as the MoPR might have to deal with different standards set at each District Administration Office separately.

<sup>7</sup>Appendix 2, 3, and 13 in the *Guideline on Relief, Compensation and Financial Assistance to the Citizen*, (GRCFC) 2009 (BS 2066), Appendix 1, and 4 in the *Guidelines for Granting Financial Support to the Beneficiary of Deceased Persons*, (GGFBD) 2008 (BS 2065), Appendix 2, and 4 in the *Guidelines for Granting Relief to the Beneficiary of Disappeared Persons*, (GGRBD) 2008 (BS 2065)

<sup>8</sup>Section 1 (1.1.2) in the *Guideline on Relief, Compensation and Financial Assistance to the Citizen*, (GRCFC) 2009 (BS 2066), and Section 10 in the *Guidelines for granting financial support to the beneficiary of the deceased person*, (GGFBD) 2008 (BS 2065)

The guidelines further mention a “meeting of the district security committee” without any further specification of the mandate, members, SOP's or communication protocols of this committee. There is no requirement for any meeting records or evidentiary trail.

Finally, the policy guidelines introduce “all party or all side meetings etc as per requirements,” without any further specifications regarding the profile of these groups or individuals or the circumstances that will require such meetings.

From interviews with Government officials at central and local level it appears that the process can be seen in practice to be predominantly ad hoc and contextual. In most of the cases, it is the CDO who decides to activate/use the local bodies (VDCs, LPCs etc) that are perceived to be relevant. In some cases the CDO retains the lead throughout the process. However considering the involvement of the political parties and their influence, the process remains highly politicized. While there is a general notion that this arrangement allows access and participation of the victim groups however, their participation is guaranteed neither by the policy guidelines nor by other official documents or instructions. Many beneficiaries during the interviews made reference to the involvement of political parties and other third party actors in accessing the interim relief assistance.

## Recommendations

- a. The Government (MoPR) should decide which local entity (DAO, VDC or LPC) should be responsible for leading and coordinating the intake process.
- b. Adequate and standardized forms for the submission of claims should be developed and distributed to this entity.
- c. Comprehensive procedures regulating the mandate and structure of the committees, agendas of the meetings, evidentiary trails, treatment of the victims/claimants (including gender considerations), communication and reporting protocols, should be developed by the MoPR.
- d. The members of the entities collecting the victim data should also be capacitated and trained in accordance with the developed procedures and guidelines and MoPR should establish regular mechanisms for compliance monitoring and verification.
- e. Another important aspect which links the intake process with registration (including electronic data management and processing) is the structure and design of the intake form which has to be fully aligned with the processing and database requirements.

## 4. Processing:

This segment refers to the eligibility evaluation and benefit allocation processes.

### Observation

The current policy guidelines do not provide sufficient information regarding the decision making processes related to beneficiary eligibility and allocation of benefits. The decision making process seems to be dispersed over different entities, starting at the local level with a variety of committees and ending at the central level with different bodies within the MoPR and other relevant ministries, including security forces depending on the category of victim claim. The eligibility criteria are specified in the policy guidelines but the decision making process itself is not regulated. In addition, the fact that the intake stage (which mostly takes place at local level) is not sufficiently regulated, leaves the decision making process fragmented allowing the possibility for local committees and the CDO to pre-determine which claims they will submit for further processing and which they will not.

### Analysis

Processing of claims for interim relief and the evaluation of the victims' eligibility is a major area of concern. The possibility of arbitrariness comes to the forefront again at this stage of the process. The lack of procedures and guidelines regarding who, when and how the decision is made as well as how the decision is recorded and processed increases the risks for inconsistency, mismanagement and abuse of authority. As no decision record and no supporting documentation is required at the central level (except to a limited extent for property claims) all the actual decision making is left to the district level at the intake stage of the process.

### Recommendations

There is an urgent need for more detailed procedures and guidelines regarding the processing and decision making.

- a. These procedures need to distinguish between the two decision making levels: decision on eligibility and decision on benefit allocation.
- b. Which official or body at the local and/or district level is involved in the decision-making, and what is his/its respective role
- c. Which pre-conditions (supporting documents, electronic records, statements of officials or committees etc) are required in order to continue with the assessment of the individual eligibility.
- d. Define the conditions for automated eligibility assessment and decision by using the electronic database.

- e. Define the conditions for automated allocation of benefits by using the electronic database.
- f. Prescribe clear distribution of processing and quality control functions.
- g. Define the paper and electronic evidentiary trail and reporting requirements.
- h. TOR's for the processing stage at the district (intake) level should be complemented through the development of checklists that will record:
  - i the completeness of the application, including supporting documents
  - ii the veracity of the claim, including details of committee and meeting results
  - iii the relevance and pertinence of the claim and the supporting documents and information.

## 5. Registration:

This segment covers the procedures, actions and systems necessary for efficient and organized storing and maintaining of relevant data in accordance with confidentiality and other standards.

### Observations

The MoPR currently operates a central database where the data received from the relevant agencies is recorded by the members of the Task Force Unit. Data from non-government agencies is used by the Task Force Unit for verification. The data related to beneficiaries approved for interim relief assistance are uploaded by members of the Relief and Rehabilitation Unit (RRU) and made publicly available via the MoPR web page. The team conducting the mapping exercise was not able to access any documents (database structure, SOP's, guidelines) that provide detailed information on the functionalities, maintenance and processing procedures in respect to this database.

At the same time the World Bank is supporting the creation of a MoPR information management system which will also facilitate and improve the implementation of the interim relief programme for both cash and non-cash benefits at the central and local level.

### Analysis

An adequate electronic data management and processing system is crucial for any large-scale claim processing function. There are many aspects that need to be taken into consideration while developing and implementing such systems. In addition to the standard consistency, efficiency and transparency requirements, reparations data management systems need to assume some of the specific functionalities inherent to the reparations processes and their political, legal and historic ramifications. Special attention should be given to the data/victim protection requirements, proper segregation of functions analogous to internal reparations mechanisms and tracking of the decision making processes.

One particular area of concern is the availability of personal information about the beneficiaries who have received assistance through the Interim Relief and Rehabilitation Programme on the MoPR website. It is acknowledged that this approach can be seen to increase the transparency of the project activities, however the accessibility of private information in the public domain goes against the standards for proper data protection, especially when it comes to vulnerable victim groups and individuals.

## Recommendations

- a. Considering the significance of the electronic database system for the current Interim Relief and Rehabilitation as well as the future reparations programme, it is vital that there is sufficient coordination and cooperation between MoPR, World Bank and IOM on this issue. The simultaneous efforts by IOM and the World Bank in the same area offer great opportunities to maximize the benefits, minimize the costs and create a comprehensive system which will serve the Government needs on a long term basis.

The following concrete recommendations are made in this respect:

- b. The prospective system needs to make clear distinctions between:
  - i Categories of beneficiaries - families of deceased, (a general category which already includes some of the categories listed below: widows, orphans), disappeared, abducted, injured, disabled etc.
  - ii Eligibility qualifications and attributions (death, injury, property loss)
  - iii Types of benefits (educational, cash etc)
- c. It is very important to clearly define who is a beneficiary, why he/she is eligible and what are the types of benefits prior to the design of the information and database system supporting the reparations programme.
  - i Ensure proper segregation of the various phases of the process and their reflection in the system functionalities and architecture. Each segment of the process needs to have its own general and IT SOPs in accordance with the various stages of the reparations (or Interim Relief and Rehabilitation) process i.e. intake, processing, registration, delivery and internal control.
  - ii Balance the need for transparency with the confidentiality and data protection principles by introducing mechanisms which are in accordance with data confidentiality and protections standards such as regular reporting and statements for the general public and query and hotline options for individual victims/beneficiaries.

## 6. Delivery:

This segment refers to the processes, procedures and actions required to deliver the various types of benefits to the eligible victims. This includes the payment arrangements for the relief in the form of cash, as well as for the benefits to be provided in the form of various services by the relevant line ministries and other public institutions.

### Observations

The largest component of the benefits delivered by the MoPR under the Interim Relief and Rehabilitation Programme consists of one-time payments to the families of the deceased and disappeared. According to established practice, the MoPR approves the payments to individual beneficiaries, sends the approved list and funds to the District Administration Offices through the District Finance Controllers Office. The payments are then executed either through a bank account or a cheque, accounted and reported in accordance with the general accounting regulations. There are no specific procedures and guidelines which regulate the forms, processes and reporting requirements.

The procedures and guidelines for other categories of victims are very similar, where the ministry in question sends a lump sum of approved funds to the relevant district office. In some cases, the ministry in question does not seem to keep records of which victims have received benefits. For scholarships as an example, the District Education Office receives funds at the start of the financial year when it is unclear what the caseload for that district will be. This has led to substantially reduced payments to individual beneficiaries.

The procedures and guidelines regarding the non-cash types of assistance to be provided via line ministries or other service providers are yet to be developed.

### Analysis

The payments under the Interim Relief and Rehabilitation Programme are recorded, accounted and reported in accordance with the general administrative, financial and accounting regulations. Payments related to the Interim Relief and Rehabilitation Programme cannot be distinguished from other payments executed by the district offices. This arrangement substantially reduces the monitoring and reporting capabilities. The lack of a customized delivery tracking system and procedures renders the process vulnerable to mismanagement and fraud.

### Recommendations

The delivery process and the related administrative, accounting and reporting procedures need to be clearly defined and elaborated. These procedures should cover the following:

- a. Proper segregation of duties, responsibilities and authority regarding the authorization,

execution and accounting of the interim relief and future reparations payments and other types of assistance.

- b. Customized forms accompanying each step of the above mentioned delivery aspects, harmonized with the database structure and requirements.
- c. Schedules, guidelines and procedures covering each step of the delivery process and adequate workshops and trainings for the relevant staff members.
- d. Customized contractual templates regulating the cooperation between the MoPR, line ministries and other service providers.

## 7. Control Mechanisms and Monitoring:

This segment covers the measures and procedures taken by the Government or members of the Civil Society Sector to monitor and scrutinize the entire process from policy, operational and financial aspects.

### Observations

The mapping exercise did not identify any control procedures and mechanisms inherent to the current Interim Relief and Rehabilitation Programme. Payments are subject to the general internal control and procedures and processes as prescribed by country's legislation and required by the Government.

### Analysis

Reparations programmes are very complex and sensitive by their nature. These programmes usually involve distribution of different types of assistance to large number of beneficiaries belonging to different categories, based on complex legal and administrative procedures in an often sensitive social and political environment. The financial volume at stake can be very high, while the overall control environment (typically for post-conflict societies) fairly weak.

Such circumstances require tailored control mechanisms which are not limited solely to financial management, but cover the entire process.

## Recommendations

The MoPR should develop and implement internal control and monitoring mechanisms covering the following:

- a. Compliance with internal intake, registration, processing and deliver procedures.
- b. Quality Control
- c. Electronic Data Management
- d. Accounting and Reporting
- e. Overall performance and efficiency



Appendix 1: Table of Victim Categories and Benefits

Benefit	Amount	Victim Category	Documentation	Local Govt Dept	Committees	Funding Ministry	Annex	Guidelines
Cash	100,000	Deceased	Citizenship certificate, (in case of minor-citizenship certificate of the guardian), relationship validation, VDC letter stating that the legal status of the guardian, 2 copies of photo, death certificate	DAO	No mention of any specific committee	EPSP -Ministry of Peace Reconstruction	1 3 4 5	GRCFC PG2 PG2 PG2
Cash	25,000	Widow (not remarried)	Not detailed in guidelines. See remarks	DDC	CDO Chief - District Police LDO	EPSP - Ministry of Peace and Reconstruction	3	GRCFC
Cash	100,000	Disappeared	Citizenship certificate, (in case of minor-citizenship certificate of the guardian), relationship validation, VDC letter stating that the legal status of the guardian, 2 copies of photo	DAO	No mention of any specific committee	Ministry of Peace Reconstruction	13 2 3 4	GRCFC PG2 PG2 PG2
Cash	25,000	Abducted (more than 30 days)		DAO	CDO Chief District Police Representative of local human rights organizations Representative of local Journalist's organization Representative of local civil society Chief Finance Controller General's Office	Ministry Of Peace and Reconstruction	13	GRCFC

Benefit	Amount	Victim Category	Documentation	Local Govt Dept	Committees	Funding Ministry	Annex	Guidelines
Scholarship	Primary 10,000 Lower sec 12,000 Sec 14,000 Higher sec 16,000	3 children of deceased (under 18)	Relationship validation DAO evidence of 100,000 payment letter and results from school as proof of enrollment Birth Certificate	DEO	CDO DEO DEO appointed Officer	Ministry of Education	2	GRCFC
Scholarship	Primary 10,000 Lower sec 12,000 Sec 14,000 Higher sec 16,000	Primary 10,000 Lower sec 12,000 Sec 14,000 Higher sec 16,000	Relationship validation DAO evidence of 100,000 payment letter and results from school as proof of enrollment Birth Certificate	DEO	CDO DEO Chief - District Police Office DPHO WDO	Ministry of Education	2	GRCFC
Scholarship	Primary 10,000 Lower sec 12,000 Sec 14,000 Higher sec 16,000	Children of conflict disabled person (over 50%)	Relationship validation DAO evidence of 100,000 payment letter and results from school as proof of enrollment Birth Certificate	DEO	Relationship validation DAO evidence of 100,000 payment letter and results from school as proof of enrollment Birth Certificate	Ministry of Education		
Medical Treatment	Reimbursement of bills from Govt hospital Travel expenses - 2 persons Reimbursement of medicines expenses Attendant expenses Rs75 per day in hospital		Letter by DAO to health institution Doctors prescription/admission/discharge Bills for medicines & hospital Travel expenses if referred to KTM	DAO	CDO District Physician Chief - District Police DPHO	Ministry of Health & Population	4 5 6 7 8	GRCFC

Benefit	Amount	Victim Category	Documentation	Local Govt Dept	Committees	Funding Ministry	Annex	Guidelines
Cash	Rs 200,000 = 100% disabled	Conflict disabled person	Disability ID card provided by VDC or Municipality	DAO VDC Municipality	CDO District Physician Chief District Police, DPHO	Ministry of Peace and Reconstruction		
Cash compensation	Depends on damage and recommendation of Local Evaluation Committee	Victims of Property damage - 1. Institutions 2. Individuals	Minute of Local Evaluation Committee's meeting Recommendation of the Local Evaluation Committee Field Investigation report Technical report from DTO	DAO	CDO LDO Chief- Financial controller Engineer - Technical Office Office Chief renting property	Ministry of Peace and Reconstruction	11* 9* 10* 14*	GRCFC
Cash compensation	Depends on loss	Victims of agricultural loss/damage by security management	Status of land Category of land	DAO	District Security Committee Junior Technical Assistant's recommendation/ evaluation in writing	Security Agency	11	GRCFC
Cash compensation	Depends on loss	1. Victims of vehicular damage (conflict)	Date of manufacture of the vehicle (Vehicle owner's registration)-copy Pictures of the damaged vehicle Decision of the committee in paper Original Evaluation form Field Investigation report Technical report from engineer	DAO	CDO Chief - District Police Chief or representative - security agency that used vehicle District mechanical engineer or supervisor local transport entrepreneur's representative	Ministry of Labour and Transport	12	GRCGC
Cash compensation	Depends on loss	2. Victims of vehicular damage (bandh)	Date of manufacture of the vehicle (Vehicle owner's registration)-copy Decision of the committee in paper Original Evaluation form Field Investigation report Technical report from engineer	DAO	CDO Chief - District Police Controller Mechanical engineer Local transport entrepreneur	Ministry of Labour and Transport	12	GRCFC
Cash compensation	6 months - 15,000 6-12 months - 30,000 over 12 months - 40,000	Security agency using private vehicle		DAO	CDO Chief of security agency using vehicle Finance controller	Ministry of Labour and Transport		

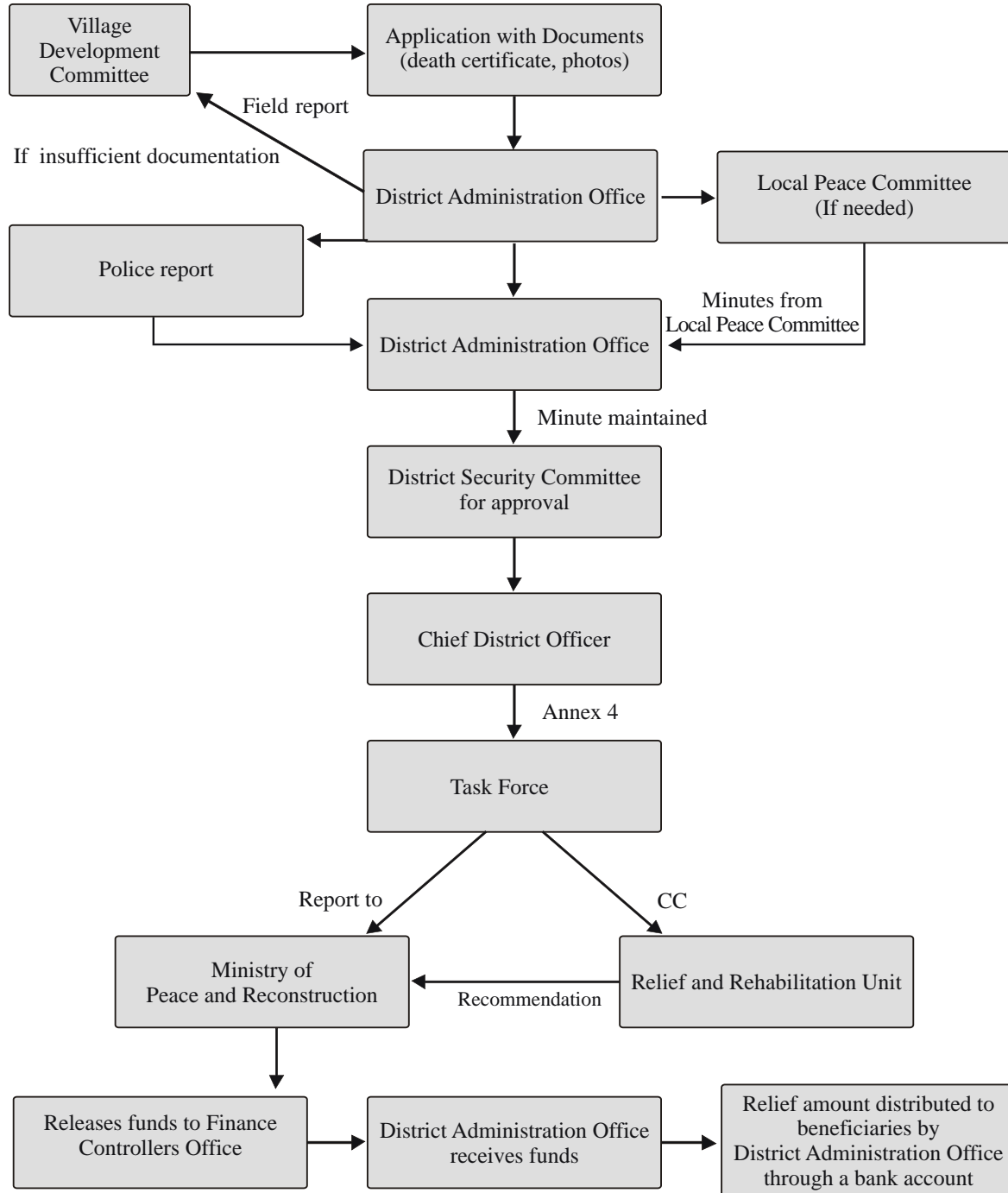
11\* -agricultural, 9\* - private house, 10\* - other private properties, 14\*- damage value

## Appendix 2: Process Flows and Observations

### A. Economic Assistance to the Families of the Deceased

Relief benefit is a one-time payment of NPR 100,000. To date over 85% of registered claimants have received payments.

#### i. Process flow for Deceased



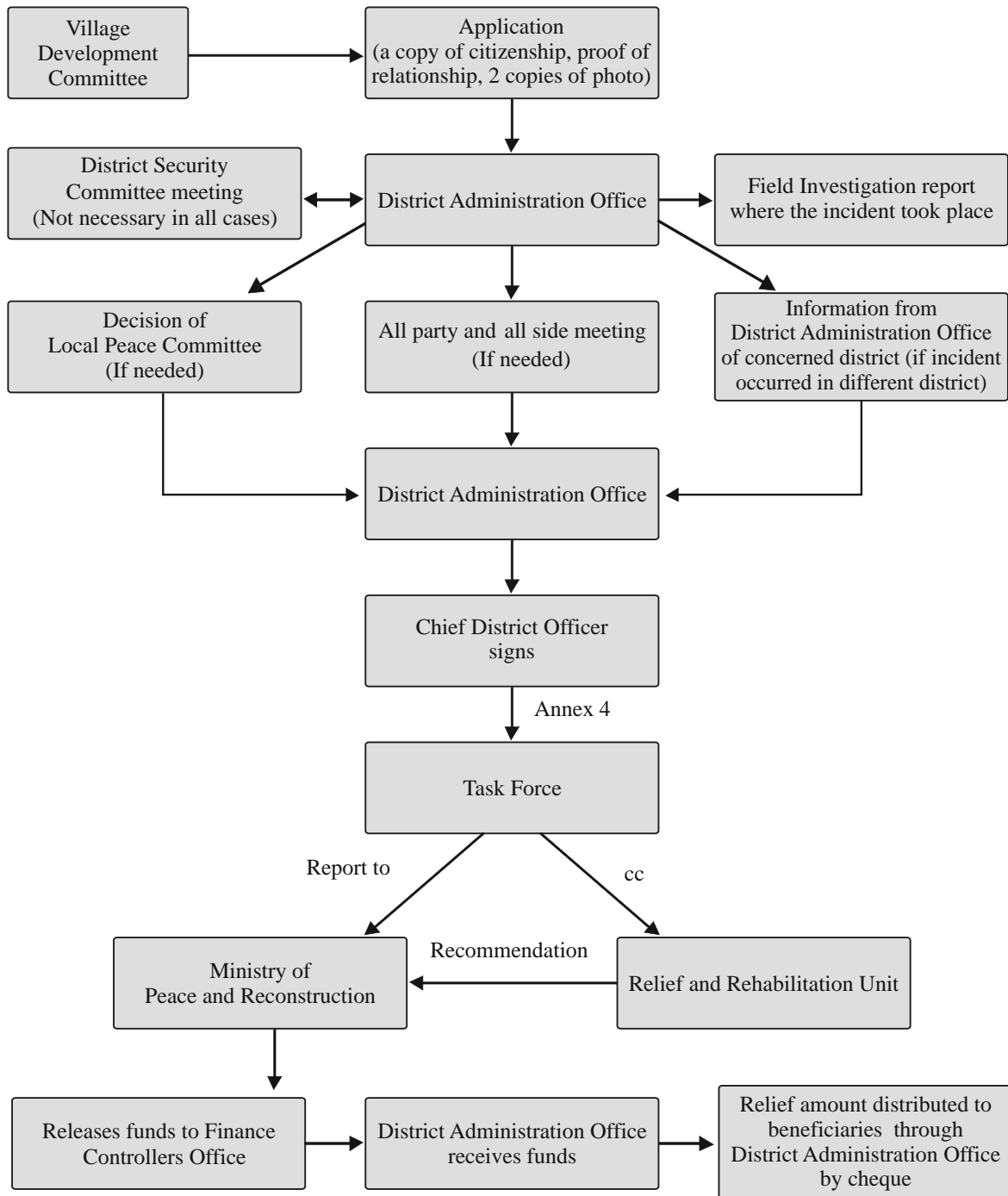
ii) Observations

- When a claimant submits a claim to the DAO, no receipt is provided to the claimant identifying their claim with a unique file number for follow up. If a claimant wants he or she can obtain a registration number at the time of the filing of the claim. This suggests there is no evidence of a claim being submitted.
- While in theory the process is fairly clear for victims who suffered human rights violations in districts other than the one in which the claim is being made, in practice gaining the required documentary evidence is cumbersome.
- The only way for a claimant to get access to information on their claim is by visiting the DAO personally. The district capital is not the place of residence for many victims. In addition there is no way of informing the claimant when their payment is ready. The entire burden of information access is on the victim.
- The processing/decision making is not separated from the intake as most of the eligibility is determined at the intake stage through the submission of supporting evidence documents.
- All supporting/verification documents are maintained at the district level. Central level therefore does not have access to these documents leading to very limited processing capacity at this level.
- Although the policy guidelines dictate that the CDO must convene a meeting of the committee before approving and recommending the names of the deceased for payments, in practice this does not seem feasible as intake is still open and applications come in everyday in different numbers. Given the busy schedule of the CDO it does not seem possible for him to convene this meeting on a regular basis.
- The role of the district level committees is not uniform to all districts. Minutes of these committee meetings are not consistently kept leading to a lack of recording of the decision making process.
- The policy guidelines related to the decision making committee for the deceased are ambiguous leading to potential arbitrary decision making on claims.
- Lack of clarity in the process allows the possibilities for brokers to act on behalf of the beneficiaries particularly political parties.
- Limited database capacity difficulty in accessing disaggregated data. Unclear of segregation of databases from RRU and Task Force.
- Policy guidelines on how the district agencies report back to the central ministry on payments made to particular beneficiaries are unclear.
- VDC documentation difficult to access.

## B. Economic Assistance to the Families of the Disappeared

Relief benefit is a one-time payment of NPR 100,000. To date over 88% of registered claimants have received payments.

### i) Process Flow for Disappeared



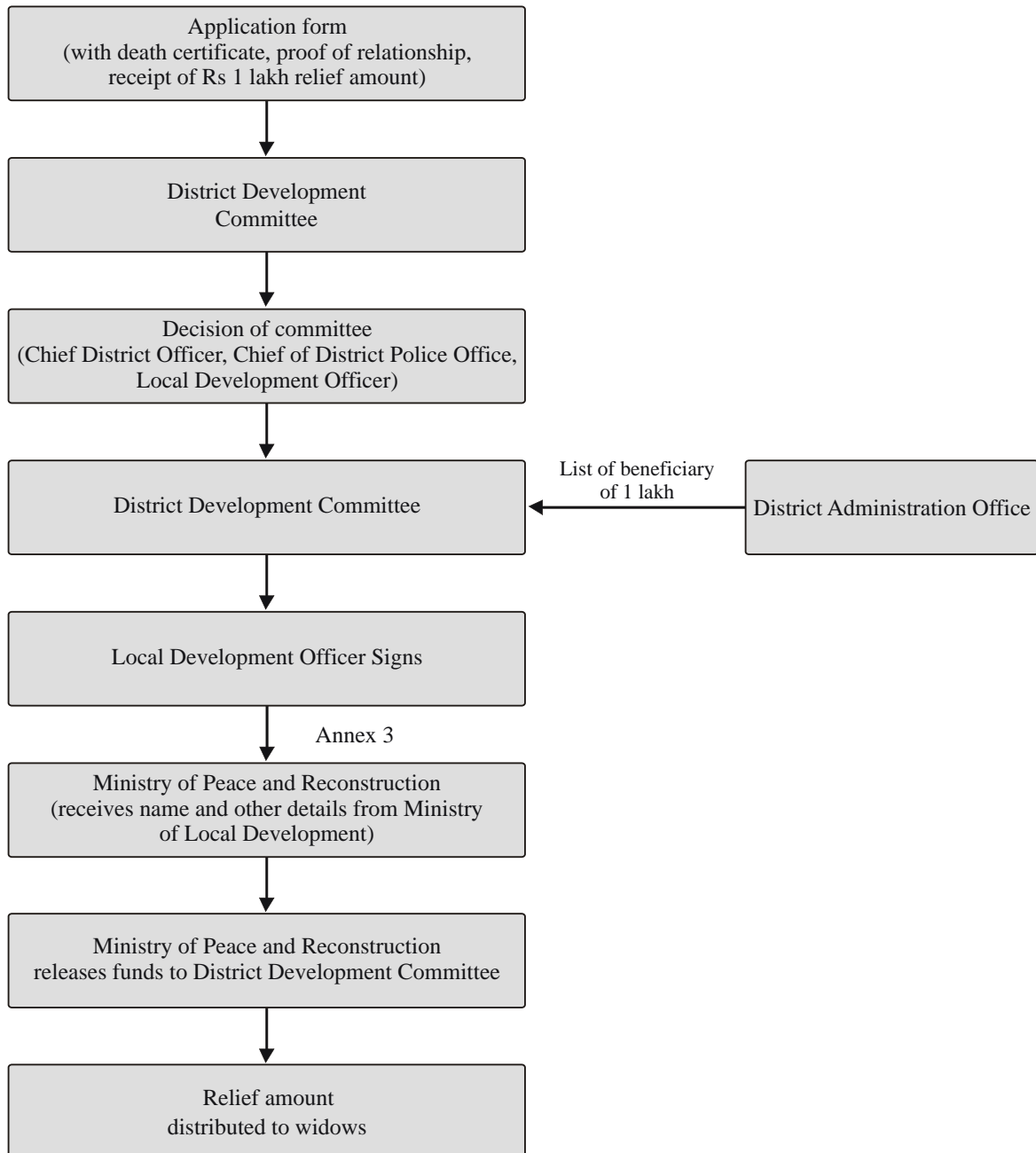
ii) Observations

- Similar process and challenges as deceased however funds come from GoN and not from World Bank EPSP.
- Documentation is difficult to access for disappeared victims families the process is entirely dependent on documentary requirements set by each DAO. These requirements are not clearly specified in the policy guidelines.
- Process for the initial intake for the disappeared is unclear. Policy guidelines do not define the role of non-Government agencies such as ICRC or commissions such as NHRC.
- Previous guidelines stated that families of the disappeared would receive NPR 25,000 leading to many claimants registering disappeared victims as deceased.
- Number of beneficiary closely in line with non-government data - ICRC figures.

## C. Economic Assistance to Widows

Relief benefit is a one-time payment of NPR 25,000. To date over 40% of registered claimants have received payments.

### i) Process Flow for Widows





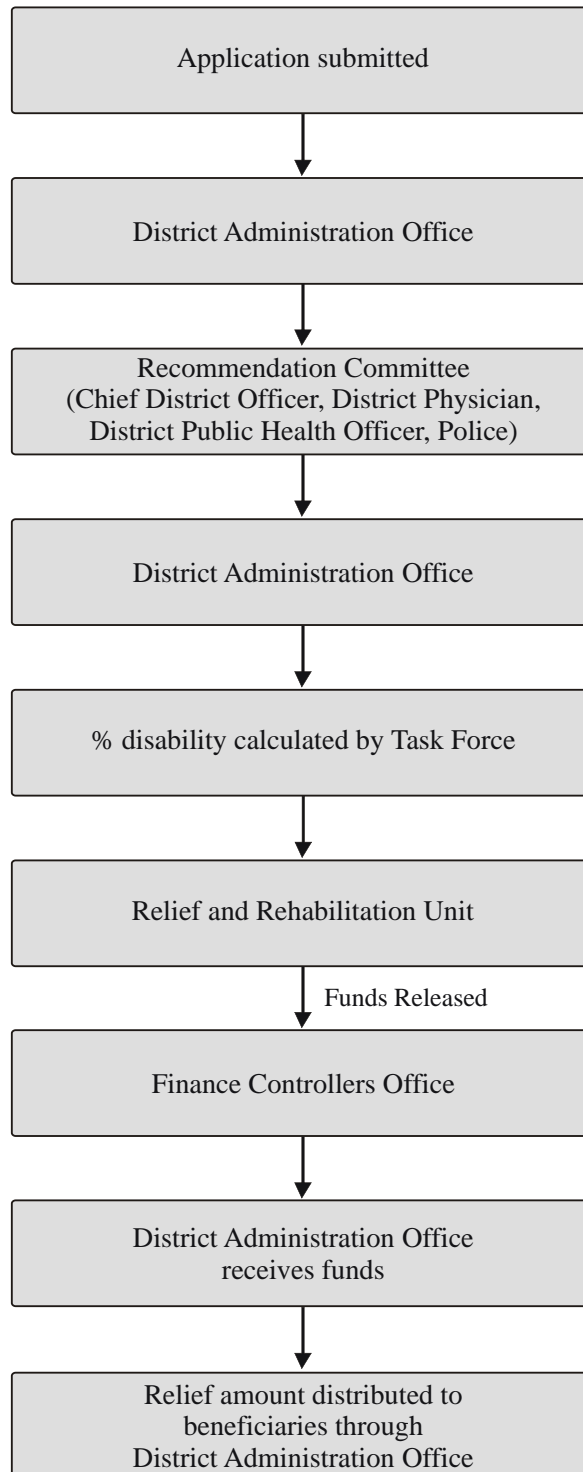
ii) Observations

- Widows need to receive the NPR 100,000 from the deceased category before accessing the widow's assistance.
- Unclear why remarried widows are not eligible for this assistance.
- Unclear why wives of the disappeared are not eligible for this assistance.
- Claimant must submit all documents already submitted to DAO for economic assistance to families of the deceased as well as further proof from VDC of not having remarried.
- No ToR yet exists between the Ministry of Local Development and the MoPR detailing the information sharing requirements and protocols in relation the economic assistance to widows. Although the funding ministry is the MoPR, the distribution of cash payments to widows of the deceased is done through the DDC.
- The guidelines do not state any requirements with regards to meetings of arrangements for coordination or information sharing between the ministries.

## D. Economic Assistance to those Disabled during the conflict

Relief benefit is a one - time payment of up to NPR 200,000 if the claimant is categorized as 100% disabled. To date up to 36% of registered claimants have received payments.

### i) Process Flow for Disabled



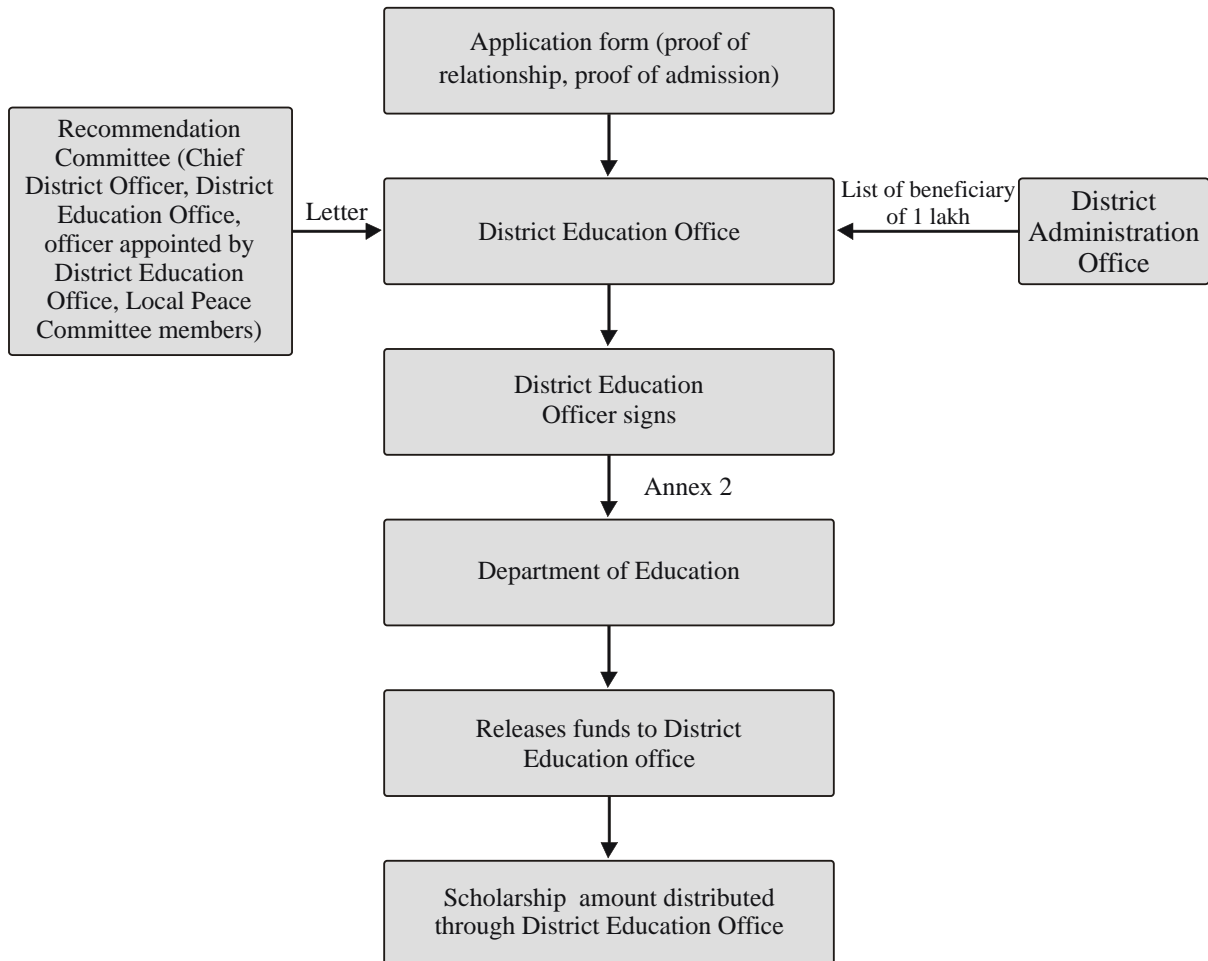
ii) Observations

- Very few claims made at the DAO. District Public Health Officers through the medical evaluation committee refer cases to Kathmandu.
- Cash benefit is determined by the percentage of an individual's disability. The process for determining the percentage of disability is neither clear nor uniform.
- In practice, access to the disability ID card is difficult for claimants in some districts. The committee at Task Force assigns the final % of disability according to the report sent by the DAO.
- District Public Health Officers are not fully aware of the policy guidelines.
- The criteria for recommending payments for disability to be used by the medical committee at the district level are not comprehensive. The recommendations from the district which are based on physical deformations or losing parts of the body due to conflict is insensitive towards PWDs due to the conflict.

## E. Scholarships to Children of the Deceased, Disappeared, Students Disabled by the Conflict, Children of Persons Disabled by the Conflict.

Relief benefit is an annual payment for up to three children under 18 of NPR10,000 for Primary School students; NPR 12,000 for lower secondary; NPR 14,000 for secondary and NPR 16,000 for higher secondary.

### i) Process Flow for Scholarships

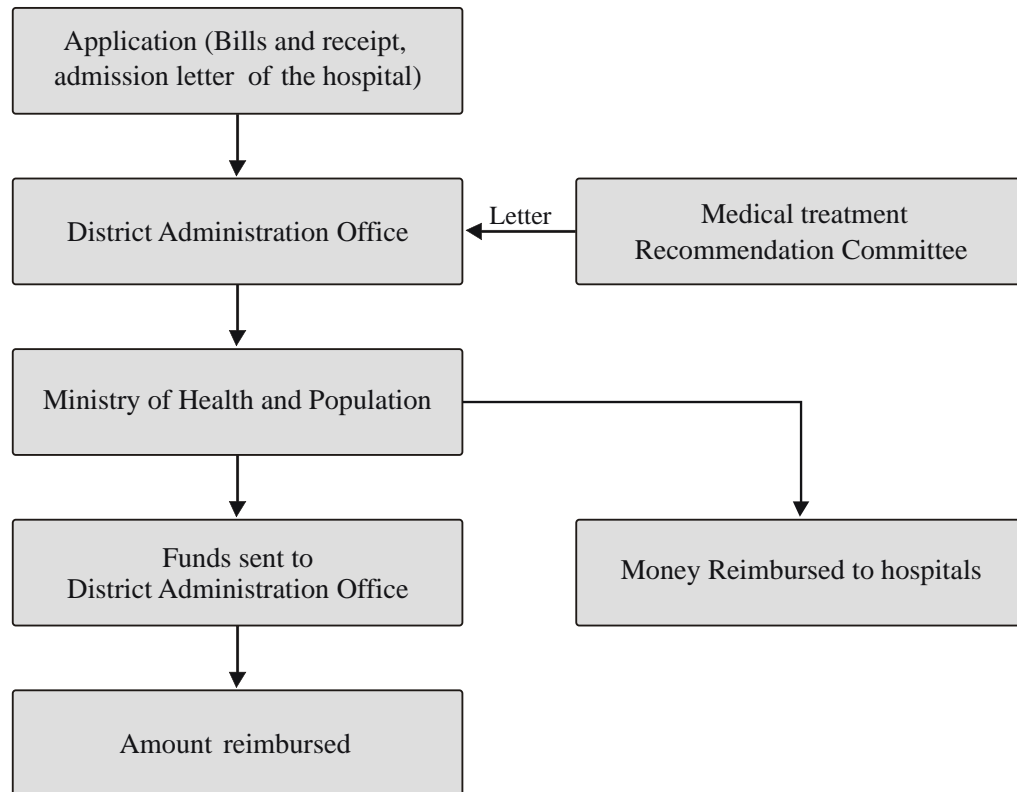


ii) Observations

- Funding is taken from the Ministry of Education's budget.
- Often District Education Office (DEO) is unsure of total numbers and requests a lower amount for the budget at the start of the financial year and the total amounts provided are lower than those detailed in the guidelines.
- Unclear if the benefit is delivered to the claimant directly by the DEO or transferred to the school to cover costs for eligible students.
- Relief to different victim categories are provided under one Interim Relief and Rehabilitation Programme, however it is unclear how line ministries report back to MoPR as the lead agency on which individuals have received what benefit.
- The records of children who have received the scholarship amounts in the districts is not reported to the Department of Education.
- Absence of organized and centralized data on scholarship payments to eligible children in the districts will hamper the administration of future reparations to eligible children.

## F. Reimbursement of Medical Cost for Injured Persons

### i) Process Flow for Injured



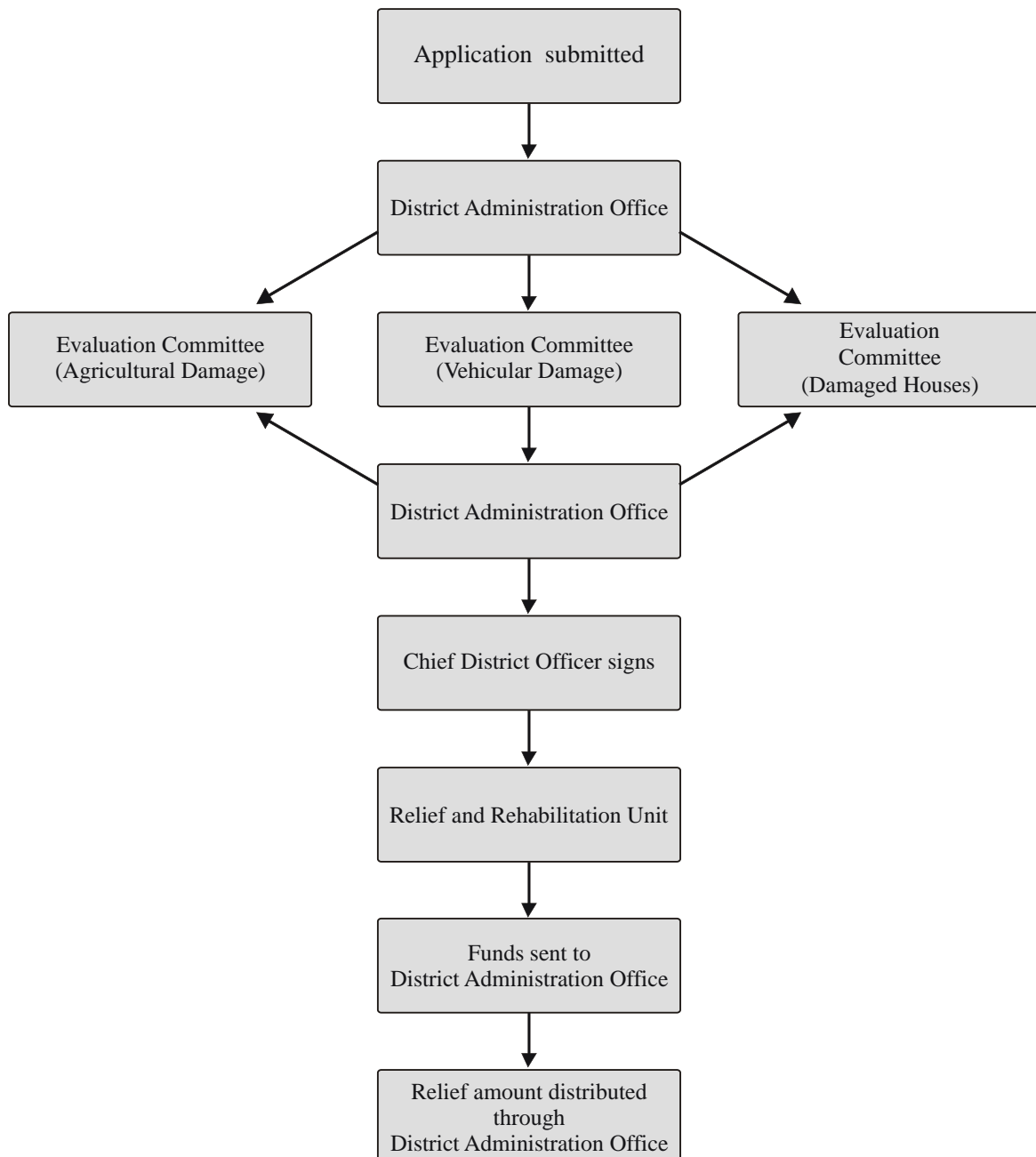
### ii) Observations

- Funding is taken from Ministry of Health and Population.
- Guidelines specify that claimant must produce medical bills from government and community health institutions. Many claimants are excluded as a result of not having these records due to gaining treatment outside Nepal, or went to private health providers.
- Guidelines specify that claimants are eligible for ongoing treatment for injuries sustained during the conflict both at local and national levels, however implementation at the local level is limited with most cases being referred to Kathmandu.
- The MoHP does not have a proper database recording the names of injured persons who have received benefits. It is not clear how the information is shared with the MoPR which is crucial in the development of a future Reparations Programme.

### C. Compensation for:

- Harm endured on houses rented by Government offices
- Individual private property damage/loss
- Agricultural loss/damage
- Damage to rented vehicle used by security agency
- Damage to vehicles in bandhs and blockades
- Damage to vehicle by conflicting parties
- Security agency's use of a private vehicle

Relief benefit is based on extent of damage/loss. To date up to 36% of registered claimants have received payments.



i) Process flow for Compensation of damage/loss to Private Property

ii) Observations

- All supporting documents are sent to the RRU at the central level. Intake is therefore conducted at the district level while processing is conducted at the central level.
- Veracity of claims very difficult to determine. High potential for fraudulent claims.
- Valuation of both movable and immovable property difficult to ascertain given the limited resources and coordination at the district level. This leads to significant delays for beneficiaries in this category.
- Relationship between insurance and Interim Relief and Rehabilitation Guidelines is not clear. Mechanisms between MoPR and insurance companies in relation to tracking individual claims is not regulated.