



ICRC

ICRC Action in Nepal for Missing Persons and their Families

APRIL 2011

Quick facts and figures

- **The Missing in Nepal, ICRC definition:** The ICRC is concerned with all persons¹ who went missing in connection with the 10-year conflict in Nepal (13 February 1996 to 21 November 2006), and whose families are still anxious to know what happened to them.
- **How many?** The ICRC has received 3810 requests from families who have lost track of their relatives, and has clarified 2432 of these cases. To date, 1378² cases remain unresolved and are being actively followed up.
- **A humanitarian approach:** The ICRC places the needs of families at the centre of its efforts and stresses the importance of acknowledging their plight. The disappearances have important psychological, economic, social and legal consequences for family members in their daily lives, making the families direct victims of the armed conflict. They need formal answers from the former parties to the conflict to enable them to get on with their lives. Until they receive answers and support, they are torn between despair and hope: despair at the loss of their loved ones and hope that he or she may, against all odds, reappear.
- **The legal and moral responsibility of the authorities towards those families:**
As a signatory to the Geneva Conventions, the Nepali authorities are obliged under international humanitarian law to do all they can to account for missing persons and to provide family members with information on their fate and whereabouts. In addition, both the Comprehensive Peace Accord and the Interim Constitution contain provisions related to the responsibilities of the State and former parties to the conflict in this regard. The ICRC has offered its full support to the Government of Nepal to assist in this endeavour.

The ICRC's Objectives and Activities

Clarification of the fate and whereabouts of missing persons:

The primary need of most families is to find out what happened to their missing relative. To this end, the ICRC pursues the following actions:

Confidential interventions to former parties to the conflict

- The ICRC maintains a constant dialogue with all former parties to the conflict, regularly asking them to provide information on the fate and whereabouts of missing persons. ICRC interventions on behalf of families are made with the consent of the families concerned. With an exclusively humanitarian objective, the ICRC conducts confidential, bilateral discussions with the relevant authorities.
- The ICRC transmits to the families the written information it receives from the former parties to the conflict, provided that this information clarifies the fate of the missing person.



Dhankuta/Nepal: A father with his missing son's photograph.

Photographer: Bijay Rai/ICRC

If accepted by the family, and with their consent, the case is then closed. The ICRC pursues the matter further if the family questions the parties' reply about the circumstances of death or requests information on the location of the mortal remains.

Legal advice on the Commission on Disappearances

- The ICRC provided the government with legal advice and made recommendations to amend the draft bill on the establishment of the Commission on Disappearances, notably to ensure that ALL cases of persons who went missing because of the conflict are considered and that the primary needs of their families are addressed. This advice includes the systematic transmission of information to families about the fate of their relatives and, in case of exhumation, the handover of their mortal remains.

1. As opposed to the definition of Enforced Disappearances, which occur as a result of actions perpetrated by agents of the State, the ICRC considers as missing all individuals unaccounted for as a result of the armed conflict.
2. Figures as of April 2011. They change frequently according to resolution of cases or new requests from families.



Photographer: Jagadish Shreshtha/ICRC

Kabhre/Nepal: Participants in a practical session of forensic training organized by the ICRC.

Developing forensic expertise and technical tools

- Given the importance of exhuming human remains to confirm the identity of deceased missing persons and the circumstances of their death, the ICRC helps to strengthen the capacity of national forensic specialists in this field.

Since 2008, it has conducted annual forensic training for specialists from the Departments of Forensic Medicine and Archaeology, as well as for representatives of the Nepal Police and the National Human Rights Commission (NHRC).

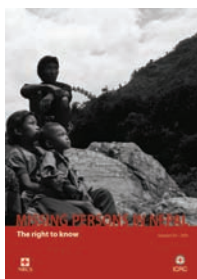
- Drawing on its worldwide expertise, the ICRC also offers technical advice and support to institutions such as the NHRC and relevant ministries to prepare the ground for investigations that should be carried out by the future Commission on Disappearances. The ICRC raised the need to draft a legal framework for forensic exhumation and identification of human remains related to the past conflict; to consolidate the lists of missing persons registered by the government, the NHRC, NGOs and the ICRC into a single one; and it proposed the adoption of a standard form for collection of Ante Mortem Data.

Raising awareness on the plight of the families of missing persons

The aim of the ICRC's advocacy in this field is to seek public recognition for the suffering and needs of the families of the missing and to appeal to the Government of Nepal to comply with its IHL obligations.

Publication and distribution of the list of missing persons

- The list of missing persons compiled by the ICRC is regularly updated and has been published every year since 2007 on August 30th, the International Day of the Disappeared. The latest publication is available on the ICRC website³ (in Nepali and English) and contains 1369 names of persons recorded by the ICRC.



Missing Persons in Nepal
The Right to Know

Study of families needs

- In 2009, the ICRC published the results of a comprehensive study it conducted on the causes of the suffering experienced by the families of missing persons, which highlighted their psychological, social, economic and legal needs⁴. These findings have informed the design of the ICRC's support to the families.



Families of Missing
Persons in Nepal
A Study of their Needs

Documentary films and public events

- The ICRC has produced two documentary films, "The Wait Continues" (2008) and "Shadows of Hope" (2010) to highlight the specific nature of the suffering experienced by the families of missing persons and of their humanitarian needs.



The Wait Continues

- Regular public events and communication contribute to raise awareness at district and national levels. Jointly organised with the Nepal Red Cross Society (NRCS) and in coordination with family associations, these initiatives target authorities and organisations that can address the needs mentioned above. A panel discussion on "Living with Ambiguity" was held in Kathmandu in February 2011 to address for the first time the complex psychosocial needs of missing person's families in Nepal.



Shadows of Hope

3. <http://www.familylinks.icrc.org/Web/doc/siterf10.nsf/htmlall/familylinks-nepal-2007-eng>

4. Also available on the Nepal page of the ICRC website: <http://www.icrc.org/eng/resources/documents/report/nepal-missing-persons-report-300609.htm>



Photographer: Bhava Nath Poudyal/ICRC

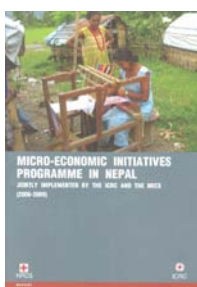
Bardiya/Nepal: Wives and mothers of missing persons take part in a participatory review meeting as a part of Psychosocial Support Programme activities.

Direct assistance to families

The ICRC is working in partnership with the NRCS and its network of volunteers to ensure the follow up of the families of missing persons. Thanks to this proximity, the families feel that they are neither forgotten nor alone in their search for their missing relatives. NRCS volunteers are responsible for channelling important information to them, such as interim relief opportunities or Red Cross support programs, and for updating case information. Confidential findings about their missing relatives are transmitted solely by ICRC staff.

ICRC / NRCS micro-economic initiatives programme

- Between 2006 and 2009, prior to implementation of the government's Interim Relief measures, approximately 600 families of the missing benefited from an income-generation programme⁵ aimed at restoring the livelihoods of 5050 households hardest hit by the conflict.



Micro-economic Initiatives Programme in Nepal

Families' access to government's Interim Relief

- The ICRC and the NRCS monitor, and if needed, facilitate the families' access to governmental assistance, such as provision of Interim Relief and scholarships for children. This

assistance entails administrative support and interventions at the district or ministerial level. The ICRC also makes policy recommendations to the Ministry of Peace and Reconstruction (e.g. scholarships; special allowance for wives of missing men, similar to that provided to widows, etc).

Psychosocial and accompaniment program

- In 2010, the ICRC launched a pilot project comprehensively addressing the psychological distress and social difficulties of 251 wives and mothers of missing persons in Bardya District in partnership with a grassroots organization (Tharu Women Upliftment Centre) and an INGO specialized in micro-economic development (Heifer International). With the concept of peer support groups at its core, the project deals with emotional, cultural and religious issues and addresses legal, economic and community support needs. The evaluation of the project's outcome showed statistically significant improvement of the families' psychosocial well-being measured by decrease of symptoms related to anxiety, depression and psychosomatic pains and by improvement of their daily functionality. Consequently, this programme is being expanded to nine other districts with high concentrations of families with missing relatives, in coordination with five new local partners.

Support to Families' Associations

- The ICRC continues to encourage families to join associations, which it supports in the development of their capacity to advocate for the needs and rights of the families of the missing. A network of these associations, called the National Network of Families of Disappeared and Missing – Nepal (NEFAD), has been formed and its registration by the government is under process.

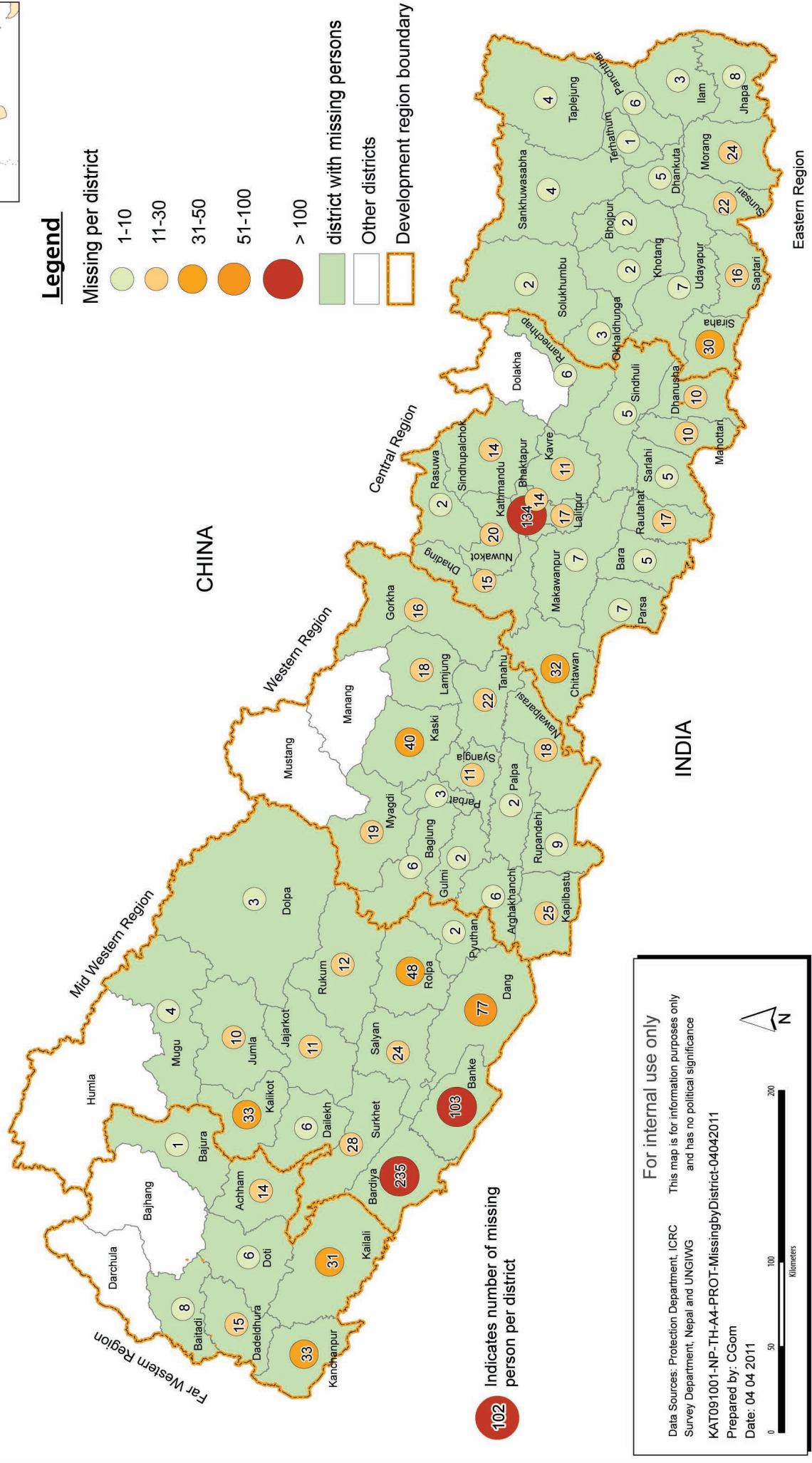


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5. A report on this programme and its outcome is available on the Nepal page of the ICRC website: <http://www.icrc.org/eng/resources/documents/report/mei-report-nepal-2006-2009.htm>

Number of Missing Persons per District in Nepal 1996 - 2010



For internal use only

Data Sources: Protection Department, ICRC
 Survey Department, Nepal and UNGIWG
 and has no political significance

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