

**Final Report
On
Advocacy for social, economic and legal justice for victims of
conflict through Truth & Reconciliation Commission**



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Preface

We are pleased to submit the final report of the project entitled "Advocacy for social, economic and legal justice for victims of conflict through Truth & Reconciliation Commission" implemented by Human Rights and Democratic Forum (FOHRID) with the financial assistance from Action Aid. The project ran from 1 July 2007 to 28 February 2008. This project especially focused to raise the social, economic and legal issues of conflict victims at the local level. Likewise, it created pressure to the government to address those issues through the mandate of Truth and Reconciliation Commission (TRC).

The project reached to the conflict victims at the local level and policy makers at the central level. It was implemented in Kathmandu, Ilam, Morang, Chitwan, Kapilbastu and Banke districts. This report has covered context and background of the project, implementation status of activities, assessment of objectives and outcome, project impact on target groups, problems, learnings, feedback from target groups and beneficiary, budget and expenditure. Annexure and tables have been presented as required.

Mahila Jagaran Sangh and Mr. Kedar Shrestha extended their valuable cooperation to implement the program in Ilam district. Community Protection Network (CPN), Sijuwa, Morang and Mr. Dev Narayan Tajpuriya and Mr. Nanda Kumar Siwakoti, Teachers of Sijuwa Secondary School helped to conduct program in Morang district. Similarly, INSEC Chitwan Representative Mukunda Dahal in Bharatpur, Chitwan, Advocate Shesh Narayan Bhandari in Rupandehi and Advocate Sushil Lakhe in Banke district played important role in conducting programs successfully in the respective districts. The contribution of Advocate Birendra Prasad Thapaliya, Advocate Sindhu Sapkota, Mr. Tulasi Bahadur Karki, Mr. Sanjit Raj Pande, Mr. Krishna Prasad Aryal was indispensable throughout the implementation period.

Raj Kumar Siwakoti
Project Coordinator

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Project compilation report on Advocacy for social, economic and legal justice for Victims of conflict through Truth & Reconciliation Commission

1. PROJECT DETAILS

Implementing agency: FOHRID Human Rights and Democratic Forum

Funding agency: Human Security and Governance Team, Action aid International Nepal

Contract title: Advocacy for social, economic and legal justice for victims of conflict through Truth & Reconciliation Commission

Contact Person: Birendra Prasad Thapaliya, Raj Kumar Siwakoti

Project location: Ilam, Morang, Chitwan, Kapilbastu, Banke and Kathmandu valley

Project duration: 1 July 2007 - 28 February 2008

Target group:

Conflict victims from both the Maoist and government sides including IDPs at the local level. The participants of the programs were the direct beneficiaries. Nepalese society as a whole was the final beneficiary of this project.

Other Stakeholders:

Central level stakeholders of the project were political parties, Ministry of Peace and Reconstruction, Members of Parliament, legislative organs, Peace Secretariat, international human rights community, OHCHR, ICJ, Nepal Bar Association, National Human Rights Commission, human rights organizations, lawyers, journalists, donor community, National Planning Commission and other relevant agencies, groups and institutions.

2. PROJECT CONTEXT

Nepal is in transition for establishment of democracy and peace. This is a crucial moment for conflict management. These activities must obviously receive priority. Peace and justice are interlinked ideas as peace without justice is not perfect. Hence, peace process cannot get perfection if the issue of justice is ignored. In a society that has witnessed conflict in the past, justice to the victims should get priority. The question of justice and addressing the grievances of the victims may remain under shadow when the political issues and the peace process are prioritized. Currently, this possibility is intense in Nepal. Increasing impunity and hesitation of post-conflict governments to conduct an investigation and carry out action against perpetrators creates vulnerability in efforts of establishing sustainable peace and rule of law. In post conflict situations, the state is responsible for addressing trauma of victims of conflict, ensuring justice, and establishing mechanisms that document the stories of victims, analyzes human rights abuses and atrocities, identifies perpetrators and recommends authorities to initiate transitional justice mechanism to provide justice quickly, but responsibly to the victims of conflict through reparation and their recognition in the nation building process. Therefore, we felt need to initiate advocacy on certain issues to address this problem.

The debate of transitional justice has remained central during the entire peace process and even after the formation of the Interim Legislative Parliament. The November 2006 Comprehensive Peace Agreement (CPA) and the January 2007 Interim Constitution (IC) recognize the importance of ensuring reparations for victims of conflict, and the formation of Truth and Reconciliation Commission (TRC). While these documents neither outline justice mechanism for the victims, nor action against perpetrators, with broad consultation and political will power, official commissions could be successful.

Past experience demonstrates that commissions are formed in Nepal as part of face-saving strategies and a way to defer public pressure for bringing perpetrators to justice system. State has set precedent for the protection of perpetrators from judicial action, which institutionalizes impunity and threatens rule of law. Although continuous human rights abuses can, theoretically, be handled by the National Human Rights Commission and other commissions such as Women, Dalit and Janajati, serious human rights abuses and atrocities committed by state and non-state actors since the beginning of conflict in February 1996 must be dealt with through transitional mechanisms to ensure justice and deter future violations that include indiscriminate killings, disappearances, abduction, torture, rape etc.

3. ISSUE AND RELEVANCY OF THE PROGRAMME

To raise the issue of victims of conflict from the local level was determined as the need of the society. This was required to open way for establishing at the national level that right and justice to the victims must be prioritized during transitional phase. Equally important need is to include issues of social, economic and legal justice for the victims in the mandate of TRC.

An effective initiative was felt necessary to ensure justice to conflict victims through TRC. This also required us to immediately address the problems seen in the process of providing justice of the past abuses in the country. To ensure justice for the conflict victims, this project collected information and

issues of the victims from the local level, conducted advocacy at the central level, shared international experiences and created pressure to include them in the mandate of TRC.

1. As TRC is an official mechanism taking a long process in its action, it may not address all the issues of conflict victims in time. This project identified the problems of conflict victims from the local to central level. In addition to this, the project continuously advocated to ensure livelihood, justice and immediate relief of the victims.
2. Process for the formation of TRC is underway in the Ministry of Peace and Reconstruction. Mandate for the Commission is being worked out. The mandate of TRC should effectively guarantee the issue of social, economic and legal justice for the victims of conflict. Therefore, relevance of this project was to include necessary provisions to guarantee social, economic and legal justice for the victims of conflict through the TRC.
3. At present, Nepal is going through transitional phase. Initiative for ensuring the rights of conflict victims is felt more vividly. Political issues get priority during transitional phase that can shadow the issue of rights and justice for the victims. This project conducted advocacy to ensure timely justice for the victims of conflict during the transitional phase.
4. Idea sharing regarding international experiences on TRC with the high level / general stakeholders was felt necessary. Similarly, guarantee of victim oriented provisions in the mandate and process of TRC is a must for ensuring right to the victims during the transitional phase.

4. PROJECT OBJECTIVES

Major objectives of this project were as follows:

Long term objectives

1. To make efforts to include full fledged social, economic and legal justice for the victims of conflict in the mandate of the TRC.
2. To create public opinion through advocacy to place in priority the issue of justice for the victims during the transitional phase.
3. To initiate debate on the international experiences of TRC and create pressure to establish it for transitional justice.

Immediate project objectives

1. To conduct workshop involving the conflict victims at the local level to identify their issues and raise voice for their resolution.
2. To conduct advocacy for pressure against government to address immediately the needs regarding livelihood, justice, rehabilitation, compensation and redress of the conflict victims.
3. To enable conflict victims to take benefits from the relief programs to be initiated by the government.
4. To raise the issues of conflict victims from local to central level.

5. IMPLEMENTATION STATUS OF PROJECT ACTIVITIES

Activity 1: Workshop / interaction with the conflict victims at the local level

What are the issues of social, economic and legal justice of the conflict victims? What are the victims' expectations from the state regarding justice? Which expectations and issues should the Truth and Reconciliation Commission (TRC) prioritize? This activity was accomplished to find out solutions of the above questions through discussion with the victims of conflict. Following were the major subject matters of discussion under this activity:

- Timely legal justice for the victims;
- Mandate of the TRC for legal, economic and social justice of the conflict victims;
- Issues and needs related to livelihood of the conflict victims;
- International standards of rehabilitation and reparation;
- Possibilities and challenges for rehabilitation of those displaced during conflict.

Discussions were held on the basis of the above points in all the five interaction programs held at the local level. How the process of TRC should address the issue of justice to the victims in time and what role should the victims play in this process, was discussed by the participants. Likewise, a list was prepared

identifying the issues and major needs pertaining to the livelihood of the victims. Discussion went ahead by taking reference of the international standards and practices regarding rehabilitation and reparation. The issue of possibility and challenges for rehabilitation of the displaced was raised.

Modality of interaction / discussion

The discussions at the local level were mainly round table in nature. Victims by state, Maoist victims, IDPs, government representatives, human rights organizations, civil society representatives, journalists were involved in the discussions. The discussion were conducted into two phases. Resource persons presented their expert views on what is TRC, how is it being formed, how does it work for the rehabilitation and reparation. In the second phase, the victims expressed their major issues including their expectations and needs. They also pointed out how their expectations and needs should be addressed by the TRC. Major objective of the discussion was to gather problems and issues expressed by the victims themselves. (See Annex 1 for views expressed and Annex 2 for working paper presented in the discussions). "Rule of Fear", a documentary based on Peruvian experience of conflict and TRC was demonstrated for the participants in all the 5 local level discussions.

Detail of the discussion is presented in the table below:

Table 1 : Detail of discussion programs at the local level

S.N.	Program date	Venue	Gender participation		Total
			Male	Female	
1	10 Sep 2007	Sungabha Club, Ilam	38	21	59
2	13 Sep 2007	Sijuwa VDC Building, Morang	82	20	102
3	24 Sep 2007	Hotel Island, Bharatpur, Chitwan	48	13	61
4	28 Sep 2007	Jaycees Hall, Bhairahawa, Rupandehi	26	14	40
5	2 Oct 2007	Hotel Srinivas, Nepalganj, Banke	46	24	70

Two separate groups of conflict victims were formed for continuous advocacy for their rights after conduction of discussion programs with the victims in Ilam and Morang districts. Detail of the groups is given below:

Table 2: Groups of conflict victims formed under this project

S.No.	Name of Group	District	Victims from state	Victims from Maoists	Others	Total
1	Conflict Victims' Society, Ilam	Ilam	14	15	9	38
2	Conflict Victims' Society, Morang	Morang	16	7	10	33

Major issues raised in the local level interaction / discussion: During the discussion programs at the local level, participants demanded that TRC mandate should address following issues of conflict victims:

A. Legal justice in time

Participants opined that the mandate of the TRC should effectively implement and guarantee following issues to ensure access of conflict victims to justice:

1. Determination of the number of helpless victims and aid for legal remedy.
2. Determination of loss of the conflict victims and legal aid to receive immediate compensation.
3. Establishment of community mobile justice system and easy access of the victims to justice.
4. Classification of crime as severe and moderate and punishment to the perpetrators according to the severity of crime.
5. Reconciliation in the society and amnesty only with consent from the victims.
6. Amnesty should not be provided to the perpetrators responsible for serious crimes in the name of reconciliation. The perpetrators should be punished by formulating new laws, if needed.

7. Government administration should be empowered to ensure justice and access to justice for the conflict victims.
8. Perpetrators should acknowledge their crimes and they should make commitment for non repetition publicly.
9. The situation of lost and disappeared should be made public and the victims should be provided compensation and reparation.

B. Economic issues and guarantee of livelihood for the victims of conflict

The mandate of TRC should incorporate following issues to ensure protection of economic and livelihood rights of the conflict victims:

1. Guarantee of income generation and livelihood of conflict victim women and children and guarantee of dignified occupation for conflict victim women.
2. Employment and self-reliant skill training for the conflict victims.
3. Higher education and involvement in the social service to establish social dignity of women who have gone through sexual violence or serious social abuses.
4. Evaluation of loss borne by conflict victims and compensation accordingly.
5. Free treatment for those injured in the conflict.
6. Special arrangement for livelihood of those who have sustained serious injury and handicapped during conflict.
7. Guarantee of education, health and care for the children who have lost parents due to conflict.
8. Compensation is not enough, the state should ensure reparation to the victims.
9. Guarantee of basic needs such as education, health and livelihood for the conflict victims.
10. Development programs targeting conflict victims.
11. The displaced conflict victims should be rehabilitated immediately. The abducted cash or in kind property should be returned immediately. The forced donation paid during conflict should be determined and returned.
12. Compensation should be provided for the buildings and other structures destroyed during the conflict.
13. Property rights should be guaranteed.

C. Social needs and issues of conflict victims

The TRC mandate should incorporate following measures to guarantee social, economic and legal rights of the conflict victims:

1. Include conflict victims in the mainstream of socialization.
2. Make arrangements for social security of conflict victims including handicapped, disabled, single women and orphans.
3. Process of justified reconciliation should be initiated in the society.
4. Conflict victims should be identified, documented and identity cards should be provided to them.
5. Conflict victims should be involved from policy making to implementation level of the state.
6. Conflict victims who have borne murder, torture, disappearance, rape, abduction should be identified from every corners of the country.
7. Victims of both sides should be brought together to form groups and initiate social development programs.
8. The rights to reparation, the right of the victim, victim's family and victims kin to know the whereabouts of the disappeared and the right to conduct cremation according to victims culture and tradition should be guaranteed.
9. The agreements between the government and the CPN-Maoist and the victim oriented programs and policies should be implemented immediately.
10. The displaced should be ensured an environment for immediate return with dignity.

D. Rehabilitation of the IDPs : Challenges and Possibilities

Participants recognized the present peace process as an opportunity for rehabilitation of the displaced by conflict. Though this opportunity has made the return of the displaced easier, they pointed out following challenges being faced by them:

1. The structures and property owned by them before displacement have been destroyed.
2. As most of the displaced are farmers, their seeds and other fundamental means for agriculture activities have been destroyed.
3. They may face food scarcity immediately after their rehabilitation.
4. There is uneasy situation as rehabilitation is also a social issue.
5. There is no clear and perfect data of IDPs.
6. Identification of IDPs is difficult due to lack of monitoring of displacement.
7. There is no guarantee of security till now.
8. There is threat and risk from Indian criminal groups in the southern areas due to open boarder.
9. Despite rehabilitation of individual or families, they may face lack of means of livelihood. Effective rehabilitation can take at least 6 months.

Activity 2: Media mobilization:

This activity aimed to publish write ups in the national newspapers / magazines throwing light on the issues, needs and justice of conflict victims. Main objective of such publicity was to draw the attention of the stakeholders on the issues of conflict victims. In this connection, following articles, write ups, features were published in the prestigious vernacular media during the project period:

Table 3 : Detail of the write ups published

S.No.	Topics	Type of write up	Newspaper	Date
1	Challenges of proposed TRC	Article	Naya Patrika	23 Aug. 2007
2	Proposed TRC and Amnesty	Article	Chhalphal	4 Oct. 2007
3	Grievances of conflict victims and the widespread impunity	Article	Gorkhapatra	28 Nov. 2007
4	Grievances of Conflict victims not heard	Article	Nepal Samacharpatra	9 Dec. 2007
5	Ending impunity is inevitable	Article	Gorkhapatra	20 Dec. 2007
6	TRC	Article / feature	Samaya	26 July 2007
7	Anger increased by impunity	Article	Kantipur	12 July 2007

Out of the above, the articles published in the Gorkhapatra daily and Nepal Samacharpatra daily were the outcomes of the discussion programs. Likewise, the articles published in the Naya Patrika daily and Chhalphal weekly were about how the TRC and its mandate should address the issues of victims. The write ups published in the Samaya weekly and Kantipur daily raised the issues of TRC, issues of victims, impunity, relief and compensation for the victims. (See Annex 3 for copies of write ups).

Activity 3: Interaction/ lobbying dialogue with different stakeholders at national level:

Total two rounds of interaction / lobbying discussions were held with the national level stakeholders under this activity. Two dimensions were determined for its implementation. Firstly, it aimed to bring the voice of victims at the local level to the stakeholders at the central level. Secondly, it aimed to exchange international experiences on TRC, to make consultation on how the TRC can address the economic, social and legal issues of victims and to draw the attention of the major stakeholders on these issues. According to the schedule, the 2nd phase program was commenced at the central level. Second discussion was accomplished with the list of issues including the conclusions of the five discussion programs at the regional level and the demand to include Ministry of Peace and Reconstruction in the proposed Bill relating to the TRC. Following table presents details of this activity:

Table 4 : Detail of the discussion at the central level

S. No.	Topics	Date & Venue	Participation					Total
			Gender		Representation by type			
			Female	Male	Victims	Policy level	Others	
1	Immediate needs of conflict victims and TRC	19 Nov 2007, Kathmandu	28	68	18	10	68	96
2	Immediate needs of conflict victims and TRC	16 Aug 2006, Kathmandu	22	96	11	22	85	118

Program methodology

This program was accomplished applying interactive method to draw the attention of the major stakeholders and to sensitize on the issues of the victims. Discussion papers were presented to focus the discussions on the identified subject matters (See Annex 4 for discussion papers). Experts expressed their views on the discussion papers followed by open discussion. The family members and representatives of the conflict victims presented their demands and experiences pertaining to economic, social and legal justice. The program went further with the question answer between the experts and the participants. Victims victimized from both the government security forces and Maoists, representatives of the security forces, government representatives, representatives of national and international organizations, former justice, former ministers, human rights activists, members of civil society, lawyers, intellectuals, journalists and convener and members of TRC Bill Drafting Committee participated the discussion programs.

Advocate Govinda Bandi in the first phase program and Advocate Birendra Thapaliya, President of FOHRID and Advocate Kamal Pokharel, Centre for Legal Study (CLS) presented their separate papers. The discussion paper of FOHRID was based on the outcome of regional level discussion programs held at 5 different districts of Nepal and the discussion paper of CLS was based on the conclusion of discussions held at 4 different places on TRC for transitional justice.

Coordination

This activity was held in coordination with the CLS. CLS was carrying out study to prepare an alternative draft Bill for the TRC. The issues of the victims could help to make the alternate draft perfect. The activity of FOHRID played complementary role to this. Likewise, it was necessary to incorporate the issues collected by FOHRID in the draft Bill to be presented on behalf of the civil society. The efforts of CLS was complementary to that of FOHRID in this respect. In this way, the joint effort of the two organizations accomplished the objective to prepare an alternate draft Bill (See Annex 5 for the alternate draft Bill). The Bill has already been submitted to the Ministry of Peace and Reconstruction.

Views expressed by the representatives of major stakeholders

Dr. Trilochan Upreti, Joint Secretary and Chief, Human Rights Section, Office of Prime Minister & Council of Ministers: Ensuring right to information is one of the important aspects of TRC. The economic, social and legal issues not adjusted properly in the draft should be incorporated. This Bill should be successful from every aspect. The comprehensive peace accord may collapse if this Bill does not succeed. Therefore, I am hopeful that a new law will be formulated. Even if we want to declare amnesty, it should not be in a haphazard way. The victims can declare amnesty. The perpetrators should acknowledge their crime before the victims.

Mr. Madhu Regmi, Joint Secretary & Coordinator, TRC Act Drafting Committee (Panelist): This draft Bill was publicized to share with the general public. Representatives of NGOs, civil society have been participating. I do not defend by saying that the bill is perfect. Concerns and interests of the general

public has increased after the Bill is publicized. I request you to take this step in a positive way. I hope that this will be a common Bill of all after discussion. The right to information, right to reparation and reconciliation have been accommodated in this Bill.

Mr. Pradip Gyawali, former Minister and Representative, CPN-UML: I have come here to express solidarity on behalf of CPN-UML and myself in the programs conducted to ensure economic, social and legal justice and rights of the conflict victims. Our party, CPN-UML, wants to work jointly in all the measures taken to ensure economic, social and legal justice for the conflict victims. I express my commitments to work for this draft as my party CPN-UML and personally I myself have felt that the draft Bill of the government has not accommodated properly the issues of the victims. Those having involvement in the rights violation have made hidden alliance against Bill with retroactive effect as it may take action against themselves. General strikes are called for political purpose, a 12 years old child is burnt to death (the case of Kajol) and the people in the custody is killed in the jungle. Which of these can be declared for amnesty? If the incidents are crimes against humanity, even those with political motive should be punished. The TRC should be impartial, independent and competent for this. Frustration and feelings of revenge will prevail if the TRC fails to ensure effective reconciliation. The Commission should be formed from victims perspectives. The reconciliation should be in favour of the victims not the perpetrators.

Lt. Col. Rajeshwor Bhattarai, Nepal Army, Human Rights Directorate: I would like to inform this hall that Nepal Army has already accepted its serious error in the incidents of Nuwakot and Kotwada. Nepal Army agrees that the victims of conflict should get proper justice.

Hon'ble Shankar Pokharel, MP & Representative, CPN-UML (Panelist): Though our party is committed to protection and promotion of human rights, it is a complex phenomena to advocate in this regard when both sides of perpetrators are sharing power. This is part of peace process and it depends whether peace process is possible or not without involvement of CPN-Maoists and how far other parties are sensitive to this issue. Any sectors can make impact when the state is weak. This is more so from the violators. Political resolution is the first priority and other problems cannot be resolved without this. This expectation cannot be fulfilled when the conflict is extended. Following are the reasons for a weaker state:

- ✚ Transformation could not take place when we replaced the old regime.
- ✚ Peace process was more sentimental and the political parties could not come up with a uniform solution.
- ✚ General agreement was not sought in the issues determined by the political parties.

The justice aspect is under shadow in the TRC Act. Reconciliation should be sought for justice. The political players are not included in the study regarding TRC Act. The Commission should be paralegal and not illegal in nature so that it can clearly address the needs and expectation of the victims.

Mr. Lokesh Dhakal, Nepali Congress (Panelist): Conflict has not ended in the country rather its form has changed. Conflict continues with new players. Even the political parties have discussed this issue. The parties will certainly hold discussion on the issue of TRC. Separate views have been expressed regarding CPN-Maoists. Some have defined them as problem and some others as solution. There is not a clear situation for holding CA polls in time. Issue of victims is under shadow because political issue is at the limelight. (See Annex 6 for views expressed by other participants).

Conclusion and suggestions of the central level interaction and lobbying meeting:

- The issues of conflict victims, especially those relating to the economic, social and legal justice, should be raised with due importance during the transitional phase.

- As set forth in the comprehensive peace accord and the Interim Constitution, due space should be given to the rights of the conflict victims regarding economic, social and legal justice should be accommodated with priority in the proposed TRC Bill.
- TRC Act should be introduced with direct participation of and consultation with the conflict victims. The TRC Act brought following administrative model, political model or combination of both can shadow the issues of the victims. Hence, it should be formulated from the victim's perspective.
- The Bill proposed by the government seems to be introduced to emancipate the perpetrators. The Bill should be taken to the grassroot level for direct consultation with the victims.
- At the time when we are talking of state restructuring, this should be applied to the formation of Bills relating to the general public also. This process should go from bottom to top and not the other way round.
- The Bill should be viewed from the victim's perspective.
- Serious concerns are raised in the competence, mandate, impartiality and rights of the Commission as it has prioritized amnesty to the perpetrators rather than justice to the victims. This should be avoided so that the Commission can save itself from any intervention.
- The women and children were most affected during conflict. Justice to them should be ensured through the TRC.
- Mandate of the Commission should effectively address the issues raised by the victims. Problems cannot be solved without addressing those issues.
- Members of TRC Bill Drafting Committee should pay due attention to the issues of the victims collected from the local level.
- Amnesty should be allowed only with the consent of the victims. This cannot be decided by perpetrators or other parties.
- Process of appointment of the Commissioners is not appropriate in the draft Bill. It is not according to the international standards as it does not have functional autonomy. It does not allow inclusion of women and marginalized community.
- Considering current political and structural situation, security sector reform (SSR) is necessary in Nepal.
- The Commission is necessary but its area of operation should be determined by the Commission itself so that it cannot escape by pointing to the lack of mandate.
- In the Nepalese context, TRC should be formed in the ground of political agreements reached so far.
- Truth Act and Reconciliation Act should be formulated separately. A Commission should be formed for its implementation.
- Amnesty should not be allowed in the incidents of serious violation of human rights and humanitarian law during conflict. Statutory limitation should not be imposed, as in the existing laws, in the cases of sexual violence against women. The TRC should pay attention to these issues.
- Even while carrying out reconciliation at the local level, it should be conducted in the presence of local rights activists. Alternative rehabilitation policy should be applied to small groups with motives of revenge.

Activity 4: Publication and dissemination

Whole documents including the resource materials produced under this project and views expressed by the participants have been published. The publication has incorporated the materials on "TRC and various aspects of reparation". Outline of the publication in Nepali language entitled "Truth determination, justice and impunity" is as follows:

Chapter One: Truth determination, justice and impunity

1.1 Transitional justice

- 1.2 TRC
- 1.3 Provisions of reparation
- 1.4 Issues of conflict victims
- 1.5 What should be done for effectiveness of TRC in Nepal
- 1.6 Revelation of truth and role of collaboration for justice
- 1.7 Issues of conflict victims and instrument of truth finding, justice and reconciliation

Chapter Two Verification, justice and livelihood of conflict victims

- 2.1 Access of conflict victims to justice and transitional period: Discussion paper
- 2.2 Verification of conflict victims: Need, challenges and way out
- 2.3 Livelihood and access to justice for conflict victim women
- 2.4 Access of conflict victims to sustainable livelihood: Concept note
- 2.5 Issues of conflict victims and instrument of truth finding, justice and reconciliation

Chapter Three: Some international experiences and seeking truth

- 3.1 International experiences
- 3.2 Shadow tribunal for furthering change

Report section

1. Workshop on Access to Justice and Sustainable Livelihood for Conflict Victims
2. Advocacy for social, economic and legal justice for victims of conflict through Truth & Reconciliation Commission

Annexure:

1. Views expressed by participants in the workshop organized on "Access to justice and sustainable livelihood of conflict victims".
2. Views expressed by participants in the interaction organized for advocacy under Social, economic and legal justice for conflict victims project.
3. Copy of write ups and news clippings related to the program.

Note: The publication is in the process of editing, designing and printing; so, the publication will be submitted after its printing.

6. ASSESSMENT OF OBJECTIVES AND OUTCOME

Objectives level

S.N.	Immediate objectives	project	Achievement	Comment / Risk
1	To conduct workshop involving the conflict victims at the local level to identify their issues and raise voice for their resolution.		High	Issues of the conflict victims were identified by holding discussion with them at the local level. The issues were brought to the central level to discuss with the major stakeholders and requested to incorporate them in the mandate of the TRC. Ministry of Peace and Reconstruction was informed of this. Despite this, as this process can succeed only through political agreement, there is still risk whether this will be addressed by the government or not.
2	To conduct advocacy for pressure against government to address immediately the needs regarding livelihood, justice, rehabilitation, compensation and redress of the conflict victims		High	Pressure was exerted against the government for guarantee of the immediate needs of the conflict victims such as livelihood, justice, rehabilitation, compensation, reparation. Advocacy was conducted at the highest level as determined by the project objective. There is risk that the pressure exerted to the government may not bring meaningful outcome, because the CA polls may put this issue under shadow.
3	To enable conflict victims to take benefits from the relief		High	The victims directly benefited by or involved in the project activities may take advantage from the relief programs to be conducted by the

S.N.	Immediate project objectives	Achievement	Comment / Risk
	programs to be initiated by the government.		government. The target groups have been enabled to claim the relief package to be implemented by the government. But it is still not clear whether the government shall bring any effective relief programs for the victims.
4	To raise the issues of conflict victims from local to central level.	High	The project has effectively raised the issues of the victims from the local to central level. Major stakeholders have expressed their commitments to address these issues. But we have to wait to see how far they can fulfill their commitments.

Expected results level

S.N.	Expected results	Achievement	Comment / Risk
1	Social, economic and legal issues of the conflict victims will be identified. Issues of the victims will be raised in the national level.	High	The issues of economic, social and legal justice of the conflict victims were collected as expressed by them in the discussions with them and brought to the national level. Project was successful to raise such issues from the local level to the central level. But, continuous pressure and advocacy is necessary to ensure their implementation.
2	Social, economic and legal justice of the victims of conflict will get priority in the mandate of the TRC.	High	All the stakeholders agreed that the issues of economic, social and legal justice of the conflict victims should get priority in the TRC mandate. They verbally agreed to take initiatives in this regard. But it is yet to be seen how far they can implement in practice. Additional activity in is necessary as the process of TRC is a lengthy one.
3	Issue of justice for the victims of conflict will get priority during the transitional period.	Medium	Efforts are made to place the issues of conflict victims at the centre during transitional phase. This is also accepted by the policy makers and other stakeholders at the national level. Besides this project, other activities have also laid impact in this regard. We have to wait for the impact of effective implementation because the expected result of this activity is to create public opinion at present. Therefore, additional advocacy is necessary by placing this issue at the centre.
4	Stakeholders will be sensitized on the issue of justice of conflict victims.	High	Stakeholders were aware of the needs and issues to be addressed immediately and this project has helped to expand their understanding. We can expect that the sensitization of the major stakeholders on the issues gathered from the local level can contribute to work effectively for the benefit of the conflict victims.
5	The government will formulate necessary policy to ensure social, economic and legal justice for the conflict victims.	Low	We cannot rely totally that the government will formulate policies in favour of conflict victims. Current transitional phase is a reason for this. Every activity related to peace process have come up with political consensus. The issues of conflict victims may not get due priority compared to the political issues. In this backdrop, policies may not be formulated for ensuring economic, social and legal justice of the conflict victims. This is accepted as a risk. The non-government sector may draft a policy and create pressure against government for its implementation.
6	Enabling the conflict victims to express and claim their right to justice and livelihood	High	The participants involved in the project activities got the opportunity to clearly understand their rights to justice and livelihood. This was learning as well as way out for them. The activities were successful to sensitize them of their rights and enabled them to claim these rights. The victims were fully sensitized on how, where and in which agency to claim and express their rights. Knowledge empowers people by

			enabling them to express and claim their rights. The areas covered by this project and the target groups involved fulfilled this need. Hence, it is necessary to expand this program to other areas.
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Quantify output level

S.N.	Quantify output level	Display	Remarks and other achievements
1	Workshop / Interaction with the conflict victims at local level - 5 events	Excellent	Interaction, discussion were held at all the five locations determined by the project. Though the activity was limited to interaction, right groups were formed in Ilam and Morang districts, which was additional achievement. But more financial support is necessary to make them active in the livelihood activities.
2	Interaction/ lobbying dialogue with different stakeholders at national level - 2 events	Excellent	Project target was to conduct 2 events of interaction discussion at the central level but total 3 events were conducted during project period. The first two events focused to guarantee the issues of the conflict victims in the TRC mandate. The third and the final interaction was conducted as a lobbying meeting to finalize draft alternate TRC bill. Though this is not mentioned in the project objective and quantitative output, this activity was necessary to ensure substantive output. The Bill was drafted in collaboration with the LSC.
3	Compilation and publication of Resource Book incorporating project produced materials and programme report - 1000 copies	High	This publication has carried the reports of 2 projects implemented by FOHRID with the financial assistance from Action Aid. The project produced materials of both the activities have also been included. This publication will fulfill the need of advocacy material on the issue of economic, social and legal justice for the conflict victims.

7. PROJECT IMPACT ON TARGET GROUP

Target groups level

The project laid expected impact on the target groups. Status of the impact and risks have been described in the above sections. The target groups have received knowledge on how, where and in which agency to raise their issues if the government forms TRC. Though they agree for reconciliation, they demand that the perpetrators should be punished appropriately. The target groups covered by this project have been sensitive in this matter. They have also been prepared about how to get maximum benefits from the relief programs of the government. They are ready to express and claim their rights with the government. On the basis of the above, we can conclude that the project has achieved the objectives and expected results as envisioned.

Stakeholders level

Impact of the project as envisioned in the objectives and expected results has been found in the major stakeholders. They have realized that the issues of economic, social and legal rights of the conflict victims should be addressed at the highest level through TRC. As an impact of this project, the major stakeholders have expressed their commitment at various forums to include the issues of victims in the TRC mandate. Additional information regarding views and commitments of the major stakeholders is given in Annex 1 & 6.

Policy level

This project played the facilitating and consultative role for advocacy of the issues of conflict victims at the policy level. Efforts of the project have sensitized policy makers to address the issues of the conflict victims. They expressed commitment to prepare TRC Bill according to the needs, expectations and demand of the victims during the project programs and with the lobbying delegation. To this effect, the Ministry of Peace and Reconstruction has informed that it would involve the general stakeholders at the local level in the process of finalizing the proposed TRC Bill. The Ministry has already started such consultation programs. In this backdrop, we can say that the TRC Bill shall be formulated as expected by

the project. Still we cannot claim that the project will have full impact at the policy level as the issue of truth revelation and reconciliation are also political issues.

8. PROBLEMS

Especially two types of problems came to surface during implementation of this project. Firstly, while bringing together the victims from Maoists and government sides, it was seen that they still have the feeling of revenge. Secondly, the victims of Maoist violence were unable to express their true feelings and experiences in the presence of Maoist representatives. Same was true the other way round.

It was seen that the conflict victims at the local level have developed pessimism as the government has failed to introduce special policies and programs for them. At some cases, they were found hopeless about their lives. Clear indication of impact in the livelihood was seen in the conflict victims due to the burden of humiliation and social responsibilities. The feeling of revenge and humiliation was dominant than the feeling of reconciliation.

They expressed their dissatisfaction for unnecessary intervention and discussion imposed by the media and human rights communities. It was visible that they were anxious to arrange means of sustainable livelihood.

9. LESSON LEARNING

Following lessons were learnt during implementation of this project:

1. Revealing the problems of conflict victims is not enough. The victims require substantive assistance.
2. Without proper management, the conflict victims, cannot forget their grievances. Peace and reconciliation efforts with the direct involvement of the victims can facilitate reconstruction of post conflict society.
3. Women and children are most affected by the conflict. The government should ensure skill training programs for women and proper education for children.
4. Assistance through activities directly supporting their livelihood can facilitate reintegration process. Activities supporting livelihood of the victims should go alongwith the activities enabling them to claim and express their rights.
5. Income generation activities alongwith the activities to sensitize on the process of TRC helps in the livelihood and economic aspects of the conflict victims. Such activities for their livelihood and economic upliftment helps for dignified life of the victims and their family members.

10. FEEDBACK FROM TARGET GROUPS AND BENEFICIARY

1. Nepal is currently going through the process of transformation towards peace and democracy. Politics is at the limelight at such a situation. The issues of the victims, revelation of truth and reconciliation may go under shadow when political issues are focused. Continuous advocacy is necessary to cope up with this situation.
2. Activities for sustainable livelihood should go alongwith the activities for revelation of truth and reconciliation. Such visible programs supporting livelihood can make reconciliation meaningful and sustainable.
3. The conflict victims should be organized from the local level to empower them to express and claim their right to justice and livelihood.
4. It is felt that the process of revelation of truth and reconciliation may be affected by national politics. This can abduct the rights of the victims. Continuous advocacy and sensitization is necessary to face this situation.