National Conference on Relief and Rehabilitation of Displaced Persons organized by the National Human Rights Commission on 24-25 March 2008 in New Delhi.

NHRC's RECOMMENDATIONS ON RELIEF AND REHABILITATION OF DISPLACED PERSONS

The following important recommendations and suggestions have emerged at the National Conference on Relief and Rehabilitation of Displaced Persons organized by the National Human Rights Commission on 24-25 March 2008 in New Delhi.

I. General Recommendations

1. Pre-displacement, displacement, relief and rehabilitation should be viewed from a rights based perspective rather than as an administrative/governance issue that focuses on needs of beneficiaries. For instance, the lexicon of welfare/charity ("gratuitous relief" "beneficiary") should be jettisoned for language that respects human rights of the displaced or to-be-displaced people. In all instances of displacement, there should be minimum non-negotiable human rights standards that should be adhered to for all and especially for vulnerable and marginalized groups such as women, children, elderly and disabled.

2. As part of relief and rehabilitation, authorities provide food, potable water, clothing, shelter, basic health care, education etc. It is important to note that access to these basic minimum services is not a matter of welfare or charity but is a human right. Basic minimum standards for such facilities/services should be defined. Recommendations 6 NHRC's Recommendations on Relief and Rehabilitation of Displaced Persons.

II. Recommendations on development induced displacement

10. The basic principles in the National Relief and Rehabilitation Policy [NRRP] must be incorporated in the Rehabilitation and Resettlement Bill, 2007 (R&R Bill)....

23. Social impact assessment and understanding local aspirations are best captured through continuous dialogue with local people who are affected and NGOs. Hence while carrying out social or environment impact assessment, local
people especially those who are likely to be displaced and/or some expert NGOs may be consulted.

\[\text{III. Recommendations on displacement on account of natural and man made disasters including conflicts}\]

27. The Rehabilitation and Resettlement Bill, 2007 must explicitly cover persons displaced due to violence as also due to natural or other manmade disasters. The NRRP as well as the R&R Bill, 2007 have to be comprehensive. The reference to any “involuntary displacement due to any other reason” is very vague. It does not specifically cover conflict induced and disaster induced displacement. Also the definition of disaster has to be widened taking into account the environmental vagaries in different parts of our country. For instance, soil erosion does not fall within the category of natural disaster. (According to Section 2 of the R&R Bill “The provisions of this Act shall apply to the rehabilitation and resettlement of persons affected by acquisition of land under the Land Acquisition Act, 1894 or any other Act of the Union or a State for the time being in force; or involuntary displacement of people due to any other reason.”)

28. In disaster related displacement, rehabilitation is the biggest challenge. There is a need to address as to how one rehabilitates displaced persons in locations similar to their former residence. In instances relating to displacement on account of conflicts, there is a need to focus on what assurances would displaced persons require in order to repatriate to former place of residence voluntarily?

29. People displaced on account of conflicts or natural disasters should be able to return to their former places of residence voluntarily in safety and dignity. Authorities should ensure that their property is protected against destructions and arbitrary and illegal appropriation when they are displaced. When they return to their places of habitual residence, they shall not be discriminated against. Authorities shall assist the returnees to recover, to the extent possible, their property that they left behind or were dispossessed of upon their displacement. Where it is not possible to recover property and possession, then authorities shall be responsible for providing just reparation to them.

30. Temporary Settlement should not be long drawn and there should be a timeframe for the completion of relief and resettlement of people displaced on account of conflict and natural disasters.

31. In the case of conflict, natural or human-made disasters, there is a need for a larger vision, which emphasizes the “prevention” aspect of displacement.

32. The Central Relief Fund (CRF) should be renamed as Central Relief and Rehabilitation Fund (CRRF) and funds should be set aside for rehabilitation of displaced individuals.

33. All affected and displaced persons have the right to security for their physical well being and their property. Security agencies functioning under the
administrative control of the States / Central Government must be geared towards
preventing looting and other anti-social activities, and instilling a sense of security
amongst the affected and displaced persons.

34. All affected and displaced persons have the right to immediate humanitarian
assistance. In particular, they have right to food, shelter, healthcare (including
mental health care) and education. To ensure smooth rescue, relief and
rehabilitation, lists of persons dead or missing as also property damaged fully or
partially etc should be prepared in a transparent manner at the earliest and
authenticated by appropriate authority. Such lists should be given wide publicity
so that people can easily have access to the same. Special attention should be
given to the vulnerable groups, e.g. disabled persons, women, children and elderly
in this regard.

35. All affected persons have right to information about their missing relatives,
friends, colleagues etc. Authorities concerned should put in place appropriate
arrangements to collect information about missing persons and keep their kin/
relatives informed about progress in the matter. Similar efforts should be made
and arrangements put in place about identification of dead and dissemination
of information about them, and handing over their mortal remains to their kin
after following all procedures. Till then, the mortal remains shall be preserved
properly. If the dead are not identified within reasonable time, their last rites
may be performed after obtaining appropriate orders and with full respect for
dignity as per customs of religion to which she/he is believed to belong based
on prima facie evidence.

36. The concerned authorities after reasonable verification shall issue to affected
and displaced persons all documents necessary for the enjoyment and exercise
of their legal rights, such as passports, personal identification documents, birth
certificates, death certificates and marriage certificates. Any lack of access to
such legal documents or not having such legal documents shall not disentitle
them for recompense.