



**“WHAT I WANT IS FOR THE
GOVERNMENT TO HELP”**

NEPAL: ENSURE THE RIGHT TO ADEQUATE HOUSING FOR THE MARGINALISED IN POST-EARTHQUAKE NEPAL

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Cover photo: Dhamini Sherpa, a single woman from the indigenous Sherpa community in Nepal who lost her home in the 2015 earthquakes. Quotation from Padam Bahadur Bishwakarma, a landless man whose house was also destroyed in the earthquakes.

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INTRODUCTION: NEPAL'S 2015 EARTHQUAKES

On 25 April 2015 a massive earthquake hit Nepal, followed by another on 12 May. Two years on, hundreds of thousands of earthquake survivors are still living in temporary shelters. The worst affected are disadvantaged groups, including landless people, who are not eligible for government reconstruction assistance.

SOME QUICK FACTS: 2015 EARTHQUAKES¹

STRENGTH OF THE APRIL AND MAY EARTHQUAKES ON THE RICHTER SCALE 7.8 and 7.3

NUMBER OF DEATHS 8,856

NUMBER OF THOSE INJURED 22,309

NUMBER OF PRIVATE HOUSES FULLY DESTROYED 602,257

NUMBER OF PRIVATE HOUSES PARTIALLY DESTROYED 285,099

NUMBER OF DISTRICTS SEVERELY AFFECTED BY THE EARTHQUAKE 14

NUMBER OF DISTRICTS PARTIALLY AFFECTED BY THE EARTHQUAKE 17

TOTAL DAMAGE COSTS USD 7 Billion

TOTAL AMOUNT OF ASSISTANCE PLEDGED BY INTERNATIONAL DONORS USD 4 Billion



One earthquake survivor from Dolakha district, Kali, described the horror of the earthquakes to Amnesty International researchers:



“My house was destroyed by the earthquake. I was not able to live there. It was spitting stones, so, we had to run away. I stayed in open ground. When the second earthquake [aftershock] came, the house was destroyed at its foundation... All the neighbours helped me. They helped me take out all the broken wood and clothes. They put in place a small [temporary] shelter.”

Kali, whose story was recorded one and a half years after the earthquake, is still living in a temporary shelter and had only just received some assistance from the government to rebuild her house. She is just one of thousands who have endured two winters and monsoons living in shelters made of tarpaulin and zinc sheets. National reconstruction efforts, described below, have been slow and there are key gaps in the design of the government's reconstruction plans.

Kali, a widow from a Dalit community, at her temporary shelter in Dolakha district, Nepal. ©Amnesty International

¹ For more information, please visit the website of Nepal's Home Ministry: <http://drrportal.gov.np/ndrip/main.html?id=0> and [accessed 7 April 2017] and the Post Disaster Needs Assessment conducted in the aftermath of the earthquake: <http://hrpnepal.org/resources-documents/technical-standards-guidance-and-training/pdna/nepal-earthquake-2015-pdna-volume-a/> [accessed 7 April 2017].

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NATIONAL RECONSTRUCTION: EFFORTS AND GAPS

The National Reconstruction Authority (NRA), tasked with leading national reconstruction efforts, was set up by the government of Nepal almost eight months after the first earthquake. The plan adopted by the government and supported by donors was to provide grants to earthquake survivors in three instalments to build earthquake resistant homes once they signed a government housing agreement. Banks assigned to distribute the grants would then disburse the instalments. Furthermore, the Nepali government has promised interest-free and low-interest loans to be available for earthquake survivors who need additional financial support to rebuild their homes.

Since national reconstruction efforts began, Amnesty International has been monitoring the progress through the lens of the Nepali government's human rights obligations, particularly in regard to the right to adequate housing as protected under several international treaties to which Nepal is a party.

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) reads:

“The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself [or herself] and his [or her] family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

1. LEAVING OUT THE LANDLESS



To obtain a government housing agreement, an earthquake survivor must present an “earthquake victim identity card”, citizenship papers and land ownership papers. This immediately prevents landless people (e.g. squatters) who have no land ownership papers or papers demonstrating their relationship with the land (e.g. rent agreement) from receiving the grants. Up to 25% of Nepal's population is estimated to be landless. Women, Indigenous communities, Dalits and other caste-based and ethnic minorities are mostly/disproportionally affected.

Thousands of earthquake survivors continue to live in temporary shelters made of tarpaulin and zinc sheets. ©Amnesty International

One such person is Pema Sherpa. For years she and her husband had been living in a house built on someone else's land. Their house was destroyed in the April earthquake and now they have nowhere to go, and have no money to build a new house.

“If I had money, I would have been able to buy land, but I don't have enough...it is not possible to continue living here, it is their land.”

Tara shrestha, another landless earthquake survivor, told Amnesty International researchers:

“If I had landownership papers things would be different...we would be able to stay in mentally at ease...When it is not in one's own name, will they remove us today, or tomorrow, [we] don't know what will happen.”

Amnesty International interviewed many people whose landlords refused to sign relevant papers to allow residents to rebuild houses lost in the earthquakes. For example, 90-year-old Padam Bahadur Bishwakarma, has been living on his landowners land for around 40-45 years. His house was destroyed in the earthquake and when he asked his landlord to sign official papers to recognize his residence on the land, so that he could obtain the government grant, he refused. Bishwakarma stated “I have no proof of [owning] one piece of straw here. Because I didn't get official papers from the landlord, I did not get the 50,000 Rupees. Now my big problem is that I will die in hardship...The day after I die, they will not allow my wife to stay here. Where will she go, what will she do?”

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2.MISSING FROM THE BENEFICIARY LIST



Since the 2015 earthquakes, there have been three occasions where the government undertook to count the number of legitimate earthquake survivors in need of reconstruction assistance. A survey was initially completed a few days after the earthquakes by local Village Development Committees, with the help of local teachers and leaders. It was followed within a month by a District Disaster Relief Committee assessment which resulted in people being issued with an “earthquake victim identity card”. In early 2016, the Central Bureau of Statistics (CBS) conducted a final survey, and established a list of beneficiaries.

The results of the CBS survey were quite different to the two earlier assessments and due to technical errors and a lack of clarity around the definition of “household”, hundreds of households that had been identified on the other two surveys were left off the CBS survey.

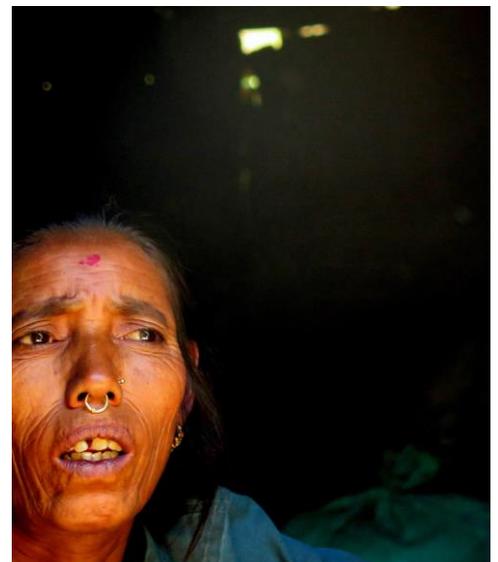
A notice illustrating how to build an earthquake resistant house, Dolakha district. ©Amnesty International

Damini Sarki, for example, was not registered on the beneficiary list even though she had a separate house that collapsed on the land that she co-owned with her niece-in-law, Kali (above). Kali, who had her own house on the land, was listed as the sole beneficiary.

GRIEVANCES

Those who had been excluded from the beneficiary list were able to file grievances. As of 19 March 2017, 205,335 grievances in total were received from the 14 most affected districts. In Dolakha district alone, 21,712 grievances were lodged with the NRA by earthquake survivors, for example because they had been left off the original CBS survey and therefore were not listed to receive assistance, or because they did not own the land on which their original house was built and were unable to claim the reconstruction grant. However, none of those who had filed knew when the responses would arrive, including Damini Sarki:

“I heard rumours that those (names) left off will come after Dasain [November 2016], but I don’t know.”



Damini Sarki at her temporary shelter in Dolakha district. ©Amnesty International



Maina Thami was also left off the beneficiary list. She lived with her husband and children in the same house as her in-laws but in a different part of the house as a separate household. Her father-in-law received the grant because the house and land were registered in his name but Maina’s immediate family has received no assistance. Her father-in-law built a government model, earthquake-resistant house with the grant but as it was too small, Maina and her husband and children could not live there. As a result, they have taken out huge loans to pay to build a separate house, leaving them in serious debt.

Maina Thami at her new house in Alampu VDC, Dolakha. ©Amnesty International

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3.OBSTACLES TO ACCESSING GRANTS



BRANCHLESS BANKING

The government is providing grants of Rs 300,000 (approx. 2, 920 USD) to beneficiaries divided in three instalments. These are tied to stages of construction, with engineers having to verify completion of the building stages according to earthquake resistant standards before the next payment can be received.

Banks were assigned to disburse the instalments, in addition to their regular activities. In some cases, the banks did not have a physical branch in the allocated district, and arranged limited branchless banking distribution centres (BLB). The government backtracked from its early commitments to facilitate an increase in number of these from 200 to more than 600.

A branchless bank point set up in Singati town, Dolakha district, in March 2016. ©Amnesty International

As a direct result of having limited distribution centres, Amnesty International documented many cases of long hours travelled, and costs incurred – monetary, time and health – borne by beneficiaries wishing to collect the instalments. Marginalised earthquake survivors, including the elderly and people with disabilities were sometimes forced to walk many hours to reach their closest BLB or find other, more expensive ways to travel.

For those living in poverty, walking the whole way is the only option. **Mangal Bir Thami** (pictured opposite), a man who has been paralysed on the right side of his body for the last 26 years, had no choice but to walk from his village. When Amnesty International researchers met him en route to the bank, he was unsure how long it would take him to reach the town or where he would sleep that night. The journey for a person without a disability would take five-six hours.



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“What can I do? Even if I die on my way there, I have to go.”

Seventy-five-year-old **Dabali Sherpa** (pictured left) from Alampu had walked for several hours to Singati town to collect the grant instalment but returned in a goods truck the same night, too tired to make the journey back on foot. When Amnesty International researchers interviewed her the next day, she was bed-ridden, unwell from the exertion.

©Amnesty International

A FLAWED NOMINEE SYSTEM

“It’s been two years since my husband went to Malaysia. And today, when I went to get the [reconstruction] money, they told me they needed the signature of the person whose name is on the land ownership papers.”

Dhan Maya Thami – Alampu VDC, Dolakha district.

The person registered on the beneficiary list has to collect the grant money in person. If they are unable to, in theory there is a nominee system whereby a named representative can collect it. However, Amnesty International found numerous problems in the implementation of the nominee system which disproportionately impacted the elderly, people with disabilities and women with husbands abroad, all of whom were unable to start rebuilding as a result.



Dhan Maya Thami (pictured left), for instance, was denied her pay-out when she turned up at the grant distribution centre after a four hour walk as it was her husband whose signature was on the landownership documents – and not hers. She was not allowed to collect the grant money despite the fact that she had signed nominee papers giving to her by a local official. When Amnesty International researchers met her and her sister in law on the way back to their village, they complained that their legs hurt and that they had wasted a day, they were hurrying back as “the children will also cry and the goats and livestock will die of hunger.”

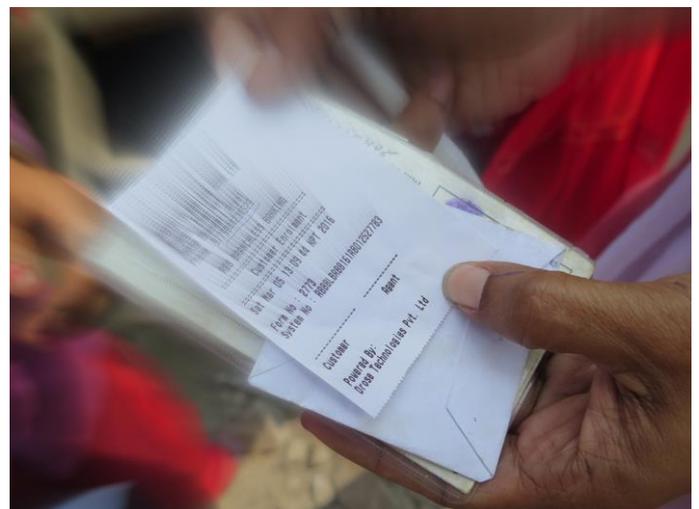
©Amnesty International

According to a local official, their recount was not an exception. Some women with husbands abroad had returned to the grant distribution centres three or four times to see if they could collect their money.

RECEIPTS AND INFORMATION NOT IN LOCAL LANGUAGES

Amnesty International observed that the formal notices of who was registered to receive grants and bank receipts distributed to grantees, which contained important instructions, were in English.

In March 2016, for example, Amnesty International researchers met an Indigenous woman (Thami) with a small child who had walked for a day to open up a bank account so that she could receive the reconstruction grant instalments as her husband was abroad. Upon the completion of all paperwork and fingerprinting, villagers were provided with a receipt and oral instructions to call the number on the receipt in 10-12 days to collect the cheque book. The receipt was in English – including the numerals – and upon seeing it the Thami woman asked “how can I read this?” This was an ongoing problem that impacted those who cannot read or do not speak English.



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4. CONSEQUENCES OF DELAYS IN RECONSTRUCTION: DEBT

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“I have no money and need to feed and clothe my children.” Shanti Maya

Thami, Suspa-Kshemawati VDC, Dolakha district.

Earthquake survivors interviewed by Amnesty International all described how they were to live in temporary shelters, run their lives and even rebuild in the aftermath of the earthquake in the midst of limited livelihood options. The majority of interviewees stated that they had borrowed from local money lenders at varying rates of interest as well as from cooperatives. Thami men in a focus group with displaced settlement at Panipokhari Suspa-Kshemawati revealed that they had taken out loans with local money lenders which was at its lowest rate 36 percent compared to the 28 percent interest in loans that they took from cooperatives. Hari Shrestha had taken a NPR 50,000 loan to make a temporary shelter at 25 percent interest rate and

had sold a pair of buffalos to make ends meet. He stated that he “would not have sold [them] if there had been no earthquake, because we would not have had this hardship.”

The government has made interest-free loans available to earthquake survivors. However, accessibility of such loans for villagers affected by the earthquakes who are unable to provide a guarantee for repayment is unlikely.

5. THE COST BURDEN OF RECONSTRUCTION



In mid-December 2016, the government of Nepal announced that house owners could use either one of the 17 earthquake resistant housing models approved by the government, or build their house according to their own design as long as it met the earthquake-resistant guidelines. According to a donor, cost calculations of the cheapest model according to the labour and materials cited as necessary in the design, an earthquake survivor would spend/need between NPR 2 to 2.5 million. This stands in stark contrast to the NPR 300,000 grants afforded to earthquake survivors.

Rebuilding costs were a key factor in making things extra difficult for those already at a disadvantaged position. Central to this is rising labour costs, from around NPR 500-600 per day before the earthquake to no less than NPR 1000 per day.

“Before [the earthquake], we could get some things cheaply, but now all things have become expensive.” Kirti Thami, Bigu VDC,

Dolakha district.

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6. A LACK OF INFORMATION AND CONSULTATION

The Nepali government has failed in its duty to ensure that people have access to information they need to have a meaningful understanding of the reconstruction efforts. Earthquake survivors interviewed by Amnesty International told us that information distribution ranged from the local leader of the ward notifying you on the road, hearing it from neighbours, or verifying the information at the VDC office.



Kali described the process by which she heard a rumour (*halla*) that she had been included in the beneficiary list. She said that someone told her that her name was on the grantee list stuck on the wall of the VDC, and then she heard another *halla* she had to go to the bank to receive the first grant instalment on a certain date. While it worked for Kali, it was clear from other interviews that there were gaps in information and that reliance on *halla* was not always timely or reliable.

There was a distinct lack of consultation with earthquake survivors on culturally-appropriate models of housing, banking services and the availability of building materials.

Even if consultations may have been difficult with earthquake-affected people, there was also a lack of consultation, information and coordination between levels of government.

Earthquake survivors queuing up with their official documents in order to collect the government grant instalment in Singati town, Dolakha district. ©Amnesty International

In the words of VDC Secretary of Kabhre, Dolakha district, Narayan Prasad Dahal:

“We don’t have a culture of asking how to do things at the lower level, we do what the centre tells us to do. What the centre saw, it wrote down, and when it came down from the centre to here, problems arose”



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RECOMMENDATIONS

GOVERNMENT

- Ensure the right to adequate housing to all earthquake-affected persons giving due priority to the most disadvantaged groups including landless persons;
- Effectively implement policies to ensure landless people and multiple households under one roof who had their homes destroyed receive cash grants based via investigation by government official and through testimonies of neighbours and people in their communities;
- Redesign the grant distribution system via consultations to ensure only banks within the local areas are selected;
- Provide adequate additional top-up grants especially for marginalised groups for transportation of construction materials;
- Prioritize clarification and immediate implementation of effective functioning of the nominee system;
- Provisions should be made to provide additional shelter requirements for earthquake affected for the coming monsoon and winter;
- Use Nepali in official notices and local languages where possible in community radios to announce dates and times of banking and all other reconstruction-related services and use SMS notices as a back-up wherever possible;
- Prioritize the resolution of grievances.

DONORS

- Ensure that all international assistance and cooperation to the Nepali government is directed and distributed in a non-discriminatory manner, prioritizes the most disadvantaged and promotes gender equality;
- Donor and other governments and international agencies that are providing financial or technical assistance to the Nepali government should put in place safeguards to ensure that their funding or the initiatives that they are supporting do not lead to human rights violations.



Nur Bahadur Maji sits in front of his damaged house in Dolakha district. ©Amnesty International

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Earthquake survivors from disadvantaged groups generously shared their stories of hardship with Amnesty International. Their experiences illustrate the gaps in reconstruction which need to be urgently addressed by the Government of Nepal.