



**UNITED NATIONS HUMAN  
RIGHTS COUNCIL**



# Shishukunj Model United Nations Conference 2015 Committee: United Nations Human Rights Council

Shishukunj Model United Nations 2015  
Conference

## UNITED NATIONS HUMAN RIGHTS COUNCIL

### **Study Guide**

Agenda: Human Rights of Internally Displaced Persons

### **Executive Board**

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## Letter from the Executive Board

It is our pleasure to welcome you to second iteration of the ShishukunjMUN this year and to the Human Rights Council.

The UNHRC with its 46 member states and numerous other non-governmental, international organisations is responsible for the protection and promotion of human rights around the world. . As a socio-cultural committee, having dealt with many nuanced issues, the UNHRC has often confronted problems with regard to emerging sects of population, their rights, acceptance and comfortable assimilation in the society. Keeping in mind that each action of this committee affects every single citizen of the world – from a labourer in Sierra Leone to a CEO in the United States- it is important to note that the social lives of people depends on our decisions.

Even after addressing important issues including freedom of expression , freedom of belief and religion, women’s rights, LGBT rights and the rights of racial and ethnic minorities there still hasn’t been enough discussion about millions who are stranded within countries due to calamity, war or political unrest, namely the Internally Displaced Personnel (IDP). So, the agenda of the Human Rights Council for this year’s conference is ‘The Rights of Internally Displaced Personnel (IDP)’. With the IDP increasingly becoming a major part of the world population it is necessary that they-who have been neglected-with some aid from the HRC, contribute to growth as responsible, productive and socially secure citizens benefitting from every right any other citizen enjoys.

Underlining the seriousness of the issue at hand delegates must understand their responsibility and act as true diplomats. We expect every delegate to be well researched on their countries and with the agenda and hope the study guide helps you find a direction but in no way limits your research. Understanding foreign policies and international relations will help you act as true representatives of your respective nations and form meaningful collaborations. Being well versed with the rules of procedure will enable you to put your points forward without hesitation. For all delegates attending a MUN for the first time, we would like to say that the number of MUNs one has attended doesn’t really matter if you have the desire to participate. We expect delegates to behave respectfully and contribute to the committee to their full extent and at the same point hope that all the delegates are able to come up with logical and comprehensive solutions. We look forward to meeting all of you at the conference!  
Until then



Best wishes

Executive Board

United Nations Human Rights Council

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## The Committee

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year

The UNHRC comprises of forty seven members elected directly by secret ballot of the General Assembly for a membership that is based on equitable geographical distribution. It convenes a minimum of three times a year, with a total annual duration of at least ten weeks. . It meets at the UN Office at Geneva.

### **History of the Human Rights Council**

Human Rights are undeniable prerogatives that are established by birthright and are available to all human beings. They only received formal recognition when the United Nations Charter was signed after World War II, back in 1945.

The United Nations has remained committed to promoting and encouraging respect for human rights and for fundamental freedoms for all. The Universal Declaration of Human Rights, 1948, a treaty based mechanism, was adopted by General Assembly as a 'common standard of achievement' for all people and countries to promote human rights.

The Human Rights Council was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251 to work for human rights so that people enjoy their fundamental rights. Its first session took place from 19 to 30 June 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms.



The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, and independent experts and working groups that monitor, examine, advice and publicly report on thematic issues or human rights situations in specific countries.

## **1.2 Powers and Functions of the UNHRC**

The functions and power of HRC were developed to allow it to make an impact on the status of human rights. Powers and actions of the body include:

- Undertaking visits to various countries;
- Analysis of gathered information in order to contribute to the development of international human rights standards;
- Raising public awareness of human rights violations and
- Introducing annual reports to the Council and the Assembly

## What is meant by ‘Internal Displacement’?

The term “internal displacement” describes situations in which individuals and groups are forced or obliged to leave and remain away from their homes, but remain within the borders of their own countries. Internal displacement occurs typically in response to armed conflict, persecution, situations of widespread violence, natural and human made disasters and, more recently, large-scale development projects. However, both the scale of the problem and the nature of the response have become far more significant in the last two decades.

## Who are IDPs?

Although the issue of internal displacement has gained international prominence during the last fifteen years, a single definition of the term remains to be agreed upon. Questions of who should be covered by the category whether it is a useful one and the consequences of applying it in humanitarian interventions are widely debated. The most commonly applied definition is the one coined by the former UN Secretary-General’s Representative on Internally Displaced Persons, Francis Deng, and used in the Guiding Principles on Internal Displacement:



***Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.***

This means they remain under the jurisdiction of their home country (even if their country is the persecutor) and retain the same rights that the citizens of the country are guaranteed. They are not under the responsibility of international law or international institutions like the United Nations High Commissioner for Refugees (UNHCR).

### **IDP and Refugees**

The main difference between IDPs and refugees is that the internally displaced remain within the borders of their own country. Refugee status entitles individuals to certain rights and international protection, while being an IDP is not a legal status because IDPs are still under the jurisdiction of their own government and may not claim any rights additional to those shared by their compatriots. However, IDPs are often in need of special protection, not least because the government responsible for protecting them is sometimes unwilling or unable to do so, or may itself be the cause of displacement.

The definition of a refugee was determined in the 1951 Convention relating to the Status of Refugees. It was decided to be someone who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.” International refugees are under the authority of international treaties and the UN High Commissioner for Refugees (UNHCR).

Despite the differences in legal status and of entitlement to aid from the international humanitarian community, the causes of displacement and the experience of being displaced are often similar for both IDPs and refugees. Much like refugees, IDPs often feel like strangers in their place of refuge, where the local population may be from a different ethnic and/or religious group and/or may speak another language. Consequently, IDPs may not feel welcomed, despite sharing the same citizenship as the host population. There has been some debate surrounding whether IDPs and refugees should be grouped as a single category,



and consequently whether the challenges caused by them should be handled by the same institution.

## History of the Problem

Unlike refugees, IDPs do not benefit from a specific international regime exclusively devoted to ensuring their protection and assistance. Instead, they are subject to the many actors involved in providing assistance, protection, and development aid in a conflict situation, including UN agencies, human rights organisations, and international and local NGOs.

The topic of the rights of Internally Displaced Personnel gained international recognition from 1980s and continued to be a controversial topic for debate between various countries. Here is the summary of the internal response as gained by IDPs across the globe.

Late 1980s	Internal displacement emerges as an issue on the international agenda
1991	End of the Gulf War and flight of Iraqi Kurds up to Turkish border prompts 'Operation Provide Comfort' which creates a 'safe zone' for IDPs in Iraq.
1992	On request from the UN Commission on Human Rights, the UN Secretary General appoints Francis Deng as Representative Secretary General (RSG) of Internally Displaced Persons.
1993	RSG issues first annual report and recommends the creation of a new UN agency or modification of the mandate of an existing one (such as the UNHCR) to cater more specifically for the needs of IDPs.
1996	Faced with resistance to the idea of a dedicated/lead UN agency for IDPs, the RSG alters his position and supports the IASC's collaborative approach among UN agencies. Global IDP project established in Geneva by the Norwegian Refugee Council.
1997	UN Secretary General appoints Emergency Relief Coordinator as focal point for IDPs in the UN system.





1998	Guiding Principles on Internal Displacement presented to the UN Commission on Human Rights.
1999	Global IDP project launches IDP database at the request of the UN.
2000	Interagency Standing Committee adopts IDP policy. ERC establishes Senior Inter-Agency Network on Internal Displacement.
2001	Global number of IDPs reaches 25 million and remains largely unchanged for the following years.
2002	Internal Displacement Unit (since 2004 division) created within OCHA.
2004	UN Secretary General appoints Walter Kälin as Representative on the Human Rights of Internally Displaced Persons. IASC adopts revised IDP Policy Package to strengthen the 'Collaborative Response'.

## Causes of Internal Displacement

While the causes of displacement may be innumerable, displacement in most countries and situations is a result of the following;

### **Conflict-related Displacement**

Patterns of conflict-related displacement often depend upon the type of conflict, the military strategies employed by the fighting groups, the duration and intensity of the conflict, and the extent of destruction caused by it. In Afghanistan, Nepal, Myanmar, Pakistan, Sri Lanka and the Philippines most recent displacements have been due to conflict, either between different ethnic groups or due to fighting between the government and insurgent groups. Along the Thai-Cambodian border, displacement has been taking place for years due to a long-drawn border dispute.



In 2010, approximately 300,000 people were displaced in south Kyrgyzstan due to ethnic violence between the Kyrgyz majority and the minority Uzbeks. Humanitarian organizations estimated that 63,000 IDPs had returned to their homes by September 2011 although they still lived in unfavourable circumstances. At the same time, approximately 4000 IDPs awaited rehabilitation. The ethnic dispute was fuelled by political developments and instances of sexual violence, armed attacks, arson and looting. The Uzbek minority reported that the police, who especially targeted the most vulnerable people, had subjected them to extortion. The Uzbeks feel socially and economically excluded from the society, and feel insecure because their perpetrators have largely remained unpunished. On the other hand, the Kyrgyz fear retaliation from the Uzbeks and hence are unwilling to reach a settlement. About 70 international organizations helped assist IDPs in this situation, and the United Nations was able to raise US\$ 66 million for rehabilitation purposes.

The 2002 communal riots in Indian Gujarat, as well as the border skirmishes between India and Pakistan along the Line of Control (LOC) have also been a cause for massive displacement. In the early 2000, there were approximately 29,000 displaced families registered in Jammu. Of these, 14,200 received government aid because of their status of IDPs whereas the other 14,800 were supported by government funds as many of them were headed by former government officials who either got retirement benefits or got payment of full salaries since 1990. The government also started a system of food rationing, and began the construction of 4600 single-room, temporary housing for IDPs in camps. However, these solutions cannot be sustained in the long run and are an economically and socially inefficient strain on the government's resources.

Myanmar's post-colonial experience has been greatly affected by military rule and insurgencies organized by distressed minority ethnic groups. For the most part, the military junta has even denied the existence of IDPs. This is a significant concern because IDPs cannot be helped until they are first recognized as IDPs. In Sri Lanka, the minority Tamils and the Sinhalese had been uprooted and deprived of their course of livelihood, personal assets due to a conflict between Tamil rebel forces and the government. It severely compromised fundamental human rights, economic and social development, and democratic freedoms in the country.

### **Development-related Displacement**



In the past few decades, indigenous people in the Bandar ban (Bangladesh), Rabigaon, Golai, Somthana and Ahmadabad (India), and Trincomalee (Sri Lanka) were force to vacate their lands to name a few examples. The eviction was carried out on the pretext of modernization.



In Pakistan, more development projects to reduce poverty, population explosion, illiteracy, and illegal drug trade have been initiated every year, which has also meant greater displacement. Since its independence in 1947, Pakistan has constructed 81 dams of varying sizes. The construction of these dams has displaced thousands of people who still face resettlement problems. For example, the IDPs of Mangla

and Tarbela dams are still waiting to receive full compensation for their displacement. In other cases, local communities harassed IDPs who received compensation. One example of this is the forceful land grabbing by influential people in areas where IDPs seek resettlement.

For the construction of Tarbela Dam 96,000 people were displaced and approximately 120 villages were destroyed. Pressure from the World Bank has sometimes speeded up the process of compensation. However, most people who were allotted lands were either never given lands by the government or were forcefully evicted by influential local people who did not want IDPs to settle in their area.

In India, about 21 million people were displaced internally between 1955 and 1990 because of development projects, such as those relating to mining, building dams, industrialization, and creation of wildlife sanctuaries. While these examples show mistreatment of development-related IDPs these in no way oppose the creation of sustainable development projects. The HRC must realize that in cases where development causes civilian displacement, the governments must ensure the protection and rehabilitation of IDPs before the projects are started and people are forced to move from their lands.



## **Natural disaster-related Displacement**

As a land of various topographical complexities Asia has seen a fair share of natural calamities. From 1998 to 2001, there was drought in Pakistan that caused devastation of human life, livelihood and homes. In Baluchistan alone, about a million people were displaced due to the drought. Over a hundred thousand people were displaced in Sindh and Cholistan. The Pakistani government created an emergency policy and relief fund for the victims and in 2000, Rs. 900 million was donated to the provinces of Sindh and Baluchistan. However, since most of the affected people were nomads, there is uncertainty about how effectively the government dealt with the crisis faced by local people.

Alternatively, displacement could simply be caused by natural factors that may not be a calamity. For example, the natural shifting of the river Ganges has led to an erosion of the river banks that has forced people in Bengal to continuously move their settlements. Even though people have time to move their belongings and shift homes; this is still a disruption in their normal lives. Many of them often lack resources to move their homes and are devastated by this situation. In such seemingly less alarming situations, the government should still take up responsibility and ensure resettlement of civil IDPs.

In many countries, like Pakistan, the government lacks adequate disaster management strategies. Emergency response squads are not well trained, and policies are carried out on an ad hoc basis. Another striking issue in the rehabilitation policies of local governments is their focus on providing relief rather than addressing the primary causes of the vulnerabilities in order to prevent destabilization and future displacement. These factors mean that governments are often unprepared to deal with displacement issues and thus, IDPs in these regions are likely to remain underprivileged for a long time.

Often, people who are forced to flee have to walk for many days under unpleasant circumstances to find suitable shelter. They do not know whether they will ever find protection and for how long they will survive. Underdeveloped infrastructure and unreliable governments make it difficult for displaced people to survive, let alone hope for rehabilitation. In Afghanistan, IDPs usually become victims of active landmines. In Pakistan, people leaving Kurram were unable to flee because the road to Peshawar had been barricaded during the fighting. In Myanmar and Indonesia, IDPs fleeing from counter-insurgency operations in jungles faced constant risk of human rights violations at the hands of the



government. Such unfortunate situations are rampant, and any future solution to the problem of IDPs must address these issues.

## Problems Faced by IDPs

The effect of internal displacement on IDPs themselves, as well as on the local authorities and communities that host them, can be devastating. While the act of displacement itself often may violate the human rights of those affected, the subsequent loss of access to homes, lands, livelihoods, personal documentation, family members, and social networks can negatively affect the ability of IDPs to assert and enjoy an entire range of fundamental rights. Most obvious, IDPs immediately become dependent on others for basic needs such as shelter, food and water. At the same time, their vulnerability may be increased by barriers to accessing health care, education, employment, economic activities, and electoral politics in their areas of displacement. Moreover, the longer displacement continues, the greater is the risk that traditional family and social structures break down, leaving IDPs dependent on outside aid and vulnerable to economic and sexual exploitation. Such dependency, in turn, reduces the chances of durable solutions and sustainable reintegration into society.

### **Food**

Food is necessary for survival; its provision, therefore, is an essential precondition for the exercise of virtually all other human rights. The right to an adequate standard of living includes the right to adequate food. The right to adequate food is fulfilled when every man, woman, and child has physical and economic access at all times to adequate food or means for its procurement.

The core obligation of states in respecting the right to adequate food is to take necessary action to mitigate and alleviate hunger and to refrain from any activities that would hinder access to available food. In all situations, the right to adequate food must be ensured without discrimination of any kind.

Displacement disrupts access to food by both separating those who supply themselves with food from the means of producing it (for example, productive land) and separating those who purchase their food from both the income sources and the markets necessary to buy it. As a result, all IDPs, regardless of the causes of their displacement, tend not to enjoy access to their traditional sources of food and therefore are inherently vulnerable to deprivation of this



most vital resource. Inadequate food exposes the most inherently vulnerable members of IDP communities—children, pregnant or lactating women, and the ill and the elderly—to specific health risks, and culturally inadequate food may be rejected, particularly by indigenous peoples. IDPs often suffer the consequences of disruptions in food supply caused by bureaucratic hurdles or weak institutional arrangements.

The obstacles to economic self-sufficiency typically faced by IDPs often leave them dependent on humanitarian aid for their daily food. Such dependency creates the immediate risk of sexual exploitation by those in charge of food distribution and underscores the importance of laying the ground for durable solutions by ensuring that IDPs' existing livelihood skills are retained and passed on and new livelihood skills are acquired. Some IDPs may have suffered from chronic food insecurity prior to displacement, increasing their vulnerability to malnutrition and complicating their prospects for durable solutions based on food security.

Coping strategies adopted by IDPs in response to food shortages or inappropriate or inadequate food aid often raise fresh protection risks. For instance, attempts to supplement food aid by leaving encampments or safe areas to seek food or outside income may expose IDPs to the risks of attack and sexual violence. Even when adequate food supplies are available, distribution systems that force IDPs to carry food long distances and do not provide food directly to vulnerable categories of IDPs may increase the risk of attack and exploitation.

Finally, often IDPs may find themselves resented by neighbouring communities, both during displacement and on their eventual return home, because they may receive food of a higher quality than the food available to others or because they may compete for available sources of food or means of procuring food, jeopardizing local food security.

### **Water and Sanitation**

The right to an adequate standard of living includes the right to adequate water. Fulfilment of that right not only involves the supply of potable water for drinking, cultural and productive activities, washing, and food preparation; it also involves measures to prevent, treat, and control diseases linked to water, in particular through adequate sanitation.



The core obligations of states with respect to the right to adequate water include ensuring secure access to the minimum essential amount of safe water that is sufficient for personal and domestic uses to prevent disease through provision of water facilities and services at a reasonable distance from each household. In all situations, states have an immediate obligation to ensure adequate water without discrimination of any kind.

As a result of their displacement, the internally displaced typically are cut off from the sources of water that they relied on prior to displacement for their personal and household needs. The supply of potable water and sanitation services where they find themselves displaced may be inadequate or nonexistent. The lack of sufficient potable water can endanger lives and health, and it poses a particular risk to groups vulnerable to dehydration, such as children and the chronically ill. When water supplies exist, they may not be of sufficient quality to guarantee safe consumption. The manner in which water and sanitation facilities are provided may also fail to correspond to important social or cultural practices of IDP communities. In the absence of sanitation facilities and good hygienic practices on the part of displaced communities, the disposal of human excreta can encourage the spread of disease and render local water supplies unsafe. The provision of water and sanitation facilities to displaced persons can also lead to new risks in cases in which insufficient privacy or long distances to water and sanitation facilities leave women and girls exposed to rape and other gender-based violence. New strains placed by displaced populations on local water resources can also heighten tensions with host and neighbouring communities, particularly in cases where water is needed not only for personal needs but also for economic activities, such as raising livestock and cultivating crops. In the context of durable solutions, water services and facilities often must be restored at sites of return and sustainable solutions must be sought for the water needs of displaced persons who choose to resettle. Disputes over water rights often are a root cause of armed conflict and reintegration measures should seek to assess and minimize the risk of new or renewed tensions over water resources.

### **Basic Shelter and Adequate Housing**

All persons enjoy the right to adequate housing, as a component of the right to an adequate standard of living. The right to adequate housing entails the right of every person to gain and sustain a safe and secure home and community in which to live in peace and dignity. States are under a continuous obligation to take whatever steps are possible and necessary to achieve adequacy of housing, in



consultation with those affected, including the homeless. In doing so, particular consideration must be given to the needs of groups living in unfavourable circumstances, such as IDPs.

Discrimination on the basis of displacement is forbidden in the provision of adequate housing, and IDPs should be recognized as a disadvantaged social group entitled to particular consideration in the implementation of national housing policies. In practice, this means that competent authorities in displacement settings should strive to meet relevant minimum standards (in the form of national safety or habitability rules and international guidelines), both by continually seek to provide better housing alternatives and by following timelines for improving, upgrading, or replacing the least adequate forms of shelter occupied by IDPs. However, displacement of IDPs deprives them of homes that provide shelter from the elements as well as privacy and protection of their person and possessions from intruders. Along with access to food, potable water, sanitation, and essential medical services, shelter is one of the fundamental and immediate needs of IDPs, without which their lives will be at risk. However, the deprivation of the basic protective physical features of homes is compounded for IDPs by the loss of access to jobs, livelihood resources, education, and social services that they typically enjoyed in their former homes.

In cases of unplanned or unanticipated displacement, no contingency plans for the provision of shelter may be in place, requiring IDPs to “self-settle” in areas of safety, often without any secure tenure in the rural or urban informal settlements that may result in no initial support from the competent authorities or international humanitarian actors. In some cases, IDPs may find shelter through “host family” arrangements in which friends, relatives, or other private individuals take them in, sometimes on the condition of rental payments. In other cases, IDPs may be allocated (or simply take up residence in) “collective centres,” habitable pre-existing buildings such as hotels, schools, or administrative buildings. In some cases, self settled IDPs may be traumatized by their experiences and actively avoid any identification as IDPs or even any such contact with public authorities that may be necessary for them to register for assistance.

Whether self-settlement takes a “dispersed” form, with displaced families scattered throughout rural settlements or urban neighbourhoods, or is more heavily grouped in the form of informal or formal camps or collective centres, it is associated with a number of risks. Influxes of IDPs may often provoke resentment among their host-communities by placing new burdens on existing





social services networks, job markets and natural resources. These tensions can lead to discrimination and economic exploitation of IDPs or even attacks and gender-based violence. Where IDPs are in dispersed settings, it may be harder to monitor their situation and ensure that they have access to humanitarian assistance and are not subject to arbitrary evictions from private rental accommodations or collective centres. Where they are concentrated, they can be more easily accessed, but people in overcrowded collective shelters, camps, or settlements may be particularly at risk of contagious diseases, sexual and gender-based violence, forced recruitment, and infiltration or attack by armed groups.

The right to housing is included in some national constitutions, and many countries have national plans for ensuring the provision of housing to poor, under-housed, or homeless groups. The many components of adequate housing are usually regulated through a variety of national laws ranging from zoning regulations, building codes, and rules on utilities and service provision to laws regarding lease relations and setting out various forms of assistance and subsidization for low-income tenants and homeowners. However, such domestic frameworks rarely anticipate internal displacement and are typically not sufficient on their own for the development of a response to the shelter needs of IDPs.

## **Health**

Every person has the right to enjoy the highest attainable standard of physical and mental health without discrimination. The right to health encompasses not only access to timely and appropriate health care but also to “underlying determinants of health,” such as access to an adequate supply of safe and nutritious food ,safe and potable water and adequate sanitation , and housing , as well as other human rights standards including healthy occupational conditions and access to health-related education and information .Other determinants of health include hospitals, clinics and other health-related facilities, trained medical and professional personnel who receive domestically competitive salaries, and essential drugs.

As a result of displacement, IDPs generally lose access to medical facilities, goods, and services they previously relied on for physical and mental health care. Displacement also undermines protective social and community networks that foster mental health and psycho-social well-being and leads to deterioration in



virtually all the underlying determinants of the health of those affected, with reduced access in particular to food, water and sanitation, and housing. The experience of displacement tends to aggravate pre-existing physical and mental conditions, and deprivations, injuries, and trauma sustained during displacement can give rise to new health conditions, including post-traumatic stress disorder (PTSD) or other mental health problems. IDPs are at high risk of attack, injury, and sexual assault in the course of flight, and they often find themselves isolated from family and social networks and without access to medical care where they find refuge.

Where large numbers of IDPs are displaced in relatively sparsely settled areas, their health needs may threaten to overwhelm local systems. IDPs' access to local medical services may be limited by the existence of cultural and religious traditions that are not compatible with the health and medical practices of the host community. In other situations, the two communities may not share a common language. In many domestic systems, access to health services may be contingent on personal documentation establishing IDPs' identity and other relevant information such as eligibility for social security benefits. However, IDPs rarely dispose over or have access to such documentation. Likewise, both formal and practical difficulties may arise in situations where IDPs with chronic mental or physical illnesses do not have access to medical records establishing prior course of treatment.

Sometimes, IDPs are confronted with a lack of medical services that are capable of reaching remote areas not covered by regular health services, where IDPs are displaced. IDPs may also face an insufficient response during the emergency phase of displacement, with large numbers of cases overwhelming existing clinics and hospitals.

In situations where IDPs are displaced in the vicinity of existing medical facilities, they may nevertheless lack access to them because of discrimination, concerns about the burden they will place on local health service provision, and linguistic or bureaucratic obstacles. IDPs frequently do not have access to their documentation, making it difficult to establish their identity for the purposes of seeking medical treatment or to produce medical records establishing pre-existing conditions and courses of treatment. In situations where IDPs are displaced in areas inaccessible to existing population centres, IDPs continue to suffer avoidable deaths and infirmity unless basic medical facilities are set up quickly to meet their basic needs. In some cases, failure to understand and respect the cultural and religious traditions of displaced communities in



providing medical care may render it inaccessible to them (for instance, where no female doctors are present, female IDPs may refuse to be examined).

The nature of IDP shelter and settlements can jeopardize their health in cases in which high population density, lack of privacy, and inadequate sanitation increase the risks of attacks, sexual assaults, and the spread of contagious and water-borne disease. Subgroups of IDPs that are particularly likely to need medical care, such as women, children, the elderly, the physically and mentally disabled, and those suffering from chronic illness or HIV/AIDS or trauma, are exposed to particular risks by its lack. Lack of access to medical services also creates the risk that IDPs will not receive medical documentation vital for the exercise of their rights, such as birth certificates for their children born during displacement and death certificates for deceased relatives and spouses.

Consultation with the affected communities can help to identify health risks and issues as well as effective coping mechanisms and strategies adopted to deal with them. For instance, IDP communities may engage in preventive or healing techniques that can complement the provision of formal medical services. Encouraging IDPs to maintain traditional health practices is also one way of encouraging community responses to displacement that can contribute to IDPs' psychosocial wellbeing by rebuilding or replicating protective family and community networks disrupted by displacement. Consultation with IDPs can also identify harmful traditional practices and the particular medical needs of vulnerable groups within IDP populations. During armed conflicts, in particular, states must fulfil their obligation to provide the highest attainable standard of physical and mental health by giving medical attention to the wounded and sick as well as by seeking, permitting, and facilitating international humanitarian support and passage of medical supplies as well as ensuring the safety of medical workers. In some displacement settings, international humanitarian agencies have demonstrated the capacity to set up health facilities, such as field hospitals dedicated to providing essential care to disaster victims.

## **Education**

Every human being has the right to (in principle) free and compulsory education at the primary level, as well as to access to secondary education, including general and vocational education that is free or subject to financial assistance in case of need. Educational services and facilities should be within safe physical reach. The general goal of educational curricula should be the preparation of



children for responsible life in a free society, in the spirit of understanding; peace; tolerance; human rights; equality of the sexes; and friendship among ethnic, national, and religious groups. Many national constitutions set out a general right to education, and some go into more detail on how the right should be implemented, for instance, by guaranteeing free and compulsory primary education

However, as result of displacement, IDPs lose access to educational facilities and services. Schools and training facilities in places of origin are no longer safely accessible and may be destroyed, while teachers and administrators are often dispersed. Arranging for education where IDPs find themselves displaced is often complicated. If IDPs are located in camps or grouped shelter that is remote or inaccessible to local population centres, then primary education facilities (at least) must be built up from scratch within the camp, an undertaking which is often complicated by lack of resources and expertise.

On the other hand, where IDPs do enjoy access to local school systems, a number of other problems typically arise:

- IDPs may suffer from discrimination because they do not belong to the local ethnic, linguistic or religious majority group, or may simply not understand the local language of instruction.
- IDPs may have no other shelter options than collective centres normally used by the local community as schools, presenting an obstacle to education for both displaced and non-displaced children.
- Where local schools are available, the arrival of large groups of displaced children can lead to overcrowded classrooms, straining the relationship with host communities.
- Where local schools are located at a distance from IDP settlements, travelling to school may be dangerous where the route goes via mined areas or security checkpoints where children may be subject to harassment, forced recruitment, or abduction.
- IDPs often lack personal documentation; lack of identification or records attesting to prior enrolment or the level of studies that displaced children have completed can prevent them from registering locally for education; such



bureaucratic obstacles can also prevent displaced teachers without access to proof of their qualifications from providing badly needed instruction.

- In some cases, local residency requirements and other bureaucratic requirements can prevent enrolment of IDPs in local educational facilities.
- School fees, other costs such as books and uniforms, or in some cases the need to pay bribes to teachers and administrators can render education unaffordable for IDPs, in light of the impoverishment risk that typically accompanies displacement.
- Displaced children may find themselves either required to abandon school in order to contribute to their family's economic survival, or to work so hard outside of school hours that their education suffers.
- Displacement is often accompanied by physical or psychological trauma in cases when children have been recruited as child soldiers, witnessed atrocities, or been separated from family members. Under such circumstances, displaced children's ability to learn may be limited in the absence of psycho-social care.

The arrival of IDP children in local schools can be expected to strain local capacities, both because of the sudden increase in overall numbers of students served and because of the particular needs and vulnerabilities of IDP children, who are often impoverished and may have suffered trauma or experienced considerable gaps in their education because of the experience of displacement. In some cases, IDPs may even be living in buildings normally used as schools, preventing their use by both the host community and IDP children simply because there is no other place to go. Access to existing educational facilities may not be possible in cases when IDPs are located in places where existing schools are not within safe physical reach; where the local schools are already burdened beyond capacity; or where tensions between IDPs and the host community are too high for IDP children to be able to safely attend local schools. In some cases, IDPs may be within safe physical reach of existing facilities but may not understand the local language of education. Where there is an immediate prospect that such IDPs may be able to return, it may be appropriate to provide separate educational facilities for them and focus on language maintenance.

In the context of return, the education of internally displaced children may be further disrupted because they have to return to areas without schools or



because return takes place in the middle of the school-year without the possibility to enrol at the place of return before the next new school year starts. Instruction may also take place in a language that IDPs do not understand, or it is based on curricula that are offensive or discriminatory, and it may take place in segregated facilities.

Loss of access to education may have long-term effects in terms of the livelihood and life prospects of those affected. Immediate risks associated with deprivation of education include the loss of a stable routine and structure in the daily lives of displaced children and increased vulnerability to economic and sexual exploitation or military recruitment. Education provides indispensable psycho-social support and protection to displaced children, as well as an opportunity to educate IDPs more broadly in relevant life skills and survival issues (such as mine awareness and HIV/AIDS prevention).

Obstacles to education during and after displacement fall particularly hard on women and girls. Girls face many security risks that boys may not. For instance, in camp settings where schools do not have separate lavatories for boys and girls, the latter may be at risk of sexual assault. In addition, faced with high educational costs and the economic strain of displacement, IDP families may prioritize boys over girls, limiting the latter's life chances. Former child soldiers also face particular challenges in catching up with the years of education they have missed.

Because of the particular challenges faced by IDPs in accessing education, special measures should be taken to ensure that all IDPs—and particularly displaced women and girls as well as former child soldiers—are able to exercise their right to education.

### **Movement Related Rights**

Freedom of movement encompasses the right of everyone lawfully within a country to move freely and to choose one's place of residence within its borders as well as the right to leave one's own country and to freely return to it. By implication, this right also includes freedom from involuntary movement or residence in a place not of one's choosing, implying the responsibility of states to facilitate the voluntary return of IDPs to their original place of residence as well as, if IDPs choose to do so, local integration or settlement in another part of the country. These rights are subject to restrictions where necessary and proportional on the basis of national security, public order, public health or



morals, or the rights and freedoms of others, and these rights may be temporarily suspended in cases of officially proclaimed public emergency. Movement-related rights may often be subject to constitutional protection, subject to specified limitations.

Displacement itself can be defined as the absence of freedom of movement and choice of residence, in that IDPs' vulnerability derives from the fact that they have been forced or obliged to leave their places of residence and remain unable to return home. Sometimes, persons who want to flee to a safe part of the country remain trapped and are not allowed to escape danger zones. Sometimes, they manage to flee but are then forced to go back to their places of origin where dangers still persist.

Once displacement has occurred, IDPs may be subjected to further arbitrary restrictions on their movement. In some cases, such restrictions may be based on remnants of the Soviet propiska system or on similar administrative limitations on taking up residency in other parts of the country, effectively placing IDPs in an illegal situation for having fled from danger. In other cases, temporary measures meant to uphold security such as military checkpoints may effectively restrict the movement of IDPs, particularly in cases where they do not have access to documentation. Finally, once conditions have been created allowing return, the ability of IDPs to exercise their rights by choosing where to continue their post-displacement lives are often curtailed. An important element of durable solutions to displacement is the full restoration of the rights of freedom of movement and choice of residence, allowing each IDP a free choice and appropriate assistance in either returning home, integrating where displaced, or resettling permanently elsewhere.

It is imperative to take concrete measures to allow IDPs to find a durable solution to their being displaced and, in particular, to ensure voluntary choice on the part of IDPs by securing the viability of return, local integration, and resettlement or relocation options. Such measures include provision of information, consultation decision-making processes, physical security, assistance and humanitarian access, transportation, access to the law, restoration of assets, economic and social integration, and political participation. Targeted measures should also be undertaken to identify and address the specific needs of returning IDPs *vis-à-vis* IDPs who choose local integration or resettlement in another part of the country.



## **Electoral Rights**

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives, including through participation in periodic and genuine elections. The most central form of political participation protected by this rule is the right to vote in an election or a referendum (for example, about a new constitution or the future status of a territory). However, the ability to stand as a candidate, campaign, and be elected is another important electoral right that also requires respect for freedoms of opinion, expression, and assembly. In accordance with the principle of universal and equal suffrage, no citizen of a democratic state should lose their electoral rights as a result of being displaced. Political participation rights extend to all citizens, without distinction of any kind, including on the grounds of being displaced. In all situations, women, ethnic and other minority groups, and indigenous and tribal peoples are entitled to participate in the political life of their country without discrimination.

IDPs, who are citizens of their own country, remain entitled to the same political rights as the rest of the population. However, the fact that they are displaced from areas where they may be registered or entitled to vote and often lack access to personal documentation may make it impossible for them to exercise their electoral rights in the context of electoral frameworks that do not anticipate these contingencies. Rules that would be reasonable and harmless under normal conditions can have the unexpected effect of denying IDPs the right to vote by virtue of technical complications that arise from the fact that they are no longer located at their places of habitual residence or origin. In the worst post conflict cases, this can mean that elections or referenda meant to ensure that IDPs can voluntarily return to their homes are inaccessible to IDPs because they are not in their homes. Protection of IDPs' political participation rights in the wake of natural disasters or development projects is also crucial and raises many of the same challenges. Nearly all situations in which displaced persons cannot return to their areas of origin in safety and dignity raise difficult questions about

- (a) Where IDPs should be able to register or re-register as eligible voters *or* stand as candidates;
- (b) Where IDPs should be able to cast their vote by filling in and “tendering” (handing in) a ballot;
- (c) In which constituency or constituencies IDPs' votes should be counted.

Whether IDPs are registering to vote where they are currently displaced or re-registering to vote in their return destination, they will often face difficulties in producing documentation to establish their identity, citizenship, voter





registration or residency. IDPs who want their votes to count in their constituency of origin may be unable to travel there in order to register or cast their ballots for reasons ranging from ongoing security concerns to the costs of travel. It is therefore necessary that states take necessary measures to ensure proper representation and recognition of the rights of IDPs in national political activities.

### **Humanitarian Assistance**

International law does not explicitly provide for a right of internally displaced persons to humanitarian assistance except in situations of international armed conflict, where civilians in occupied territories have the right to directly solicit and receive humanitarian assistance from international humanitarian organizations. However, as assistance is often necessary for the meaningful exercise of rights to adequate food, water, housing, essential medical services, clothing and other necessities, and ultimately, life, certain entitlements to humanitarian assistance are implicit in the provisions of international human rights and humanitarian law guaranteeing a minimum level of subsistence.

All states are obliged to take steps, on their own and with international assistance and cooperation, to progressively achieve the full exercise of these rights to the maximum of their available resources and by all appropriate means. Legislation on humanitarian assistance in many countries covers all relevant situations and beneficiaries, not just displacement. Displacement-specific laws or provisions may be appropriate in order to address specific humanitarian needs of IDPs (for example, camps) or situations of particularly large-scale displacement when separate structures to address the problem are needed.

As a result of their displacement, IDPs are no longer able to access fundamental economic and social rights, particularly those related to an adequate standard of living and the highest attainable standard of physical and mental health. As a result, humanitarian aid comes to represent an important means of fulfilling these rights during displacement with the goal of eventually encouraging the assumption or resumption of their self-sufficient exercise. However, IDPs often face problems with both the accessibility and adequacy of humanitarian aid. In some cases, lack of access may result from IDPs' remote location or lack of information about available aid. In armed conflict situations, humanitarian access to IDPs may be blocked by ongoing fighting and insecurity; the presence of land mines or unexploded ordinance; or by lawlessness, fear of reprisal, or



widespread gender-based violence, and IDPs may be unable to reach delivery points themselves for the same reasons. In other situations, arbitrary distinctions between different categories of IDPs or corruption may prevent access to aid. These factors tend to work most strongly against precisely those vulnerable groups—such as the elderly and disabled, ethnic minorities, or unaccompanied women or children—who need assistance the most but may have limited mobility or face other barriers to access. Moreover, displaced beneficiaries are often not consulted and have little choice but to accept whatever aid is available, regardless of whether the nature, amounts, or means of distribution of such aid is appropriate to their needs.

In some cases, the manner in which aid is distributed can give rise to new protection concerns. Examples include

- Failures to consult with vulnerable groups, such as female heads of household, in planning the distribution of aid, resulting in unsafe or non-transparent systems that deny access to aid to such groups or expose them to risks of exploitation;
- Provision of aid to IDPs in a manner that increase resentment and tensions with surrounding communities or other groups in the area and could expose IDPs to the risk of attack;
- Provision of aid that is insufficient or inadequate, encouraging IDPs to engage in risky coping strategies such as collecting firewood or other necessities in areas where they are exposed to attack or sexual assault;
- Provision of aid that is religiously or culturally inappropriate and thus unacceptable for religious minorities or indigenous peoples.

The above problems may be exacerbated by failings on the part of the competent authorities to exercise their responsibility for provision of assistance. In the worst cases, such authorities may deny the existence of displacement or of any responsibility to provide assistance to those affected and deny entry to international humanitarian agencies or curtail their access to certain parts of the country or certain communities in need of assistance. However, even where competent authorities are committed to meeting their assistance obligations, their intentions may be frustrated by a lack of coherent institutional arrangements and regulatory mechanisms for coordination of assistance on the one hand or a simple lack of capacity and resources on the other. In some cases,



excessively formalistic registration requirements are imposed on IDPs who have no access to documentation .Access for international humanitarian agencies can also be complicated by the failure to waive or facilitate visa and customs requirements, lengthy procedures for applying for domestic legal status, and general insecurity or targeting of aid workers. Finally, in some cases the failures of international actors to coordinate their own roles and presence and to ensure appropriate assistance can present an obstacle.

Matters to consider include factors related to demand, such as the specific needs of IDPs (including vulnerable subgroups) in light of their cultural traditions, the local climate, and so on, as well as factors related to supply, such as available stocks of humanitarian goods and the capacity of roads and other transportation links to places where IDPs are located. Laws and policies should also identify minimum quality standards, for example, for the portability of water or quality of food and materials as well as the actual conduct of assistance. Finally, provision of humanitarian aid generally—and essential medical care in particular—should in principle not be subject to fees or excessive bureaucratic requirements.

### **Property and Possessions**

All persons have the right to ownership and peaceful enjoyment of property and possessions, alone as well as in association with others. Any deprivation of property and possessions and rights related to them by the state or authorized by it must be in the public interest and subject to the conditions provided for by law and by the general principles of international law, including the payment of just compensation. All persons have the right to adequate housing and to freedom from arbitrary or unlawful interference with the home, including the right to legal security of tenure. Indigenous and tribal groups' rights to ownership, possession, and access to lands they have traditionally occupied or used should be recognized and given effect. In all cases in which state obligations with regard to respect for or protection of rights to homes, land, property, and possessions have been violated, the victims are entitled to remedies, including reparations, proportional to the harm that they suffered.

Many national constitutions protect established rights of property and set out rules on the conditions under which property and possessions may be expropriated. Safeguards and remedies exist in virtually all domestic systems against wrongful occupation, confiscation, or transfer of property.



Homes and lands left behind by IDPs often are their most valuable assets and may be central to their livelihoods and identities. Restitution of such assets or compensation when that is not possible is both crucial to the achievement of durable solutions and often necessary as a legal remedy. However, the inherent value of such abandoned properties tends to result in their occupation and use by others. In some cases, such occupation takes the form of unregulated squatting, which, while typically illegal under domestic law, may nevertheless be sanctioned or encouraged by local authorities; in any case, it constitutes a clear physical obstacle to restitution or return. More problematic situations arise when the property rights of displaced persons are contested. Such scenarios can take several forms, including allegations that properties were voluntarily transferred through private contracts; strict application of prescription rules and use requirements without regard to the circumstances that prevailed at the time of displacement; and official reallocation of properties under colour of law. Further obstacles to restitution and return in both armed conflict and natural disaster settings can include

- Unlawful occupation or looting of properties, including destruction of homes, and damage to cultivated land by others;
- Attempts to permanently confiscate abandoned lands by powerful local interests, particularly when the rights of those displaced to abandoned properties were not formally registered or recognized;
- Disputes over property among members of the displaced community that may be exacerbated by loss of documents and the destruction of property registries or landmarks that served to demarcate land plots.

In cases in which restitution rights are accepted in principle, complicated questions arise about the extent and nature of those rights and the procedures for giving them effect. In cases in which restitution does go forward, issues such as insufficient public information about claims deadlines, non-transparent claims processing, and inadequate enforcement mechanisms can still present obstacles. Moreover, when restitution efforts focus heavily on formally recognized rights, they risk excluding marginalized groups that were denied access to property and formal title prior to displacement. Particular risks exist in situations in which women's and orphaned children's rights to inherit, acquire, and possess land are limited by legal or factual barriers, as well as situations in which minority groups—or poor communities—either did not have access to land and property or were unable to acquire formal rights to the land and property that they habitually used. Particular problems arise in the context of customary land administration by displaced indigenous and tribal groups, given the practical



complications inherent in attempts to give formal recognition to forms of traditional collective ownership that often are based on unwritten rules.

The obligation to protect property abandoned by IDPs from destruction and unlawful occupation and appropriation extends throughout their displacement. In addition to continuous measures to monitor abandoned property and protect it from looting and trespassing, competent authorities should undertake measures to document and preserve the property claims of the displaced in order to facilitate assertion of those rights when the conditions for durable solutions are achieved.

### **Employment, Economic Activities and Social Protection**

Rights that enable the achievement of an adequate standard of living include the right to work and the right of everyone, whether working or not, to minimum social security guarantees. The right to work includes the right to gain one's living by work that is freely chosen or accepted and to have access, without discrimination, to the opportunities ensured by the state to realize that right. These include technical and vocational guidance and training programs as well as opportunities arising from state policies to achieve full and productive employment. The right to work also encompasses both the right to be free from forced labour and the right not to be unfairly deprived of employment or dismissed from work. The rights to equal opportunity and treatment in employment and occupation, just and favourable remuneration, and equal and adequate conditions and remuneration extend to all persons, without distinction of any kind, including on the grounds of being displaced.

The general non-discrimination clauses of international humanitarian law applicable during armed conflicts also apply to the areas of employment, economic activities, and social security. Certain minimum standards of working conditions must be respected for certain categories or persons who are made to work during situations of armed conflict. Customary international humanitarian law prohibits uncompensated or abusive forced labour.

In almost all cases, displacement leads to the loss of jobs and livelihoods for people from all social classes—whether subsistence farmers or skilled professionals—and tends to separate them from the assets, resources and social networks they need to provide for themselves and their families. Combined with the dislocating psychological effects of displacement, this inherently gives rise to



an “impoverishment risk” for IDPs. The displaced often find themselves in places where no work is available, or they live in locations too far away from jobs. Even where jobs would be available, they often face discriminatory barriers to training, education, and employment while displaced, whether based on ethnic prejudice, or pragmatic grounds, such as the protection of jobs in host communities or concerns that allowing IDPs to work will encourage them to permanently resettle. In addition, IDPs often face similar barriers in accessing existing social security benefits or joining social security programs; for those dependent on old-age pensions, unemployment allowances, and child benefits, their lack of access to such benefits in many cases has left these extremely vulnerable categories destitute. Sometimes, governments pursue active policies aimed at keeping IDPs away from the labour market and other economic activities with a view to maintaining their readiness to return to places of origin once this becomes possible (for example, after the end of an insurgency or occupation).

As a result, IDPs tend to remain unnecessarily reliant on unsustainable and unpredictable assistance and vulnerable to unprotected work in the informal economy, as well as forced labour, forced prostitution, and underage recruitment. Displaced women are particularly vulnerable to economic dependency and exploitation, both because of traditional child-raising and domestic roles and because they typically have less access to education than men. Meanwhile, displaced children are vulnerable to both exploitative forms of labour and recruitment, placing their physical and mental development in jeopardy and interfering with their right to education.

Over the long-term, IDPs who are not able to provide for themselves may lose skills, opportunities and the will to regain self-sufficiency, complicating their prospects for productive integration in the economy. They may also face ongoing labour market discrimination in the process of resettlement or return. Women IDPs are particularly likely to suffer as a result of lack of access to land or credit, while displaced children are often forced to work under dangerous or exploitative circumstances, disrupting their education. Obstacles to accessing social security benefits may also persist in the course of durable solutions. In many cases, IDP populations or subgroups (such as women or ethnic minorities) were economically marginalized prior to displacement and may have been unemployed or had inadequate access to voluntary, decent work. In such cases, the emphasis both during displacement and in durable solutions should be on economic integration (rather than reintegration) into society through vocational training and other measures to meet their particular requirements.



## Current Situation

On 6<sup>th</sup> May 2015, the Internal Displacement Monitoring Centre (IDMC), part of NRC, launched its Global Overview 2015: ‘People Internally Displaced by Conflict and Violence’ at the United Nations in Geneva. The summary of the report is presented below:

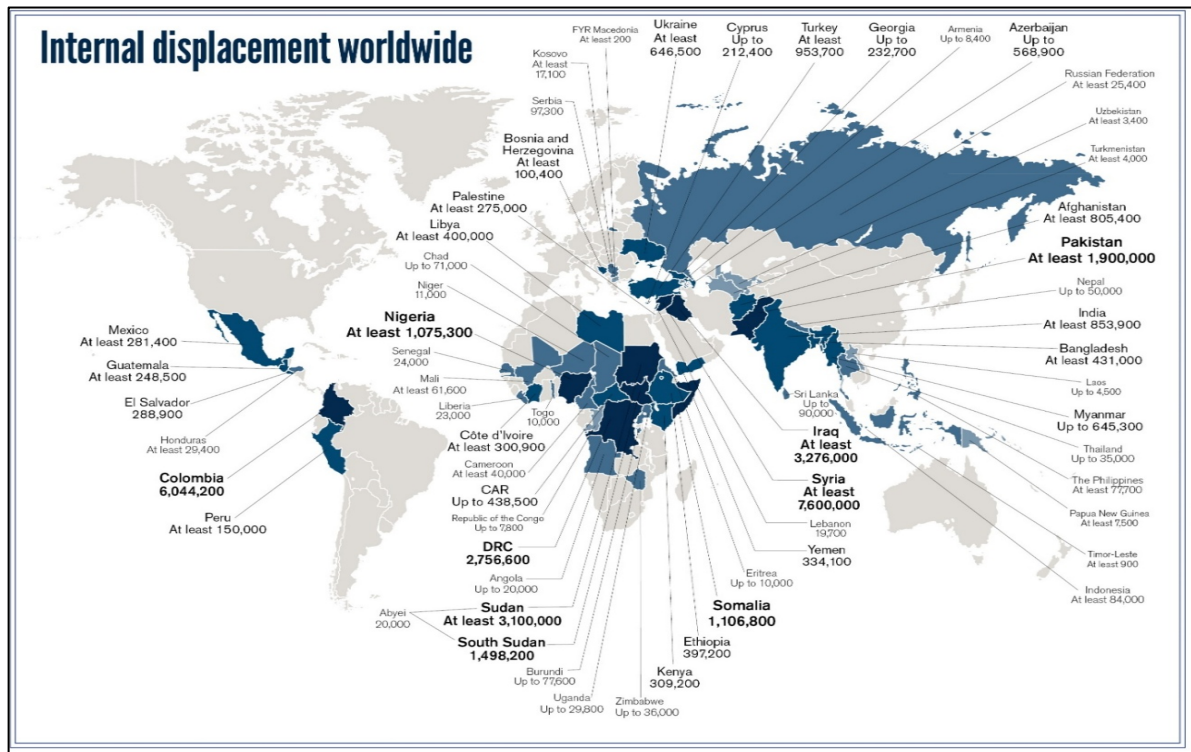
- The Global Overview 2015 outlines key displacement events in 2014, which included: The 38 million internally displaced at the end of 2014 represent a 4.7 million increase compared to 2013, when IDMC reported 33.3 million as internally displaced.
- 60% of people newly displaced were in five countries alone: Iraq, South Sudan, Syria, the Democratic Republic of Congo (DRC) and Nigeria
- Iraqi civilians suffered the most new displacement in 2014, with at least 2.2 million people fleeing their homes
- At least 40% of Syria’s population, or 7.6 million people, have been internally displaced, the highest number in the world
- Boko Haram’s campaign to control territory and impose Islamic law in north-eastern Nigeria drove hundreds of thousands from their homes.
- For the first time in more than a decade Europe had massive enforced displacement caused by the war in Ukraine, where 646,500 people fled their homes in 2014.

### **Regional overview**

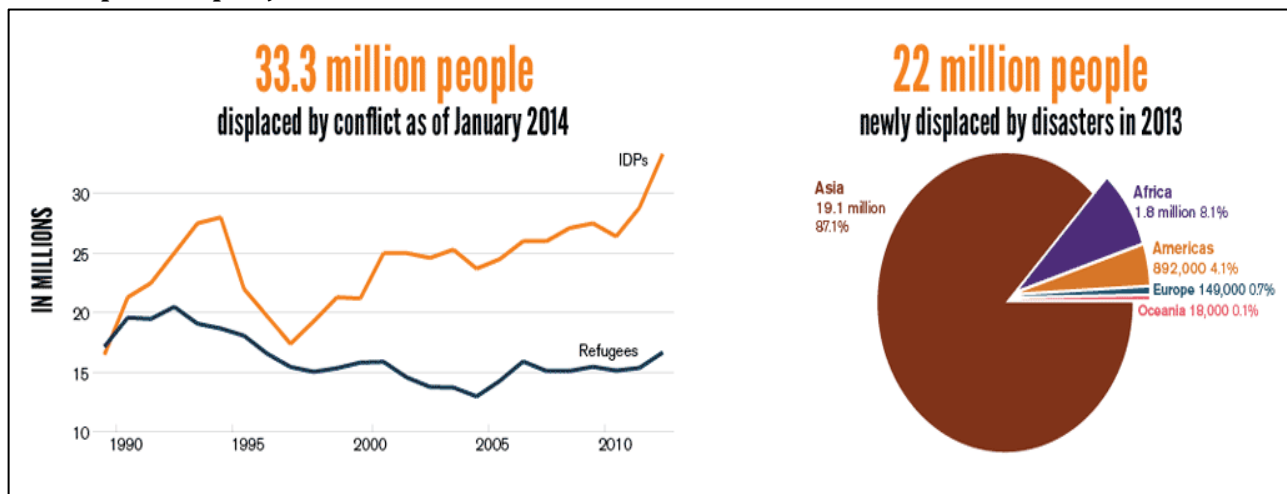
Africa is the region/continent worst affected with more than 13 million IDPs. Rebel activities and inter-communal violence were key factors in the displacement of civilians; although in several countries government armies or proxy forces also forced people to flee.



In Latin America, the bloody conflict in Colombia with its complex displacement patterns still accounted for nearly all new displacements. The region also continued to struggle to find durable solutions for people uprooted in conflicts that had long ended. In Peru and Guatemala, the return and reintegration of the displaced was agreed in the mid-1990s, but these agreements have never been fully implemented.



The Internal Displacement Monitoring Centre (IDMC) estimates that, by the end of 2004, some 3.3 million people were displaced within Asia-Pacific region due to conflicts. In addition approximately 1.2 million people displaced by the tsunami disaster in December 2004, and the large number of people displaced by development projects.







From 4.6 million two years ago, the number of IDPs has decreased by nearly 30 percent in the region. The intensification of ongoing conflicts opposing governments and rebel movements has been the main cause of new displacement during 2004.

In Europe, the number of internally displaced has decreased steadily during the last years, but there are still 3 million IDPs, most of them in Eastern Europe and the Balkans and the majority displaced for many years. In 2003, the Russian Federation (Chechnya) was the only country in Europe where people were still at risk of being forcibly displaced by ongoing fighting in 2003.

About half of the 2.1 million IDPs from the Middle East –in Israel, Syria and Lebanon – have been displaced for two decades or longer. The largest group of IDPs in this region live in Iraq. Conflict and instability continue to generate internal displacement in Iraq.

## Relevant Local and International Actions

The United Nations along national as well as international governmental and non-governmental organisations has taken several steps to define international laws as well as set up commissions to facilitate the IDP population including;

### **The Guiding Principles on Internal Displacement**

The Guiding Principles on Internal Displacement, adopted unanimously in 1998, are based upon international humanitarian and human rights law and analogous refugee law. They serve as an international standard to guide governments, international organizations and all other relevant actors in providing assistance and protection to IDPs.

The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, the Principles reflect and are consistent with international law.



The following is a summary of the Guiding Principles on IDPs:

- Internally displaced persons shall enjoy equally all the rights and freedoms as other persons in their country.
- Every human being has the right to dignity and physical, mental and moral integrity.
- Internally displaced persons have the right to request and to receive protection and humanitarian assistance from national authorities.
- Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to any necessary special protection and assistance.
- All internally displaced persons have the right to an adequate standard of living. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - Essential food and potable water
  - Basic shelter and housing and clothing
  - Essential medical services and sanitation

Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

- All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent possible and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services. Special attention should be paid to the health needs of women, including access to female health care providers and services as well as appropriate counselling for victims of abuses. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.
- Every human being has the right to respect of his or her family life. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so. Families which are separated by displacement should be reunited as quickly as possible.
- Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced



persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall make efforts to facilitate the reintegration of returned or resettled internally displaced persons.

- Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.
- Every human being has the right to recognition everywhere as a person before the law. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions.
- Authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, authorities shall provide or assist these persons in obtaining appropriate compensation.
- The Guiding Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

### **Internal Displacement Monitoring Centre**

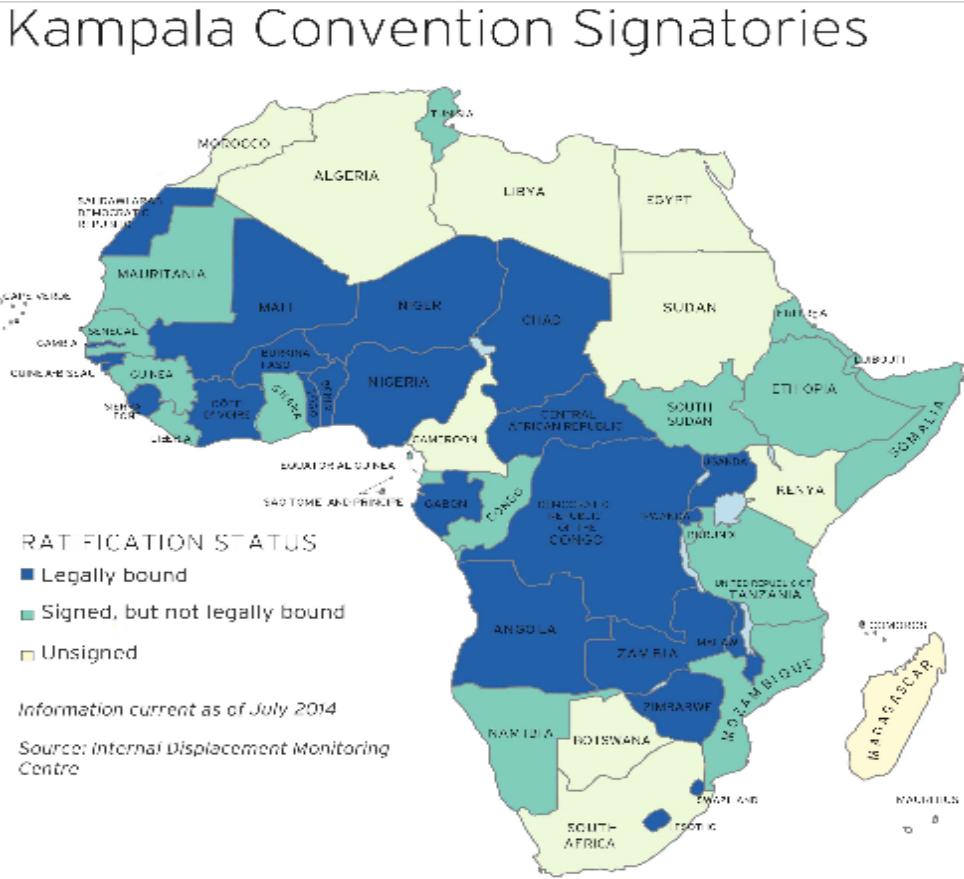
In 1998 the Norwegian Refugee Council (NRC) established the Internal Displacement Monitoring Centre (IDMC). Today, IDMC is one the leading international body monitoring internal displacement worldwide aimed at improving national and international capabilities to assist millions of displaced persons. The organization created an online database providing comprehensive information and analysis on the internally displaced in some 50 countries per request from the United Nations.



### Kampala Convention

The adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) by African governments on 23<sup>rd</sup> October 2009 marked a milestone in preventing and addressing one of the continent's most pressing humanitarian crises: the phenomenon of internal displacement. Africa has long had some of the world's highest numbers of IDPs, and the Convention stands out as the first legal instrument intended to bind an entire region on matters related to internal displacement. The Convention entered into force on December 6, 2012 – a mere three years after it was adopted.

The Kampala Convention reflects the norms included in the 1998 UN Guiding Principles on Internal Displacement, but also advances international norms on internal displacement in important ways. The Convention breaks new ground in articulating the obligations and roles of African states and a host of other organizations including the African Union (AU), armed groups, international organizations and civil society to prevent and respond to internal displacement. The Kampala Convention has the potential to make a significant contribution to improving the wellbeing of IDPs across Africa, but this depends on its effective implementation, and ratification by additional AU member states. As of 2015 it





has been signed by 40 and ratified by 24 of the 54 member states of the African Union.

The UN Special Rapporteur on the Human Rights of Internally Displaced Persons is committed to supporting the implementation of Kampala Convention under the leadership of the African Union and in partnership with other relevant regional and international actors. The Special Rapporteur agenda includes awareness-raising as well as research and advocacy in support of the Convention.

### **IASC Framework on Durable Solutions for Internally Displaced Persons**

Displacement is a life-changing event. While the often traumatic experience of displacement cannot be undone, internally displaced persons (IDPs) need to be able to resume a normal life by achieving a durable solution. As articulated in principle 28 of the Guiding Principles on Internal Displacement, IDPs have a right to a durable solution and often need assistance in their efforts. Guiding Principles 28-30 set out the rights of IDPs to durable solutions, the responsibilities of national authorities, and the role of humanitarian and development actors to assist durable solutions.

Principle 28 recognizes that the competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Securing durable solutions for the internally displaced is also in the State's best interests. Leaving IDPs in continued marginalization without the prospect of a durable solution may become an obstacle to long-term peace stability, recovery and reconstruction in post-crisis countries.

Facilitating durable solutions requires that all stakeholders, including national and local authorities as well as humanitarian and development organizations, work together, identify the right strategies and activities to assist IDPs in this process, and set criteria that will help to determine to what extent a durable solution has been achieved.

The present Framework on Durable Solutions for Internally Displaced Persons aims to provide clarity on the concept of a durable solution and provides general guidance on how to achieve it. These solutions are given by IASC (Inter Agency Standing Committee). The Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance. It is a unique forum involving the key UN and non-UN humanitarian partners. The



IASC was established in June 1992 in response to United Nations General Assembly Resolution 46/182 on the strengthening of humanitarian assistance.

## Proposed Solutions

It is clear that the issue of internal displacement is complex and unpredictable. People can be forced to leave their homes and livelihood for several reasons, and be forced to lead a dismal life without any hope of improvement in the quality of their living. However, as members of the international community, we must realize that it is unjust and unproductive for governments to leave their IDPs neglected. It is premature and inaccurate to suggest a blanket policy that can be implemented to compensate, resettle and rehabilitate IDPs. The government, humanitarian agencies, and citizens of a country must work together to ensure resources are allocated in a way that best suit the needs of the IDPs. This might mean formulating an emergency humanitarian assistance plan in one situation, or working to create long-term sustainable development projects in another. On the other hand, it could simply involve active advocacy for human rights and preserving ethnic cultures for some circumstances.

There may be situations in which the government, due to various reasons, might be unable or unsuited to responding to an IDP crisis. In such situations, the government must make every effort to ensure it facilitates communication between IDPs and other humanitarian agencies, and supports other agencies in their efforts of helping the displaced persons. However, governments must not shirk away from their responsibilities and realize that humanitarian agencies and other international actors do not replace the national responsibility of the state; they only complement government efforts or commitments. To ensure that IDPs are satisfied with the help they receive and that rehabilitation is self-sustainable in the long run IDPs should be involved in the planning and execution of durable solutions. They should also have access to monitoring systems, humanitarian agencies, and development organizations.

Moreover, as women all around the world, including Asia, are becoming more active in politics, economy and society it is important to involve them in the process of IDP rehabilitation. As noted in the Framework on Durable Solutions for IDPs, a directory of women's organizations should be created so that these organizations can be consulted in the planning process of IDP rehabilitation, women representation can be ensured at planning meetings, and the rights and



special needs of women are not neglected. Moreover, a special women's advisory committee can also be created for the purpose of consultation.

## Questions a Resolution Must Answer

How does the problem of internal displacement related to the social, political, and economic situation in a country, both in relation to its own stability and progress and its ties with the rest of the world?

How can the government prevent unnecessary displacement of people?

What are the rights and freedoms of IDPs and how can they be upheld in times of hardship? In what circumstances is it acceptable to neglect some rights of the IDPs?

How can the government identify the needs of IDPs and ensure these needs are adequately fulfilled?

To what extent should a government involve itself in the process of reintegrating IDPs in the society?

How can national governments draw on resources of local and international humanitarian agencies, and other governments to ensure the protection, compensation, and rehabilitation of its IDPs?

How can the issues such as discrimination against IDPs and personal security be addressed to ensure IDPs can be respectfully reintegrated in society?

## Suggestions for Further Research

While this background guide is meant as an introduction to the problems faced by IDPs and an overview of the topics the UNHRC must address, it is not an exhaustive source of information. To learn more about IDPs, delegates are encouraged to visit UNHCR's website on internally displaced persons (<http://www.unhcr.org/pages/49c3646c146.html>) and the website of the International Displacement Monitoring Center (<http://www.internal-displacement.org/>). In addition to databases available at UNHCR and IDMC, the



World Bank also has a wealth of information about IDPs (<http://data.worldbank.org/indicator/VC.IDP.TOTL.LE>).

Other useful sources for obtaining statistics and analytical information are reports by the Internal Displacement Monitoring Center (IDMC). Yearly reports by IDMC are available the UNHRC website, which also includes reports that are done on specific types of displacement such as displacement due to natural disasters.

The IASC's Framework on Durable Solutions for Internally Displaced Persons and Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, and the UNHCR's Engaging with IDPs and Handbook for the Protection of Internally Displaced Persons are great sources to learn about the IDP issue extensively. Parts of the Brookings Institute's Protecting Internally Displaced Persons: A Manual for Law and Policymakers will also be helpful in developing an effective framework and protocol for addressing displacement issues.

To learn more about their countries, delegates are encouraged to look at the BBC website ([http://news.bbc.co.uk/2/hi/country\\_profiles/default.stm](http://news.bbc.co.uk/2/hi/country_profiles/default.stm)) and CIA World Factbook (<https://www.cia.gov/library/publications/the-world-factbook/docs/profileguide.html>).

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