



Office of the High Commissioner for Human Rights (OHCHR)

Submission to the UN Secretary General's High-Level Panel on Internal Displacement

Key issues to prioritize

1. Overarching importance of international human rights law, the role of international human rights mechanisms, and the importance of a human rights based approach for promoting and protecting the rights of Internally Displaced Persons

It is suggested that the High Level Panel (hereinafter 'the Panel') promote and ensure the primacy of international human rights law, and international humanitarian law as relevant, as the basis on which all work on internal displacement should be contextualised, framed, and responded to.

In terms of the legal architecture, the Universal Declaration of Human Rights and all core international human rights treaties are fundamental to understanding the rights of displaced persons, who remain citizens or habitual residents of their countries. Through the benchmarks provided by international human rights law, the human rights framework assists governments and other actors in designing, implementing and evaluating action.

Human rights are instrumental in being able to articulate, frame and respond to the multiple and intersecting forms of discrimination which many IDPs face. Human rights instruments which are relevant in this regard include international conventions on women's rights (CEDAW), child rights (CRC), persons with disabilities (CRPD), persons belonging to racial or other minorities or subject to racial discrimination (CERD), among others. Other core human rights instruments, including the ICCPR, ICESCR are also instrumental in being able to articulate, understand and ensure the rights of displaced persons are respected at all stages of displacement. These international human rights conventions create obligations on States to respect and promote the rights of IDPs within their jurisdictions.

The Guiding Principles on Internal Displacement, the foundational norms upon which internal displacement is understood at the international level, are a human rights instrument and are reflective of international human rights and humanitarian law, and international refugee law by analogy. The Principles adopt on a rights based framework. They underscore the legal rights and respond to the specific needs of Internally Displaced Persons, and spell these rights out in order to facilitate their application in situations of internal displacement. Notably, the Guiding Principles provide for the right for all individuals to be protected from arbitrary displacement, the right of those who had to flee to

reside in dignity and safety during displacement, and their right to pursue a durable solution of their choice in line with their freedom of movement and choice of residence - whether through return, local integration and settlement elsewhere. The Guiding Principles also enshrine the right of non-discrimination, a fundamental human right already provided for in the International Bill of Rights, based on an individual's displacement status. While the obligation to respect the rights of all persons on the basis of their displacement status is implicit in other human rights provisions, for example, under article 2 of the ICCPR which protects the rights on all individuals, without any distinction on the basis of "other status", the guiding principles make this right explicit for IDPs on account of their displacement status for the first time. It should further be noted that the language of the Guiding Principles around durable solutions is better interpreted in light of the 2010 IASC Framework on durable solutions, which also adopts a rights-based approach.

Furthermore, a human rights based approach also ensures the full participation of displaced persons. Internally displaced persons have the right to be involved in all decisions affecting them, at all phases of displacement, and, to the extent possible, to decide on the solutions most appropriate to them and to their location, housing and livelihood preferences. As the Special Rapporteur has highlighted:

"Ensuring that internally displaced persons are included from the outset, in the design, planning and implementation of all actions and measures directed towards them, must be at the heart of responses by national governments and by all humanitarian, development and other relevant actors. Participation empowers internally displaced communities, informs them of their rights and is instrumental in the process of community resilience-building and recovery, where it is effective and results oriented. Moreover, meaningful participation returns essential dignity to communities devastated by displacement, allowing them to be agents in their own recovery rather than only beneficiaries of assistance".¹

Moreover, human rights are not only one of the three pillars of the United Nations, but in the context of internal displacement, they remain central to all phases of displacement: human rights violations are both a cause and a consequence of internal displacement, and also play a key role in the achievement of durable solutions.

Violations and abuses of international human rights and humanitarian law frequently precede or trigger internal displacement. This is true concerning conflict and violence related displacement, where human rights are routinely violated, the cause of people fleeing their homes and lands. Violations of human rights are also very often at the crux of the myriad of other causes of displacement.

Furthermore, internally displaced persons are often at increased risks of human rights violations during all phases of displacement. Violations can occur during the period prior to and during displacement, but can continue place after initial displacement has occurred, including with regard to access to food, water and livelihoods; healthcare; education; restitution of property.

Human rights also are relevant for all individuals and communities affected by displacement, including host communities.

Human rights are central to finding durable solutions. Indeed, as the IASC has noted, "A durable solution is achieved when IDPs no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of

¹ A/HRC/35/27 para 49.

their displacement.”²

The Panel could also build upon the strides made in the African context, through the adoption of the African Union Convention for the protection and assistance of the internally displaced persons (known as Kampala Convention)³. The Panel could continue to advocate strongly for its ratification by all members of the African Union, as well as for its domestic implementation. In view of the positive example set by the African Union, it is also important that the Panel continue to advocate for regional standards for the protection of internally displaced persons to be adopted in other regions, as relevant. In addition, the Panel could continue promote the development and adoption of national frameworks on internal displacement, and the integration of displacement issues in displacement-related (though non IDP-specific) legal and policy frameworks, particularly those relating to land as well as disaster and climate change.

Acknowledging the linkages between internal displacement, international migration and refugee situations, the Panel could also promote synergies between efforts to address internal displacement and the implementation of the Global Compacts (the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees).

From the perspective of the human rights mechanisms on internal displacement, it is further submitted that the Panel consider supporting for and promoting the strengthening of the mandate of the Special Rapporteur on the human rights of internally displaced persons. The independent mandate has a long history engaging with States, UN agencies, other actors and the IDPs themselves, in the promotion of the Guiding Principles on Internal Displacement and in the mainstreaming of human rights of IDPs in the UN.

2. Promoting the role of national human rights institutions in the protection of internally displaced persons

National Human Rights Institutions (NHRIs) play a critical role in promoting and protecting the human rights of IDPs and other displacement affected communities, raising the alarm for possible displacement and monitoring the rights of IDPs throughout their displacement. Numerous NHRIs are increasingly engaging on protection concerns of IDPs and are undertaking operational activities in this regard.

Indeed, the Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020, which has as its objective to galvanize and reinforce multi-stakeholder engagement towards reducing and resolving internal displacement, explicitly recognizes the role of NHRIs as key stakeholders with the mandates and potential to advance national action on internal displacement issues.

Some NHRIs play prominent roles in addressing internal displacement, sometimes in partnership with humanitarian organizations. Some have created focal points or units on IDPs, have become active in protection clusters, developed internal guidance tools and expanded their presence in locations requiring protection monitoring of displacement situations. NHRIs also have expertise in gathering

² <https://www.unhcr.org/5ad5a7677.pdf>

³ African Union become the first continental organization in the world to adopt the Kampala Convention - a legally binding instrument to protect the rights of IDPs places primary responsibility on the national authorities to provide protection and assistance to the IDPs as well as facilitate durable solutions <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>

and analysing data that inform the policies and actions of governmental and non-government actors with regard to programming and services for displaced communities. With enhanced operational and advocacy roles, the NHRIs can also be key stakeholders in the development and implementation of legislation and policies on internal displacement.

Furthermore, as humanitarian partners draw back from ongoing displacement situations or downscale once a crisis phase has ended and before durable solutions have been achieved for IDPs, NHRIs can play a key role in ensuring ongoing monitoring, protection and advocacy on behalf of IDPs, who may remain highly vulnerable. Consequently, forward planning for humanitarian withdrawal strategies should be undertaken in consultation with NHRIs.

A full report on the role, including challenges faced by NHRIs in terms of their ability to assist and operationalise their expertise in the field of internal displacement, including detailed recommendations, has been developed by the Special Rapporteur on the human rights of internally displaced persons and can be consulted for further details.⁴

3. Addressing the neglected drivers of displacement

Much attention over the past decades has been paid to the impact of conflict as a driver of displacement. This is undoubtedly important, given that global conflicts are a major contributor to and cause of internal displacement.

However, other drivers continue to trigger displacement. It is thus welcome that the Panel has explicitly noted that its intention to also consider in depth the humanitarian, development, peace, climate change and disaster drivers of displacement. It is suggested that priority attention be paid by the Panel to these areas, including as regards social, economic and cultural rights and climate change and disaster, which have historically been overlooked in discussions on drivers of internal displacement.

Climate change

For those on the frontlines of climate change, the rights to food, water and sanitation, housing, health, and even the right to life itself are already being eroded. Climate change disproportionately affects the world's most marginalized and in vulnerable situations – those who are the poorest, most exposed and have the least resources to withstand climate shocks and stresses such as extreme weather events. A human rights-based approach leads to more sustainable and effective climate action and efforts to address environmental degradation. Findings of the Intergovernmental Panel on Climate Change as well as resolutions of the Human Rights Council have confirmed the importance of rights-based action on climate change and the environment.

A joint study developed by OHCHR and the Platform on Disaster Displacement on [The slow onset effects of climate change and human rights protection for cross-border migrants](#) highlights that the relationship between climate change and human mobility is complex.⁵ Most movement related to environmental factors is not entirely forced or voluntary, but rather falls somewhere on a continuum between the two, with multiple factors contributing to whether a person moves, where they move, and how. Moreover, the impacts of climate change occur at different rates. Some of the weather and climate events associated with climate change are discrete and have an immediate and obvious

⁴ A/HRC/41/40

⁵ OHCHR/Platform on Disaster Displacement, "The slow onset effects of climate change and human rights protection for cross-border migrants" (2018), available at https://www.ohchr.org/Documents/Issues/Migration/OHCHR_slow_onset_of_Climate_Change_ENweb.pdf, p. 6.

impact, lasting a matter of hours or days. Hurricanes, storms, and flooding are examples; these are often referred to as sudden onset events. In contrast, climate change can also generate impacts through gradual environmental transformation that occurs over the course of a prolonged period of months to years. Such gradual changes—also referred to as slow onset effects, processes, or events—include sea level rise, increasing temperatures, ocean acidification, glacial retreat, salinization, land and forest degradation, loss of biodiversity, and desertification. These effects can be difficult to isolate as drivers of movement.

Nevertheless, it is clear that climate change substantially contributes to human rights harms and related human movement. Human mobility can be the effect of sudden onset events; slow onset processes having a gradual effects on resources and livelihoods; or their interaction. Measures to respond to the adverse effects of climate change, such as climate change mitigation and adaptation, can also directly or indirectly influence population movements.

The analytical study developed by OHCHR in response to Human Rights Council [Resolution 35/20](#) notes that “the majority of climate change-related movement, at least at first, is likely to be internal” and that “the adverse effects of climate change may contribute, along with other factors, to both internal and cross-border movement, which threatens the enjoyment of human rights.”⁶

The joint OHCHR/PDD study highlights that slow onset processes related to climate change “can lead to initial—often internal—temporary migration to seek out economic opportunities elsewhere, followed later by permanent migration as conditions worsen.”⁷ The report also notes that “both internal and international migration is expected to increase as the impacts of climate change become more severe”.⁸

The [OHCHR key messages on human rights and climate change](#) note that “States should engage in cooperative efforts to respond to climate-related displacement and migration and to address climate-related conflicts and security risks”.⁹

The [OHCHR key messages on human rights, climate change and migration](#) note that: “States have duties to protect and assist migrants, whether internal or international, in accordance with their human rights obligations. This requires taking steps to reduce existing vulnerabilities and build resilience.”¹⁰ The key messages also calls on States and other stakeholders to:

- *Ensure the dignity, safety, and human rights of migrants in the context of climate change*, referencing international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights, which obligate States to respect, protect, and fulfil all human rights for all people without discrimination, including all migrants under their jurisdiction or effective control.

⁶ A/HRC/38/21, footnote 6 and Para. 12. See also OHCHR/Platform on Disaster Displacement, “The slow onset effects of climate change and human rights protection for cross-border migrants” (2018), available at https://www.ohchr.org/Documents/Issues/Migration/OHCHR_slow_onset_of_Climate_Change_ENweb.pdf

⁷ OHCHR/Platform on Disaster Displacement, “The slow onset effects of climate change and human rights protection for cross-border migrants” (2018), available at https://www.ohchr.org/Documents/Issues/Migration/OHCHR_slow_onset_of_Climate_Change_ENweb.pdf,p.6.

⁸ Ibid, p. 44.

⁹ https://www.ohchr.org/Documents/Issues/ClimateChange/KeyMessages_on_HR_CC.pdf

¹⁰ https://www.ohchr.org/Documents/Issues/ClimateChange/Key_Messages_HR_CC_Migration.pdf

- *Reduce the risk of forced migration through climate change mitigation*, including protecting against arbitrary or forced migration and address the underlying causes that force people to move in response to climate change and environmental factors.
- *Reduce climate change risks through adaptation*, including through planning and preparing for natural disasters, extreme weather events and slow-onset processes. Efforts to address the causes of forced migration in the context of climate change should seek to protect rights, strengthen social protection systems, reduce disaster risk and exposure, and increase adaptive capacity. States have duties to protect and assist migrants, whether internal or international, in accordance with their human rights obligations, which requires taking steps to reduce existing vulnerabilities and build resilience.
- *Guarantee human rights in relocation*, noting that planned relocation should generally be a measure of last resort and that in order to respect, protect and fulfil the right to housing contained in Article 11 of the ICESCR, States must refrain from, and protect against, forced evictions. At a minimum, relocation must provide for the restoration and maintenance of social protection, employment and previous living standards for both relocated persons and receiving communities. States must employ human rights-based approaches that afford affected individuals their full enjoyment of human rights, including rights to self-determination, culture, family unity, and freedom of movement.
- Ensure the *meaningful and informed participation* of all affected persons, including migrants and receiving communities.

A number of recent developments and processes further highlight the linkages between climate change, internal displacement and human rights.

Already in 2010, the UNFCCC Cancun Climate Change Adaptation Framework Decision stated in its paragraph 14 (f): “Invites all Parties to enhance action on adaptation under the Cancun Adaptation Framework, taking into account their common but differentiated responsibilities and respective capabilities, and specific national and regional development priorities, objectives and circumstances, by undertaking, inter alia, the following: (...) Measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels;”¹¹

The 2018 report of the Committee on International Law and Sea Level Rise proposed 12 principles with related commentary comprising a “Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise.” The Declaration of Principles “applies to all forms of human mobility arising in the context of sea level rise” and displacement refers to “the movement within a State and/or across international borders of persons who are forced or obliged to leave their homes or places of habitual residence due to sudden-onset natural hazards and/or slower, cumulative pressures occurring in the context of sea level rise” (sections on Scope and Definitions, respectively).¹² Principle 8 focuses on internal displacement of affected persons, and notes that “States shall protect and assist persons displaced within their territory in the context of sea level rise and associated hazards and establish conditions for, as well as provide the means which allow internally displaced

¹¹ UNFCCC (2010), Cancun Climate Change Adaptation Framework Decision, 2010 Cancun Agreements of COP16, decision 1.CP/16 paragraph 14 (f), <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

¹² The 2018 Sydney Declaration is available here: http://www.ila-hq.org/images/ILA/Resolutions/ILAResolution_6_2018_SeaLevelRise_SydneyDeclaration.pdf
 General about the Committee: <http://www.ila-hq.org/index.php/committees>

persons to find, durable solutions, in accordance with the UN Guiding Principles on Internal Displacement.”

The International Law Commission draft principles on “Protection of the environment in relation to armed conflicts”, adopted by the Commission on first reading in 2019, comprise a draft principle on displacement, stating that “States, international organizations and other relevant actors should take appropriate measures to prevent and mitigate environmental degradation in areas where persons displaced by armed conflict are located, while providing relief and assistance for such persons and local communities.”¹³

The Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts has included in its dedicated task force on displacement a plan of action for 2019-2021 to support “the inclusion of the challenges of displacement related to the adverse effects of climate change in the work of the high-level panel on internal displacement”.¹⁴

In this regard, it should be noted that the UN Special Rapporteur on the human rights of internally displaced persons will be publishing a report on climate change and internal displacement to the General Assembly in August 2020. This report may be useful resource for the Panel.

- Other field-relevant resources include the findings of OHCHR Regional Office for the Pacific 2019 research in Vunidogoloa and Naviavia communities on “Nature of Emotional & Psychological Difficulties Posed by Climate Change in Fiji”. The following recommendations were made:
 - The need for increased recognition of the mental health impact of climate induced relocation on both relocating and receiving communities.
 - The need for comprehensive assessments of relocation impacts.
 - The need to adopt a rights-based, integrated and inclusive approach to physical and mental health policies and services.
 - The need to ensure full consultations with all relevant stakeholders in the implementation of programme on mental health in the context of climate change.

Development projects

Public and private developmental projects are important but often overlooked drivers of internal displacement. It is a priority to promote research and analysis on development projects as a source of displacement, the role and responsibilities of national and transnational private companies in the prevention of internal displacement and the protection of human rights defenders working on land, indigenous people and environmental rights, who are often threatened by both state and non-state actors. It is important to highlight the importance of free and informed prior consultation, in accordance with ILO Convention 169, of indigenous peoples in the case of mega-projects and the importance of upholding human rights standards in relocation.

It is suggested to consider the wealth of country specific reports developed by the UN Special Rapporteur on internally displaced persons,¹⁵ as well as the Special Rapporteur on indigenous peoples,

¹³ International Law Commission, ILC Report, [A/74/10](#), 2019, Chapter VI, paras. 58–71, Draft Principle 8

¹⁴ Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, UN Doc. FCCC/SB/2019/5/Add.1, Annex I, Task force on displacement: plan of action for 2019–2021

¹⁵ See for example – Mission to the Philippines: [A/HRC/32/35/Add.3](#) and [A/HRC/32/35/Add.5](#)

both of whom have considered a large number of contexts in which development projects have displaced indigenous communities.¹⁶

Environmental conservation projects

Internal displacement can also be triggered by environmental conservation projects aiming at the preservation of the environment. The rights of indigenous people, including the right to the lands, territories and resources, which they have traditionally owned, occupied, or otherwise used or acquired, are often not fully recognized by environmental conservation projects. Those displaced in this context are indigenous people, poor communities and the landless.

- In Thailand, where reports indicate that efforts to end deforestation and preserve the environment would have caused the internal displacement of indigenous people, there is an attempt to recognize the indigenous people's participation in forest management through amending and creating new legal instruments. These legal instruments recognize the concept of "Community Forest" which represents a step toward the inclusion of local communities in land management. Moreover, a National Action Plan on Business and Human Rights (NAP) 2019-2022 has been developed, with a focus on labor rights; land, community and environmental rights; human rights defenders; and transnational businesses.

Generalised violence:

Another important cause and driver of displacement that should not be overlooked is generalized violence.¹⁷ The mandate of the Special Rapporteur on the human rights of internally displaced persons has delved into this field, examining the context of generalised violence, in particular in the absence of armed conflict.

As the mandate of the Special Rapporteur has observed:

"Generalized violence may be gang-related or criminal in nature, or may be violence targeted at minority ethnic, religious, political or other groups. It may be caused or triggered by specific events, such as elections, or it may be associated with development projects. It may affect a small group in a localized area or a large, widely dispersed community. Intimidation, harassment or the threat of violence may also trigger displacement. In some situations, the international community may recognize internal displacement situations while a national Government denies or downplays the situation."¹⁸

Lack of understanding of how generalised violence triggers displacement, often means that States may not acknowledge violence induced displacement as activating their obligations to protect the affected persons as internally displaced persons under international law and standards, including the Guiding Principles. Equally, those affected may not know or claim their rights to protection as internally displaced persons and may in fact seek anonymity due to threats and the risk of violence, making them hard to identify and reach with assistance.

Finding that displacement due to generalised violence falls within the scope of the 1998 Guiding Principles on Internal Displacement, the mandate has also examined in depth the impact of criminal

¹⁶ [A/HRC/33/42/Add.2](#) - mission to Honduras..

¹⁷ For examples, see the reports of the Special Rapporteur: [A/HRC/32/35/Add.4](#) – Mission to Honduras, [A/HRC/38/39/Add.1](#) – Mission to El Salvador

¹⁸ A/HRC/32/35 para 61

violence, in particular as a result of criminal gangs, on displacement in two country missions to Honduras and El Salvador.

Through in depth analysis, both mission reports found that in order to develop durable solutions in the context of generalised violence, specific responses are required. Priorities must include tackling impunity and rebuilding trust in national institutions, including the police and the criminal justice system, which are often deeply eroded, allowed the generalised violence and criminality to take hold.

4. The role of human rights defenders

It is suggested that the Panel look at the role of human rights defenders, as well as the situation of threats and aggressions against them. Human rights defenders in displaced or returnee communities play a vital role in the prevention, humanitarian response and the search for durable solutions for internally displaced people. They often face criminal charges and have been victims of threats and aggressions against their lives for making the situation of their communities visible and seeking to ensure that the State fulfils its obligations to guarantee, protect and respect human rights.

5. The role of indigenous people's self-government

The strengthening of indigenous people and ethnic communities' self-government is considered a fundamental step not only for the prevention of displacement but also for the achievement of an effective response and durable solutions, including those adopted in the framework of transitional justice processes.

- In Colombia, displaced communities and individuals who have returned to their territories are engaging in processes of organizational strengthening and capacity building that enable human rights defenders and self-government authorities to participate actively and effectively in dialogues with authorities with a view to improving the human rights situation in their communities. Strengthening indigenous people's self-governments is also a strategy to prevent further displacement of at risk communities. These communities are redoubling their efforts to remain in their territories, by confining themselves to populated centres and limiting their mobilization as a form of community and territorial self-protection. It is important to call the attention of the Panel in relation to policies and measures to support that these communities require to protect themselves.

6. National legal frameworks on internal displacement

The adoption of national legal frameworks is a major step toward the acknowledgment, prevention and response to internal displacement. When a nation legal framework for the assistance and protection of victims of internal displacement is lacking, displacement remains invisible and this generates a chain of human rights violations. National legal framework should be in line with international human rights law and international humanitarian law, in particular with the Guiding Principles on Internal Displacement. It is important to ensure that the legal and institutional framework is linked it to existing policies and programmes, including those for the prevention of violence and social protection, in order to ensure consistency in interventions with medium- and long-term impact.

- In 2013, the government of Honduras established the Inter-institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV), with the mandate to "promote the formulation of policies and the adoption of measures for the prevention of forced displacement by violence, as well as for the care, protection and solutions

for displaced persons and their families". OHCHR-Honduras is participating in the CIPPDV with permanent advisory status. Since 2016, the CIPPDV has led the preparation of a draft Law for the Prevention, Assistance and Protection of Forcibly Displaced Persons, which seeks to protect and assist victims before, during and after displacement. In 2019, the CIPPDV designed and launched an advocacy campaign to raise awareness on internal displacement and the importance of discussing and approving this draft law.

7. The disproportionate impact of displacement on women and girls

Forced displacement has a disproportionate impact on women and girls and put them in situations of vulnerability. The following areas of concern and recommendations have been highlighted by an upcoming study commissioned by AU, UNHCR, UN Women and OHCHR, entitled: "Assessing the Status of Women's Rights in Refugee and Internal Displacement Settings in the context of AGA and APSA".

Sexual and Gender-based Violence

Finding themselves isolated and without the usual safeguards, displaced women and girls often experience rampant sexual and gender-based violence from a variety of actors – including armed groups as well as family members and security forces.

Physical and mental health

Displaced women are extremely vulnerable to physical and mental health problems due to their trauma and unique health needs. Due to their experience of SGBV, they are at high risk of unintended pregnancies, unsafe abortions, maternal morbidity and mortality, sexually transmitted infections and mental health effects. Addressing these issues requires a high level of political commitment at local, state and federal government levels, including tackling the root causes of conflict and insurgency through a combination of diplomacy and good governance and developing an effective 'emergency preparedness plan' which should be activated in dealing with IDPs or when natural disasters occur.

Livelihood

The disruption of livelihoods has a devastating impact on women in particular as they often are less financially autonomous and often unable to acquire food, pay school fees for their children or for services and documentation. Cash-based initiatives are aimed at helping displaced people better meet their daily needs and in particular to give women autonomy. Furthermore, making use of the proliferation of ICT can improve self-reliance by giving displaced women access to markets, finance and employment opportunities.

Education

Displacement often results in the discontinuation and disruption of education for girls in particular who are at increased risk of child labour, abuse and exploitation. Schools are often overcrowded, lack accreditation, qualified teachers and a conducive environment for learning.

Security

Beyond the general insecurities experienced by displaced populations, women and girls are often at risk within the camps as they remain susceptible to violence and insecurity. Protecting women requires structural measures to increase protection, such as improving the camp layout, security patrols, lighting, provisioning of firewood, in order to avoid women and girls travelling long distances

to obtain the same, locating water sources and latrines in safe areas, and also employing women as guards.

Governance

There is a correlation between the level of women's participation in decision-making and the effectiveness of programs, policies and laws that affect them. Women's participation is likely to increase the probability of successful outcomes of interventions that will be more inclusive of gender needs. However, in practice women are not sufficiently represented in decision-making positions. They are either discouraged and/or excluded due to existing patriarchal norms and regressive socio-cultural and gender attitudes and practices, afraid of being singled out by armed groups, do not have time for additional responsibilities to caregiving and/or are hindered by their varying circumstances. As matters of concern as they relate to IDPs and refugees remain largely defined by men and male interest, durable solutions are often being undermined. Including women at all levels of decision making will be critical to address their specific needs and find sustainable solutions

How to advance prevention, response, solutions and access to justice

The following recommendations have been elaborated for the attention of the Panel, on the basis of OHCHR' work on internal displacement in several regions of the world.

- Civil society organizations and representatives of internally displaced persons should be fully and meaningfully involved in any strategy aiming to address internal displacement. Mechanisms of participation should be responsive to age, gender, disability and other factors.
- Prevention, response and solutions can be effectively advanced only if based on international human rights law and standards and on the Guiding Principles on Internal Displacement and the obligations assumed by States at the international level.
- Since women and girls often are excluded from decision-making, their needs are not adequately addressed. It will thus be important to (1) include participation, representation and leadership of women in prevention and response measures to internal displacement and (2) to mainstream gender considerations at all levels of program design and implementation.

Prevention

- Raising awareness of the centrality of a prevention-based approach and ensuring that sufficient resources are allocated to prevention is critical. Prevention of internal displacement should adopt a comprehensive approach, which addresses the structural causes and human rights violations leading to displacement. Addressing the root causes of displacement is also the only way to avoid repeated cycles of displacement.
 - OHCHR in Colombia observes that prevention cannot be pursued only from a military perspective, by strengthening military presence. Prevention also means strengthening the presence of institutions and guaranteeing the exercise of economic, social and cultural rights, whose violation is a structural cause of the Colombian armed conflict. In the case of indigenous peoples and ethnic communities, prevention should include the integration and strengthening of their own government, including mechanisms for their own justice system, ethno-development plans and life plans.

- OHCHR in Ethiopia has prioritised addressing root causes as a mean to prevent conflict and displacement. The Office has conducted awareness raising workshops, sensitisation campaigns and capacity building workshops for wide variety of constituents including women, traditional and religious leaders and law enforcement officials. The Office has been using its monitoring to feed into early warning systems and has advocated with the UN and government for early response. The Office has also focused on prevention of secondary and tertiary displacements. The office has been advocating for accountability and redress for victims of human rights violations.
- The upcoming study commissioned by AU, UNHCR, UN Women and OHCHR, entitled “Assessing the Status of Women’s Rights in Refugee and Internal Displacement Settings in the context of AGA and APSA” shows that prevention, response and solutions in Africa require a framework of coordination of various actors and mechanisms that seek to address not only the immediate causes and consequences of displacement but also deal with the underlying root causes of displacement and seek to prevent it. In this context, the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA) are good mechanisms that must be leveraged in order to seek and attain truly durable solutions. While AGA constitutes a platform for dialogue between the various stakeholders who are mandated to promote good governance and strengthen democracy in Africa, APSA is built around structures, objectives, principles and values, as well as decision-making processes relating to the prevention, management and resolution of crises and conflicts, post-conflict reconstruction and development in the continent. As peace and security and democratic governance are increasingly acknowledged as interrelated and mutually reinforcing, strengthening the synergies between AGA and APSA and focus on the particular challenges and opportunities that can enhance gender equality will be critical. Mainstreaming gender from design to implementation of policies and programs on internal displacement is critical. To facilitate integration of women and girls’ needs in AGA and APSA processes, a gender mainstreaming guideline entitled “Guidelines for the integration of the needs of women and girls in IDP and Refugee situations in the context of AGA and APSA” was developed within the framework of the study (upcoming).
- In Iraq, displacement has been caused by cyclical violence including armed conflict. If the root causes of displacement, including insecurity and discrimination in access to social services, employment and natural resources, are not addressed, repeated cycles of displacement take place. Following the end of the ISIL conflict, there is a need for a national reconciliation action plan to strengthen social cohesion and peaceful coexistence that would address the root causes of the conflict and put measures in place to address re-occurring conflict. It is important to actively engage all actors in formulating and carrying out a national reconciliation plan that is transparent, participatory, inclusive and gender-sensitive, ensuring the full participation of women in the reconciliation processes.
- Early warning mechanisms are important to detect areas at risk of displacement on the basis of solid indicators and to prepare plans to avoid displacement before it occurs. Alerts and warnings can be dissemination to at-risk groups among the population, as well as relevant government departments and humanitarian agencies.
- The meaningful participation of indigenous people and communities at risk of displacement in decision-making processes related to the use of land, development projects, and the

creation of national park and conservation project is crucial for the prevention of displacement.

Response

- Response to internal displacement and mechanisms to assist victims should be based on a human rights approach, which aims at strengthening affected community and achieving real and effective participation. Consultation processes with affected persons and communities should be prioritized.
- Mechanisms of immediate humanitarian assistance to internally displaced persons or those at risk of displacement should be in place, including to address the physical and psychological damage caused by violence and coercion.
- Identification mechanisms should be created to recognize and assist in an adequate and timely manner those persons and communities that meet the criteria for being considered internally displaced.
- Clear, timely and trustworthy information on rights, assistance and protection should be available to IDPs in a language they understand and in a format they can access, including in indigenous languages. Access to translators or interpreters should be made available for free.
- The inability of States to provide immediate assistance and response to displaced individuals make them more vulnerable to further human rights violations after displacement, including of their rights to food, health, housing, work, education, and to social security.
- A whole-of-government approach and strong inter-institutional coordination are required to address situations of displacement in a comprehensive manner. Protocols that establish clear coordination mechanisms between all State entities with relevant mandates should be established. Approaches that are responsive to age, gender, disability and other factors should be mainstreamed across all State entities and specific capacity should be built in this regard. Representatives of internally displaced persons and civil society organizations should be included in the institutions in charge of the response so as to ensure a whole-of-society approach
- The underreporting of sexual violence against IDP women and girls, as well as men and boys in particular, continues to be a concern and a critical gap.
 - In Iraq, security issues, stigma, lack of facilities that are friendly to men and boys, lack of referral pathways and gaps in service delivery continue to hinder the gathering of reliable information and the protection of GBV victims. These challenges add a layer of difficulty in devising solutions for IDPs, as without this information, it is difficult to design appropriate responses. It is essential for referral pathways to be strengthened in areas where they do not exist. It is necessary to create mechanisms that allow men and boys to report sexual violence perpetrated against them in a safe and secure environment that minimizes stigma. It is also important to increase the security for all survivors to be able to report sexual violence and other GBV incidents without fear of reprisals from alleged perpetrators. Financial resources are also required to open community centres that were closed due to a lack of funding.

Solutions

- In order to avoid discrimination and exclusion of displaced people, host communities should be included in processes to identify and implement durable solutions.
 - In Iraq, returns of residents of Al Hol camp pose significant challenges, in respect to the transfer of IDPs to Zummer District (Ninewa governorate) where the local

population regularly conducts demonstrations to oppose the establishment of the camp. Solutions for IDPs need to be identified with IDPs voices being heard and their fears and concerns addressed in a general but also individual manner. Participation of the host communities is also crucial. The move of residents of al Hol camp is a difficult scenario, but ultimately, if solutions do not focus on families reintegrating into the day to day life of host communities or their communities of origin, there is a risk of marginalizing an entire group of persons for a considerable longer time, therefore making them susceptible to radical and extremist ideology.

- Access to civil documentation is essential to advance durable solutions for those internally displaced. Without documentation, IDPs are unable to exercise rights, including freedom of movement, right to work, access to education, health and social security benefits. They are also at heightened risk of arbitrary arrest, detention, exploitation and abuse. A lack of access to civil documentation also means that IDPs are unable to return to their places of origin and so remain displaced.
 - In Iraq, challenges related to the lack of access to documentation are heightened for women and children perceived to be affiliated with extremists, due to the alleged activities of their male kin. Discriminatory attitudes and practices towards such women inhibit them from accessing courts, civil registries and other public services, including Ministry of Labour and Social Affairs' social welfare benefits. IDPs and returnee children whose parent is perceived to be affiliated with extremists face administrative and discriminatory barriers that impede their access to birth certificates and other documents. Without documentation, children and women are unable to receive rations and distributions, making them particularly vulnerable to exploitation. This has led to negative coping strategies such as early marriage of female children. Measures in line with international law are required to prevent and address collective punishment of families, including children with family members with perceived affiliation to extremists. IDP children from families with perceived affiliation and their family members should have safe access to needs-based assistance provided by humanitarian and development actors, and to public services, including non-discriminatory access to birth registration.

Access to justice

- Access to justice and accountability is of paramount importance.
 - In Iraq, access to justice and accountability for conflict-related sexual violence crimes remains a concern. In an effort to ensure that the voices of survivors of conflict-related sexual violence are heard, in March 2020 UNAMI HRO conducted a consultative workshop on the Draft Yazidi Survivors Law with nineteen survivors from the Yazidi community. The purpose of the consultative forum was to introduce the draft law to the Yazidi community and to seek their views on it. The consultative workshop was an important forum, which provided Yazidi survivors with an opportunity to learn about the draft law and to express their views. Most of the participants were not aware of the draft law. The exclusion of men and boys from the scope of the law was identified as a big gap. It was also pointed out that societal pressure and expectations make it difficult for men and boys to talk about the crimes that were perpetrated against them.

Data and evidence

The Panel should investigate and acknowledge the fact that the numbers of internally displaced persons globally are in fact likely to be significantly higher than estimated, which often only take into account the available data on conflict-induced and disaster-induced displacement.

Indeed, many instances of internal displacement are unacknowledged, unrecorded and therefore are not responded to by Governments and the international community. As a result of this lack of data, hundreds of thousands of those who are entitled to protection and assistance as internally displaced persons under international standards are left to fend for themselves. A protection gap thus exists for many internally displaced persons globally who are the victims of causes of displacement that are under-studied, including generalized and criminal violence, discrimination and other human rights violations, slow-onset climate change, development and business enterprises, and environment conservation projects.

This includes the lack of national, regional and global figures of those internally displaced by development and business enterprises and attention to the phenomenon in comparison to conflict and disaster-induced displacement. Some research has put the number of persons displaced by development at as many as 15 million annually. The Panel could suggest how data collection can be improved, and pay attention not only to large scale development projects, but also smaller scale ones which can be harder to identify and monitor.

Lack of accurate data result in leaving certain categories of internally displaced persons uniquely marginalized, outside of camps or other support and assistance settings, hosted by local communities and families, and frequently “invisible” and impoverished in urban settings. Failure by Governments to identify them as internally displaced persons leaves many unable to access assistance and support. Denial or neglect of the problem of internal displacement often means that, at the national level, no protection or support mechanisms exist.

The Panel is uniquely placed to recognize the global need for greater research and more data on internal displacement as a result of all these factors, in order to reveal the current and future internal displacement trends and to better meet these challenges. The Panel could also promote the international recommendations on IDP statistics adopted by the UN statistical commission in March 2020, which has made important strides in this field.

- OHCHR in Mexico highlights that the lack of official and clear data makes difficult to estimate the impact of internal displacement in the country. It is crucial to develop official national register of displaced persons. The register should include data disaggregated by place of origin, age, sex, disability status, membership of indigenous or Afro-descendent peoples or communities, and data required to address the situation of internal displacement. When the person has achieved a durable solution, the cancellation of the registration should be possible.