

INTER-AGENCY STANDING COMMITTEE
63RD WORKING GROUP MEETING

**Background Note on the Draft Operational Guidelines
for the Protection of the Human Rights of IDPs
in Natural Disasters**

21-22 November 2005
Hosted by ICVA, International Council of Voluntary Agencies
ECOGIA, Versoix (Geneva)

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I Background:

In the wake of the Tsunami, the Representative of SG undertook a working visit from 27 Feb. to 5 March 2005 to Sri Lanka and to Bangkok, where he met with UN personnel, NGOs national human rights institutions of the region and persons displaced because of the disaster, in order to ascertain what their assistance and protection needs were. He concluded in his report¹ that indeed there were several protection needs that were not being adequately addressed, more due to a lack of a awareness and inadequate policy planning than to a deliberate intention of violating the IDPs' rights.

In a meeting with the Assistant Emergency Relief Coordinator and the Coordinator of the Secretary General for Tsunami Relief, Ms Margareta Wahlstrom, in Bangkok on 4 March, where the Representative presented his main findings and recommendations, it was agreed that operational guidelines for the humanitarian workers in the field that would help them to address the protection of the human rights of IDPs in the context of natural disasters, would be helpful.

In order to ensure a buy-in from the humanitarian community as a whole, the proposal for these Guidelines was presented to the IASC WG meeting in Rome on March 28th, 2005. The IASC encouraged the RSG in his efforts and was willing to wait for a draft for discussion.

Currently the RSG will be presenting a first draft to the IASC WG.

¹ Appended

II Brief presentation of the Draft Operational Guidelines on the Protection of the Human Rights of IDPs in natural disasters:

The aim of these Guidelines is to give contextual and operational guidance to humanitarian actors in the field on how ensure an adequate protection of the human rights of IDPS in the specific context of post-natural disaster response. It thus has to read in addition to the guidance provided in the IASC Policy Package on IDPs of 2004, as well as the “Growing the Sheltering Tree – Human Rights in the humanitarian context”. Both documents are highly relevant but tend to focus mainly on situations of armed conflict and the protection issues that arise there.

Concretely these Operational Guidelines aim to give practical guidance on how to integrate the human rights aspects in the immediate and medium term response, for assistance and protection work with IDPs. The aftermath of the tsunami but also of other subsequent major disasters, has shown the need in the field for guidance on these subjects.

The Guidelines have been drafted with the protection of the human rights of IDPs in mind, in line with the RSG’s mandate. However, it is possible that many of the issues addressed also affect the wider population. These draft Guidelines do not purport to being a comprehensive draft addressing all the situations and dilemmas, as this would lead to an unwieldy and thus useless document.

The current draft is divided into 5 parts:

1 Introduction:

- 1.1 Context for which the guidelines are intended and what their aim is,
- 1.2 glossary of terms
- 1.3 presentation of subject: human rights and natural disasters, integrating the rights based planning in this context, dilemmas that humanitarian workers face

2 Cross-cutting issues:

- 2.1 non-discrimination and equity
- 2.2 consultations and the rights of IDPs to be informed
- 2.3 registration and documentation
- 2.4 monitoring

3 Specific groups of rights:

- 3.1 protection of life and physical integrity
 - 3.1.a *access to humanitarian assistance*
 - 3.1.b *physical security*
 - 3.1.c *freedom of movement*
- 3.2 protection of basic needs:
 - 3.2.a *health*
 - 3.2.b *shelter*

- 3.2.c *food*
- 3.3 protection of other economic, social and cultural rights:
 - 3.3.a *education*
 - 3.3.b *livelihoods*
 - 3.3.c *housing, land and property*
- 3.4 protection of other civil and political rights:
 - 3.4.a *freedom of expression and association*
 - 3.4.b *family reunion*
 - 3.4.c *missing persons, identification and burial of bodies*
 - 3.4.d *rule of law and access to remedies*
 - 3.4.e *state of emergency*
- 4 Protecting specific groups:**
 - 4.1 women
 - 4.2 children and adolescents
 - 4.3 disabled persons
 - 4.4 persons living with HIV/AIDs
 - 4.5 single parent house-holds
 - 4.6 ethnic and religious minority groups and indigenous peoples
- 5 Appendices: (separate booklet or CD Rom with the appropriate sources and reference material for further reading)**

III Next steps:

Given the difficulty inherent in the drafting of such Guidelines due to their cross-cutting nature, the RSG would like to propose a pluridisciplinary consultation of the draft Guidelines in order to finalise the draft and submit them to the next IASC WG for adoption in Rome. The RSG would also appreciate feedback on how the wider issues of non-displaced population in disaster-zone areas could be addressed, if considered appropriate by the IASC WG members.

IV Proposed timeframe:

- **2nd week of December:** a draft for consultation is sent out to the IASC WG members for comments by 2nd week of January
- **2nd week of January:** RSG's office compiles comments and prepared second draft for consultation
- **18 January:** IASC WG meeting in Geneva to consult draft Guidelines
- **Until mid-February:** New draft with suggestions and comments incorporated by RSG's office
- **Mid-February:** Final draft sent out with dissemination/implementation strategy proposals

- **March 06:** IASC WG meeting in Rome – adoption of Guidelines and referral of dissemination/implementation strategy

V Proposed Action by the IASC Working Group

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| <ol style="list-style-type: none">1. The IASC WG agrees to working plan proposed by the RSG |
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Prepared by RSG on Human Rights of IDPs – November 2005