Internally Displaced Persons

Protection of Conflict-induced IDPs:
Assessment for Action

Protection Cluster Working Group
Early Recovery Cluster Working Group

Provisional Release

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2008

FOREWORD

Several tools are currently under production at inter-agency level, in support of shared efforts to meet the most urgent needs of internally displaced persons (IDPs). This framework, designed to assess protection needs, is one of these tools.

It is the product of two working groups created as part of the United Nations humanitarian reform process under the auspices of the Inter-Agency Standing Committee (IASC): the Protection Cluster Working Group, and the Early Recovery Cluster Working Group.

It has benefited from input from a wide range of international organizations, both from the humanitarian and development sphere, as well as non-governmental organizations. The office of the United Nations High Commissioner for Refugees (UNHCR) has facilitated this work.

The assessment framework in its current form is a draft that has been endorsed by the relevant Cluster Working Groups. A pilot phase is scheduled between now and December 2008, during which this tool will be tested at field level. Feedback will be sought as to its usefulness, and any enhancements needed. The framework in final form is scheduled for production early 2009.

UNHCR wishes to acknowledge with appreciation the many contributions received, and the active cooperation of members of the Cluster Working Groups concerned.

Geneva, February 2008

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INTRODUCTION

States have the obligation to protect the rights of internally displaced persons (IDPs) to the same standard as that for all citizens. Humanitarian agencies are frequently called upon to support States to meet this obligation. This framework is intended to assist States and humanitarian agencies to assess existing protection capacities and identify protection gaps. It is thus designed to provide a comprehensive analysis of the situation of IDPs and of affected populations, including host communities, returning IDPs, and communities in areas of return, as well as persons at risk of displacement, and to highlight the main risks they face. This analysis should then provide a blueprint for operational planning.

WHAT IT CONTAINS

The assessment framework comprises two parts. The first contains a framework for analysis, guiding the user through areas that need to be assessed. The second part provides general guidance on participatory methodologies, designed to elicit information from displaced and affected communities, to hear from them the protection risks they face, as well as their capacities and proposed solutions to address those risks. As outlined more fully below, their views are central to the suggested methodology.

Part I is structured along the UN Guiding Principles on Internal Displacement, each chapter reflecting a cluster of rights drawn from international human rights and humanitarian law. It looks at what can be done to support communities in ensuring their enjoyment of fundamental rights, as opposed to simply addressing what are perceived as their needs. It is guided by concerns for the longer term, including establishing an environment that is conducive to the rule of law.

The questions are designed to help determine to what extent the rights of IDPs and affected populations, as enshrined in international human rights and humanitarian law, are respected. Where the reality falls short of international standards, a protection gap exists.

The standards underpinning the assessment framework are those that apply to IDPs who are citizens of the country in which they are displaced. It is recognized, however, that IDPs may be stateless or non-nationals of the country in which they reside. For most fundamental human rights, the standard is the same. In the case of other human rights (e.g. right to secondary education, political participation, work, etc.) the applicable standards for IDPs are those that apply to other non-nationals.

Moreover, the questions are drafted so as to include diverse perspectives such as those of women, girls, men, boys, indigenous people, older people, persons with disabilities, and other groups, and to ascertain whether such groups are affected differently. Measures designed to remedy gaps will thus be based on their own priorities and should benefit all IDPs and affected populations, rather than those who are most visible or vocal. By discussing protection gaps with IDPs and affected populations, they should also become more informed about their rights.

Finally, the questions in Part I are designed to identify resources and capacities of national and local state authorities, other national actors and the communities themselves to address protection gaps, and to define the support needed to reduce protection risks. In this way, measures to remedy protection can build on existing capacities and maximize the use of local skills, including those of women, youth and older persons.

USEFUL SUPPORTING TEXTS AND CD-ROM

Further guidance on international standards for IDP protection can be found in the following texts:

➤ *Handbook for the Protection of Internally Displaced Persons,* Protection Cluster Working Group (provisional release, 2007);

➤ *Annotations on Guiding Principles on International Protection*, Walter Kälin, Studies in Transnational Legal Policy, No 32, The American Society of International Law and The Brookings Institution Project on Internal Displacement, 2000;

➤ *General Comments by United Nations Treaty Bodies,* including those by the United Nations Committee on Economic Social and Cultural Rights established under the 1966 International Covenant on Social, Economic and Cultural Rights;

➤ *Sphere Project, Humanitarian Charter and Minimum Standards in Disaster Response.*

A number of these texts can be found on the accompanying CD-Rom, which also includes sample templates referred to within the pages of this framework.

WHICH SITUATIONS THE FRAMEWORK COVERS

The assessment framework is designed for use in IDP situations arising from armed conflict, situations of generalized violence or violations of human rights, including in the context of early recovery. It does not address issues unique to displacement caused by a natural disaster or development, nor does it purport to cover the full range of protection risks that the broader population may face. Nevertheless, the assessment framework can also be relevant for such groups in view of the similarity of the risks they face.

WHEN TO USE IT

The assessment framework has been conceived for situations in which both security conditions and time factors allow for a comprehensive assessment of the situation of IDPs and affected communities. Whenever possible, it should be used in parallel with or as follow-up to a profiling exercise, and where profiling data is available, it should build on such data. Further background can be found in the NRC/OCHA Guidance on Profiling Internally Displaced Persons, provisionally released in November 2007.

In the future, this publication might be complemented by a simple inter-agency rapid assessment tool to be used at the very initial stages of an emergency. The principles, on which the assessment framework is based, however, can also guide assessments in situations in which access or time is limited.

An assessment using the framework should be carried out as early as possible in the displacement cycle, prior to the preparation of inter-agency planning and fundraising documents. It should be repeated when a new operation planning cycle begins. The assessment framework can thus be used to provide input to various processes led by the United Nations Country Team, including the following:

1   The Consolidated Appeals Process (CAP) in complex emergencies, to develop a protection response for IDPs as part of the Common Humanitarian Action Plan (CHAP). The assessment should be carried out before the Needs Analysis Framework is compiled;

2   The Post-Conflict Needs Assessment (PCNA) to help national authorities supported by the international community to develop and implement short-term and mid-term recovery priorities;

3   The Common Country Assessment (CCA) in preparation for the United Nations Development Assistance Framework (UNDAF), and specifically the assessments and development interventions required to address protection problems affecting IDPs.

It has been designed to facilitate an inter-agency assessment, and to assist in developing a common inter-agency response to internal displacement. A shared view of protection gaps affecting IDPs will help to ensure an integrated response, with agreed interventions. The assessment framework can also be used, however, for protection assessments by individual agencies.

HOW TO USE IT

The assessment framework is not intended as a statistics-gathering instrument, nor is it a substitute for agency-specific sectorial standards and indicators. The questions included in Part I should not be used as checklists to tick off, but as a guide to focus assessments and analysis of the relevant areas and issues.

It is recommended that an inter-agency team, with experience in protection, be established to undertake the analysis. The team should have a balanced representation of men and women, with different areas of expertise, in order to cover the full range of rights that need to be addressed.

As a preliminary step, the team should assemble all available documentary information such as annual reports, surveys, results of profiling and monitoring reports, as well as previous needs assessments and evaluations. Normally, this work should be done prior to fielding an assessment team.

Such information can be reviewed using the structure of the assessment framework. Based on the existing materials, a draft analysis or, at a minimum, a summary of the main gaps arising from the documentary evidence should be prepared, indicating the sources. The report template in Annex 4 (on the CD-Rom) can be used to structure the findings. This review can help structure discussions with the stakeholders.
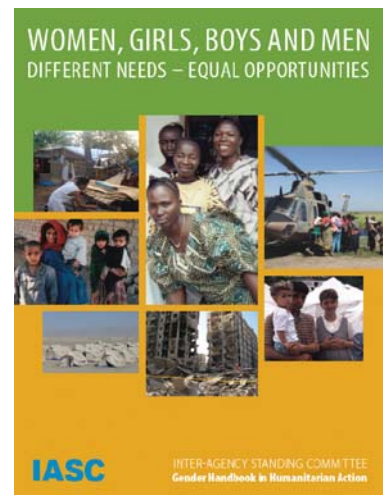
WHO SHOULD BE INVOLVED

IDPs and affected populations

IDPs and affected populations have a right to participate actively in decisions that affect them. Moreover, their participation is essential to ensure that interventions for their benefit effectively address their needs, and protect the rights of all segments of the population affected.

A central component of effective participatory assessments is the holding of separate, structured discussions with women, girls, men, boys of diverse ages and backgrounds focusing on their specific protection risks, understanding their capacities and ensuring each group a voice in setting priorities and proposing solutions.

Often women, children, minority groups, older persons, persons with disabilities and indigenous people have less social, economic and political power, and are less represented in formal leadership structures. Consequently, they are often

WOMEN, GIRLS, BOYS AND MEN
DIFFERENT NEEDS – EQUAL OPPORTUNITIES

IASC   INTER-AGENCY STANDING COMMITTEE
Gender Handbook in Humanitarian Action

overlooked in assessment and planning processes and this can inhibit their access to and control over resources on equal terms with others. Participatory assessments that solicit their views may help to prevent this, and ensure that their specific protection gaps are addressed.

Due attention must be paid to ensure that participatory assessment does not expose IDPs to additional risks. This entails taking care with personal and sensitive information emerging from the assessment. Part II of the assessment framework provides guidance on this, and on how to prepare, organize, and conduct a participatory assessment and incorporate results into a comprehensive gaps analysis, and a common country protection strategy. More background reading on participatory assessment is included in the accompanying CD-Rom (Annex 5).

Hosting communities

Participatory assessments should normally also include hosting communities. Their views are important to understand whether protection risks are specific to IDPs, or equally affect the whole community. Their views are also key to gauge their capacity to support IDPs, and how this capacity can be strengthened, which will substantially influence the type of response to provide. There are different ways in which these consultations can take place including interviews, focus group discussions and joint meetings with members of the hosting community and IDPs. The choice will depend on the context and, in particular, on security concerns.

Relevant authorities, NGOs and other actors

Effective efforts to enhance the protection of IDP communities and strengthen local and national protection capacities rely upon the participation and engagement of relevant local and national authorities – be they official or de facto – as well as NGOs and other relevant actors. Their views as to gaps, needs, constraints, and potential remedies are essential in arriving at a comprehensive situational analysis. Moreover, their participation at the outset will promote the collaboration necessary to ensure robust protection of IDPs and facilitate solutions.

Interviews with authorities should canvass:

1. Their responsibilities/mandate;

2. Their views on protection gaps affecting IDP communities, on possible solutions and on their capacities to address those gaps;

3. Their current and planned activities to remedy protection gaps.

PRESENTING THE ANALYSIS

Once all views have been solicited and the assessments completed, the analysis should be compiled. Part I of the assessment framework is comprehensive, and not all issues will be directly relevant to every IDP situation. Therefore its use should be adapted to the relevant context.

To help organize the information collected through the participatory assessments, teams may wish to cut and paste the rows of the systematization form (Annex 6 on CD-Rom) corresponding to specific protection risks into the report template included in the accompanying CD-Rom (Annex 4).

As a next step, teams should analyse the assessment data in the light of information gathered during the initial review of existing materials. Teams must capture priorities for action, as highlighted by the different age and sex groups of IDPs and hosting communities, as well as the gaps in protection highlighted in other source materials. These may not have arisen during the discussions, but are important to address. The result of this analysis should then be incorporated in narrative form into the different chapters of the assessment framework. In order to reduce the time needed to produce a final report, assessment teams may divide among themselves the drafting of the different chapters.

As regards style, short sentences, plain language and concise paragraphs (and a recommended length of no more than 40 pages) should help ensure that the report will be read, understood and relied upon as the central reference document for prioritizing protection gaps and developing strategies to remedy them. Graphs and maps with profiling data can help illustrate the findings. An Executive Summary is also recommended to set out the main findings.

PLANNING A RESPONSE

The analysis produced using the assessment framework should constitute the basis for joint planning by all relevant stakeholders. It is therefore recommended to organize a stakeholders' meeting, where all relevant actors can discuss the gaps identified, agree on priority areas to address and on the measures necessary to do so.

The workshop should include all stakeholders, including a reasonable number of community members who represent different ages and backgrounds, reflect gender balance, and are genuinely able to participate.

To assist in tracking the development of initiatives and long-term collaborative strategies, a matrix template is included in Annex 7 on the CD-Rom, to record identified gaps, projects to remedy them, implementation period, cost, funding source and implementing agency.

PART ONE:

FRAMEWORK FOR ANALYSIS

1. Context

Central African Republic
Children rush to school near the border to Chad border. The children walk up to 7 kms from the bush to school every day.

Understanding the scope of internal displacement, its causes, and attitudes towards IDPs is essential in order to frame a protection response. This should be based on community participation, and on a commitment towards solutions from the onset.

1.1 Demographic profile

➤ Briefly describe the IDP population, noting differences in sources and whether data is recent and reliable. Include information on:

- Areas of origin
- Size (numbers)
- Length of displacement? Is the displacement ongoing? Was displacement sudden, massive? Was it multiple?
- Location (rural/urban, in camps/dispersed etc.)
- Socio-economic profile, disaggregated by age, sex, ethnicity, religion, caste/clan, including groups with specific needs (e.g. unaccompanied and separated children, households headed by single parents or grandparents, etc.) and groups at heightened risk.

> Profiling IDPs is an important means of improving the availability and quality of information on IDPs and to obtain a figure through a collaborative process that can be used both for country operations and global statistics.
>
> *Guidance on Profiling Internally Displaced Person, 2007.*

➤ What proportion of the total population is internally displaced?

➤ What methods are used to collect basic IDPs data (numbers, location, etc.)?

- What data are being collected, by whom and for what purpose?
- Do censuses and demographic surveys provide relevant data on IDPs?
- How has information on specific needs been collected? How has the community been involved?
- What further information is still needed to protect IDPs and would collecting it expose them to risks?

1.2 Public perceptions

➤ What are the attitudes of other communities towards IDPs?

- Are IDPs perceived as placing a strain on natural resources (e.g. water, food, forest, and land use) and services?
- Are they perceived as receiving preferential treatment?
- Do employers, landlords, and other private persons discriminate against IDPs who seek employment, or wish to rent housing?

➤ Are IDPs ostracized for maintaining cultural practices?

- Have attitudes towards them changed over time? How?
- Do these attitudes differ depending on the location, area of origin, or other characteristics of the IDPs?

➤ How informed is the local population on problems faced by IDPs?

- What is the tone of public statements on IDPs by the authorities, politicians, the media, etc.?
- Are there programmes to raise awareness of the situation of IDPs? If so, is civil society involved in their design and implementation?
- Are IDP communities isolated? Do many IDPs live with host families?

➤ What measures are taken by the authorities and other actors to mitigate negative attitudes?

- Are there communal activities shared by IDPs and affected populations (e.g. sports and religious activities)?
- If so, does this joint participation facilitate peaceful coexistence?

1.3   Meaningful participation

➤ Is there regular, structured dialogue with IDP girls, boys, women and men of diverse ages and background, to hear their views and their proposed solutions?

- How does this take place and who takes part?
- Are the findings incorporated into the planning processes? If so, how?

➤ How do IDPs participate in the planning process?

- How are representatives selected?
- How are women included in the planning process?
- Are children included in the planning process? How are their voices shared with decision-makers?
- How are minority groups, older persons and persons with disabilities included?
- What support is given to ensure meaningful participation and representation of all?

1.4   Solution-oriented approach

➤ Are all stakeholders committed to find durable solutions as from the onset of the displacement?

- Do prevailing national and local policies have the effect of perpetuating displacement? Do they support the right of IDPs to choose whether to return, integrate locally or settle elsewhere in the country?
- Does civil society or the media favour or obstruct solutions?

➤ Where humanitarian assistance is provided, is it done in a way that builds or strengthens capacities of national authorities, NGOs, of communities themselves?

➤ Is humanitarian assistance provided without discrimination?

- Is the same attention given to IDPs as to other communities facing similar gaps in their rights?

- Do IDPs who are dispersed have access to humanitarian aid equal to that available to IDPs staying in camps or settlements? If not, is the disparity justified?
- Is aid conditional upon specific compliance by the IDPs (e.g. registering with the authorities)?
- Is assistance provided in a way that does not disrupt cultural practices, unless they may cause protection risks?

► Are the protection of and solutions for IDPs integrated into development instruments, such as Common Country Assessment (CCAs), United Nations Development Assistance Frameworks (UNDAFs) and Poverty Reduction Strategy Papers (PRSPs)?

► To what extent do national or regional development agendas take account of the particular protection concerns of IDPs, and the need for durable solutions?

2. Prevention of displacement

Afghanistan
IDPs in Kabul.

Addressing protection gaps prior to displacement would, if feasible, be a preferable course of action. Where this is not an option, a comprehensive protection system should attempt to address the risks that also occur during flight.

2.1 Causes of displacement

➤ What are the causes of flight?
- Is it generalized violence or are specific groups or individuals targeted? If so, who?
- What are they fleeing from?
- Is GBV one of the causes?

2.2 Prevention of displacement

➤ Is forcible displacement an offence that is prosecuted and are all actors aware that arbitrary displacement is unlawful?

➤ Have the causes of displacement been addressed?
- Have hostilities diminished or ceased?
- Were any measures implemented to stop, prevent or mitigate the causes of flight?
- Have acts of violence, and violations of those rights that led to displacement, diminished or stopped?
- What peace/reconciliation efforts, if any, are under way?
- Is renewed displacement anticipated?

➤ Briefly describe existing international and national peace processes
- Do they contain provisions relating to durable solutions (e.g. return, housing, land and property restitution, etc.)?
- Do they contain provisions for the protection of specific groups (e.g. women, children, older persons, and indigenous people) which enhance IDP protection?
- How have the views of the community, including those of women, been considered in peace-building?

➤ Have other steps been taken to address the root causes of displacement?
- If so, what are they?
- Are there special measures to prevent the displacement of persons with a special dependency on or attachment to their land (such as indigenous peoples, minorities, peasants, and pastoralists)?

➤ What additional support is estimated by communities as needed, in order to reduce threats leading to displacement?

> […] Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
>
> *Security Council Resolution on women and peace and security, 1325/2000*

2.3   Humanitarian evacuations

Evacuating children without family members should be the last resort, after it has been carefully determined that protection […] cannot be provided inplace and that evacuation of the entire family is not feasible.

Inter-agency Guiding Principles on Unaccompanied and Separated Children, 2004

➤ If humanitarian evacuations have taken place, who carried them out, and were there exceptional circumstances to justify them?

➤ Who was evacuated, for what reason, and were they consulted first?

➤ Were they informed of the destination, or provided details of evacuation plans?

➤ Was family unity ensured, and were children and older persons evacuated together with other adult family members?

2.4   Protection risks during flight

➤ Briefly describe the main security threats faced by IDPs en route to a safe location.

➤ What belongings are they able to bring? Do they bring ID documents?

➤ What type of security risks confront IDPs, in particular women and girls, in transit centres or en route to areas of safety?

➤ What arrangements have been made to address the protection needs of unaccompanied and separated children, older persons and persons with disabilities?

➤ What support is estimated by communities as needed to reduce protection risks during flight, including in transit centres or en route to areas of safety?

3. Institutional protection framework

Colombia
The Casa de los Derechos – or 'House of Rights' – for thousands of displaced people in Altos de Cazuca, a troubled neighborhood on the outskirts of the capital Bogota.

IDP protection is enhanced when a comprehensive institutional protection framework is in place, through which the rights and freedoms of IDPs enshrined in the major human rights instruments are protected without discrimination under national law; when the administrative capacity is adequate to oversee the situation of IDPs; and when protection issues are addressed jointly by all relevant stakeholders.

3.1   Applicable international law

➤ Which major international and regional human rights and humanitarian law instruments have been ratified? Note any key reservations. (Attach annex)

➤ Is there a situation of international or internal armed conflict, triggering the application of international humanitarian law?

  ● What are the obligations of the parties to the conflict?

➤ Has a state of emergency been declared? If so, which rights are restricted?

3.2   National legal framework

➤ Is there a need to take targeted legislative or administrative actions in favour of IDPs, to ensure that they enjoy civil, political, economic, social and cultural rights on an equal basis with other citizens? If so,

  ● Relating to which rights?

  ● What action has already been taken? What action has not been taken?

  ● In the absence of legislative or administrative action, has the gap been filled by courts?

➤ Is there any specific legislation on IDPs? (answers can be brief)

  ● What is its purpose and scope?

  ● Does it define who is an IDP and if so, is the definition inclusive of all groups?

  ● Does it introduce an IDP status at national level, and if so, what are the criteria and procedures for granting and terminating such a status. Are certain groups of IDPs excluded from it?

> National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
>
> *Guiding Principles on Internal Displacement, General Principle 3(1), E/CN.4/1998/53/Add.2, February 1998*

3.3   Institutional framework

➤ Briefly describe existing national structures dealing with IDPs

  ● Is there a national, institutional focal point for IDPs?

  ● Are there any national institutions working with women, children, family and/or social welfare that can be a source of expertise and support for IDPs?

Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to 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 generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

Guiding Principles on Internal Displacement. Introduction, para. 2

- Which institutions have been particularly proactive in IDP protection?
➤ What is the State budget for IDPs?
➤ What mechanisms of coordination exist among the institutions?
  - Are there clearly defined roles and responsibilities?
  - How could coordination be strengthened?
➤ To what extent have government officials responsible for IDP protection at all levels been trained to address their specific needs?
➤ Are there mechanisms in place to monitor and report on human rights violations?
  - Is an independent national human rights institution involved?
  - Are there international monitors?
  - What impact do human rights monitoring activities have on IDPs?
  - Have United Nations Special Representatives issued recent reports?
➤ If the area in which IDPs are located is controlled by non-State actors, do the de facto authorities have the will and capacity (e.g. policies, institutions), to provide protection to IDPs?
➤ In case of territories administered by the international community, briefly describe their competences with regard to IDP protection.

3.4   Partnerships

➤ Which national NGOs are significantly involved in IDP protection?
➤ In which geographical and thematic areas do they work?
  - Do they have the necessary capacity?
  - Do they act impartially? Are they viewed as neutral by all concerned?
  - Are there other organizations (e.g. women's organizations) which could be involved?
➤ Are international humanitarian organizations involved in supporting the national authorities to deal with IDPs? If so,
  - Which organizations?
  - Is this support provided under the collaborative approach? What is the role of each organization involved? Is their capacity adequate? How effective are existing coordination mechanisms?

- Has the cluster approach been adopted and, if so, for which clusters? Who leads the protection cluster and how does it function? Are there sub-working groups at national and field level? Is there adequate coordination with other clusters and with the Government?

➤ Are international humanitarian organizations engaged in joint needs assessments, strategy development, planning, field monitoring, evaluation and reporting exercises?

➤ Is there an overarching coordination mechanism bringing together all relevant national and international actors, including NGOs, to raise issues and determine responses?

➤ Do international and national humanitarian organizations have unimpeded access to all IDPs, regardless of the cause of displacement, the place of stay, and the personal characteristics of IDPs (e.g. sex, age, nationality)?
  - If not, for which groups is access restricted and why?
  - Has access been negotiated with the relevant actors?
  - Is there a difference in access between government controlled areas and areas controlled by non-State actors?

4. Protection from the effects of armed conflict

Sri Lanka
The Humanitarian Demining Unit, with the help of Norwegian People's Aid, clears land near Elephant Pass, close to Jaffna.

Protection includes safety from the effects of armed conflict, and in particular from the threats caused by armed elements within the civilian population.

4.1   Security in IDP areas

➤ Are there attacks on civilians? If so, by whom?
  - What kind of attacks (bombing, looting, etc.)?
  - Are certain areas more at risk than others?
  - Are civilians used as human shields?
  - Are there attacks on hospitals, schools or other public services?
  - Are there incidents of ill-treatment, abductions, life threats or executions?
  - Are rape and other forms of GBV part of the strategy of any party to the conflict? If so, who is targeted?

➤ Do IDPs experience other effects of hostilities?

➤ Have humanitarian corridors, days of tranquillity and protected zones been established?
  - Do these enhance protection, and are they respected by the parties to the conflict?

➤ What protective mechanisms have been put in place to reduce these risks, and by whom?
  - What further support is estimated by IDPs as needed?

➤ Do landmines and other unexploded ordinances place people at risk? If so:
  - Are areas contaminated with mines or explosive remnants of war visibly marked? If so, how?
  - Has mine laying stopped?
  - Do landmines and/or explosive remnants of war prevent access to vital resources (e.g. water, infrastructure, arable land)?
  - Has demining started and if so, has the community been involved in determining which areas to demine? Does it include areas used by women (e.g. to fetch water or firewood) and children?
  - Are there mine education activities? Are these gender-appropriate and child-friendly? Has the community been involved in their design?
  - What is the impact of demining and mine awareness activities?

4.2   Presence of armed elements

➤ Are there armed elements inside or in the vicinity of IDP camps, settlements or communal centres?

➤ What risks do armed elements pose for IDPs, including those dispersed?
  - Do they abuse or threaten IDPs, particularly women and girls?

- Do they prevent IDPs from moving, or force them to move to a given area?
- Do they coerce IDPs in any way to collaborate in fighting?
- Is IDP property at risk of pillage?
- Is assistance to IDPs diverted to those participating in armed conflict? If so, how and to what degree?
- How does the presence of armed elements and/or diversion of assistance impact on IDPs?
- What action is taken by the authorities, and what other measures are in place to address threats by armed elements and to prevent the diversion of assistance?

➤ What additional protective mechanisms have been taken by the community themselves?
- What further support would IDPs need?

4.3   Forced recruitment and child recruitment

UN Security Council Res. 1612/2005 calls for the establishment of monitoring and reporting mechanisms on children in armed conflicts.

➤ Are there reports of forced recruitment?
- If so, who is allegedly responsible? What are the patterns? Whom does it affect?
- What preventive and remedial action is taken by the authorities?
- What is the reaction of the community?
- What kind of support would assist the community to avoid or reduce this risk?

➤ What mechanisms are in place to disarm armed elements and to identify, separate and intern members of armed groups?

➤ Are there reports of extortion in support of armed groups? Whom does it affect? Under what circumstances does it occur?
- What preventive and remedial action is taken by the authorities?
- What is the reaction of the community?
- What kind of support would assist the community to avoid or reduce this risk?

➤ Are there known cases of boys and girls associated with armed forces and groups?
- If not recruited by force, why do IDP girls and boys join armed groups?
- What services do boys and girls provide, and do they include direct participation in hostilities?

➤ Are there activities in place aimed at preventing this and are they effective?
- What mechanisms has the community developed to protect itself?
- What other forms of support would assist the community to avoid child recruitment?

➤ Has a country-level task force been established to monitor the situation of children associated with armed forces and groups?

➤ Are special programmes in place to disarm, demobilize and reintegrate or rehabilitate IDP children associated with armed forces and groups?

- Do they also address the specific needs of girls?
- Who manages these programmes?
- What is the involvement of the community?
- What is their long-term impact on boys and girls?
- What specific needs still remain unaddressed?

5. Security from violence and exploitation

Montenegro
Displaced Roma from Kosovo. Suburbs of Podgorica.

Protection includes safety from violent acts and exploitation. It involves respect for the principle of family unity, a system for the prevention of and response to gender-based violence (GBV), a child protection system as well as a mechanism to deal with the risks faced by persons with specific needs.

5.1 Security risks deriving from common crimes

➤ What is the level of violence and crime in areas of displacement? Are IDPs at greater risk than the rest of the population?

- What are the most common crimes and abuses faced by displaced men, women and children? Where available, provide figures (by sex and age group) of particularly serious crimes, such as murder, serious injury, rape, arson, kidnapping and disappearances.

➤ What is the profile of alleged offenders?

- Are IDPs at immediate risk of being discriminated or abused by the authorities, or other actors from their area of origin?
- Do certain locations (e.g. transit centres) or certain activities (e.g. washing, gathering firewood, food and water) pose particular risks? Are some of these activities forbidden?

➤ What support is estimated by the community as needed to minimise security threats?

5.2 Right to family life

➤ To whom do IDPs report missing family members?

- Do the responsible authorities try to establish the fate and whereabouts of persons reported missing?
- Is the next-of-kin kept informed of the progress of investigations and the results?

➤ Is family unity disrupted by displacement, return, or relocation? If so, why?

- What action does the community itself take to prevent long-term separation?

➤ Is family unity a component of programme planning?

➤ How many unaccompanied and separated IDP children are there (by age and sex)? What is their situation?

- What measures are in place to meet their specific needs (and are these different from those for the non-displaced) in the following areas (i) identification; (ii) registration and documentation; (iii) appointment of a guardian; (iv) temporary care arrangements and their monitoring?
- What tracing systems are in place? Are tracing agencies involved? Is a tracing database being used?
- What mechanisms exist to verify family relationship and for family reunifications?
- What mechanisms exist to determine whether a child is orphaned, and are there policies to prevent the premature adoption of separated children?

➤ What are the outstanding gaps with regard to unaccompanied and separated children?

- How are child-headed households identified and protected?
- How are street children and children with disabilities identified and supported?
- What support would assist the community and the responsible authorities to fill existing gaps?

➤ Who is responsible for tracing and reunification of adults, including older persons? How effective are existing mechanisms?

➤ Are the grave sites of IDPs and family members protected and respected? Do IDPs have access to the grave sites of their deceased relatives?

5.3 Gender-based violence (GBV)

Gender-based Violence is an umbrella term […] Examples include:
- Sexual violence, including sexual exploitation/abuse and forced prostitution
- Domestic violence
- Trafficking
- Forced/ early marriage
- Harmful traditional practices such as female genital mutilations, honour killings, widow inheritance, and others.

IASC Guidelines for GBV Interventions in Humanitarian Settings, September 2005

➤ Are displaced women, girls, men and boys subject to GBV? If so,

- Which types of GBV and who are the alleged perpetrators?
- Where do most GBV incidents take place, and who is most targeted?
- Do IDPs face more or different risks than the rest of the population?

➤ Describe briefly the following legal and institutional issues relevant to combating GBV.

- What is the minimum age of sexual consent?
- Is sexual intercourse outside wedlock considered a crime? If so, are sanctions disproportionably imposed depending on gender and are IDPs more severely sanctioned?
- Are the following considered criminal acts under national law (including if committed against a boy or a man): rape, sexual abuse and exploitation, sexual harassment, trafficking, forced prostitution, and domestic violence?
- Are forced marriage, female genital mutilation and other harmful traditional practices also prohibited by law?
- What national or regional programmes are in place to prevent and combat GBV, and how effective are they? Is training on GBV provided (e.g. education and awareness-building programmes targeting men, women and children, as well as officials)?

➤ What mechanisms are in place to identify persons at particular risk of GBV, and do they extend to IDPs?

➤ What is the attitude of the authorities and the communities towards GBV?

- Can survivors and their families seek fair and effective remedy? If not, why not?
- What Government reporting mechanisms exist for GBV cases affecting IDPs, and who administers them?
- What obstacles do survivors and their families face when seeking support services and/or justice?
- How can international support, local participation and empowerment help to overcome these obstacles, and what resources are required?

➤ Are there GBV coordinating or reporting mechanisms established under United Nations programmes?

- Do they include confidential and child-friendly complaints mechanism to address alleged abuse by humanitarian workers and members of international forces?
- Have inter-agency Standard Operating Procedures (SOPs) to prevent and respond to SGBV been established?
- How have communities participated in their design, and how have they been informed of these mechanisms?
- Has all staff been trained in special measures to protect against sexual exploitation and sexual abuse?

➤ Are reporting mechanisms effective and do they respect the survivor?

➤ What support is available to respond to GBV survivors in the following four areas: (i) safety, (ii) medical support, (iii) psychosocial support and (iv) legal counselling and access to justice?

- Are support services child-friendly?
- Are these responses well known to the community and service providers?
- Do IDPs have access to the same services as the rest of the population? If there are special IDP services, what is the rationale?
- What further support do local authorities or IDPs need?
- What longer-term solutions are available to GBV survivors?
- What role can IDPs themselves play in addressing GBV?
- How can local government and civil society be supported to provide effective services?

5.4 Child labour

➤ What is the minimum age for work?

➤ Are some displaced children compelled to perform work that is hazardous, interferes with their education or is otherwise harmful to their health or development? If so,

- Which boys? Which girls? For what reasons and in which type of work? Does domestic work expose boys or girls to particular risks?

- Do displaced children face more or different risks than other children?
➤ What measures are in place (and are these IDP-specific) to minimize these risks, and to take action when cases occur?
  - What role do central and local authorities play to reduce the risks?
  - What support is estimated by communities as needed to further address this?
➤ Do displaced children enjoy their right to rest and leisure?
  - Do they have access to recreational activities and sport facilities?
  - Are boys and girls involved in the development of programmes for them?

5.5 Child risk prevention and response

➤ What other forms of abuse, neglect or exploitation (not covered in sections 5.3 – 5.4 above) are displaced boys and girls subject to?
  - How does the community define child abuse and exploitation?
  - Are displaced children exposed to more or different forms of violence than other children?
  - Are they affected by risks relating to substance abuse?
➤ How are child protection cases identified (schools, medical facilities, etc.) and what referral systems are in place?
➤ Describe briefly the legal framework to protect children, including:
  - Age when majority is attained (incl. for military service and voting);
  - Key inconsistencies of the national legal system with the Convention on the Rights of the Child.
➤ Describe briefly the domestic child welfare structures.
  - Do they include IDP children, without discrimination?
  - What support services do they offer?
  - Are they sufficient to monitor the physical security, protection and well-being of IDP children?
  - Are they effective in responding to child protection risks and incidents, and do they provide appropriate follow-up and support to children and families?
  - How are the best interests of the child determined in decisions regarding separation from parents, and subsequent placement?
  - Do they provide assistance to IDP children with mental and/or physical disabilities?
➤ How do communities traditionally deal with child abuse and exploitation?
  - What traditional protection mechanisms exist?
➤ Do workers dealing with IDP children have the necessary knowledge and skills with respect to child protection issues?

➤ Are workers who deal with children required to be familiar with and to sign a code of conduct designed to ensure appropriate behaviour, and to prevent abuse and exploitation?   Are they trained in such a code?

5.6   Persons with disabilities and older persons

➤ Briefly describe the legal framework for the protection of older persons and persons with disabilities.

➤ What particular security risks confront persons with physical and mental disabilities and older persons (including grandparent-headed households)?

➤ What protection measures have the authorities and other actors taken to address these risks?

● Do persons with disabilities and older persons have access to adequate shelter and equipment, such as wheelchairs, and other aids?

➤ What further support do communities as well as responsible authorities require?

5.7   Other security threats

➤ Are IDP areas at immediate or potential risk of natural disasters (floods, quakes etc.) in their place of displacement?

● If so, what are the responsible authorities doing about it?

● How does the community cope with it?

● What support would be needed to minimize such risks?

6. Equality before the law

Cote d'Ivoire
Monitoring assistants of ASA, Afrique Secours et Assistance, interview the displaced.

Every individual has the right to be recognized as a person before the law. This includes being issued documents necessary for the enjoyment and exercise of legal rights. Equal protection of the law also entails access without discrimination to effective remedies in law, including access to fair dispute resolution mechanisms, on the same basis as other nationals.

6.1 Birth certificates

➤ Are children born during displacement registered, including in areas under control by de facto authorities?

- If so, is this done in the same way as for other children born in the territory of the State?
- Is there a safe mechanism for the registration of births having occurred prior to displacement?
- Are parents issued birth certificates?
- Are parents of newborn children informed of the importance of birth registration, and do they approach the authorities?

6.2 Identity, civil status and other documents

➤ Do IDPs have access, on equal terms with other nationals, to: (i) identity documents and passports; (ii) civil status documents (e.g. marriage, divorce, adoption and death certificates); (iii) other key documents required for access to work and to essential services, such as health cards, employment, educational, or pension records?

- Can documents be issued or renewed without having to return to the area of origin?
- If official archives in IDPs' places of origin have been destroyed (or are inaccessible or unsafe for IDPs), is there a fair and efficient mechanism for IDPs to establish their identity, and obtain the documents they require?
- Do IDPs face other obstacles (e.g. fees, length of procedure, frequent renewal requirements, etc.) and are these different from those faced by non-displaced?

➤ Do women and men have an equal right to documents issued in their own names?

- Are there procedural barriers with disparate impact on women? If so, what are they?
- Is there any information on documents which distinguish IDPs from other citizens and if so, does such information prejudice IDPs or help to protect them?

➤ In the absence of responsible, accessible national structures, do any other institution and/or de facto authority issue documents to IDPs?

- If so, specify which documents, who is responsible, and whether they are recognized by the national authorities?
- Similarly, are documents issued by national authorities recognized by de facto and/or local authorities?

➤ What protection risks are associated with a lack of identity or civil status documents?
- Which rights cannot be enjoyed?
- Does this lack create difficulties in establishing nationality?

6.3   Ration cards and registration

➤ Are IDPs who receive individual assistance (e.g. food) provided with a document confirming their entitlement to assistance (e.g. ration card)? If so,
- Who issues the document?
- Is a separate document provided to each qualifying individual or is a single document issued to a family or household (if so, who within the family gets it, and does this lead to protection risks)?
- Does it have security features which prevent it from being forged?
- Is there a validity period?
- Is the document used for other purposes (e.g. identity document, in the absence of a national ID card)?
- How does this system impact on IDPs' equitable access to assistance?

➤ Is registration currently being conducted for all or part of the IDP population? If so
- For what purpose?
- Have the potential risks of registration been analysed?
- Who conducts the registration? If it is not done by the national authorities, have they given it their consent, albeit tacitly?
- Who is being registered, and what proportion has been registered individually?
- Does registration take place in an accessible and safe location?
- Are there any specific obstacles to effective registration?
- Are persons conducting the registration adequately trained?
- Is there a sufficient number of female personnel?
- Are registration data shared with other humanitarian actors, and have the risks of sharing registration details been considered?

➤ Are IDP biodata recorded electronically? If so,
- What is the procedure to update the registry?
- Who has the custody of the registration data and is it safely stored?
- Is it clear who should, and can have access to registration data?
- What steps have been taken to ensure respect of confidentiality?
- Is the software used compatible with that of other agencies that may require the registration data (subject to confidentiality requirements)?

6.4   Policing

➤ Who enforces the law in areas hosting IDPs?
- What are the existing policing mechanisms in place and what is their capacity?
- What role do women play in policing?
- Do IDPs face difficulties of access to the police? What practical arrangements can overcome such obstacles?
- Is security in hosting areas integrated into the national security network?
- Are there practical arrangements in place for cooperation on security issues with the international community (e.g. international military or civilian police deployments)?
- Are there community-based security mechanisms (e.g. neighbourhood watch, self-defence units, patrols)? If so, what role do men and women IDPs play?

➤ Does recourse to law enforcement agents entail risks for IDPs? Are these risks different from those experienced by the rest of the population?
- Are such risks higher for some groups of IDPs, depending on ethnicity, religion, age, sex, political opinion?
- Are judicial proceedings less frequently initiated in the case of crimes against IDPs (or certain groups of IDPs), as compared to crimes against locals?
- Are particular crimes less likely to be prosecuted, and if so, which crimes?
- How can capacities and attitudes of the police be enhanced, and who can contribute to such improvements?

➤ Are there opportunities for IDPs to discuss security measures with the authorities? Do opportunities exist for similar discussions between national and international actors?

➤ What support would communities need to enhance law enforcement?
- Is there scope to improve reporting and remedial mechanisms?
- Is there scope for a referral system to help IDPs report violations to a mediator? Are existing capacities adequate for such a system?
- Can village administrations, camp managers and other actors do more to diffuse tensions, and what support would they need?
- Can the interaction of the police with the community be enhanced? If so, can IDPs, national and international actors design a policing programme that takes account of the roles and responsibilities of each actor?

6.5   Access to the national justice system

➤ Do IDPs face legal or practical obstacles in obtaining effective remedies through the competent national justice system for violations of their rights (e.g. free access to courts, availability of legal aid or interpretation, child-friendly procedures, due process guarantees)?

- Are these obstacles different from those encountered by other nationals?
- Do some IDPs (e.g. women, children, homeless, etc.) have more difficulties in obtaining effective remedies than others?
- Are decisions by courts, tribunals or other administrative bodies recognized and enforced in IDPs' places of origin, and in their places of displacement? If not, why not?

➤ How can rule of law institutions be strengthened to prevent the recurrence of violations?
- What reforms are necessary?
- Are procedures for victims, witnesses and offenders child-friendly?
- Is training needed, and if so what kind?
- What support do institutions need for such training (in professional standards and international human rights), for the provision of basic operational tools, and for infrastructural needs?
- Are confidence-building measures needed and if so what kind?

➤ How can the capacity of IDPs to articulate and claim their rights through peaceful conflict-resolution mechanisms be strengthened?
- Can local lawyers be assisted in providing free legal aid to IDPs, and representing their cases before the local court system?
- Is there scope for training IDPs as paralegals, to identify and refer cases?
- How can local judges, prosecutors, and police be guided and supported to perform their duties?
- What confidence-building measures can be implemented to enhance trust between IDPs and the authorities?

➤ Are transitional justice mechanisms in place? If so,
- What are they?
- Are there mechanisms to address the most serious crimes, including rape, torture, and modern forms of slavery, or do such crimes go unpunished?
- Is there an effective mechanism for witness protection?
- Are procedures for victims, witnesses and offenders child-friendly?
- Is the capacity of transitional justice mechanisms sufficient?
- What is their impact on removing the root causes of displacement?
- Are existing mechanisms considered by displaced and non-displaced communities as sufficient?
- If not, what form of support would communities need?

6.6 Alternative dispute resolution systems

➤ Do IDPs rely on traditional or other justice systems for adjudication?
- Which systems are in use? What types of situations do they address?

- ● Which systems are used to deal with children alleged of offences?
- ● Are they formally part of the national legal system?

➤ Are serious crimes systematically referred to national justice systems? If not, how are they dealt with?
- ● Is rape systematically prosecuted and convicted?
- ● What is, for instance, the typical punishment for rape?

➤ Who are the decision-makers in alternative dispute resolution systems (by age, sex, ethnicity, etc.)? What training do they have?

➤ What are the strengths and weaknesses of these systems, including their impact on specific groups within the population such as women, children, older persons, persons with disabilities, and other minority groups?
- ● Is corporal punishment imposed?

➤ Does the community support the use of alternative justice systems? Do men and women have different views?

➤ How can alternative dispute resolution systems, and the role of traditional leaders, be optimized to enhance justice for all, and diffuse conflict?

6.7 Freedom of movement and choice of residence

➤ Are IDPs:
- ● Prevented from leaving the country or areas where they feel unsafe?
- ● Compelled or unduly pressured to return and settle in places where their life, safety, liberty and/or health are at risk?
- ● Prevented from returning to their places of origin?

➤ If so, who is affected by these restrictions?

➤ Are there other restrictions on freedom of movement and/or freedom to choose one's place of residence? If so, specify the restrictions
- ● Are they caused by practical or other barriers (e.g. unsafe roads)? Are they imposed officially or unofficially by the authorities?
- ● Where restrictions are imposed by the authorities, are they necessary to protect national security, public order, public health or the rights and freedoms of others?

➤ What is the impact of restrictions on movement and/or residence (e.g. access to employment, markets, land, schools and ability to become self-reliant)?
- ● Do restrictions affect women, men and/or different age groups and minorities differently?

➤ How do communities cope with restrictions on movement and/or residence?

6.8   Detention

➤ Are there reliable figures (by age groups and sex) on the number of IDPs detained?

➤ Are IDPs arbitrarily arrested and detained? If so:
  - Is the problem confined to IDPs, or is it also experienced by the rest of the population?
  - Are IDPs detained for reasons related to their displacement (e.g. lack of documents)?
  - Does it affect a particular group within the IDP population?

➤ Are children detained only as a measure of last resort?
  - What is the minimum age of criminal responsibility?
  - Does child justice focus on rehabilitation rather than punishment?

➤ Are detention facilities run in accordance with international standards (e.g. no torture, humane treatment, women separated from men, children separated from adults, medical assistance, family visits and family notification upon transfer, absence of threats or methods impairing judgment during interrogation)?
  - If not, have standards deteriorated since the displacement?
  - Are IDPs disproportionately affected by substandard conditions?

➤ Does the ICRC or any other organization conduct visits of IDPs in detention?

7. Participation in public life

Uganda
Returned IDPs. Lira District. Women sitting in a group waiting for the UN team as they finish their early recovery assessment.

Protection also means enjoying political rights on the same basis as other nationals.

7.1 Participation in political processes and in public life

➤ Are IDPs, both women and men, without discrimination, able to exercise their right to vote and to stand for public office?

- Do they have to return home in order to participate in national elections?
- Can IDPs vote in local elections in places of displacement?
- Can IDPs vote in local elections in places of origin?
- Are there other serious obstacles that prevent IDPs from participating in elections (e.g. refusal by authorities to renew documents needed to vote, lengthy or expensive renewal procedures, and fear by IDPs to register for elections)?

➤ Can IDPs vote in local elections or referenda occurring in their places of origin, while in displacement?

➤ Are IDPs, both women and men, without discrimination, able to associate freely and participate equally in public affairs? If not, why not?

- Are there legal impediments preventing IDPs from establishing or participating in civil society organizations or non-governmental organizations? If so, briefly describe.
- Can IDPs freely express their political opinions in public without repercussions?

7.2 Internal community structures

➤ Briefly list the various political, social and religious structures within the community.

- Does the community comprise both displaced and non-displaced persons?
- Are IDPs organized by village of origin?
- Who are their main representatives?
- Are there any groups not directly represented (e.g. women, minorities, young people, older people, persons with disabilities)?
- How are the leaders elected or nominated?

➤ How does the internal structure of the community affect the IDPs' enjoyment of rights and entitlement to assistance?

- What support is estimated by the community as needed to improve the situation?

8. Right to food, water and housing

Timor-Leste
 A barefoot young boy fetches water for the family at a makeshift IDP camp.

Protection involves safeguarding social rights. This includes ensuring the availability of adequate food, shelter, clean water and sanitation.

8.1 Right to food and potable water

➤ Is there accurate information on key food security indicators (malnutrition rates; micronutrient deficiencies; percentage of the population with less than the standard number of meals per day) by age groups and sex?

- If so, what is the source of this information, and what does it show?
- Is the food security situation of IDPs different from that of locals? Has the situation deteriorated for locals due to the arrival of IDPs?
- Has displacement interrupted seasonal crop cycles?
- What coping mechanisms have communities developed to obtain food? Do these cause new protection risks for IDP men, women and children?

➤ Do IDPs have sufficient quantities of safe water for personal and domestic use, including drinking, cooking, personal sanitation, washing of clothes, and personal and domestic hygiene?

- Have specific standards been used to measure this? If so, which standards?
- Is the situation of IDPs different from that of the rest of the population?
- How does insufficient water impact on displaced men, women, and children?
- What are the main reasons impeding IDPs' access to water?
- Are water and water facilities within physical reach?
- Is physical security threatened during access to water facilities and services?
- Is the quality of water appropriate to prevent disease?
- Are water and water facilities affordable for IDPs?
- Do health and educational facilities servicing IDPs dispose of sufficient quantities of safe water?

➤ Do any particular groups of IDPs have, or claim to have, significantly less access to food and water than the IDP population in general?

- If so, which groups and why?
- What measures are in place to ensure them equal access to food and water?
- What additional steps need to be taken?

8.2 Access to food assistance

➤ If food is provided to IDPs, is this done as part of a national food aid programme and, if so, is it culturally appropriate?

➤ Who within the IDP community receives food aid, and is the community involved in determining eligibility?

- ● Are women fairly represented in the decision-making and able to participate meaningfully?
- ➤ Are there special programmes to ensure equal access to food, including
  - ● measures for older persons, single-parent households, unaccompanied or separated children, persons with disabilities;
  - ● special feeding programmes for babies, pregnant and lactating mothers?
- ➤ Does the frequency and manner of food distribution expose recipients to any protection risks?
  - ● Does the community, including women, participate in food distribution?
  - ● Are distribution sites safe, particularly for women, children and persons with disabilities?
  - ● Does transport of food back to their homes take place in safety?
- ➤ Does food aid support and reinforce IDPs' own coping mechanisms?
- ➤ Are there schemes which involve providing food for work? If so:
  - ● What activities are selected for such programmes? Is the community involved in the selection?
  - ● Do persons with specific needs benefit from such programmes?
  - ● Do those that involve farm work provide some security of land tenure, to protect beneficiaries from eventual expulsion?
- ➤ Is food provided in a way that does not adversely affect local markets?
  - ● Have local populations been consulted?
- ➤ Does food aid exacerbate or improve relationships between displaced and non-displaced communities?
- ➤ Is there a mechanism to report violations and abuses relating to food distribution?

8.3 Adequate housing

- ➤ Briefly describe where IDPs are accommodated, including host families, unlawfully occupied flats/houses, camps, communal centres, transit centres etc.
  - ● Do IDPs, particularly women and girls, face protection risks relating to housing?
  - ● Does available accommodation allow for family unity and privacy? Does it take into account the circumstances of persons with specific needs?
  - ● Does it provide sufficient protection against weather conditions? Is heating available?
  - ● Does it offer sufficient space for basic household activities and recreation for children?
  - ● Does it provide access to safe drinking water, energy for cooking, lighting, sanitation facilities and waste disposal?
  - ● Is housing affordable for IDPs?
  - ● Do IDPs enjoy security of tenure?

- Is it located at a reasonable distance to essential services, with adequate and affordable means of transportation to access them?

➤ Are IDPs disproportionately affected by substandard housing or homelessness, as compared to local populations?
- If so, which groups? To what extent?
- What protection risks does it create for them?
- What mechanisms have IDPs developed to avoid homelessness?
- What support is estimated by the community as needed to reduce protection risks relating to housing?

➤ Do evictions of IDPs occur? If so, are these unlawful, arbitrary or otherwise discriminatory? What are the causes?
- Do they affect particular groups of IDPs?
- Are there sufficient safeguards against unlawful, forced evictions?
- What support would the community need to reduce or prevent instances of arbitrary evictions?
- What happens to IDPs evicted lawfully?

➤ Are IDPs taken into consideration in national housing strategies?
- Are IDPs subject to any housing restrictions which are different from other citizens of the country?
- Do IDPs face restrictions in their access to municipal housing schemes?

➤ Have specific programmes been established to provide permanent land/housing to IDPs? If so,
- Is participation in such programmes based on a free and informed choice?
- How are decisions made as to who will receive such plots / housing?
- Are security considerations taken into account, notably for single female-headed households?
- Who were the previous owners, and who were using these land plots?
- Does their allocation to IDPs create tensions with other communities? Have these communities been involved at the planning stage, and has their absorption capacity been taken into account?
- Do these programmes create geographical divisions along ethnic lines?
- Do IDPs have titles on such land plots / housing? Is security of tenure guaranteed?
- Are plots / housing located in areas that allow for livelihood activities?
- Is access to basic services provided in the relocation areas?

8.4   Appropriate clothing and other basic domestic and personal items

➤ Are clothing needs met for all climate conditions in displacement?

- If so, how? If not, why not?

➤ Do IDPs have access to sufficient non-food items (e.g. cooking fuel, blankets, soap, mosquito nets, and sanitary materials, appropriate to local customs)?

➤ Does the lack of non-food items, or the way in which they are distributed, lead to protection risks (e.g. harassment, restrictions on access to educational or health services)?

➤ Is attention given to the specific needs of child-headed households, older persons, persons with disabilities, chronically sick, etc.? Is targeted additional assistance provided?

9. Right to health care and education

Northern Iraq
Internally displaced Iraqi Kurds. The NGO Mission East is helping Kurds to build houses in the Shekhan sub-district, Dohuk gouvernate.

Protection includes access to curative and preventative health care, and enjoying the right to all levels of education without discrimination.

9.1 Primary curative health care

➤ What are the main health problems affecting displaced men, women and children? How are these diagnosed and recorded?

- Do IDPs have specific health problems that are not common within the local population?
- What is the principle cause(s) of these problems?

➤ Do IDPs enjoy, on an equal basis with other nationals, the right to primary curative and preventative health care?

➤ Do IDPs utilize existing national health care services? Have specific health care facilities been established for them? If so, are these part of the national health care system?

> An assessment should include documenting people's experiences of the emergency, how they react to it and how this affects their mental health/psychosocial well-being.
>
> *2007 IASC Guidelines on mental health and psychosocial support in emergency settings*

➤ Do available public health services include:

- emergency services;
- psychological services;
- reproductive health services and family planning ;
- immunizations;
- treatment for chronic medical conditions;
- screening for domestic violence or child abuse and neglect;
- post-rape medical care and treatment (prophylaxis for sexually transmitted infections, emergency contraceptives within 120 hours of incident, and HIV post-exposure prophylaxis within 72 hours after incident)?

➤ Do IDPs, in particular women, girls or ethnic minorities, face obstacles of a legal or practical nature (e.g. insufficient female doctors for women) preventing access to these services?

- If so, what support is estimated by the community as needed to overcome these obstacles?

> HIV/AIDS activities for displaced populations should also service host populations to the maximum extent possible.
>
> *2003 IASC Guidelines for HIV/AIDS interventions in emergency settings, Principles, Chapter 3, the matrix.*

➤ Are there NGO-run health services for IDPs? If so, do non-displaced also benefit from them, and are they sustainable for the long term?

➤ How effective are available services in reducing health problems?

➤ Do IDPs face HIV/AIDS-related protection risks?

- Do IDPs living with HIV/AIDS have access to national health care services, and treatment protocols on an equal basis with the rest of the population?
- Do people living with HIV/AIDS, or suspected of being HIV+, suffer discrimination in the enjoyment of other rights (e.g. with regard to employment, housing, education)?
- Are IDPs subject to mandatory HIV testing?
- Do IDPs have access to essential HIV programmes, including confidential voluntary testing and counselling programmes on a non-discriminatory basis; availability of condoms; HIV prevention and awareness campaigns?
- What care is provided to children living with HIV/AIDS? Is it sufficient?

9.2 Primary preventative health care

➤ What health educational services are available for displaced men, women and children? Do they include training to prevent and control major diseases (e.g. malaria, tuberculosis, cholera, HIV/AIDS), hygiene and sanitation awareness, reproductive health?

- Are IDPs used as health workers, and are their skills put to effective use?

➤ Are sanitation and hygiene services in place? Are awareness programmes conducted to prevent diseases linked to water and other environmental factors?

- If not, what coping mechanisms has the community developed?
- Are washing and sanitation facilities safe for women and girls?
- How can these mechanisms be further supported?

9.3 Primary education

➤ Is primary education compulsory? Is it available to IDP children on equal terms with other nationals?

➤ What are the enrolment rates for boys and girls? Is there a difference between rates for displaced and non-displaced children?

➤ Are completion rates available? If so, is there a difference between rates for displaced and non-displaced children?

➤ Are there any formal or practical obstacles to school enrolment and/or completion (e.g. fees, school books and materials, uniforms, documentation that is difficult for IDPs to obtain, lack of community support for education)?

➤ What mechanisms has the community developed to overcome such obstacles?

- What further support is estimated by the community as needed?

9.4 Secondary education

➤ Is secondary education available to IDP children on equal terms with other nationals? If so:

- What are the enrolment rates for boys and girls? Is there a difference between rates for displaced and non-displaced children?
- Are completion rates available? If so, is there a difference between rates for displaced and non-displaced children?

➤ Are there any formal or practical obstacles to secondary school enrolment and/or completion (e.g. fees, school materials, transport, and lack of clothing, insufficient space, and obstacles relating to language, religion, and cultural identity, safety at school)?

- Is proof of previous academic qualifications an obstacle?
- Are there support schemes for persons with specific needs?

➤ What mechanisms have been developed to overcome such obstacles, including by communities themselves?

- What further support is estimated by he community as needed?

9.5 Safe and non-discriminatory educational facilities

➤ Do IDP children receive education equal to that of the local population in terms of quality of instruction and student-teacher ratios?

- Do IDP children attend mainstream educational facilities or are there separate schools for them? If so, are these facilities part of the national system, and is the diploma officially recognized by the State?
- Are IDP communities involved in the running of the educational services for their community?
- Are teachers sensitized to issues of displacement, and non-partisan in their teaching?
- Do frictions exist with regard to teaching languages and curricula?

➤ Is the school environment safe from violence, and in particular GBV risks?

- Is there alleged exploitation by teachers?
- Is there school guidelines/code of conduct in place? Have teachers been asked to sign and been trained in these?
- What is the male / female teacher ratio?
- What is the teacher / student ratio? Has this changed due to the arrival of IDPs?
- Do girls have access to separate, locked toilets and washing facilities?
- Is the way to and from school safe?
- What measures are being taken by the responsible authorities to reduce any risks?
- What measures has the community taken to improve safety?

- ● What additional support is estimated by the community as needed?
- ➤ Are there measures to address the educational needs of disabled children, of children formerly associated with armed forces and groups, and of others with specific needs?
  - ● If so, by whom?
  - ● What gaps still remain?

9.6 Higher education and vocational training

- ➤ Do IDPs, and youth in particular, have access to higher education and to vocational training, on equal terms with other nationals?
  - ● If not, what restrictions do they face?
  - ● Are boys and girls able to make use of existing opportunities on an equal footing?
  - ● Are qualifications from regions of origin recognized in other parts of the country?
  - ● Are flexible assessment measures in place for IDPs who cannot produce documentary evidence of qualifications?
- ➤ Has a need been identified for specific vocational training targeting IDPs? If so:
  - ● What training has been established?
  - ● How effective is it in enhancing self-sufficiency during displacement?
  - ● Has a proper market analysis been done to identify the needs for skills training?
  - ● Is such training equally accessible to women as to men?
  - ● Are there specific programmes for youth?
  - ● Do IDPs participate in the design and development of vocational training?

10. Right to work, social security, housing, land and property

Georgia
Zugdidi checkpoint. Georgian IDPs board a bus to enter into Abkhazia to work their farms and businesses. They return every evening to stay in their temporary accomodation in and around Zugdidi.

Access by displaced communities to employment, to social security and to property is key to achieving self-reliance. This allows IDPs to live constructive and dignified lives, reduces their overall vulnerability to protection risks, and enhances the sustainability of durable solutions.

10.1 Degree of self-reliance

➤ Are poverty indicators available for IDPs?
  - What data are available on the degree of self-reliance?
  - Are IDPs disproportionately affected by poverty compared to others?
  - Are certain profiles (e.g. women, indigenous groups, farmers, urban IDPs located in rural areas) particularly affected?
  - Has their livelihood deteriorated compared to the situation before flight?
  - Do IDPs perceive a risk (e.g. losing access to humanitarian aid) if they attempt greater self-reliance?

10.2 Wage-earning employment

➤ Are there legal or practical barriers that prevent IDPs from engaging in wage-earning employment (e.g. identity/residence cards, work permits, freedom of movement, recognition of qualifications, discrimination)?
  - Are these different from those faced by the rest of the population?
  - If so, do they affect some groups (e.g. women, minorities, etc.) in particular?
  - What protection risks confront displaced men, women, adolescents, older persons, minorities and other groups as a consequence of unemployment or unlawful employment?

➤ Is there a tendency for IDPs to work in jobs which do not reflect their qualifications?

➤ Are wages sufficient to cover basic costs of living?
  - Do any groups (e.g. by profession, habitual employment, sex or ethnicity) report particular disadvantages in this regard?

➤ What coping mechanisms have communities developed to overcome obstacles to employment?
  - Do communities engage in the sex trade for survival?
  - How can safe coping mechanisms be strengthened?

10.3 Social security and just and favourable conditions of work

➤ Do IDPs benefit on an equal basis with other citizens of the country from:
  - *Social security* (e.g. State benefits, such as unemployment insurance, old age and disability benefits)?
  - Day-care facilities for young children?

- Employment standards (e.g. remuneration, hours of work, health and safety)?

➤ Are IDPs excluded from access to State benefits on the grounds that they own property in their place of origin, even if they are unable to use that property?

➤ Are IDPs subject to the same taxes, and at the same rates, as other citizens and habitual residents of the country? Briefly describe any discrepancies.

10.4 Self-employment

➤ Are there legal or practical barriers that prevent IDPs from engaging in self-employment, including trade?
- Are these different from those faced by the rest of the population?
- Do IDPs face restrictions with regard to the use of forest or other natural resources as compared to other local residents?
- Do barriers affect some groups (e.g. women, minorities, etc.) in particular?
- What protection risks do displaced men, women and adolescents face as a result of restrictions to self-employment?

➤ For those living in rural areas, do they have access to productive arable land and markets?
- If not, why not?
- If IDPs have access to productive arable land, are tools, seeds, fertilizer, etc. available, and affordable, equally to men and women?
- Where do IDPs sell their surplus production?

➤ Do IDPs experience threats or restrictions with regard to personal property (e.g. livestock, vehicles, etc.) upon which their livelihood depends?
- If so, are these different from those faced by non-displaced?
- Are some groups within the IDP community particularly affected?
- What support is estimated by the community as needed to address this issue?

10.5 Social programmes for persons with specific needs

➤ To what extent are the needs of persons with disabilities, older persons, single female heads of households, and other persons with specific needs covered by existing national programmes?
- Are there national programmes for persons with specific needs, and can IDPs benefit on an equal basis with other nationals?
- Is the capacity of competent national bodies adequate? If not, how can it be supported?
- What measures have been taken by the community to care for persons with specific needs?
- How can the community be further supported in this?

10.6 Programmes to enhance self-reliance

➤ Have studies been done on the economic and social impact of IDPs on local communities and in particular how it affects livelihoods?

- If so, are the results of such studies available? Briefly describe.
- Has the local population been consulted in the preparation of such studies?

➤ Is there a government job placement strategy?

- If so, do IDPs benefit from it on equal terms?
- Do they have access to such programmes at the site of their displacement?
- Are there targeted programmes for IDPs? If so, how effective are they?
- What support would be required to increase their impact?

➤ Do IDPs have access to programmes to support them to start up small businesses (e.g. grants, loans, business development services, technical assistance)? Are these the same as for other citizens? If so:

- Do women and men have the same access?
- Who administers and funds such programmes? Are candidates selected without discriminating on the grounds of religion, ethnicity and sex?
- Have the programmes been evaluated for their success?
- Do programmes address skills training?

➤ How are IDP communities involved in developing livelihood strategies?

- Are women involved?
- Are non-displaced communities involved?
- Are groups with specific needs, such as grandparent households and persons with disabilities involved?

10.7 Housing, land and property

➤ Has the Government allocated temporary land to IDPs?

- If so, to which groups?
- Are there conflicts between the Government and traditional authorities over such land allocation?

➤ What has happened to land, housing, and property left behind, which IDPs owned or had a legitimated right to use?

- Do IDPs still make use of their land, housing and property left behind? If so, how?
- Has it been destroyed?
- Has it been confiscated and what was the rationale for that?
- Were IDPs forced to sell their property under duress?
- Have legal reforms (e.g. privatizations, nationalizations) taken place after displacement, and if so how did this affect IDPs?

Right to work, social security, housing, land and property

All […] displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/ or property that is factually impossible to restore as determined by an independent, impartial tribunal.

United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles), Resolution by the Sub-Commission on Protection and Promotion of Human Rights, Resolution 2005/21, 2005, Principle 2 (1)

➤ Have the authorities taken any steps to protect movable and immovable property of IDPs abandoned in the place of origin against destruction, arbitrary and illegal appropriation, occupation, or use? If not, why not?

➤ What has happened to communal land owned by indigenous people?

➤ What has happened to tenants, social occupancy rights holders, informal settlers and other legitimate occupants or users of housing?
  - Are such persons able to return to and repossess and use their housing, land and property in a similar manner to those possessing formal ownership rights?

➤ Are property laws discriminatory against women and girls?
  - Do housing, land and property restitution programmes, policies and practices recognize the joint ownership rights of both male and female heads of households?

➤ Do IDPs suffer from inheritance laws which have a discriminatory effect?
  - Are there obstacles for IDPs that prevent them from inheriting property (e.g. lack of cadastral records, absence of death certificates, need to return to areas of origin)?
  - Are inheritance laws discriminatory against women and girls?
  - What is the impact of inheritance taxes on IDPs?

10.8 Housing, land and property restitution

➤ What remedies exist for restitution or compensation for land, housing, and property, of which IDPs have been arbitrarily or unlawfully deprived?
  - Are general provisions of penal law applied? If so, briefly describe whether remedies are accessible in the place of displacement to both men and women.
  - Have special procedures been established to deal with IDP housing, land and property claims? If so, briefly describe.
  - Are there informal or customary mechanisms dealing with IDP housing, land and property claims? If so, do these allow for an impartial and non-discriminatory outcome?

➤ In case of both normal courts or special procedures:
  - May tenants, social occupancy rights holders, or other legitimate users of property, also file claims?

- Is the restitution of housing, land and property given priority as the preferred remedy? Is return to the place of origin a pre-condition for restitution?
- If restitution is not possible, is adequate, fair and just compensation provided?
- Does the procedure entail evaluation of the claim by an impartial and independent body, and the possibility of appeal?
- How are deadlines for filing claims and procedures communicated to IDPs, particularly those unable to read and write? Are all affected persons aware of the claims procedure?
- Is legal assistance for filing claims available, when required?
- What support is available for IDPs with specific needs, including persons with disabilities and those who cannot read or write, as well as unaccompanied and separated children, in order to ensure that they are not denied access to restitution or reparation processes?
- Do decisions concerning their restitution claims fully comply with the overarching principle of the best interest of the child?
- Have IDPs been persecuted or punished for making a restitution claim?
- Are decisions in favour of repossession enforced? If so, is it done in a way that prevents looting by unlawful occupiers?

11. Durable solutions

Liberia
Workers build a school and pass on their construction skills to younger returnees in the town of Gbarlatuah in Liberia's Bong county.

A durable solution for displacement may consist of return to the place of origin, local integration at the initial site of displacement, or settlement in another part of the country. In general, displacement ends when one of these solutions has been found, and IDPs no longer have protection needs or vulnerabilities that are specifically related to their displacement.

11.1 Free and informed choice

➤ Do IDPs have adequate information on conditions and infrastructure in their places of origin or relocation, including safety, freedom of movement, health, education, housing, land, and property, employment, and the general political and human rights situation?

- Who provides such information? Are the authorities involved?
- Is the information provided in a language which the IDPs understand?
- Do women and adolescents have adequate information?
- Is there a need for an information campaign? If so, for whom and what information should it contain?
- Have displaced men, women and youth been able to visit and assess the conditions for their return or settlement?
- What other support is estimated by IDP communities as needed in order to be able to undertake an informed choice?

➤ What mechanisms are in place to verify the voluntariness of IDPs' decisions to return or relocate?

➤ What are the main factors that influence IDPs in choosing a specific solution?
- Is (re-)integration support limited to those who opt for a particular solution?

11.2 Participation in planning

➤ How do IDPs participate in planning and managing durable solutions?

➤ Are there adequate mechanisms to ensure the participation of women, children, indigenous peoples and minorities, etc.?

➤ Are receiving communities involved in decisions on durable solutions?

…The end of displacement is achieved when the persons concerned no longer have specific protection and assistance needs related to their having been displaced, and thus can enjoy their human rights, in a non-discriminatory manner vis-à-vis citizens who were never displaced...

Framework for Durable Solutions for Internally Displaced Persons, welcomed by the IASC Working Group in March 2007

➤ Is there a need to enhance demographic information to plan for durable solutions?
  ● If so, which information is missing (e.g. areas of origin, socio-economic profile, specific needs, preferred options for solutions as expressed by displaced men and women of different age and background)?
  ● Has an analysis of potential risks of collecting such information been made?

11.3 Return and relocation travel

➤ Do IDPs spontaneously return, or move to other parts of the country?

➤ Do IDPs face risks in establishing themselves in return or relocation areas?
  ● Is travel safe, including for women and girls?
  ● What measures are in place to minimize the hardship and risks for persons with specific needs, including unaccompanied and separated children, older persons, and persons with disabilities?
  ● Do the methods of travel ensure family unity?
  ● Do IDPs have the necessary means for transport, including for their belongings?
  ● What initiatives have communities taken to organize transportation back home for themselves and their belongings?
  ● Can such initiatives be further supported and how?

➤ If return is supported:
  ● Is there a formal framework?
  ● Who is managing the return process?
  ● Does the process ensure that no coercion is used, including cessation of assistance, or closure of camps without alternatives?
  ● Do IDPs have clear information about what, if any, reintegration package will be provided, and how they may obtain it?

11.4 Sustainability of durable solutions

➤ Have national authorities taken measures to establish the necessary conditions, and provide the means to enable IDPs to return or settle voluntarily and in dignity as well as to facilitate the (re)integration?

➤ Are reconciliation activities in place?
  ● Have actors with experience in this field been consulted before, during and upon return?
  ● Have authorities been encouraged to play an active role?

➤ Do solutions appear sustainable?
  ● Do IDPs who have availed themselves of one of the three solutions enjoy and exercise their rights set forth in the previous parts of this framework, on the same basis as other nationals, especially local citizens who were not displaced?

- Has the situation been monitored over a sufficient period of time to conclude that displacement-specific risks have been addressed in a sustainable manner?
- In the case of IDPs having returned or relocated, have any subsequently fled again? If so, for what reasons?

➤ How many IDPs have found a durable solution either locally, or upon return or relocation to another part of the country?

➤ If IDPs do not enjoy their rights on an equal basis, what are the main obstacles to integration or reintegration that remain?

➤ Are national and international development actors engaged in filling existing gaps, including rehabilitation and reconstruction?

PART TWO:

PARTICIPATORY ASSESSMENT GUIDANCE NOTE

1. Why participatory assessment is important

Sudan
Meeting with women in a camp, near the West Darfur capital of El Geneina.

IDPs and affected populations not only have a right to participate actively in decisions that affect them, but their participation is also essential to ensure that interventions for their benefit effectively protect their rights.

Participatory assessment is a means to ensure this participation, and to give the affected groups a voice in setting protection priorities and solutions. The steps outlined in this chapter provide some general guidance on how to conduct participatory assessments, which are built on the principles of human dignity and non-discrimination. More detailed guidance materials are provided on the CD-Rom accompanying this framework (Annex 5).

GIVING COMMUNITIES A CENTRAL PLACE

Generally women, persons with disabilities, minority groups and children have less social, economic and political power, and are inadequately represented in formal leadership structures. Consequently, they are often overlooked in assessment and planning processes and this can inhibit their access to and control over resources on equal terms with others.

Besides reducing the risk of excluding certain groups, the participatory approach provides insights into gender, age, race, caste, ethnic or tribal dynamics that affect power relations, and makes for more effective protection and assistance measures. A shared understanding of problems can lead to better partnerships, both between agencies and with the community, founded on shared responsibility for achieving common goals. It allows a more holistic understanding and a coordinated, collaborative response to problems, forging links for example, between the absence of livelihoods, exposure to sexual exploitation and unwanted teenage pregnancy.

For participatory assessments to be effective, it is essential to organize separate discussions with girls, boys, adolescents, women and men on specific protection risks. Such discussions provide the foundation for broader community participation. They also provide relief workers with the accurate information needed for decision-making, and for a better understanding of underlying issues, such as inequalities and power relations, which may impact on protection as well as preferred solutions.

In engaging the entire community, participatory assessment also builds on the communities' own capacities for setting priorities, allocating resources and responding to protection risks. The involvement of IDPs and affected populations in the assessment phase thus builds a foundation for greater community ownership of the process and resulting programmes.

Participatory methodologies also contribute to the realization of human rights by ensuring that assessments serve to identify rights that are not being enjoyed. Discussions with responsible authorities and humanitarian actors help ensure a

more comprehensive analysis of the reasons why infringements are taking place, and identify who bears principal responsibility to uphold specific rights. Participatory assessment thus contributes to strengthening the existing capacity of communities to assert their rights, as well as that of Governments to uphold these rights and ensure effective monitoring.
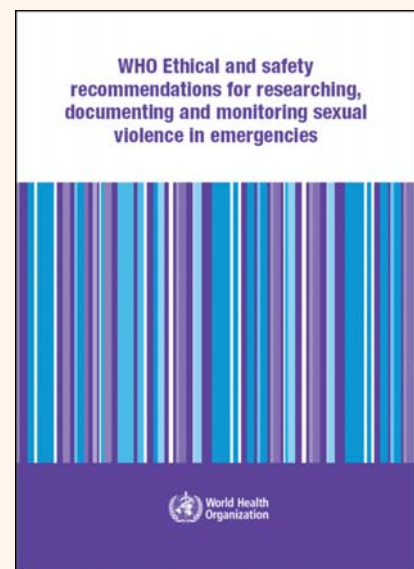
Participatory assessment is also a crucial component in identifying the most appropriate durable solutions and in planning and monitoring. If undertaken at an early stage, it can support the role of women and children in decision-making, in peace negotiations and reconstruction efforts, and provide ways for adolescent girls and boys to participate in building their own futures.

WHO MAKES THE ASSESSMENT?

Participatory assessments with IDPs and affected populations can be undertaken by multi-functional teams including those responsible for their protection and well-being. They will include, depending on the context, government and local authorities, humanitarian and human rights staff of non-governmental and of intergovernmental agencies. For certain less sensitive themes, teams may also include members of the affected community, provided this does not raise confidentiality or security concerns. Working to protect and provide solutions in an IDP context can only be successful when all concerned are working on the basis of a shared understanding of problems and a collaborative approach to addressing them. At the same time, care must be taken with regard to the inclusion of some actors, where this is likely to expose IDPs to additional protection risks.

SOME PRACTICAL AND ETHICAL CONSIDERATIONS

Establishing regular contact with IDPs and hosting communities, particularly where IDPs have 'merged' with the rest population, can present a challenge. Moreover, singling out IDPs can lead to tensions with the rest of the community, particularly if IDPs are perceived as receiving preferential treatment. In some cases, participatory assessments with IDPs may expose them to heightened security risks. In these circumstances, it may be advisable first to hold joint group discussions that include both displaced and non-displaced, and speak separately to IDPs only in a second stage. Another approach might be to work through

WHO Ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies

World Health Organization

existing community structures, such as health facilities, religious, youth and/or community-based groups and NGOs.

In order to safeguard the rights, dignity, and well-being of IDPs and hosting communities, the following principles should be observed when undertaking a participatory assessment.

➤ Participants must be told the objectives, purpose and process of the assessment, and be informed of its limitations, so that false expectations are not raised;

➤ They should be made aware of any potential risks or inconveniences associated with participation in the assessment (e.g. time away from family or job, reminders of traumatic experiences), and be informed of any care and support available;

➤ There must be no compulsion to participate in the assessment or to answer specific questions if they prefer not to, and participation should be based on informed consent;

➤ Participants should not be asked to give personal information, in public, which causes them embarrassment or discomfort, or evokes traumatic experiences;

➤ It is important to avoid questions, attitudes or comments that are judgmental, insensitive to cultural values, that place persons in danger or expose them to humiliation, or that reactivate pain and grief from traumatic events;

➤ It is also vital not to ask questions, in particular related to protection, in front of armed personnel, security personnel and officials;

➤ Participants must be told of the potential benefits of the assessment, including possible improvements to conditions of other IDPs. However, they will not receive any direct financial or other personal gain from participating;

➤ Participants must be reassured of the confidentiality of information sources, i.e. that names and identities of participants will not be disclosed. This may be particularly challenging when authorities participate in the process. One option is to ask all persons undertaking the assessment to sign an undertaking of confidentiality. Such safeguards are particularly important for IDPs potentially exposed to protection risks through their participation (notably the danger of survivors of sexual or gender-based violence being revealed to the community; boys recruited by armed elements being subjected to reprisals for discussing their difficulties);

➤ No photographs or recordings should be allowed without informed consent;

➤ Participants must be permitted to express themselves freely, without interruption, and without being challenged negatively (e.g. parents explaining that they cannot afford to send their children to school should not be asked why they never sought assistance). Empathy should guide all interactions;

➤ Participants should be given the names of contact staff or partners with whom they can follow up in case they have personal questions;

➤ They should also be kept informed as to how the information they provide is being used, and of any follow-up actions taken. They should thus remain involved in the process throughout.

In addition, when working with children, all assessment work should be guided by the best interest of the child. Some guidelines on this include the following:

➤ Obtain permission from the child and his or her parent/guardian for all interviews (some exceptions may apply for older adolescents). Ensure that children have themselves agreed to participate in the assessment, and that they are informed that they can withdraw at any time;

➤ Provide children with good, age-appropriate information about the assessment process, and how the information will be used;

➤ Use age-appropriate methodologies and ensure that facilitators and interpreters are trained in working with children.

2. Recommended Steps

Sri Lanka
An internally displaced man rides a bicycle with his extended family members back to an IDP camp in Valachchenai, on Sunday.

Step 1: Mapping diversity

Step 2: Methods of inquiry

Step 3: Selecting themes

Step 4: Facilitating discussions

Step 5: Collecting and organising information

Step 6: Follow up

Step 7: Recording Meetings

STEP 1: MAPPING DIVERSITY

Participatory assessment should include as many diverse groups as possible. To define whom to target in the participatory assessment, teams should map out, based on information available, the profile of the population of concern, and identify the various social groups according to age, sex, ethnicity, caste/clan, religion, socio-economic and education status.

Community members should be involved in this mapping. One way is for assessment teams to sit with groups of IDPs and to ask them to draw a map of the community, highlighting where certain people live, including those with specific needs such as grandparents in charge of small children, persons with disabilities, unaccompanied and separated children.

This then enables the team to identify the various groups they will need to speak to. Depending on the context, distinctions between urban or rural populations and geographical locations may be important, as may other groupings based on caste and/or social class. In addition, separate meetings should be held with IDPs, hosting communities, and where relevant, returning IDPs. Separate meetings should also be arranged with those with specific needs (e.g. persons with disabilities, unaccompanied and separated children) and other groups identified at risk (e.g. unemployed; grandparents with young children).

In order to ensure a focus on the particular concerns and perspectives of each group, in the locations covered, assessment teams should plan to meet separately with:

▶ men/boys and women/girls;

▶ younger children and adolescents, grouped according to developmental stage (for instance, separate groups could be organized with children aged 8/10 – 12/13 and 12/13 – 18);

➤ men/women and older persons. Depending on the society, a distinction may be made between persons of up to 40 years of age and those over 40.

Subgroups by age and sex

	Female	Male
Younger children	✓	✓
Older children (up to 18)	✓	✓
Adults	✓	✓
Older persons	✓	✓

The suggested age categories are provided as a guide, and may need to be adapted according to local culture and custom. Good mapping will help teams to determine how many diverse groups of people by age and sex they will need to meet in order to ensure a representative cross-section of the population.

Assessment teams should inform the community leadership about the exercise and its purpose, in order to enlist their support and cooperation. However, experience has shown that they may not necessarily represent the interests of the whole community. It is therefore important to reach all categories of persons of concern, and not only those who associate closely with leadership structures. This can be done through committees and associations (women's associations, GBV committees, youth groups, peer educators, etc.) while, at the same time, taking care not to bypass or challenge existing leadership structures.

STEP 2: METHODS OF ENQUIRY

Protection risks and problems faced by groups of women, girls, boys and men of different ages and backgrounds can be complex and scarcely visible. Using the appropriate method of enquiry in a given situation is therefore crucial to identifying and understanding the underlying causes, including the power exercised by different groups over each other, such as between women and men, or between minority and majority groups, as these can be the source of protection risks.

Enquiry involves a process of listening, information-gathering, and interactive analysis. The following three methods can be used for information-gathering and analysis.

1. Group discussions: these are useful to explore group responses to a topic of common concern, but are inappropriate for sensitive topics such as GBV. Child-friendly methodologies should be used with children.

2. Discussions at an individual or small group level: these are appropriate for obtaining more detailed personal information, and analysing problems that will not easily emerge in a group discussion. Ethical considerations must be strictly applied in this context.

3. Observation and spot checks: these provide complementary information needed for more in-depth discussions, and to help illustrate particular problems, such as food distribution systems, school attendance by girls, etc.

Some methods are more suitable than others for certain themes. Particularly sensitive topics, such as personal accounts of GBV, are best explored in individual interviews, and would be inappropriate to canvas in a focus group. Moreover, using different methods at different times will provide a more comprehensive picture. A focus group could be organized, for example, to get women's perspectives on a specific protection risk, and be followed by individual interviews for more details, as well as a walk through the area, stopping here and there to ask questions designed to check how widespread the problem is. Comparing results from diverse individuals and groups who represent the community, using different methods, is an important means of checking the reliability of the information gathered during the assessment, and of validating the team's understanding of the problem.

A detailed schedule should be drawn up for the assessments (see Annex 8 on the CD-Rom), generally over a two to three-week period. When using a focus group methodology, discussions should involve approximately 10 people at a time. Individual or small group discussions should involve one to five people.

Group discussions

Focus group discussions are one methodology that can be used. A focus group is a group discussion which enables analysis and understanding of a selected topic on the basis of the common characteristics of the group. Meeting with groups of IDPs and hosting communities, under the guidance of a facilitator, helps not only in gathering numerous views simultaneously, but also in observing the interchanges among different participants.

It is important to conduct separate focus groups with women and men of all ages, since the protection risks they face, and their access to services and resources may differ. Separate discussion should also be held with children using child appropriate methodologies, depending upon their maturity and sex. Separate discussions with homogeneous groups may also provide insights into longstanding problems, including harmful traditional practices. They are also appropriate settings in which to seek guidance from community as to who can best address those issues.

Focus group discussions should be structured around a few key questions that can be adequately covered in the time allotted. These should be chosen carefully, based on the themes selected, and be structured in such a way as to facilitate open discussion. A facilitator needs to remember that there is no right answer to a given question, and that the discussion and disagreements among participants are as valuable and informative as the answers of particular individuals. Drawings, games and similar tools designed to capture information in a visual manner may be more inclusive, and potentially break down the barriers between literate and illiterate participants.

Individual and/or small groups

Discussions with a small number of people should be conducted in an informal and conversational manner, using open-ended questions. They can be conducted with individuals, families, households, or groups of people known to each other, and with similar concerns.

These discussions help provide detailed data – often confidential – about specific topics (e.g. physical or domestic violence, exploitation, gender relations, forced recruitment). In the process, teams may be able to clarify misinformation, identify gaps in communication channels, and discuss how to ensure access for all to information services, as well as to analyse specific risks and violations of rights in greater detail. Household discussions also present opportunities to visit IDPs with disabilities, or other house-bound IDPs.

Such discussions may also be the most appropriate means of discussing with hosting communities their situations vis-à-vis IDPs, and exploring sensitive issues such as resentment toward IDPs.

On the spot observations

While not strictly participatory in approach, visiting key community areas and engaging in informal discussions provides a good means to observe daily life, including problems that IDPs may face, and which may not surface in group or individual discussions. For example, this observation may reveal problems in the accessibility of services (e.g. food distribution, health and police posts); in physical structures (unstable latrines), or in the interpersonal behaviour/group dynamics within the community.

Places to visit should include those of everyday activities (playgrounds, classrooms, firewood collection areas, water collection points, markets, and transportation hubs) as well as those where the government and/or humanitarian organizations provide services (social welfare offices, health centres, HIV counselling centres, childcare centres, schools, relief distribution points). Special

attention should be given as to whether there are arrangements to accommodate those with special needs, such as pregnant women, older persons and persons with disabilities.

These visits provide an opportunity to review the various roles assigned to women, girls, boys, and men in areas such as:

➤ Access to water distribution (who carries water and at what times);

➤ Food distribution (who scoops, who collects, who carries, who monitors and at what times);

➤ Markets (who buys and who sells, who is overloaded with domestic chores);

➤ Firewood collection (who cuts, who collects and who carries);

➤ Latrines (size, usability by children, distance from homes);

➤ Schools (who attends, who does not, ratio of female/male teachers);

➤ Children's recreation areas, play spaces;

➤ Committees (what types, who participates, who speaks, who remains silent);

➤ Freedom of movement (who moves about, who does not);

➤ Health and community centres (who comes, who does not).

STEP 3: SELECTING THEMES

This next step should be based on a review by the assessment team of available documentation and of the protection issues identified. The headings in Part I provide guidance as to possible themes for selection. They may include security, documentation, justice systems, community participation, health, education, and livelihoods.

The themes should provide an overarching framework that allows for discussion of many aspects of people's lives, and lead to a range of additional, closely linked issues. Follow-up assessment exercises may focus on only one or two particular themes, depending on the protection risks and incidents that will have emerged during initial discussions.

STEP 4: FACILITATING DISCUSSIONS

Planning and facilitating group discussions requires careful preparation, as outlined below. Many of the points are equally relevant to discussions with individuals and small groups.

Preparing the meeting

➤ Select the appropriate groups (see step 2 above), with approximately ten people in each.

➤ Inform participants, community leaders, and parents in advance.

➤ Allow approximately two hours per focus group. Meeting times should be organized at convenient and appropriate times for participants (i.e. not during school hours or meal preparation time).

➤ Identify two members of the assessment team to take part in each group: ideally, one as a facilitator, and one as a note-taker, along with an interpreter, if needed. For discussions with women, choose at least one female facilitator.

➤ For group discussions with children, ensure that facilitators have expertise with working with children. If not, they should be trained in appropriate methodologies and child-specific ethical standards. The training module Action for the Rights of the Child (ARC) can be used for this purpose.

➤ Brief interpreters/translators thoroughly and insist on the importance of translating sentence by sentence, and not summarizing what is said; female interpreters should be used for female groups.

➤ Select a meeting place in a safe and comfortable environment, where the confidentiality of the proceedings is secure, and not open to curious bystanders.

➤ Organize the meeting space so that participants and the facilitator may sit in a circle.

➤ Where appropriate, and particularly with children, have visual materials to hand, such as drawings, maps, charts, pictures and photos, in order to enhance the discussion.

➤ Prepare sufficient copies and familiarize yourself with the forms for recording the discussions.

Conducting the meeting

➤ Start by introducing yourself, the purpose of the participatory assessment, and the value of a collaborative, participatory approach:

➤ Explain the process, that confidentiality will be respected, and the possible outcomes of the assessment. Explain, for example, that the assessment may not lead to additional resources, but could result in reallocating resources to particular issues;

➤ Ask for permission to take notes. Explain that the written notes are for office use only and for recording key discussion points;

➤ Invite the group members to introduce themselves. For adults, you may ask every person to introduce her/himself by mentioning name, displacement details (e.g. where she/he is from – if no security risks are involved in answering – how long she/he has been displaced) and family situation;

➤ Establish ground rules, e.g. respect for different viewpoints, confidentiality of the meetings, value of every response, the right of every participant to speak without being interrupted, to be respected, and to be listened to;

➤ Introduce a culturally appropriate ice-breaker, if needed, especially if you are dealing with young people;

➤ Be aware of the background of all interpreters and all others who accompany the assessment team.

Discussion of themes

➤ Introduce the theme selected for the focus group discussions;

➤ Begin with more neutral topics, addressing more sensitive topics after some rapport has been established. Before raising protection risks, for example, ask about the background of the individuals participating in the focus group or semi-structured discussion (such as what they do, how they earned an income before they fled, who they live with, where they live and how old they are);

➤ Ensure that everyone has a chance to speak on the theme, encourage everyone to expand on certain points, and avoid moving quickly through a list of questions. It is important to be sensitive to cultural norms when conducting the sessions, to ensure that no one feels rushed or excluded;

➤ In general, ask open questions, such as how, what, where, why, as much as possible, especially to clarify or to check understanding;

➤ Do not judge people who speak; accept what they say;

➤ Avoid leading statements and questions; questions should guide the discussion rather than solicit direct answers from each of the participants;

➤ Use age-appropriate questions, taking into consideration the developing capacities of children;

➤ Avoid dominating the discussion. Facilitators should practice active listening and summarizing skills in lieu of providing comment on discussion content;

➤ Ask simple questions and only one question at a time;

➤ Ensure that discussions allow the group to analyse the causes of the risks, and to identify the community skills and resources available to address protection concerns;

➤ Ensure that the protection risks discussed and analysed are linked to prioritization of action, and possible solutions that can be formulated as recommendations and follow-up activities;

➤ Ensure time for IDPs to raise their own questions and concerns;

➤ Never make promises unless sure you can keep them.

Concluding the meeting

Conclude the discussions by thanking the participants and explaining how the information will be used, the next steps and follow-up in the process, and how participants can be involved in future action. If pressing protection problems have emerged, these should be brought to the attention of appropriate authorities and/or humanitarian staff for action as needed.

Communicating with children

Be at ease with children, use age-appropriate methodologies and arrange discussions in a child-friendly environment (e.g. by sitting on the ground, through play, while going for a walk). Be prepared to respond to expressions of distress or aggression;

Use simple language and concepts appropriate to the child's age, stage of development, and culture;

Accept that children who have had distressing experiences may find it extremely difficult to trust an unfamiliar adult. It may take time and patience before the child can feel sufficient trust to communicate openly;

Understand that younger children may view their situation in distinctly different ways from adults: children may fantasize, invent explanations for unfamiliar or frightening events, express themselves in symbolic ways, or emphasize issues which may seem unimportant to adults;

Be sensitive to gender, culture, ethics, and the power relations between adults and the child;

Ensure the involvement of colleagues/partner staff that are familiar with working with children in a participatory way.

See Action for the Rights of the Child (ARC) *Module on interviewing children*.

STEP 5: COLLECTING AND ORGANIZING INFORMATION

Experience has proven the value of using a standardized form as reproduced below (and in Annexes 6 and 6a on the CD-Rom) for each sub-group discussion and for each theme. Information forms should indicate the time and place of the discussion; the number of people who participated; and their ages, sex and ethnicity. When more than one facilitator is involved, information should be cross-checked to ensure completeness and reliability.

SYSTEMATIZATION FORM

Group: _____   Subgroup: (Sex: _____   Age group: _____)

No. of people: _____

Facilitators: _____

Date: _____

Theme: _____

Location: _____

Country: _____

	Protection risks/ incidents	Causes	Capacities within the community	Solutions proposed by subgroups	Most important issues to address as expressed by persons of concern	Urgent Follow-up action
1						
2						
3						

The form should be filled in immediately after the group discussion, and all forms should be typed at the end of each day. The following areas are covered on the form:

Protection risks/incidents:

Protection risks are actual or potential threats to the safety, security and rights of persons of concern, as perceived and experienced by them. They may be in the form of violence, aggression, abuse, exploitation and discrimination and can also arise as a consequence of lack of access to essential goods and services. Different groups may be equally exposed to certain risks yet experience them differently. For example, both girls and boys face the risk of child labour and military recruitment, yet girls may face comparatively higher risks of exposure to sexual exploitation, trafficking, and HIV/AIDS, and an added risk of pregnancy.

Examining protection risks and incidents should also include examining their frequency and the circumstances and locations where protection risks and incidents occur. Often protection problems occur in specific locations, areas or institutions, or at points of service delivery.

Causes of protection risks/incidents

Identifying the causes helps ensure that actions taken to address the risk will be effective and not superficial. For example, back to school programmes may be very valuable in improving access to education, yet will not necessarily lead to a reduction in teenage pregnancy. To address the latter, one has to examine the questions of why girls become pregnant at an early age, what young men think about the problem, and how the community may respond.

Capacities within the community

Community capacities to address protection risks must be examined. This involves examining administrative, political, and social institutions, structures and networks on the one hand, and individuals' knowledge, abilities and skills on the other.

Solutions proposed by IDPs to address risks

Assessment teams should record solutions proposed by the subgroups in response to the risks identified within the local context. Community solutions, including members' availability and interest to organize working groups or committees, and co-manage services or activities should be highlighted and supported. Community members' solutions may also include proposals for action by the Government, international agencies and their partners, or recommendations on changes in existing services.

Most important issues to address

Such issues – as expressed by the subgroups (age and sex) – should be highlighted for attention.

Immediate follow-up action

Actions that need to be taken urgently should be clearly specified, in order to assist IDPs with pressing protection incidents or problems.

STEP 6: FOLLOW-UP

Assessment teams should take immediate action, where feasible, to address individual protection risks identified for urgent follow up. Be ready to protect any individual if the team receives information of incidents likely to cause significant harm. This may include interventions (e.g. appropriate referrals, sharing information, attending to GBV cases and those with specific needs). When working with children, it is important to inform caregivers and appropriate social service workers when children demonstrate signs of distress as a direct result of the assessment.

It is very important that teams provide feedback to the different groups within the community and follow up on commitments and agreements made. As part of the assessment and in collaboration with the participants, the team can develop an appropriate system to inform the IDPs of the overall findings of the participatory assessment, resulting actions, short and long term, and next steps as well as any limitations. This may include briefing community structures, such as women's associations, youth groups and leadership (women and men) structures, to ensure that the majority of IDPs are informed.

STEP 7: RECORDING MEETINGS

Recording the numbers of people who participated in the assessment, their ages, sex and ethnicity, and other background details helps to validate the information received. The chart in the accompanying CD-Rom (Annex 9) provides an example of how to record the different types of discussions that took place.

Annotated Table of Contents

Documents available on accompanying CD-Rom

1	Guiding Principles on Internal Displacement, Extract from the document E/CN.4/1998/53/Add.2, 11 February 1998	http://www.unhchr.ch /html/menu2/7/b/ principles.htm
2	Guiding Principles on Internal Displacement, Annotations by Walter Kälin, Studies in Transnational Legal Policy, No. 32, published by The American Society of International Law and The Brookings Institution Project on Internal Displacement, 2000	http://www.asil.org/ study_32.pdf
3	Selected General Comments by the Committee on Economic, Social and Cultural Rights established under the 1966 International Covenant on Social, Economic and Cultural Rights: • General Comment No. 7, 1997, on the right to adequate housing: forced evictions (art.11 (1)) • General Comment No. 12, 1999, on the right to adequate food (art. 11) • General Comment No. 13, 1999 on the right to education (art. 13) • General Comment No. 14, 2000 on the right to the highest attainable standard of health (art. 12) • General Comment No. 15, 2002, on the right to water (arts. 11 and 12) • General Comment No. 18, 2005, the Right to work (art. 6)	http://www2.ohchr.org /english/bodies/cescr/ comments.htm
4	Report template	
5	Selected background information on participatory assessments	
6	Systematization form	
6a	Sample systematization form	
7	Matrix to track initiatives	
8	Meeting schedule sample template	
9	Recording meeting sample template	