







Workshop on the Role of National Human Rights Institutions in Promoting and Protecting the Human Rights of Internally Displaced Persons (IDPs)

Workshop Summary Report

20 February 2018 Geneva, Switzerland (Palais des Nations)

I. Background of the Workshop

More than 40 million people are uprooted within their own countries by conflict, violence and human rights violations – 11.8 million people were newly displaced in 2017 alone¹. Millions more are displaced every year in the context of disasters and climate change. In addition, an increasing number of IDPs remain displaced for years or even decades. Internal displacement on this scale is unlikely to reverse any time soon, particularly given the number of ongoing conflicts without political solutions and the continuing adverse effects of climate change.

The **Guiding Principles on Internal Displacement**, presented to the UN Commission on Human Rights in 1998, constitute the key document on the protection and assistance of IDPs worldwide. They define who an IDP is, and set out their rights to be protected and assisted before and during displacement and in their search for durable solutions. They restate that national authorities have the primary responsibility for protecting internally displaced persons, and clarify key principles relating to humanitarian assistance by international and non-governmental bodies. The Guiding Principles are highly authoritative, as they restate IDPs' rights as enshrined in international human rights and international humanitarian law, and have been recognised as an important framework for the protection and assistance of IDPs.

National human rights institutions (NHRIs) can play an important bridging role between international and national human rights and humanitarian protection systems and between national authorities, civil society and those who are affected by internal displacement. In recent years, an increasing number of NHRIs around the world have increased their attention to internal displacement into their work. NHRIs have played an important role in raising awareness of internal displacement, monitoring displacement situations and returns, investigating individual complaints, advocating for and advising the government on the drafting of national policies to address internal displacement, and monitoring and reporting on the implementation of national policies and legislation.

As **2018** marks the **20th anniversary of the Guiding Principles on Internal Displacement (GP20)**, the Special Rapporteur on the human rights of IDPs considered the Global Alliance of National Human Rights Institutions (GANHRI) 2018 Annual Conference to represent an important opportunity to bring visibility to the issue of internal displacement and to encourage NHRIs to use the Guiding Principles in their work in order to promote and protect the human rights of IDPs. This is an area of work that the Special Rapporteur has prioritised for her mandate.

The Special Rapporteur therefore co-organized a one-day consultative workshop on 20 February 2018 preceding the GANHRI annual meeting in collaboration with the UN Refugee Agency (UNHCR), GANHRI and the Office of the High Commissioner for Human Rights (OHCHR). This workshop brought together selected NHRIs, already working on internal displacement, to reflect on common challenges, share good practices and lessons learnt, and strengthen cooperation among them and with partners on the protection and promotion of the human rights of IDPs.

A total of 36 participants representing 22 NHRIs, regional NHRI networks, and UN agencies participated in the workshop, namely:

+ Afghanistan + Armenia + Bosnia and Herzegovina + Colombia + Democratic Republic of the Congo + El Salvador + Georgia + Guatemala + Honduras + Iraq + Kenya +

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¹ IDMC Global Report on Internal Displacement, May 2018, http://www.internal-displacement.org/global-report/grid2018/

Kosovo² \neq Mexico \neq Niger \neq Nigeria \neq Philippines \neq Peru \neq Sudan \neq Uganda \neq Ukraine \neq Zambia \neq Zimbabwe

GANHRI, Asia Pacific Forum (APF) • European Network of National Human Rights Institutions (ENNHRI)

→ OHCHR → UNHCR → UNDP

Workshop Objectives

To take stock of current roles of NHRIs on protection of IDPs, in order to explore the range of NHRIs' modalities of engagement in policy and operational response at the local, national and regional level and inspire strengthened action;

To enable NHRIs to exchange experiences and strategies relating to the protection of IDPs;

To discuss challenges, identify key lessons and emerging good practices as well as concrete recommendations on how the role of NHRIs in promoting and protecting the human rights of IDPs can be strengthened.

In addition to this global workshop, the Special Rapporteur continued her mandate's close engagement with NHRIs by participating in:

- A side-event she co-organised with GANHRI, UNHCR and OHCHR and that was co-sponsored by the Permanent Mission of Austria during the GANHRI 2018 Annual Meeting examining NHRIs' existing work using the Guiding Principles and proposing how to expand the scope of these efforts. Following the meeting, GANHRI issued a statement at the Human Rights Council's 38th session welcoming the partnership with the Special Rapporteur and strengthened engagement with NHRIs.
- The public hearing on internal displacement and human rights in the Americas organized by the Inter-American Commission on Human Rights during its 63rd session in February 2018 in Colombia, as requested by the regional network of NHRIs (Network of National Institutions for the Promotion and Protection of Human Rights in the Americas).
- A sub-regional workshop organized by the ENNHRI in April 2018 in Ukraine on the role
 of NHRIs in promoting and protecting human rights of IDPs in (post) conflict situations
 with the objective of fostering dialogue between European NHRIs and identifying joint
 actions and means of cooperation. Following the meeting, ENNHRI issued a <u>statement</u>
 on the role of NHRIs in protection of IDPs that supports implementation of the Plan of
 Action for Advancing Prevention, Protection and Solutions for Internally Displaced
 People 2018-2020.

In preparation for the workshop, in December 2017, the Special Rapporteur in collaboration with GANHRI had also sent a questionnaire to all NHRIs to map their ongoing work on internal displacement, and identify good practices and opportunities.

The Special Rapporteur sincerely thanks those NHRIs that have so far taken part in this larger consultative process by attending the workshop, the GANHRI side event and through responding to the questionnaire. The Special Rapporteur will study all the information provided to inform her future work and her 2019 Human Rights Council (HRC) report dedicated to the role of NHRIs in promoting and protecting the human rights of IDPs.

 $^{^2}$ All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

II. Opening statements

The Special Rapporteur on the human rights of IDPs, Ms. Cecilia Jimenez-Damary welcomed the participants and gave a few opening remarks stressing the important role which NHRIs can play in promoting and protecting the human rights of IDPs and the positive development that numerous NHRIs have increased their attention on displacement situations. She also highlighted that it was one of her mandate's priorities to strengthen engagement with NHRIs regarding the protection of IDPs and to support to the extent possible the work of NHRIs in this regard. Her thematic report to the HRC 2019 will be dedicated to this topic. Given that 2018 is the 20th anniversary of the Guiding Principles, the Rapporteur also encouraged the NRHI participants to share ideas with her mandate of any GP20 activities and initiatives which the mandate could help promote. The Rapporteur also gave a brief presentation of tools for IDP protection such as the Guiding Principles, the IASC Framework on Durable Solutions for IDPs and the Brookings-Bern Project report on Addressing Internal Displacement: A Framework for National Responsibility. This Framework can be used as a tool to help NHRIs in monitoring government performance in addressing internal displacement, as the benchmarks identified are those that governments are expected to take to effectively fulfil their national responsibility in situations of internal displacement. The Rapporteur also mentioned the new strengthened language on the role of NHRIs in supporting IDPs in the 2017 General Assembly Resolution A/RES/72/182 on Protection of and assistance to internally displaced persons.

The Special Rapporteur also presented an overview of the range of activities that NHRIs involved in with regards to IDPs, based on the information she received from NHRIs' replies to the questionnaire the mandate had distributed in 2017. These programs and activities included:

Monitoring and reporting

- Data collection
- Monitoring the human rights of IDPs, with particular attention to vulnerable groups
- Monitoring of IDP sites/camps
- Keeping track of displacement trends

Complaints

- Investigating and acting upon individual cases involving violations of the human rights of IDPs
- Bringing cases to higher courts, including the supreme court
- Providing legal aid to IDPs
- Helping IDPs to secure documents
- Registering IDPs to vote

Advocacy and awareness-raising

- Promoting laws and policies based on the Guiding Principles on Internal Displacement
- Drafting laws and policies on internal displacement
- Participating as members of steering committees in government and submitting annual reports to the parliament
- Supporting the setting up of institutions to implement legislation
- Reviewing laws and agencies and advocating for harmonization of legislation
- Advocating with local and national authorities and providing recommendations
- Establishing networks among IDPs

Capacity building

- Conducting educational awareness programs
- Training government officials on the rights of IDPs and the obligations of national and local authorities
- Working together with civil society, in particular NGOs, to enhance the effectiveness of the programs and activities

In addition to the Special Rapporteur's opening statement, the Chairperson of the Kenyan NHRI and the representative of GANHRI welcomed the opportunity to have a focused, thematic discussion among interested NHRIs on such an important matter. They encouraged more sharing of best practices amongst GANHRI members on all the topics mentioned above as well as greater engagement with other mandate-holders, who are also critical to the situation of IDPs such as the Special Rapporteur on the situation of Human Rights Defenders. The UNHCR's representative highlighted the challenges IDPs face, as they lack access to the usual protection functions of the state and become displaced primarily due to their difficulty in enjoying their human rights. He emphasized that in order to coordinate and deliver protection in situations of internal displacement, UNHCR has increasingly engaged in strategic partnerships with NHRIs, which has had an undeniable positive impact in countries where UNHCR has the human and financial resources to cultivate a strong partnership. In 2016, UNHCR also prepared a <u>study</u> on its continued engagement with NHRIs for IDP protection highlighting a number of key lessons learnt.

III. Sharing of experiences (Session 1)

Each NHRI participant presented an overview of their work on internal displacement, with reference to the main challenges and examples of good practices. The participants presented reflections on their NHRI's involvement in the following areas:

- Prevention of internal displacement;
- Monitoring and advocacy on IDPs' human rights, including durable solutions;
- Laws and policies on internal displacement;
- Cooperation among NHRIs and with partners at national, regional and international level.

In particular:

- What are the main obstacles, key lessons and emerging good practices when it comes to NHRIs engaging in these areas?
- What key recommendations do you propose to strengthen NHRIs' role on each of these issues (prevention, monitoring and advocacy on IDPs' human rights, as well as law and policy)?
- What steps and strategies can be adopted to strengthen effective collaboration among NHRIs and with other partners (national government, UN, NGOs) at national, regional and international levels?

Please see detailed list of points from each country presentation in **Annex 1**.

- a. The NHRIs described a variety of causes of displacement and perpetrators of such displacement. The responsibilities of the actors are all covered by International Human Rights Law and International Humanitarian Law.
- b. The NHRIs highlighted the importance of prevention, protection during displacement and support for durable solutions (right to free and informed choice of settlement options; importance of development approaches)
- c. Human rights violations were highlighted as a less recognized cause of displacement; as well as noting the high level of HR violations during and after internal displacement.
- d. Voting rights during and after displacement, access to documentation and durable solutions must be addressed. Certain population groups among IDPs may be left more vulnerable than other IDPs.
- e. Context and causes vary from country to country in terms of NHRI's ability and capacity, and government's ability to prevent and respond to the rights violations.
- f. Worth taking advantage of development and areas-based approaches.
- g. Importance of evidence-based profiling; ex/access, information, inter-agency effort.
- h. Clarification is needed regarding the criteria for measuring durable solutions for which the government has an obligation and how to measure whether the necessary conditions for returns are met. NHRIs should contribute to ensuring that IDPs are truly well-informed about options and process of returning and that it is fully voluntary.
- i. Increased guidance is needed in terms of how to use the role and mandate of NHRIs to support development of IDP guidelines, laws and policies. The need for human rights centered approaches to internal displacement
- j. Participation of IDPs is key
- k. Linking to the peace and transitional justice programs as entry points and partners.

IV. Regional breakout group work (Session 2)

The participants were divided into three breakout-working groups (Americas, Africa and Europe/Asia) with the objective of identifying key lessons, emerging good practices and recommendations for strengthening NHRIs' engagement on IDP issues in the following key areas:

- Prevention of internal displacement;
- Monitoring and advocacy on IDPs' human rights, including durable solutions;
- Laws and policies on internal displacement;
- Cooperation among NHRIs and with partners at national, regional and international level.

KEY DISCUSSION POINTS PREVENTION Example of good practice: the system of early warning of the *Defensoría de Colombia*: about 250 people are involved as "defensores comunitarios", with presence in all 36 regions of Colombia. The information which is collected in a centralised manner particularly about

- the risk of displacement is presented as a report to the government, which must react swiftly. The system was initially designed for rural areas, but it is now used in urban areas as well
- Importance of distinguishing between the immediate causes of displacement and its root causes, which are structural (inequality, corruption, lack of opportunities)
- Importance of supporting communities directly, so that they defend themselves and establish early warning mechanisms being aware that this could not work in every area, such as those in complete control of the gangs
- <u>Suggestion</u>: There is a need to carry out a **comparative study** of how the existing early warning mechanisms established by NHRIs work across regions (e.g. Colombia, Afghanistan, Philippines, Kenya) because there is a lot that can be pursued in that areas

MONITORING AND ADVOCACY

- Colombia: monitoring covers all phases of displacement, from monitoring the risk of displacement to monitoring the implementation of the law
- Importance of a baseline to plan a response
- Importance of using national reports for advocacy purposes

Americas Group

COLLABORATION

- Importance of collaborating with UN agencies and NGOs (see experience of Colombia with UNHCR and NRC, based on comparative added value)
- Importance of collaborating with local authorities and with the local communities, as emphasised by the example of Honduras and its "municipios solidarios"

LAW AND POLICY

- NHRIs involved in drafting policies/legislation (e.g. Honduras, Mexico)
- Fundamental role of NHRIs in monitoring the implementation of existing laws (e.g. Colombia)

PREVENTION

- Putting in place measures for easy evacuations
- Measures to avoid multiple displacements
- Address all different causes: disasters (including through DRR and mitigation measures) and development projects (adequate notice)
- Promote peace and social cohesion, including adopt measures to avoid tensions between host communities and IDPs
- Promote the culture of disaggregated data (need for a baseline)
- Accurate profiling should be encouraged
- Address root causes, including corruption
- Address internal displacement in a non-political manner, to avoid biases and discrimination
- Dealing with corruption and lack of transparency as a potential cause of displacement

MONITORING AND ADVOCACY

- Importance of a baseline
- Importance of compensation/reparation for people displaced by development
- Disaggregated data for ease of interventions
- Accurate profiling of IDPs

Africa Group

LAW AND POLICY

- Encourage development of law and policy frameworks on internal displacement and ratification/domestication of Kampala Convention
- Use the favorable disposition of the AU in addressing these displacement
- Policy for social housing be implemented
- Proper government budget for programmes on IDPs
- Establishing anti-corruption unit to guarantee transparency
- AU has declared 2019 as year of refugees and IDPs (KC10)

COLLABORATION

- Importance of peer review and experience sharing; regional network should pick this issue up more systematically and we should organise exchanges among NHRIs, and bilateral agreements
- We need to build on the partnership with the AU

PREVENTION

- creation of early warning mechanisms is important, if not there yet (e.g. in Georgia we don't have it but in Afghanistan yes: also in remote areas and villages, we interview people (KIIs), about 7000-7500 people, we disaggregate in 17 questions, then all data is centrally analysed and one report is created; we also have Special Investigation Teams when there are military operations, to check situations of civilians); we also receive complaints from people from communities; over the past few years, we worked with UN and civil society group to have peace conference and conflict prevention was discussed because it was explained how even small tensions can lead to a big conflict and we tried to come out with a roadmap to see suggest how the government could intervene in these cases, so that we can tackle the issue when is
- Raise awareness of international standards, IDPs should know about their rights and laws should adhere to international standards
- Afghanistan: has early warning system in place to monitor return of IDPs and refugees interview people across the country and bring it to core database special investigation team (focused on conflict zones monitoring the situation and military operations) receive complaints from individuals. In 2011 jointly with CSOs: conducted national debate on peace and drafted roadmap to Afghanistan on how they can prevent conflict and solve small disputes (land, water, etc) in communities through immediate interventions so that it does not escalate into larger conflict.
- Prevention of int displacement is political question related to the prevention of human rights violations
- Actions for prevention of displacement depends on the type of displacement: Disaster induced displacement: Focus on ecological rights; Violence induced displacement: Effectiveness of police and law enforcement; Conflict: Cultural and tribal rights

Asia and Europe Group

MONITORING AND ADVOCACY

- Importance of a baseline
- NHRIs should monitor situations of IDPs
- Legal counselling and support for civil documentation should be provided
- Monitoring of effective implementation of laws and policies
- Receive data registration of those in collective centres.
- The data which NHRIs receive needs to be analysed so that it can be presented to the govt. in a clear evaluated way with recommendations.
- PHL: NHRIs facilitating the peace process. Make sure that separate agencies do not work in silos – more working in holistic manner
- The NHRI engages with civil society/NGOs to build capacity of them to operate in the areas

where they are not able to work/have presence and does not have the resources to be (especially using technology and innovative approaches to achieving this)

LAW AND POLICY

- Need to adhere to international standards and then implementation
- NHRIs involved in drafting policies/legislation (Georgia Law in 2014)
- Ensuring that laws drafted are in coordination/consultation with NHRIs, Civil society, NGOs, academics etc.
- Facilitation role conducting consultation and acting as platform between civil society and govt
- Afghan: NHRIs should also have specific role to Monitor policy implementation and Facilitate the drafting of new legislation
- NHRIs can conduct Advocacy campaigning together with civil society and media
- Ukraine: NHRI as a resource center for NGOs to inform them on what to lobby, what advocacy can be made, what mechanisms to support civil society
- Ukraine: expertise guidance provided to NGOs for lobbying/advocacy and once they create campaign, the NHRI supports their campaigns
- Good examples of best practise for Regional cooperation in delivering standards: KIEV
 declaration: NHRIS role in pre and post conflict this should be shared with other NHRIs
 globally to share experiences.

COLLABORATION

- Role of media: it should be targeted for sensitization, it should not create stigmatization
- Importance of working with local authorities

V. Key messages and recommendations (Session 3)

A rapporteur for each regional breakout work group presented the main conclusions and key recommendations, which the groups had agreed upon:

- ➤ Knowledge: Need for further awareness-raising for NHRIs on international standards and guidelines to be used for advocacy as well as legal and policy advice related to internal displacement.
- Essential to include IDP work in regular NHRI workplan.
- ➤ Need for tools and capacity for identification of causes of internal displacement, recognizing the two types of causes for internal displacement: the immediate causes (the "triggers", e.g. violence, human rights violations), including when they are cyclical (e.g. political/post-election nature) and the more structural root causes of displacement (poverty, systematic injustice, lack of opportunities). How can we mitigate the structural causes and prevent the conditions that lead to displacement?
- > Particular attention to the need to prevent multiple internal displacement.
- > Create a conducive environment for social justice at the local and municipal level
- ➤ Governing planning processes must take into account prevention measures, including security responses.
- ➤ Improve monitoring on internal displacement situations and conditions of IDPs based on indicators, baseline and mappings.
- Accountability: Use of media, use of facts.
- > Political will of government is paramount: how can we promote it and maintain it?

- ➤ Need for strengthening laws and policy frameworks.
- ➤ In the African context, the Kampala Convention must be reflected in national legislations.
- ➤ Affirmative action for particularly vulnerable IDPs is needed to offset the effects of internal displacement.
- ➤ Importance of laying out possibilities and opportunities for IDPs to achieve durable solutions (looking beyond return if necessary: local integration, settlement elsewhere).
- ➤ Importance of including the host communities.
- ➤ Compensation mechanisms for IDPs need to be in place
- ➤ Importance of partnerships: collaboration and coordination horizontally within government and externally.

The NHRIs developed a set of recommendations on how their role in relation to IDP human rights promotion and protection can be strengthened. NHRIs should

- 1. Use the Guiding Principles in their own work, as a tool for them to undertake their roles in the protection of the human rights of IDPs, including tasks such as: monitoring displacement in situations of situation of conflict, disasters, development or human rights violations; conducting studies and encouraging independent research into the causes, effects and means of preventing displacement; receiving and acting on complaints; advocating with local and national authorities for greater protection for IDPs.
- 2. Appoint an IDP focal point person or unit to develop and coordinate their work in relation to IDPs.
- 3. Seek capacity building support as needed to address the human rights needs of IDPs.
- 4. Call on the international community and donors to strengthen support for the work of NHRIs on behalf of IDPs.
- 5. Recognize and expand on the important role that they can play in advising government about the development, application and implementation of laws, programmes and policies on internal displacement in line with international standards.

ADVOCACY

- 6. Continue to highlight that it is the primary responsibility of States at the national level to ensure that the human rights of IDPs are respected, promoted and protected.
- 7. Encourage the development of national laws and policies based on the Guiding Principles on Internal Displacement.
- 8. Advocate for and work closely with all levels of government and international organizations to develop early-warning systems as well as mechanisms for the protection of the human rights of IDPs and durable solutions for them.
- 9. Encourage Governments with significant IDP populations to invite the Special Rapporteur on the human rights of IDPs to visit their country.

COLLABORATION AMONG NHRIs

- 10. Regularly inform and update global and regional NHRI mechanisms about IDP activities.
- 11. Facilitate exchange among NHRIs working on internal displacement by:
 - Increasing outreach to other NHRIs in the same region experiencing similar displacement situations to exchange information and response strategies for cross-learning.

- Promoting regional and international meetings among NHRIs where concrete issues relating to the protection of IDPs can be discussed and solutions developed.
- Conducting exchange programmes between individual NHRIs.
- o Continuing to use GANHRI and regional networks as platforms to exchange information, lessons learnt and recommendations.
- 12. Initiate a comparative study of early warning systems developed by NHRIs work in different internal displacement contexts.

COLLABORATION WITH OTHER STAKEHOLDERS

- 13. Work with governments (including local authorities as "first responders") as well as IDPs, civil society and local communities to promote the establishment and implementation of a rights-based approach to internal displacement. Be an instrument for advice and guidance.
- 14. When necessary, adopt a facilitation role between civil society and authorities to strengthen their cooperation on internal displacement challenges and activities.
- 15. Engage with non-state actors, as appropriate, in order to promote access and attention to IDPs in line with international standards in areas controlled by these groups.
- 16. Encourage dialogue and collaboration with the private sector
- 17. Increase engagement with civil society and support watchdog-status groups.
- 18. Seek membership of working groups, steering committees and commissions relating to internal displacement, both governmental and set up by other actors (e.g. humanitarian clusters, particularly protection clusters).

DATA AND MONITORING

- 19. Analyze data collected from monitoring of human rights of IDPs and develop recommendations.
- 20. Combine monitoring missions with awareness raising for IDPs on their rights and provision of legal advice.
- 21. Develop baselines to understand the scope of the phenomenon and qualify the signs that can be used for early warning in communities, particularly human rights violations that can lead to displacement. This baseline should be agreed together with the local population, local authorities and the government.
- 22. Monitor the implementation of country-specific recommendations of UN and regional bodies and mechanisms relevant to IDPs, in particular those of the Special Rapporteur on the human rights of IDPs.
- 23. Monitor the role of private sector in prevention.

AWARENESS RAISING

- 24. Disseminate and raise awareness of relevant stakeholders on the Guiding Principles on Internal Displacement.
- 25. Engage the media to jointly agree on language to be used regarding IDPs in order to avoid stigmatization. Use media platforms to improve awareness of vulnerabilities of IDPs and reduce hate speech.
- 26. Use social media to communicate ongoing work on internal displacement.
- 27. Provide a platform to bring sectors together through a broader network that had approval of Local Authorities (to better define their legal responsibilities).
- 28. Publish reports/opinions on addressing internal displacement situations.

VI. <u>Concluding remarks</u>

The Special Rapporteur concluded by highlighting the following points:

- Importance of **mainstreaming IDP protection** into the work of NHRIs so that even when external funding close, the work on addressing internal displacement and supporting IDPs can still continue.
- Instead of seeking external funding for 'thematic' IDP work, the budget should come from the standard government budget eg. by creating a specific office/unit/position within the **NHRI regular budget**. There is always a challenge of dependency on foreign funding: instead of hiring consultants to monitor and advocate on IDP issues, ensure that staff within the NHRI receives capacity building to conduct these activities themselves implementation of the monitoring and advocacy should not be done by external consultants, but should instead be from within the NHRI. More sustainable and requires less funds.
- Important to use **area-based approaches** and look at displacement-specific vulnerabilities.

The mandate of the Special Rapporteur looks forward to continue working with all NHRIs at the national, regional and global level.

VII. Relevant developments since the workshop

- In the context of the 20th anniversary of the Guiding Principles, the UN Special Rapporteur on the Human Rights of IDPs participated as a panelist in the Public Hearing on Internal Displacement and Human Rights in the Americas organized by the Inter-American Commission on Human Rights in Colombia in March 2018.
- Also in March 2018, the UN Special Rapporteur participated in a meeting of NHRIs on their role towards the promotion and protection of IDPs' human rights organised by the European Network of NHRIs (ENNHRI) in Kiev, Ukraine. Participants recognised the crucial role that NHRIs play in this area, including, among many other tasks, to advocate for and report on the integration into national law of relevant international standards such as the Guiding Principles. Participants also called on stakeholders to consider further opportunities for working with NHRIs to support their role. Following the meeting, ENNHRI issued a statement on the role of NHRIs in protection of IDPs that supports implementation of the GP20 Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020.
- In October 2018, the President of Mexico's NHRI, *Comisión Nacional de los Derechos Humanos de México (CNDH)*, presented a draft <u>General Law on Internal Displacement</u> and a corresponding <u>Constitutional Reform</u> proposal to the Human Rights Committee of the Senate.

ANNEX 1: Presentation of individual countries

ANNEX 2: Workshop Programme

ANNEX 3: Participants List

ANNEX 1

AFGHANISTAN

- monitoring of human rights situation on IDPs and returnees
- in 2004 we launched a programme with UNHCR in almost the entire country; one of the earliest initiatives was to establish field offices in areas affected by displacement and that helped to have initiatives in support of vulnerable IDPs partnership with UNHCR ended in 2010 because of funding issues
- We have continued to work on monitoring resulting in thematic reports with recommendations at the national and local level for vulnerable IDPs to live in dignity
- Afghanistan has an IDP policy implemented slowly with huge challenges + now created of High council for returnees and refugees which also attends IDPs
- but the scale and scope of IDPs is so huge that measures are still not adequate; new displacements in 2016 where 400,000
- Monitoring return of refugees and IDPs since 2003
- Launched programme in 2004 with UNHCR covering entire country enabled NHRIs to gain experience and expertise and extended programme of the NHRI to also cover IDPs
- Commission has continued monitoring role by going to provinces and villages and interviewing people with vulnerable backgrounds resulted in thematic reports with recommendations to govt nationwide and local level how they should attend to the needs of vulnerable groups
- Sees IDPs as vulnerable groups need to live in dignity
- Capacity which the NHRI gained via the project was very important
- Progress: National policy on IDPs is being implemented with challenges (capacity, lack of resource, acute problem of lack of good governance/corruption/accountability/rule of law)
- Scale of int displ is so big that actions are not adequate
- In Afghanistan it is not only village to cities or to camps displacement but also many displaced from one city to another

ARMENIA

- Collaboration with international partners, UNHCR more systematic guarantees for protection of IDPs
- We have new functions and can support the legal system in the country
- Aims to identify and monitor labor rights of IDPs and take measures
- Cooperation with authorities and int partners Cooperation with SR on IDPs should be continuous

BOSNIA & HERZEGOVINA

- importance of peace agreements addressing displacement. Importance of transitional justice for IDPs!
- role of NHRIs should be defined vis a vis IDPs in context of armed conflict, but also following that in peace building and post-conflict
- Issue of adequate housing, legal assistance, psychological support for IDPs. we are still receiving complaint from IDPs in relation to those
- Guiding Principles were not in place in the early 1990s, so the question now is how do we use them now?
- Importance of durable solutions not easy: freedom of choice of residence should be at the centre and should not be used to justify ethnic cleansing by the government
- 3 elements:
- we are advocating for harmonisation of legislation with international standards
- we support strong institutions, otherwise good laws are not enough
- good procedures

- Hate crimes and IDPs we need to ensure non-discrimination
- Still have collective centers of IDPs which is challenge for vulnerable groups
- Need to use the GPs as a key framework to guide work as we did not have this guideline during the conflict
- Durable solutions equals options (freedom of choice choose)
- The Bosnian govt is using durable solutions as a way to ignore the past of ethnic cleansing
- Need **strong institutions** to implement legislations (laws are not enough you also need appropriate institutions to implement and followup on this)
- Advocating harmonization of legislations
- Have channels of communication between IDPs and institutions
- TJ: Many IDPs are victims of several violations and without TJ in place, it is not possible to bring truth, justice and reparations to them

COLOMBIA

- 8 milliones de víctimas en Colombia por el conflicto armado, 7.3 son IDPs
- Trabajo de la Corte Constitucional
- 3 programas específicos: defensores comunitarios en las regiones, en los lugares mas apartados, en contacto con las comunidades; trabajamos muy cerca con el ACNUR para crear estas "casas de derechos" donde prestamos la atención
- mi gran preocupación: la restitución de tierras. Terceros ocupantes y todo eso, y no hay seguridad ni la voluntad de poderlo hacer.
- hoy, Colombia tiene un proceso de paz; problemas conectados al ELN, necesidad de creación de corridorios humanitarios
- nuevos movimientos guerrilleros que se dedican también al narcotráfico
- House of Rights programme
- Restitution of lands for IDPs will not be easy- 3rd party occupants came in good faith -
- Peace agreement with Revolutionary armed group (FRAC) which now has standing of political party
- Colombia need assistance of EU and USA to address flow of refugees
- Guerilla movements have found way to provide measure of relief are not allowed freedom of movement

DRC

- the issue of IDPs in DRC is an old one, but our commission is new (2015)
- main causes: conflict, inter-communal violence, disasters, large scale development projects
- really large scale problem, huge country, we did for example a study in Tanganyika, a monitoring visit
 in December. They have issues in relation to housing, a whole range of protection issues; areas of
 refuge, sometimes hosting community does not accept the IDPs
- pendular movement, difficult to identify who is an IDP and who is host community etc.
- we did a report with recommendations for the institutions and we try to do follow up to the recommendations
- we are trying to promote the law on internal displacement
- activities to support peace and reconciliation across communities
- Need for profiling/evidence base on who is an IDP and who is not

GEORGIA

- displacement situation goes to back to 1992 and then 2008 again
- we do monitoring in IDP settlements (collective centres), very useful for IDPs regarding processes on what's happening and support available to them, we also do legal counselling
- we prepare yearly report to government + special reports depending on priorities;
- we cooperate with the government, we are involved in every commission that the government has on IDPs; in the past we had little information but now this has improved; we have transparent criteria for

- housing allocation to support durable solutions. DS is a big priority for the government; there is a new strategy, focusing on livelihoods bu there are still people living in very dire conditions.
- Ombudsman office very involved in every phase of IDPs monitoring
- Monthly monitoring in IDP centres also informing IDPs about the processes providing IDPs with legal consultation
- Ombudsman also writes Annual reports to the parliament and some of the reccs include on IDPs
- Govt has developed document to provide IDPs with housing (privatization process)
- NHRI is member of the Steering committee in govt for legislative parts of this areas

GUATEMALA

- Displacement caused by poverty and violence
- we have an MoU with ACNUR and we are working on a study on internal displacement, together with academics, that will hopefully give us the evidence base that we need
- Internal displacement not seen as a problem by the State authorities –
- 2017 signed agreement with UNHCR
- Want to raise issue amongst general population so that it becomes more visible
- Not focused understanding of the problem in a core database clear roadmap on how to tackle issues
- Promoted exchange of information

HONDURAS

- desplazamiento por violencia
- creación de la CIPPDV
- trabajo de creación de políticas publicas;
- estudio de caracterización
- anteproyecto de ley
- tenemos el apoyo de ACNUR; creación de una unidad; enfoque de seguridad humana y desarrollo sostenible
- Role of the NHRI is done from approach of security for local sustainable development focus on prevention and long lasting solutions (looking at links between int forced displ and forced migration).
- Must oversee govt fulfilment of all guidelines assistance through oversight

IRAQ

- Gov push to return, these are sometimes forced returns especially because we have elections coming up and they can only vote in place of origin but very often this does not make sense because there is nothing to return to, cities are destroyed, there no schools or hospitals
- Most people actually do not want to go back, especially those that are now living in Kurdistan region for example; they say now our standard of living is better, we have more security...

KENYA

- collaboration with UNHCR and OHCHR
- Field monitoring for human rights and durable solutions
- we have achieved a few things: we now have a 2012 IDP Act; we are part of the NCCC it created; we supported the draft of an IDP policy adopted by cabinet
- Challenges: adoption of the policy, implementation of the act, roles and responsibilities to be identified, not ratified KC, insufficient information on the needs of IDPs, over focus on PEV IDPs, no focus on urban IDPs, disaster IDPs etc.; no concerted efforts at the international level too;
- IDPs in Kenya: living in Urban and informal settlements and with host families no basic services –
 displaced for 20 years causes are multiple (political violence, natural disaster, wars between tribal
 groups, forced evictions due to development projects, post electoral violence)

- Key protection concerns: security challenges which manifests itself in SGBV challenges,
- Govt yet to adopt draft national policy on IDPs
- Yet to ratify Kampala convention

KOSOVO

- IDPs since 1999, almost 20,000; main issues concerned HLP, access to services
- Whatever we can do, reports, even with the most perfect recommendations, the issue is always the implementation of its recommendations by the Government!
- by 2010, many issues were addressed in relation to HLP (thanks to KPA), civil documents, access to services... The problems remains with social benefits and social cohesion
- Main learning: a big challenge was clear information and evidence base on who were the IDPs! Also, the government did not work on a law to provide an overall framework, it is working on a regulation now
- Big issue in terms of implementation of standards, perhaps it is time to review them because they are a bit updated example we don't have a definition of the standards of protecting dignity what do we mean by that?
- We need a website where we can put all what we do in one place so that we can all learn from each other? (Ask GANHRI)
- Reports are not only solution Depends how much the government actually implements the recommendations of NHRIs
- Social benefits and social integrations of IDPs
- Proliferation of IDps govt was doing ad-hoc to support IDPs but without any proliferation of the IDPs so no one was fully aware of the numbers/locations etc.
- Govt has not been able to establish local legal instruments to help give legal status of IDPs this would help to monitor the IDPs
- Many standards and frameworks and resolutions were developed by UN too many years ago and are now outdated. How can we as NHRIs properly address issues of 'protection of dignity' if there is no uniform definition of the word in UN resolutions and global standards?

MEXICO

- Desplazamiento por varias causas; necesario dar visibilidad al fenómeno
- Medidas cautelares
- Estudio sobre desplazamiento interno
- Forum internacional en 2017 con el Senado
- Protocolo en 2017
- Recomendación al Gobierno del estado de Sinaloa
- Anteproyecto de ley federal sobre desplazamiento interno
- Colaboración con la ONU y con la red interamericana para tener una audiencia temática en la sesión de febrero
- Published recommendation to protect rights and make sure people are not victims twice.
- Developed a set of guidelines for governments to address aftermath of phenomenon
- Study for civilian protection
- Latin American network of institutions

NIGER

- main cause is violence and conflict, even if you have floods as well;
- situation in Diffa: more IDPs than other groups (refugees, returning refugees); + pendular movements across borders (is surrounded by conflict-affected countries and instability terrorist groups)
- 3 regional offices: Diffa; border with Mali; border with Nigeria for monitoring

- Members of the Protection Cluster
- There's no legal and policy framework in place
- civilian character of camps
- Management of IDP camps often incursions which make security very unstable
- Rigorous management of the camps is needed
- Good practise with UNHCR: (to distinguish between refugees and IDPs) taking digital
 prints/biometric registration to identify everyone and put into groups according to their needs and
 who has rights to assistance and where. This is however dangerous in some contexts and some IDPs
 wish to remain anonymous or are at risk of persecution.

NIGERIA

- we were able to put a protection framework in place recruiting and training community based monitors with the support of UNHCR to monitor the situation of IDPs at the state and national level, resulting in a national report at the state and national level
- we have community based action groups including IDPs and host communities to address increasing tensions
- this work has led to increased awareness, we are working on a draft law on internal displacement
- periodic training on IDP protection issues of law enforcement including military, which has helped a lot
- challenges: funding constraints led to reducing focus on 3 states rather than 7 but increased inter communal violence, so challenge
- Shares offices with UNHCR to ensure joint supervision
- Task team to collect and harmonize information to have nationwide report on int displa compiling field reports
- Established working group made up of IDPs and host community members- to minimize the conflict between them (stemming from fighting over resources)
- Challenges in regard to funding funding constraints so have had to focus on only 3 States.
- Issue of privatization of NHRIs
- Tensions between NHRIs and population of concern when there is a lack of continued funding for NHRI programmes – NHRIs start up programmes and then have to withdraw when donors shut off funding
- Different mechanism/sources to tap into instead of just UNHCR to support IDPs? (World Bank, private partnerships, SDGs institutions)

PERU

- main cause: disasters, sexual and gender based violence
- two draft laws we produced: focus on human rights for all disaster-related legislation, which is currently lacking!
- AGD approached
- Trying to promote that they recognize all population groups that need immediate attention for any disasters as well as ensuring that information is provided in all languages (to ensure all ethnic groups are able to be aware of all)

PHILIPPINES

- 3 causes of displacement: disasters, compounded by poor DRR projects and programs; generalised violence; new phenomenon: state-sponsored policy of extrajudicial killing of people allegedly involved in drugs, which is leading to the displacement of people particularly in urban areas; development-induced displacement due to large-scale projects, extractive industries...
- general estimate 700,000 to 1million IDPs
- we do monitoring; we push the IDP bill to be adopted; capacity building internally and externally; we

- created a monitoring centre and we now have an IDP monitoring tool which will hopefully create better analysis of the IDP situation
- Monitoring missions to IDP sites
- Developed IDP monitoring tool will aid to develop policies and programmes more effective handle on issues of IDPs

UGANDA

- Now it's been 10 years that we don't have internal displacement in Uganda (LRA conflict)
- at the time of the conflict, family separation was a huge issue see had to support; the issue of land and land restitution was huge, or recovery of land for children when they parents had died, or demarcation of land was not there anymore; issue of the elderly in camps that had no one to take care of them or had nowhere to go.
- we must push our governments to take care of these people or an entire generation will be lost

UKRAINE

- high number 1,7 million IDPs but this is the number of people registered, many need to register just to receive assistance and benefits
- right to what? Right to vote of IDPs was not respected in local elections the last time, so we are now
 working on new legislation in preparation for upcoming elections to ensure non-discrimination of
 IDPs
- we're working together with civil society and IDP organisations "nothing for us without us" (IDP participation); central body still not very effective because they are not influential
- National strategy for Human Rights 2018-2020, very important part on rights of IDPs so far realised at 20%
- Very good cooperation with UNDP, UN HR mission, giving us information also on the situation in noncontrolled territories
- Absence of strategical vision lack of policy
- Challenge of non-authoritative areas territories held by NSGs
- IDPs refused to participate in election
- Important to demonstrate non-discrimination
- It was NHRIs initiative to create Central body to manage int displacement in govt but CSOs have reported that it is not very effective due to not having clear role in government.
- Working with HRDs, CSO reps, IDPs reps, etc. to draft govt state policy in field fo HR and staretgic vision on future of IDPs and non-controlled territories
- Good cooperation with UNDP and UN Mission.

ZAMBIA

- Issues linked to political violence (elections in 2016); everything what our colleague from Zimbabwe mentioned, affect us as well.
- development induced displacement by big corporations, with no compensation in place; mining activities

ZIMBABWE

- main causes: political violence, similar experience as in Kenya, houses were burnt down, little
 government response; disasters, including lake flooding; issue of lack of resources has been a huge
 challenge for governments; we also had issues linked to the land reform and land programme by the
 government, as a result of which people were displaced and received no adequate housing.
- we carried out investigations since 2014 to provide recommendations to Governments, including to Parliament to look at a legal framework on disaster prevention and management
- Government ratified the Kampala Convention
- people displaced by mining activities; commission did inquiry

- Political violence, man-made disasters (not properly pre-planned), farmers under govt farm programme becoming squatters or living in man-made shelters, Mzingo lake, mining
- Attempts for normative frameworks to deal with displacement have failed
- There is no plan by govt to take care of IDPs Lack of resources
- Zim signed KC in 2014 so am hoping national laws will be put in place.

ANNEX 2

Workshop on the role of National Human Rights Institutions in promoting and protecting the human rights of Internally Displaced Persons

Date and time: Tuesday 20 February 2018 (9:30-18:00) Venue: Palais des Nations (building A), Geneva – Room VIII, 3rd floor

Background

More than 40.3 million people are uprooted within their own countries by conflict, violence and human rights violations - 6.9 million people were newly displaced in 2016 alone. Millions more are displaced every year in the context of disasters and climate change. In addition, an increasing number of IDPs remain displaced for years or even decades. In 2014, more than 50 countries were reported to have people living in protracted internal displacement for more than 10 years. Internal displacement on this scale is unlikely to reverse any time soon, particularly given the number of ongoing conflicts without political solutions and the continuing adverse effects of climate change.

The **Guiding Principles on Internal Displacement**, presented to the UN Commission on Human Rights in 1998, constitute the key document on the protection and assistance of IDPs worldwide. They define who an IDP is, and set out their rights to be protected and assisted before and during displacement and in their search for durable solutions. They restate that national authorities have the primary responsibility for protecting internally displaced persons, and clarify key principles relating to humanitarian assistance by international and non-governmental bodies. The Guiding Principles are highly authoritative, as they restate IDPs' rights as enshrined in international human rights and international humanitarian law, and have been recognised as an important framework for the protection and assistance of IDPs.

National human rights institutions (NHRIs) can play an important bridging role between international and national human rights and humanitarian protection systems and between national authorities, civil society and those who are affected by internal displacement. In recent years, an increasing number of NHRIs around the world have increased their attention to internal displacement into their work. NHRIs have played an important role in raising awareness of internal displacement, monitoring displacement situations and returns,

investigating individual complaints, advocating for and advising the government on the drafting of national policies to address internal displacement, and monitoring and reporting on the implementation of national policies and legislation.

Workshop objectives:

- To take stock of current roles of NHRIs on protection of IDPs, in order to explore the range of NHRIs' modalities of engagement in policy and operational response at the local, national and regional level and inspire strengthened action;
- To enable NHRIs to exchange experiences and strategies relating to the protection of IDPs
- To discuss challenges, identify key lessons and emerging good practices as well as concrete recommendations on how the role of NHRIs in promoting and protecting the human rights of IDPs can be strengthened.

This event will result in a workshop report, which will be shared among all participants and partners. It will also be part of a larger consultative process led by the Special Rapporteur on the human rights of IDPs in preparation for her 2019 report to the UN Human Rights Council, which will be dedicated to this topic. A questionnaire has been sent out to all NHRIs in preparation for the workshop.

Participant preparation and contribution expected:

We request that each participant comes prepared with:

- 1. A brief 5-minute overview (only one per country, if more than one participant from the same country) on the work of your NHRI in relation to internal displacement, with reference to main challenges and examples of good practices
- 2. Reflections on your NHRIs' involvement in the following areas:
 - Prevention of internal displacement;
 - Monitoring and advocacy on IDPs' human rights, including durable solutions;
 - Laws and policies on internal displacement;
 - Cooperation among NHRIs and with partners at national, regional and international level.

In particular:

- What are the main obstacles, key lessons and emerging good practices when it comes to NHRIs engaging in these areas?
- What key recommendations do you propose to strengthen NHRIs' role on each of these issues (prevention, monitoring and advocacy on IDPs' human rights, as well as law and policy)?
- What steps and strategies can be adopted to strengthen effective collaboration among NHRIs and with other partners (national government, UN, NGOs) at national, regional and international levels?

Please do hesitate to contact Martina Caterina at caterina@unhcr.org if you have any questions on the expected contribution.

Agenda: Workshop on NHRIs and IDP protection

Date: 20 February 2018 (09:30 - 18:00)

Venue: Room VIII, Palais des Nations, Geneva, Switzerland

	Tuesday 20 th February
09h30 –	Workshop registration (coffee will be served)
10h00	
10h00 –	Opening statements by GANHRI Representative and UNHCR Chief of IDP section
10h10	
10h10 -	Welcome and keynote address by Special Rapporteur on the human rights of Internally
10h30	Displaced Persons, Ms. Cecilia Jimenez-Damary
10h30 –	Session 1: Sharing of experiences
12h30	Session objective: for NHRIs to present overviews of their work on internal displacement, main
	challenges, good practices
	Deuticinante's Empire to accompliance (and proportation may accomply)
	Participants' 5-minute overviews (one presentation per country)
12h30-	Wrap-up session by the Special Rapporteur on key points from shared experiences
13h00	Instructions for the afternoon session

13h00 - 15h00	Lunch / Frontime
131100 - 131100	Lunch / Free time

15h00 –	Session 2: Regional breakout group work		
16h30	Session objective: to identify key lessons, emerging good practices and recommendations for strengthening NHRIs' engagement on IDP issues in the following key areas:		
	 Prevention of internal displacement; Monitoring and advocacy on IDPs' human rights, including durable solutions; Laws and policies on internal displacement; Cooperation among NHRIs and with partners at national, regional and international level 		

16h30 – 17h45	Session 3: Feedback to plenary and discussion
	Rapporteurs for each Regional Breakout Groups to present discussions and key recommendations / Q&A
	Group Americas: 20 mins
	Group Africa: 20 mins
	Group Asia and Europe: 20 mins
	Wrap-up session on main conclusions and key points
17h45- 18h00	Concluding remarks by the Special Rapporteur, highlighting GP20 activities planned and way forward

ANNEX 3









REGISTRATION SHEET

Workshop on the role of National Human Rights Institutions in promoting and protecting the human rights of Internally Displaced Persons - 20 February 2018

NAME	REPRESENTING	SIGNATURE
Mohammad Musa Mahmodi	Afghanistan	Hu Ji
Arman Tatoyan	Armenia	10
Jasminka Džumhur	Bosnia and Herzegovina	Sum
Carlos Alfonso Negret Mosquera	Colombia	a
Mwamba Mushikonke Mwamus	DRC	Therese s









Raquel Caballero de Guevara	El Salvador	
Meri Kochlamazashvili	Georgia	3 mm
Jordan Rodas Andrade	Guatemala	
Lavinia Figueroa	Guatemala	Me !
Roberto Herrera Caceres	Honduras	
Basma Mohammed Mustafa Habib	Iraq	
Kagwiria Mbogori	Kenya	THIN 2
Hilmi Jashari	Kosovo	Literia
Luis Raúl González Pérez	Mexico	
Consuelo Olvera Treviño	Mexico	July









José Ignacio Martín del Campo Covarrubias	Mexico	(1a)
Khalid Ikhiri	Niger	
Alichina Amadou	Niger	
Harry Ogwuche Obe	Nigeria	D. Zingor
Roberto Eugenio Cadiz	Philippines	,
Med S.K Kaggwa	Uganda	* 4
Valeriya Lutkovska	Ukraine	,,
Thuy Doan-Smith	Asia Pacific Forum	
Valentina Purcel	European Network of National Human Rights Institutions	Jek .









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	Network of National Human Rights Institutions of Americas	
	Network of African National Human Rights Institutions	
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Veronique Ometoko Mwamba	DRC	









Cecilia Jimenez-Damary	Special Rapporteur on the Human Rights of IDPs	V
Martina Caterina	Legal Adviser to the Special Rapporteur	√ .
Katrine Gertz Schlundt	OHCHR Associate Human Rights Expert supporting the Special Rapporteur	168
Bola Han	UNHCR Durable Solutions Officer	V Bola
Anais Pagot	UNHCR Associate Legal Officer	
Katharina Rose	GANHRI Geneva Representative	
Ileana Bello	GANHRI Operations Manager	
	GANHRI	
Vladlen Stefanov	OHCHR Chief of National Institutions, Regional Mechanisms and Civil Society Section	
Biljana Pesut	OHCHR Programme Assistant	
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Sarah Rattray	UNDP Policy Specialist for Human Rights	