



CAPACITY BUILDING FOR LAW AND POLICY-MAKING ON INTERNAL DISPLACEMENT

SESSION 2: A HUMAN RIGHTS-BASED APPROACH TO DISPLACEMENT

PROTECTION FRAMEWORK FOR ADDRESSING IDPS' NEEDS¹

Rights related to physical security and psychological wellbeing, such as protection from killings, rape, torture and arbitrary detention

- Genocide (Kampala Convention article 9.1a)
- Crimes against humanity (article 9.1a)
- War crimes (article 9.1a)
- Other violations of IHL against IDPs (article 9.1a)
- Arbitrary killing (article 9.1c)
- Summary execution (article 9.1c)
- Arbitrary detention (article 9.1c)
- Abduction (article 9.1c)
- Enforced disappearance (article 9.1c)
- Torture and other forms of cruel, inhuman or degrading treatment or punishment (article 9.1c)
- Gender-based violence in all its forms, notably rape, enforced prostitution, sexual exploitation and harmful practices (article 9.1a)

Rights related to basic necessities of life, such as food, shelter and drinking water

- Assistance by meeting IDPs' basic needs (article 3.1j)
- Self-reliance and sustainable livelihoods (article 3.1k)
- Right to live in satisfactory conditions of dignity, security, food, water, health and shelter (article 7.5c for armed groups)
- Humanitarian assistance - food, water, shelter, medical care and other health services, sanitation, education and any other necessary social services (article 9.2b)
- Reproductive and sexual health of internally displaced women as well as appropriate psycho social support for victims of sexual and other related abuses

¹ Adapted from the table devised by the former UN secretary general's representative for IDPs' human rights Prof. Walter Kaelin in order to concretely operationalise the application of the Guiding Principles for IDP protection.

Slavery (article 9.1a)

Recruitment of children and their use in hostilities (article 7.5e for armed groups and article 9.1a)

Forced labour (article 9.1a)

Human trafficking and smuggling (article 9.1d)

Starvation (article 9.1e)

Kidnapping (article 7.5f for armed groups)

Abduction (article 7.5f for armed groups)

Hostage-taking (article 7.5f for armed groups)

Sexual slavery (article 7.5f for armed groups)

Trafficking (article 7.5f for armed groups)

Freedom of movement within or outside areas of residence (article 7.5d for armed groups)

Freedom of movement and choice of residence (article 9.2f)

Right to seek safety in another part of the country (article 9.2e)

Protection against forcible return or resettlement in any place where life, safety, and/or health would be at risk (article 9.2e)

Civilian and humanitarian character of the places where IDPs are sheltered (article 7.5i) (article 9.2.g)

Measures to trace and reunify families separated during displacement and to facilitate the re-establishment of family ties (article 9.2h)

(article 9.2.d)

Safeguard against environmental degradation in areas of displacement (article 9.2j)

Rights related to economic, social and cultural rights such as health, education and property

Protection of individual, collective and cultural property in areas of origin and displacement (article 9.2g)

Mechanisms that provide for simplified procedures for resolving property disputes (article 11.4)

Restoration of land for communities with special dependency and attachment to such land (article 11.5)

Rights related to civil and political rights such as documentation and voting rights

Participation in decisions relating to protection and assistance (article. 9.2k)

Civic and political rights, public participation, right to vote and to be elected to public office (article 9.2l)

Documents necessary for the exercising of rights (article 13.2-4)

Cross cutting rights

Right to peacefully request or seek protection and assistance (article 5.9)

Non-discrimination of any kind (article 5.1)

Non-discrimination in the exercising of any rights or freedoms on the grounds of displacement (article 9.1a)

Special protection and assistance for those with special needs (article 9.2c)