



SESSION 8 – FACILITATOR’S NOTES

DRAFTING

DURATION 90’

SESSION AT A GLANCE

Activity	Methodology	Timing
Activity one: Presentation - the drafting process	Interactive slideshow	20’
Activity two: Discussion - framework and protective measures	Group work	40’
Activity three: Feedback	Plenary session	20’
Activity four: Presentation - validation and adoption	Interactive slideshow	10’
		90’

ACTIVITIES IN DETAIL

ACTIVITY ONE: PRESENTATION 20’

Introduce the topic by recapping on the process and the phase reached so far, and go through the presentation. Slide six is a short quiz on the main provisions to be included in a comprehensive national instrument with reference to the Guiding Principles. It should not last more than five minutes.

ACTIVITY TWO: FRAMEWORK AND PROTECTIVE MEASURES 40

At the end of the session four on organising a participatory process, the participants should have agreed on the roles to be assigned to stakeholders during the drafting process and the composition of the drafting/steering committee and consultation partners.

In keeping with the outcomes of that session, divide the participants into two groups, with group A taking the role of the drafting committee and group B the consultation partners. The two groups work will occur simultaneously.

Establish that **group A** is made up of government officials, parliamentarians and possibly one civil society member, and that they are to focus on the preparation of a draft text:

OUTLINE OF A DRAFT LAW OR POLICY ON INTERNAL DISPLACEMENT

Group A will start by preparing a broad draft of the instrument. that they will present to the rest of the participants.

Give the following instructions:

- Brainstorm issues to be included in your draft, keeping in mind your country's context
- Structure your outline in such a way as to ensure the clarity and comprehensiveness of your future draft
- Write your outlines on one or more flipchart papers in script large enough to be visible from a distance

Give group A 40 minutes to complete its work.

Optional tool: A model law.

Establish that **group B** is made up of protection experts from NGOs, CSOs, UN agencies and IDPs' representatives, and that they are to try to ensure that the protection issues IDPs and others affected by displacement face will be taken into account in the instrument to be. They should work on the drafting of protective measures for IDP to be included in the national instrument.

Go back to the four issues identified and categorised according the rights underpinning them in sessions one and two. Write them on A4 cards and put them up on a sticky wall in a column visible to all.

Ask group B the following question:

What kind of measures can be put in place to address the identified issues, ensure full protection of the human associated to it?

The measures should ensure right satisfaction, compensations and provision to prevent reiteration.

Ask the group to write their protection measures on coloured cards (choose a different colour than the one used for the protection issue and its related right) to add to the sticky wall.

Give them 20 minutes to complete the task.

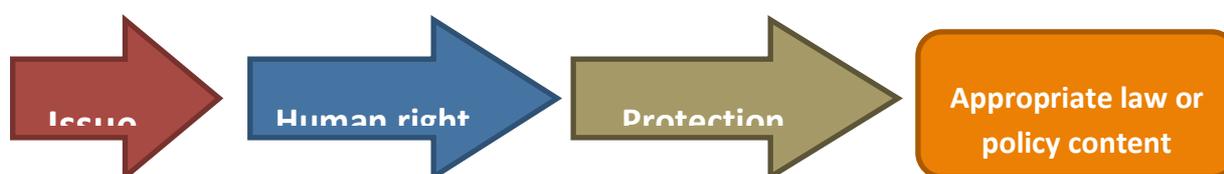
Then ask them to choose one issue/right and discuss the following question:

How would you incorporate the need to safeguard this right in a law or policy?

Ask them to formulate one or more provisions that could ensure prevention, response to the issue at stake and/or could facilitate the achievement of durable solutions.

Give them another 20 minutes to complete the task.

When the time is up, collect the proposed measures and corresponding law or policy formulations and put them up on the wall next to the corresponding right.



You can use the table below to provide feedback. It is based on pages 63 to 65 of the UNHCR-IPU handbook on responsibility and action for internal displacement:

Rights	Guiding principle	Protection measures
Life, security, protection against violence	10, 11	<ul style="list-style-type: none"> ▪ Criminalise and prosecute acts that breach these rights ▪ Train national security forces on protection ▪ Conduct demining activities
Food	18	<ul style="list-style-type: none"> ▪ Identify IDPs' food needs ▪ Identify and resource an agency tasked with procuring sufficient foodstuffs ▪ Engage with humanitarian organisations to assist with food aid when required
Water and sanitation	18	<ul style="list-style-type: none"> ▪ Identify water and sanitation needs ▪ Ensure access to potable water and hygienic sanitation facilities ▪ Liaise with humanitarian organisations to ensure adequate water and sanitation when required
Adequate housing	18	<ul style="list-style-type: none"> ▪ Identify housing needs based on IDPs' pre-displacement conditions ▪ Assist IDPs in moving from their residence to transitional housing ▪ Provide adequate transitional housing ▪ Ensure that transitional housing is safe and permits access to humanitarian services

Medical assistance and healthcare	18, 19	<ul style="list-style-type: none"> ▪ Designate an authority responsible for healthcare during displacement ▪ Provide safe access to health clinics and services ▪ Ensure that access to health services is the same as that available to the general population
Property, protection against violation of HLP rights	12	<ul style="list-style-type: none"> ▪ Protect abandoned property ▪ Provide flexible and accessible mechanisms for redressing property claims - restitution or compensation
Freedom of movement	14, 15, 28	<ul style="list-style-type: none"> ▪ Remove legal impediments that prevent IDPs moving to seek safety ▪ Avoid camp confinement policies ▪ Empower IDPs to take their own decisions, by consulting and informing them of their options, so that they can choose voluntarily where to move or settle
Recognition before the law	20	<ul style="list-style-type: none"> ▪ Remove documentation requirements that prevent IDPs from exercising their rights ▪ Reduce obstacles to issuing of documentation for IDPs ▪ Make procedures accessible and known
Family life	16, 17	<ul style="list-style-type: none"> ▪ Establish systems to identify and record family units and members for the provision of assistance ▪ Set up a birth registration system ▪ Set up a database of missing people and family reunification requests ▪ Make resources available for family tracing, investigation of missing people and the location and return of mortal remains
Education	23	<ul style="list-style-type: none"> ▪ Ensure that education is part of the national response to displacement ▪ Provide IDPs with access to education via local community or alternative services ▪ Reduce administrative obstacles to IDPs' access to education
Work and adequate standard of living	18, 22	<ul style="list-style-type: none"> ▪ Facilitate entry into the labour market via vocational training and work programmes ▪ Reduce obstacles to IDPs' access to social assistance ▪ Provide assistance that encourages self-sustainability
Participation in public affairs	22	<ul style="list-style-type: none"> ▪ Ensure that IDPs are legally entitled to vote ▪ Reduce administrative requirements for voter registration ▪ Provide protection for IDPs during rallies and election campaigns if required ▪ Allow IDPs to stand as candidates without preference over members of the general population
Humanitarian assistance	3, 25	<ul style="list-style-type: none"> ▪ Create or empower a body to liaise with humanitarian organisations ▪ Criminalise acts that impede relief ▪ Modify immigration and customs laws to expedite the delivery of aid

ACTIVITY THREE: FEEDBACK IN PLENARY

20'

Leave 20 minutes at the end of the session to recap on the process and to go through:

- The draft outline developed by group A
- The protection measures and legal provisions formulated by group B

ACTIVITY FOUR: VALIDATION AND ADOPTION

Show the last two slides of the presentation dedicated to this topic.

PREPARATION AND MATERIALS

FOR THE PRESENTATION

- Projector
- Laptop
- Screen
- PowerPoint presentation: Drafting
- IDMC/Brookings, National Instruments on Internal Displacement: A Guide to their Development
- UNHCR-IPU handbook on responsibility and action for parliamentarians

FOR THE PRACTICAL ACTIVITIES:

- Pre-designed template with three concentric circles
- Flipchart paper
- Coloured cards
- Sticky wall
- Markers