

# PART II: IASC OPERATIONAL GUIDELINES ON THE PROTECTION OF PERSONS IN SITUATIONS OF NATURAL DISASTERS

## GENERAL PRINCIPLES

### I. GENERAL GUARANTEES FOR PERSONS AFFECTED BY NATURAL DISASTERS

- I.1** Persons affected by natural disasters (affected persons) should be recognized and treated as persons entitled to enjoy the same rights and freedoms under international human rights law as others in their country, and to not be discriminated against on the basis of their race, colour, sex, disability, language, religion, political and other opinion, national or social origin, property, birth, age or other status. Targeted measures to address specific assistance and protection needs of women and children and particular categories of affected populations, including but not limited to older persons, persons with disabilities, persons living with HIV/AIDS, single heads of households and child-headed households, internally displaced persons or members of ethnic or religious communities and indigenous peoples, do not constitute discrimination if, and to the extent that, they are based on differing needs.
- I.2** Persons affected by a natural disaster or facing an imminent risk of being affected should be provided with easily accessible information in a language they understand concerning:
- (a) The nature and level of disaster they are facing;
  - (b) The possible disaster risk and vulnerability reduction measures that can be taken;
  - (c) Ongoing or planned humanitarian assistance, recovery efforts and their respective entitlements; and
  - (d) Their rights under international and domestic law.
- I.3** Affected persons should be informed and consulted on measures taken on their behalf and given the opportunity to take charge of their own affairs to the maximum extent and as early as possible. They should be able to participate in the planning and implementation of the various stages of the disaster response. Targeted measures should be taken to include those who are traditionally marginalized from participation in decision-making.

- I.4** Affected persons should be entitled to and supported in claiming and exercising their rights and provided with effective remedies, including unimpeded access to the justice system, in case of violations.
- I.5** In all decisions and actions concerning children, the best interest of the child should be a primary consideration.
- I.6** Persons who have been ordered or forced to flee or to leave their homes or places of habitual residence or who have been evacuated as a result of a natural disaster or its effects, or were obliged or forced to leave in order to avoid them, and have not crossed an internationally recognized State border are internally displaced persons in accordance with the 1998 Guiding Principles on Internal Displacement and should be treated accordingly.
- I.7** The human rights of the affected persons and the impact of humanitarian activities on these rights should be regularly monitored. To this effect, existing monitoring mechanisms should be strengthened or new mechanisms established. Monitors should be given access to areas where humanitarian operations take place as well as to all affected persons.
- I.8** Protection activities should be undertaken and prioritized on the basis of identified needs of affected persons. Such needs should be identified and assessed on the basis of non-discriminatory and objective criteria, and in consultation with the affected population. Collected data should be disaggregated by age and gender.
- I.9** Protection activities should be carried out in a manner that respects the cultural sensitivities prevailing in areas affected by the disaster, providing that they do not contravene existing international human rights standards.

## **II. ROLE OF STATES AND OTHER ACTORS CONTRIBUTING TO THE HUMANITARIAN RESPONSE**

- II.1** States have the primary duty and responsibility to provide assistance and protection to persons affected by natural disasters. In doing so, they are obliged to respect the human rights of affected persons and to protect them from violations of their rights by private actors (e.g. individuals and groups committing crimes) as well as from dangers arising from the disaster (e.g. secondary impacts of natural disasters).
- II.2** International humanitarian organizations and agencies and non-governmental organizations contributing to the humanitarian response:
- ❖ Offer their services in support of persons affected by natural disasters and in need of protection and humanitarian assistance when and to the extent that the authorities concerned are unable or unwilling to provide the required humanitarian assistance;

- ❖ Accept that human rights underpin humanitarian action. In situations of natural disasters they should therefore respect the human rights of persons affected by disasters at all times and advocate for their promotion and protection to the fullest extent. Such organizations should not promote, actively participate in, or in any other manner endorse policies or activities leading or likely to lead to human rights violations or abuses;
  - ❖ Are guided by these Operational Guidelines in their activities, in particular when monitoring and assessing the situation and needs of affected persons, when planning, programming and implementing their own activities as well as when entering into a dialogue with governmental authorities on the State's duties and responsibilities vis-à-vis affected persons under international law, and supporting their activities;
  - ❖ Carry out their activities in accordance with the principles of humanity, independence, impartiality and neutrality; and
  - ❖ Remain accountable to all relevant stakeholders, including to the affected persons.
- II.3** All relevant humanitarian actors should ensure coordination of their protection activities among themselves and with national and local authorities while respecting and taking into account respective mandates.
- II.4** Humanitarian assistance should not be used for purposes other than humanitarian, e.g. to achieve political goals or to divert goods to persons not in need of them.