



Improving the Protection of Internally Displaced Women: Assessment of Progress and Challenges

Front Cover Photograph: Civilian women in the Central African Republic wait for registration and relocation assistance after being displaced by heavy fighting in Bangui on April 26, 2013. (IOM /Sandra Black, 2014).

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FOREWORD

These reports were prepared in my official capacity as United Nations Special Rapporteur for the Human Rights of Internally Displaced Persons. Versions of them were presented to UN General Assembly and to the UN Human Rights Council as part of the reporting requirements of my mandate. Publishing the reports in this format provides me with an opportunity share them with the broader public in order to highlight important thematic issues which are urgent for the lives of internally displaced person (IDPs). Thus I have focused on the state of normative developments on internal displacement, on climate change and displacement, on the particular needs of displaced women, on the challenges of protecting and assisting IDPs living in non-camp settings, and on the important role that development actors play in bringing about solutions for IDPs. By raising up these issues, my intention is to encourage governments, international actors and local civil society groups to consider how they can more effectively respond to the needs of IDPs.

In an effort to broaden the discussion of these issues, the Brookings-LSE Project on Internal Displacement has expanded on the issues raised in my official UN reports and to circulate them widely. Hence, I am delighted to introduce this report on IDP women. Since my original report to the Human Rights Council in 2013, I am more convinced than ever of the importance of addressing the needs of women IDPs and hope that this report encourages more creative thinking on the issue.



Chaloka Beyani
Special Rapporteur on the Human Rights of Internally Displaced Persons

I. INTRODUCTION

Women account for around half of the world's 33.2 million internally displaced persons (IDPs).¹ In addition to the many general human rights violations faced by all IDPs, displaced women are often at greater risk than other affected populations. They face loss of livelihoods and key documentation needed for daily life. They tend to have less access to assistance, and struggle to access adequate education, healthcare, training and livelihoods. They are more susceptible to sexual and gender-based violence (SGBV), are likely to face difficulties in exercising rights to housing, land and property, and are often excluded from decision-making processes. These human rights violations are compounded by conflict, which exacerbates pre-crisis patterns of discrimination. Age, group affiliation (e.g. membership in minority groups), disability, civil status, socioeconomic status and displacement itself can place particular groups of internally displaced women at heightened risk. For example, indigenous or elderly women who are displaced may find themselves doubly disadvantaged. And the protection risks that displaced women face depend in large measure on the specific context in which they find themselves. Women who have been recently displaced usually face different risks than those who have been displaced for twenty years and women living in camps usually have different needs than those living with host families.



IOM/2014

One of the positive developments over the past decade has been the increased attention paid to refugee women in the context of United Nations emphasis on women, peace and security.² In recent years there has been awareness that greater focus is needed on women who are displaced within the borders of their own countries. Indeed, the rights and needs of women and girls in emergency and post-conflict situations have received increased attention since the 1990s from states, international agencies, civil society organizations and other relevant actors. These actors have also sought to promote gender-sensitive approaches to humanitarian and development assistance³ and early recovery. Their attention to these issues is reflected in various resolutions, policies, guidelines and handbooks, as well as gender-mainstreaming efforts and

¹ UNHCR, *Global Trends 2010: 60 years and still counting* (2011), p. 33 See for example: Internal Displacement Monitoring Centre (IDMC), *Global Overview 2014*, <http://www.internal-displacement.org/publications/2014/global-overview-2014-people-internally-displaced-by-conflict-and-violence> ; IDMC “Girl Disrupted,” March 2014, <http://www.internal-displacement.org/assets/publications/2014/201403-global-girl-disrupted-pic-brief-en.pdf>

² In 2000, the United Nations Security Council passed Resolution 1325 on Women in Peace and Security which was intended to promote the inclusion of women in decision-making on peace and security issues. See http://www.unfpa.org/women/docs/res_1325e.pdf

³ Review and Appraisal of the Beijing Declaration and Platform for Action and the Outcome Document of the Twenty-Third Special Session of the General Assembly.

numerous targeted programs.⁴ A great deal of effort has been devoted to addressing gender concerns in policies and programs. However, much more work is needed.⁵

In an effort to draw attention to the particular needs and resources of internally displaced women the UN Special Rapporteur on the human rights of internally displaced persons, Dr. Chaloka Beyani, presented a report to the UN Human Rights Council (HRC) in March 2013 which provided an overview of some of these issues. This report was in line with Dr. Beyani's HRC mandate, which among other things, asks him to: "integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and children, as well as of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs."⁶ Dr. Beyani's attention to gender is also part of his work in promoting a more effective and equitable response to internal displacement through a gender-sensitive implementation of the UN Guiding Principles on Internal Displacement.⁷

This publication is an expanded version of Dr. Beyani's 2013 report to the HRC and is intended for a broader audience including government, humanitarian and development actors as well as IDPs and the general public. This publication is based on his analysis of the progress and challenges to date with regard to the protection of and assistance to internally displaced women as well as the related recommendations presented in his report.

"On the Ground" Realities Faced by Internally Displaced Women

Internally displaced women face a range of protection issues on a daily basis. Most notably, sexual and gender-based violence is an unfortunate reality for many. Often without the protection of family and communities they had before displacement, internally displaced women can be vulnerable to rape, domestic violence, forced prostitution, trafficking and any number of other violent situations. Women who have lost their husbands to conflict, also face additional challenges and responsibilities as heads of households, and often have to rely on basic survival skills. The following stories bring to life some of their realities.

⁴See further, A/HRC/23/44, March 18, 2013. Also, the UN Security Council has expressed "particular concern at the grave problems faced by many displaced women and children, including violence and abuse, sexual and labor exploitation, trafficking in persons, forced recruitment and abduction" (resolution 14/6).

⁵ Susan Martin, "Refugee and displaced women: 60 years of progress and setbacks," *Amsterdam Law Forum*, vol. 3, no. 2 (2011).

⁶A/HRC/RES/23/8, 20 June 2013, para.14(d).

⁷ See Annex I, below, for specific provisions of the Guiding Principles that call for actions that consider gender, age or disability.

Internally Displaced Women in Somalia

Al Jazeera's Laila Ali reports that despite some advancements in security in Somalia, IDP women still face violence and insecurity.

She reports that Nura Hirsi, a young widow living in an IDP camp west of Mogadishu, was raped by seven government soldiers:

"It was 1 A.M., my children were sleeping when these men entered my house... Some of them were armed with AK47s. They slapped me, ordered me outside and raped me. They did all kind of things to me. I couldn't fight them or defend myself. How could I against seven armed men?"

Neighbors were too scared to come and help her, and while she did go to a hospital the next day, authorities do not take rape allegations seriously. "I went to the police but they were not really interested. People get killed in Mogadishu; I didn't die. To them rape isn't so serious. Nobody is ever arrested. Even the person in charge of the IDP camp was not interested. He didn't say anything when I told him. I would even like to speak to the radio stations—but who will give me that chance?"

Journalist Abdalle Muumin notes that there is a stigma of rape in Somalia that makes people uncomfortable reporting it. Combined with a media that is uninterested in reporting on IDPs, IDP women remain very vulnerable to rape and other forms of sexual violence.

Adapted from Laila Ali's piece:

<http://www.aljazeera.com/indepth/features/2013/01/201315142216448735.html>

IDP Women in Iraq Struggle to Survive

IOM reports that displaced Iraqi female-headed families that have returned to Iraq are still facing livelihood challenges. The survey found that:

- 74 percent had a hard time providing enough nutrition for their families, and that they faced delays in government food rations
- Iraqi women also had health problems and social norms prevented 40 percent of those surveyed from finding jobs
- 71 percent are unemployed
- Forty percent were depending on relatives, neighbors, NGOs and religious groups to meet their needs
- More than 25 percent had a family member with a chronic disease
- One in four lacked access to healthcare
- Domestic violence against women had increased in the past five years due to displacement: one in five Iraqi women were subject to violence, and a third to psychological violence

"The oppression against women is still continuing in Iraq... The plight of the displaced women has not been dealt with seriously. They need adequate houses to preserve their dignity, schools for their children, electricity and drinking water... I do believe that we need a special program to spread awareness among women about their rights and support them on how to start a project that can secure a steady income for their families without relying on anyone."

-Iraqi activist and former lawmaker Salama Smeisim to IRIN

Source: <http://www.irinnews.org/report/91310/iraq-displaced-women-still-struggle-for-survival>

Internally Displaced Women in Darfur Killed for Resisting Rape by Militiamen

Radio Dabanga reports that a displaced woman was killed by pro-government militiamen in South Darfur, and another was killed in Central Darfur when she resisted militiamen who wanted to rape her.

The sheikh of the camp in Bielel locality, Mahjoub Adam Tabaldiya, told Radio Dabanga that four members of a pro-government militia had attacked the displaced Khadija Mohamed Suleiman inside the camp at 6pm on Thursday, in an attempt to rape her. She refused and started fighting back, after which the gunmen opened fire on her and killed her on the spot. The men also wounded her son, Arbab Ibrahim Younis. He was transferred to the hospital and currently is in a critical condition... She left behind nine kids, and her husband, who remains missing after an attack by Rapid Support Forces (RSF) in the area south east of Nyala city.

Source: <http://reliefweb.int/report/sudan/gunmen-kill-darfur-displaced-women-resisting-rape>

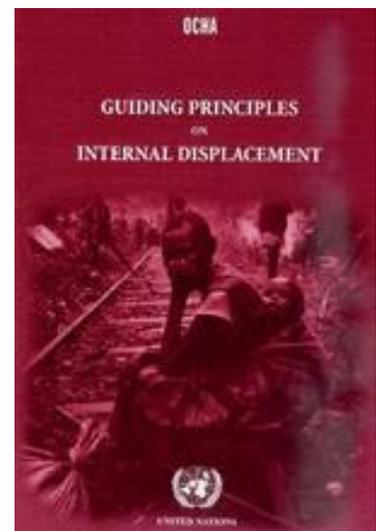
II. TAKING STOCK OF EFFORTS TO PROTECT AND ASSIST INTERNALLY DISPLACED WOMEN: ADVANCES AND CHALLENGES

Internally displaced women face a unique set of challenges, and thus deserve attention as their own group. Unlike refugee women who may register with UNHCR and receive assistance from a range of humanitarian actors, internally displaced women remain within the borders of their own country and thus their national government is responsible for protecting and assisting them.⁸ Women are also more exposed to violence—gender-based violence in particular—and face discrimination on many fronts, including housing, land and property, livelihoods, documentation and education. Displaced women living in camps may have also experienced violence from camp administrators or humanitarian workers which aggravates their situations. Thus, protection and assistance for internally displaced women may take different forms than protection and assistance for refugee women.

The Guiding Principles on Internal Displacement

A number of standards and guidelines relating to internally displaced women have been developed over the past twenty years, covering such issues as reproductive health, sexual and gender-based violence and other cross-cutting issues.⁹ The UN's Guiding Principles on Internal Displacement provide an overarching normative framework that applies international human rights and humanitarian law to IDPs. They were among the first international frameworks to outline specific rights relevant to women facing internal displacement, including:

- Non-discrimination and the right of expectant mothers, mothers of young children, and female heads of household to protection and assistance that “takes into account their special needs”¹⁰
- Protection from SGBV and other forms of violence and exploitation



⁸ Thus, they are often more susceptible to abuse by Government forces, as well as armed groups. IDPs generally have less protection than refugees, because the states that are responsible for their protection are often the perpetrators of violence and displacements.

⁹ See, for example: UNHCR, *Handbook for the Protection of Women and Girls* (2008); UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response* (2003); IASC, *Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies* (2005); Inter-agency Working Group on Reproductive Health in Crises, *Inter-agency Field Manual on Reproductive Health in Humanitarian Settings* (2010); UNHCR Executive Committee conclusion 105 (LVII) of 2006; the United Nations Principles on housing and property restitution for refugees and displaced persons; the Protocol on the Property Rights of Returning Persons in the Great Lakes Region; general recommendations No. 24 (1999) on women and health and No. 27 (2010) on the human rights of older women of the Committee on the Elimination of Discrimination against Women.

¹⁰ Principle 4, para. 2; See Annex I, below, for other specific provisions of the Guiding Principles that call for actions that consider gender, age or disability.

- The right to access all necessary documents, education and training
- The need for internally displaced women to actively participate in decision-making at all stages of displacement¹¹

The Guiding Principles have also served as an important foundation for additional instruments and frameworks that address the needs of displaced women, such as the Kampala Convention and the Inter-Agency Standing Committee (IASC) *Framework on Durable Solutions for Internally Displaced Persons*.¹² While these frameworks are important instruments in the legal protection of IDPs, much more needs to be done to ensure that they are translated into concrete measures which improve the lives of displaced women.

UN Security Council Resolution 1325

Various UN Security Council (UNSC) resolutions also address issues relating to internally displaced women, including:

- Access to protection and assistance¹³
- Sexual violence¹⁴
- Trafficking¹⁵
- Peace, reconciliation and development¹⁶

UN resolutions on women, peace and security are particularly important tools for improving responses to the rights and needs of internally displaced women.¹⁷ Resolution 1325 of October 2000, which reaffirms the important role of women in solving conflict and maintaining peace, is a key

example. To date, 46 countries, as well as the European Union, OSCE and the North Atlantic Treaty Organization (NATO), have approved action plans, while many others are in the drafting

UN Guiding Principle on Internal Displacement 4.2

“Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.”

¹¹ Principle 11, para.2; 19, para.2; 20, para.3; 23.

¹² Brookings-Bern Project on Internal Displacement, *Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons*, April 2010, www.brookings.edu/reports/2010/04_durable_solutions.aspx; see also: UN Human Rights Council, *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin—Addendum: Framework on Durable Solutions for Internally Displaced Persons*, 9 February 2010, A/HRC/13/21/Add.4, http://ap.ohchr.org/documents/dpage_e.aspx?m=71

¹³ Security Council resolutions 1674 (2006), 1894 (2009) and 1379 (2001). See also Sanjula Weerasinghe and Elizabeth Ferris, *Security Council, internal displacement and protection: recommendations for strengthening action through resolutions* (Washington, D.C., Brookings-LSE Project, 2011).

¹⁴ Security Council resolutions 1807 (2008) on the Democratic Republic of the Congo and 1556 (2004) on Sudan.

¹⁵ Security Council resolution 1674 (2006).

¹⁶ Security Council resolutions 1265 (1999) and 1296 (2000).

¹⁷ Security Council resolutions 1820 (2008), 1889 (2009) and 2122 (2013).

phase.¹⁸ Several countries facing internal displacement have already developed plans, including Côte d'Ivoire, Georgia, Nepal, Nigeria and the Philippines, and other countries such as Argentina, Japan, Jordan, Ireland and South Sudan are in the process of developing plans.¹⁹ National action plans that put Resolution 1325 into action are valuable opportunities to include and engage internally displaced women, and these plans should be supported to make sure that women's benefits are maximized.

Mainstreaming Gender in Response to Internal Displacement

Over the years, there has been a growing tendency to mainstream gender into programs and activities. In other words, instead of setting up programs specifically targeting women, the priority is to ensure that women's perspectives are incorporated into all aspects of program design. But the reality is that humanitarian organizations are faced with a number of priorities jockeying for attention, and thus the specific concerns of internally displaced women do not always receive sufficient attention on the mainstream agenda.²⁰ If everyone is responsible for ensuring that women's needs are addressed, it can be difficult to determine responsibility when problems arise. Scholars, practitioners and policymakers now recognize that a "two-pronged approach" is needed to respond to the needs of internally displaced women. This means balancing programs that are specifically targeted at displaced women with efforts to ensure that gender issues are mainstreamed, and incorporated into all aspects of policies and programs.²¹ In response to criticism that it was treating the displaced as "passive beneficiaries of aid" rather than "equal partners with rights,"²² UNHCR issued a new Age, Gender and Diversity Policy in June 2011 and the accompanying Forward Plan for 2011–2016. These were meant to more fully address protection and assistance needs of internally displaced women. In order to ensure that gender is indeed fully mainstreamed, improved coordination between different actors is needed.²³

Gender often receives too little attention in budgets and areas relating to women are often disproportionately cut. In 2009, the Inter-Agency Standing Committee (IASC) introduced the "gender marker tool" to increase gender mainstreaming in the Consolidated Appeals Process. This tool was meant to track gender-sensitive funding, and to promote the development of projects more attuned to gender considerations. However, mainstreaming gender issues – including the rights and needs of displaced women – in budgeting processes will continue to require more institutional leadership, disaggregated data collection and training.²⁴

Gender mainstreaming must also be a part of national and local legislative processes if the rights of displaced women are to be more fully addressed. Governments that develop laws and policies for internal displacement – which is a move to be encouraged – should ensure that gender-

¹⁸ <http://peacewomen.org/naps/list-of-naps>

¹⁹ <http://www.peacewomen.org/naps/upcoming-action-plans>

²⁰ See IASC Sub-Working Group on Gender and Humanitarian Action for analyses of gender mainstreaming efforts.

²¹ UNHCR, "Age, Gender and Diversity Mainstreaming Forward Plan 2011-2016", p. 1; Buscher, "Refugee Women", p. 18.

²² UNHCR Executive Committee, Report on Age, Gender and Diversity Mainstreaming, EC/59/SC/CRP.14, p. 3.

²³ Ibid.

²⁴ IASC, *2012 IASC Gender Marker: Analysis of Results and Lessons Learned*.

sensitive planning is also part of the local, national and international conversation, especially in displacement-affected countries.

Good practice: Georgia's National Action Plan

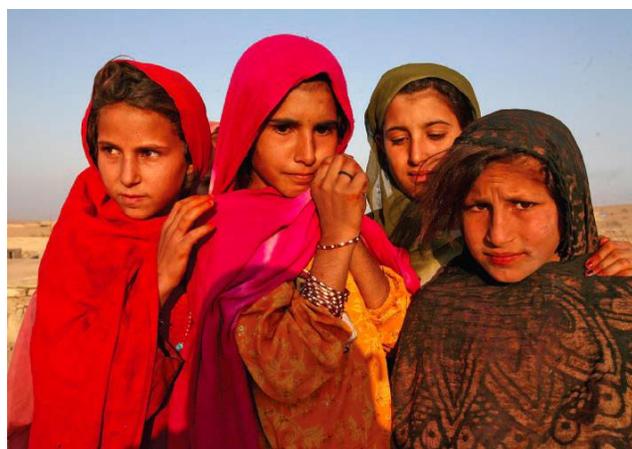
Georgia's National Action Plan for implementation of UN Security Council resolutions on women, peace and security identifies a series of objectives and related activities and indicators for internally displaced women's protection and assistance under Priority Area IV: Protection: Protecting conflict-affected women's human rights; ensuring their physical, social, economic and political security. Each objective is also accompanied by a description of the implementing agency, the "deadline" and, crucially, the source of funding. The objectives are:

- Assess the compliance of Georgian legislation with international conventions, acts, accords and mechanisms for ensuring the protection of conflict-affected women from physical, social, economic and political threats;
- Ensure full access to justice for IDP, war and conflict-affected women and girls;
- Ensure the political, economic, social and physical safety of IDP and conflict and war-affected women.

Source: Government of Georgia, *2012-2015 National Action Plan for implementation of the UN Security Council Resolutions ## 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and security"*, December 2011, <http://peacewomen.org/naps/list-of-naps>

Addressing Key Protection Issues

Internally displaced women are at a heightened risk for sexual and gender-based violence and have specific health needs that often go unmet. In displacement, they may find themselves without the protection they would normally have from their families and communities. Children in particular may be separated from family members and caretakers, putting them at increased risk for sexual abuse, exploitation and recruitment into armed groups. Even though much remains to be done, there has been progress on some key protection issues. The greatest strides have been in reproductive health services, which include neonatal



UNHCR / 2008

and maternity care, as well as a range of other programs ranging from treatment for sexual violence and HIV/AIDS to more routine feminine hygiene/sanitary needs. The Inter-agency Field Manual on Reproductive Health in Humanitarian Settings and the Minimum Initial Service Package (MISP) have also helped to advance reproductive health services. Developed by the

Inter-agency Working Group on Reproductive Health in Crises, these are tools to address reproductive health and sexual violence in emergency settings. The manual was revised in 2010 to better encompass IDPs and others affected by humanitarian emergencies.²⁵ Based on the affirmation that reproductive health is an essential component of humanitarian response, the manual outlines a comprehensive approach to reproductive health risks and services by humanitarian workers.²⁶

There has also been some progress in raising awareness of SGBV and developing tools for ensuring that it is addressed, including:

- Developing guidelines on prevention of and response to SGBV;²⁷
- Setting standards for the inclusion of sexual violence concerns in peace agreements and ceasefires;²⁸
- Implementing training programs to prevent sexual exploitation by peacekeepers and humanitarians;
- Rolling-out monitoring analysis and reporting arrangements in several countries pursuant to Security Council resolution 1960 (2010);
- Developing early warning indicators on sexual violence;²⁹ and
- Establishing targets to increase the proportion of female police officers in peacekeeping operations to 20 percent by 2014.

Some modest – but not yet entrenched – advances have been achieved on other protection issues, including:

- Integrating women into assistance distribution systems;³⁰
- Implementing fuel strategies to reduce displaced women’s exposure to violence when they collect firewood;³¹
- Upholding housing, land and property rights of displaced women, in some cases through measures such as the provision of legal aid to returnee women;

²⁵ Inter-agency Field Manual on Reproductive Health in Humanitarian Settings; also Martin, “Refugee and Displaced Women”, p. 86.

²⁶ see www.who.int/reproductivehealth/publications/emergencies/field_manual/en/

²⁷ 2005 IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings; 2003 UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*.

²⁸ Department of Political Affairs, *Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements* (2012).

²⁹ UN Women, *Gender-Responsive Early Warning: Overview and How-to Guide*, October 2012; UNDP, *Fourth Consolidated Annual Progress Report on Activities Implemented under the UN Action Against Sexual Violence in Conflict Fund – Report of the Administrative Agent of the UN Action Against Sexual Violence in Conflict Fund for the period 1 January – December 31, 2012*, May 31, 2013.

³⁰ IFRC, *Practical Guide to Gender-sensitive Approaches for Disaster Management* (2010).

³¹ Such strategies recognize that simply providing firewood in absence of broader livelihoods support is inadequate as displaced women and girls without other viable livelihood options will still often gather wood to sell, exposing themselves to increased risk of harm: Buscher, “Refugee Women”, p. 16; tools of the IASC Task Force on Safe Access to Firewood and Alternative Energy in Humanitarian Settings, including the “Decision Tree Diagrams on Factors Affecting Choice of Fuel Strategy in Humanitarian Settings” (2009) and the “Matrix of Agency Roles and Responsibilities for Ensuring a Coordinated, Multi-Sectoral Fuel Strategy in Humanitarian Settings” (2009); World Food Programme’s Safe Access to Firewood and Alternative Energy in Humanitarian Settings (SAFE) stoves initiative.

- Increased participation of internally displaced women in decision-making processes in some countries, including through the development of strong associations of displaced women, for example, in Colombia and the Philippines;³²
- Internationally, UNHCR convened its second global dialogue with women and engaged displaced women in this process for the first time in 2011,³³ and
- Collecting disaggregated data in conflict and post-conflict situations,³⁴ including through the establishment of Joint IDP Profiling Service (JIPS) which collects data disaggregated by age, sex and location, as well as other indicators such as the provision of protection and assistance to internally displaced women, their housing, land and property rights.

However, there are still gaps in the reproductive health response, including the provision of adequate maternal and reproductive health care for adolescent girls and women with disabilities; scaling up systematic and equitable coverage of the Minimum Initial Service Package; and sustaining these services in protracted crisis and the recovery phase.

Some of the other key challenges faced by internally displaced women, which are notable for their strategic significance or because they reflect important longstanding, neglected or emerging problems, include:³⁵

- Conducting and maintaining detailed and disaggregated data collection;
- Strengthening the links between gender and age-sensitive approaches, and other elements of diversity;
- Attention to gender dimensions of displacement linked to natural disasters and climate change;
- Preventing and responding to SGBV in the context of internal displacement;
- Implementing equitable documentation practices;
- Systematically training government officials, security actors and field staff in gender approaches;
- Implementing meaningful participatory approaches and supporting internally displaced women's participation;
- Engaging women in early warning systems and disaster preparedness strategies;
- Raising awareness of communities, especially host communities, about IDPs to avoid double stigmatization of displaced women (as IDPs and as women)
- Programming for early recovery;
- Supporting sustainable livelihoods;
- Ensuring access to justice and accountability towards internally displaced women;

³² Brookings-Bern Project on Internal Displacement, *Moving Beyond Rhetoric: Consultation and Participation with Populations Displaced by Conflict or Natural Disasters* (2008).

³³ UNHCR, *Survivors, Protectors, Providers: Refugee Women Speak Out* (2011). The title of the global dialogue report does not reflect the participation of 80 IDPs from Colombia in the process.

³⁴ Department of Social and Economic Affairs (UNDESA), Statistics Division, *The World's Women 2005: Progress in Statistics* (2006) ST/ESA/STAT/SER.K/17, pp. vii- ix. See also the World Bank's gender data portal, <http://datatopics.worldbank.org/gender>.

³⁵ For analysis, see A/HRC/23/44, March 18, 2013, section C.

- Enhancing gender-sensitive approaches to durable solutions; and
- Overcoming the “implementation gap” that curtails the practical impact of the frameworks developed to protect, assist and support the leadership role of internally displaced women.

Good practice: African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009)

The Kampala Convention, which entered into force in December 2012, contains the following provisions incorporating a gendered approach to protection and assistance, with most pertaining to the specific obligations of State parties:

- **SGBV:** State parties are obligated to “protect the rights of internally displaced persons regardless of the cause of displacement by refraining from, and preventing,” various acts, including: “Sexual and gender based violence in all its forms, notably rape, enforced prostitution, sexual exploitation and harmful practices, slavery, recruitment of children and their use in hostilities, forced labour and human trafficking and smuggling” (Article 9.1.d);
- **General protection and assistance:** State parties shall “Provide special protection for and assistance to internally displaced persons with special needs, including separated and unaccompanied children, female heads of households, expectant mothers, mothers with young children, the elderly, and persons with disabilities or with communicable diseases; (Article 9.2.c).
- **Reproductive and sexual health:** State parties shall “Take special measures to protect and provide for the reproductive and sexual health of internally displaced women as well as appropriate psycho-social support for victims of sexual and other related abuses” (Article 9.2.d).
- **Registration and personal documentation:** “Women and men as well as separated and unaccompanied children shall have equal rights to obtain such necessary identity documents and shall have the right to have such documentation issued in their own names” (Article 13).

III. CONCLUSIONS AND RECOMMENDATIONS

Promoting better responses for protection of and assistance to internally displaced women: General recommendations to relevant national and international actors

Important steps have been taken over the past decades to improve international and national responses to the diverse assistance, protection and durable solution challenges faced by displaced women. Yet too often discussions of these issues fail to recognize and actively engage women themselves. In light of these dynamics and in line with the Guiding Principles and other relevant standards, two sets of recommendations are presented below—those 11 pertaining to specific actors, and those that are arranged thematically around particular issues where action is needed.

States

It is national governments that are responsible for protecting and assisting all IDPs, including IDP women. It is thus the responsibility of states to ensure that the particular needs of displaced women are recognized and addressed in national laws and policies. Sometimes governments are simply unaware of the particular needs of women; sometimes they lack the capacity to implement programs that will ensure that IDP women's concerns are taken seriously. But there are measures that national governments can take to ensure that IDP women receive the protection and assistance they need. In this respect, national governments should:

- In accordance with the UN Guiding Principles on Internal Displacement and other international obligations, ensure **that national laws and policies are adopted and that they provide comprehensive protection for displaced women;**
- Establish strong and effective mechanisms for the implementation of the laws and policies and the protection of the IDPs, especially women;
- Initiate **gender-sensitive budgeting processes** that ensure that programs to address the needs of women receive adequate resources;
- Incorporate gender-sensitive approaches to policymaking and program implementation on IDP issues and increase the capacity of officials, especially at local levels, to implement these approaches;
- Provide **gender-sensitive training** to police, military forces, judiciary, health care personnel and social workers, including on how to prevent and address SGBV in displacement situations.
- Recruit, train and deploy greater numbers of **female police and military personnel** at the national level;
- Establish an agency that is responsible for the prompt and equitable provision of all necessary **personal documentation** to IDPs, with special focus on displaced women; and
- Conduct **awareness-raising programs** to enhance the relationship between displaced women and host communities, especially other women in those communities.

Humanitarian and Development Organizations

- **Strengthen gender mainstreaming efforts**, in particular by providing comprehensive gender training for staff at all levels, consistently conducting gender analysis and developing more precise indicators to assess implementation of mainstreaming policies; and including senior management/decision-makers as well as operational staff in such training and outreach activities;
- Deepen efforts to develop and implement programs that **recognize and build on displaced women's capacities**, taking into account their diversity;
- **Enhance a collaborative and inclusive approach to humanitarian response which includes civil society organizations, networks of women and traditional leaders within host/return communities** in order to build a support system for displaced women; and
- Provide continued support for **education and livelihood enhancement measures** for displaced women.

Recommendations to States, United Nations agencies and other international actors on particular challenges

Legal Frameworks

- Promote the ratification and implementation of IDP-related conventions and other instruments, at the regional, national and local levels, as the basic platform for ensuring the protection of the IDP population; and
- Ensure adherence to international obligations and standards for the protection and assistance of displaced women.

Gender and age-sensitive data collection and analysis

- Strengthen support for national and international efforts to **collect, update, analyze and disseminate both quantitative and qualitative data on IDPs** (including those outside camps), displacement-affected communities, and communities at risk of displacement, which are disaggregated by age, sex, location and other relevant factors; and
- Ensure that such data is collected and analyzed in a **gender-sensitive manner**, that it is **meaningfully reflected in program design and implementation**, and that dissemination efforts include **feedback to displaced women**.

Consultation, meaningful participation and mobilization

- Ensure the **meaningful participation of women and girls** in the development, implementation, monitoring and evaluation of laws, policies, programs and activities that affect their lives at all stages of displacement, through ongoing and direct engagement in identifying priorities and devising and implementing responses to them;

- Facilitate the **active participation of displaced women in development and implementation of national and regional action plans** on women, peace and security, and integration of their diverse concerns into such plans;
- Recognizing the barriers socioeconomic and security concerns may present, identify and implement practical steps to **make meaningful participation opportunities more accessible to displaced women**, such as providing safe transportation to meetings;
- More concertedly **integrate women of different ages, diverse capacities and socioeconomic backgrounds into consultation and participation processes**, with a view to increasing community ownership of decisions and initiatives;
- Identify and **integrate lessons from past consultation and participation processes with displaced women**;
- Devote particular attention to the creation of **participation and mobilization opportunities for displaced women with disabilities**, including involvement in camp management, community leadership and women's committees and groups;
- Gather, systematize and share lessons on **engaging men and boys** in participatory processes intended to advance gender equality; and
- Given the importance of the engagement of displaced women with protection, assistance and long-term empowerment:
 - Develop **guidance notes for international actors** on how to effectively, ethically and non-discriminatorily engage with and support IDP organizations;
 - Promote **training opportunities for displaced women and girls**, to strengthen their capacity to organize and advocate on multiple levels;
 - Support the **exchange of experiences and strategies between IDP groups within and between countries**.

Preventing and addressing SGBV

- Redouble efforts to prevent and respond effectively to SGBV at all stages of displacement, including by:
 - **Enhancing security measures** in all locations with IDPs, including host communities, IDP settlements and camps, and return communities;
 - **Engaging men**, as appropriate, in prevention and protection efforts;
 - Supporting the **provision of cooking fuel** as part of lifesaving assistance and implementation of market-based livelihood programs which can help prevent SGBV by removing the need for displaced women to venture into unsafe areas to collect firewood or other resources to use themselves or to sell;
 - Providing **mental health, psychosocial and medical services and public education programs** for individuals and communities affected by SGBV;
 - Devoting **increased attention to sexual violence in domestic contexts**, recognizing its high prevalence;
 - Increasing **targeted support for young women and girls, including those with disabilities**, at risk of or subjected to SGBV;

- Piloting and evaluating strategies which promote **access and inclusion for displaced women and girls with disabilities in SGBV prevention programs**, building the evidence base and guidance for field practitioners;
 - Holding **states accountable** for bringing perpetrators of conflict-related sexual violence to justice and for reporting on progress on the relevant resolutions; and
- Refine, as appropriate, the **mandates of peacekeeping operations** working in situations characterized by internal displacement and widespread SGBV to enable peacekeepers to take action to stop attacks (including from civilian groups) wherein SGBV is used as a tactic.

Access to justice and accountability

- Increase **investments in rule of law and governance** in displacement-affected communities, with a view to rectifying the marginalization of displaced women from justice systems;
- Increase support for and access to **legal aid** for internally displaced women;
- Collect, disseminate and apply **good practices in engaging displaced women in transitional justice processes** and addressing their concerns, such as through gender-sensitive reparation processes;
- Ensure that **men and members of communities are integrated in consultation processes** to avoid marginalization of displaced women;
- Support the development of **more accessible and trusted complaints and response mechanisms at the field level**, particularly to eliminate sexual exploitation by humanitarians and peacekeepers; and
- States should take all measures to **combat impunity for SGBV**, including by promptly investigating, prosecuting and punishing perpetrators of SGBV, and providing police, judicial officials (including legal aid providers) and the health sector with necessary training and tools such as standard operating procedures.

Supporting livelihoods

- Increase **strategic support for education especially for young girls and boys, provision of capacity and literacy trainings for women as well as support for safe and sustainable livelihoods** for displaced women at all stages of displacement. It is important to emphasize the critical contribution effective livelihoods make to protection, and to advancing and sustaining women's empowerment; and
- Ensure livelihood programs are based on **market analysis and participatory assessments**; are built around a **graduated model of need**, where beneficiaries are connected to services specific to their level of poverty; do not inappropriately perpetuate gendered divisions of labor; mitigate unintended protection consequences, including exposing women to increased SGBV; and are accessible to internally displaced women, both in and outside camps.

Gender-sensitive durable solutions strategies

- Ensure that displaced women have the right as individuals to make **free and informed decisions concerning solutions to their displacement** on the basis of adequate and appropriately communicated information;
- Ensure **that displaced women participate fully and meaningfully in the planning and management of their return, local integration or resettlement;**
- Develop and implement **protection-focused, gender-sensitive durable solutions strategies** that: fully consider the needs and rights of displaced women of different ages and socioeconomic circumstances; strive to maintain the gains they may have made while displaced; and incorporate gender analysis of the concerns of host and return communities;
- Ensure **systematic integration of gender analysis** throughout the piloting, refining and implementation of the Secretary-General’s Framework on Ending Displacement in the Aftermath of Conflict (2011),³⁶ and the broad dissemination of lessons learned through this process;
- Ensure systematic, **medium and long-term monitoring** of durable solutions to better understand and address their gendered impacts;
- Building on the Guiding Principles, develop **guidelines on the active inclusion of women** in recovery, reconstruction and durable solutions processes, and link funding to respect for these principles;
- Given that comprehensively addressing the rights and concerns of displaced women requires a long-term development approach, donors should **promote and enable cooperation between humanitarian and development actors** working in displacement-affected contexts; and
- With regard to housing, land and property (HLP), states should:
 - Develop and implement laws and policies which **recognize equal HLP rights for internally displaced women**, in accordance with international standards;
 - Take specific measures to ensure that **HLP claims of persons without individually held or formally registered properties are equitably addressed**, giving particular consideration to those at risk of marginalization, including widows, female heads of households, and unaccompanied children.

Gender, natural disasters and displacement

- Closely examine the **gender dimensions of displacement linked to the effects of climate change**, in order to identify specific vulnerabilities and good practices in gender-sensitive protection, assistance, adaptation, mitigation, relocation and reconstruction processes; and

³⁶ UN, Secretary-General’s Framework on Ending Displacement in the Aftermath of Conflict, Decision 2011/20, October 2011, <http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1265299960363/SG-Decision-Memo-Durable-Solutions.pdf>

- Ensure that women at risk of displacement are actively **engaged in development and implementation of early warning and disaster preparedness systems**, and that **information** on disaster risks and preparedness is comprehensively disseminated through accessible channels.

IV. ANNEX I

The UN Guiding Principles on Internal Displacement: Relevant Provisions

Featured below are provisions of nine Guiding Principles that include specific references to considerations of gender, age or disability, with other relevant text necessary for understanding the context of the Principle provided as necessary. There is one overarching or ‘general’ principle that makes these references, while the rest relate to protection from and during displacement.

Section I - General principles

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Section II - Principles relating to protection from displacement

Principle 7

[...]

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

[...]

- (d) The authorities concerned shall endeavor to involve those affected, particularly women, in the planning and management of their relocation;

Section III – Principles relating to protection during displacement

Principle 11

[...]

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

- (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

- (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labor of children;

[...]

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

[...]

Principle 17

1. Every human being has the right to respect of his or her family life.

[...]

3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

[...]

Principle 18

[...]

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.

[...]

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.

[...]

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 23

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programs.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

The role of the Special Rapporteur on the Human Rights of IDPs

Over the past twenty years, the mandate on the human rights of IDPs has successfully built on its partnerships, working methods, thematic expertise and normative standards to be a strong advocate for IDPs in a context where there is no single UN agency tasked with this activity. The mandate works at multiple levels: with IDPs, national governments, international organizations and regional bodies. The mandate of the Special Representative has also helped to shine a spotlight on IDPs, and to mainstream their specific human rights needs into the UN system more broadly. Good working relationships with UNHCR, OCHA and OHCHR, as well as the General Assembly and the Human Rights Council have also been paramount to this success. The mandate-holder has also been able to raise specific themes and issues in various reports on internal displacement, including in relation to climate change, natural disasters, and IDPs outside of camps.

The primary responsibility for IDPs lies with the state and the mandate has explicitly spelled out what this means for governments through visits to countries affected by displacement. Building capacity to develop national laws and policies has been carried out through training events and workshops, including an annual course for government officials on the Law of Internal Displacement held in Sanremo in association with UNHCR.