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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani**

### *Summary*

This report provides an account of the activities of the mandate and the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, during the reporting period (January 2012–February 2013). It also provides a thematic analysis of the particular situation of internally displaced women, taking stock of progress to date with regard to protection and assistance for them, examining some of the outstanding challenges to effective responses to their human rights and needs and offering initial recommendations to address these issues.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–2	3
II. Activities of the mandate .....	3–19	3
A. Mainstreaming activities .....	3–5	3
B. Cooperation with regional and international organizations .....	6–10	4
C. Country engagement .....	11–19	5
III. Internally displaced women: progress, challenges and the way ahead .....	20–53	7
A. Introduction and overview .....	20–22	7
B. Taking stock of efforts to protect and assist internally displaced women .....	23–31	8
C. Looking forward: analysis of key challenges .....	32–53	11
IV. Conclusions and recommendations .....	54–96	19
A. General recommendations to national and international stakeholders .....	55–64	19
B. Recommendations to States, United Nations agencies and other international actors on particular challenges .....	65–94	20

## **I. Introduction**

1. The present report by the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, is submitted in accordance with Human Rights Council resolution 14/6. The first part provides an account of the activities undertaken by the Special Rapporteur since his last report to the Human Rights Council.

2. The second part of this report provides an analysis of the key issues related to internally displaced women (IDW) and identifies the way forward for enhancing effective protection and assistance for them, recognizing that IDW have varying concerns and capacities, and often play critical roles in protecting their families and communities. In addressing their particular situation and finding practical solutions to key obstacles, the Special Rapporteur underscores the importance of having a process as inclusive as possible and integrating not only IDW but also members of civil society, including community/traditional leaders, women's groups and men.

## **II. Activities of the mandate**

### **A. Mainstreaming activities**

3. During the reporting period, the Special Rapporteur continued to mainstream the human rights of internally displaced persons (IDPs) within the United Nations system and the wider humanitarian community by actively participating in the Inter-Agency Standing Committee (IASC). He has also maintained close collaboration with key United Nations organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs. He engaged in a constructive dialogue with these agencies, inter alia, on current challenges and responses to internal displacement and potential areas of cooperation, both at headquarters and field levels. He also held periodic briefings on thematic or country activities.

4. The mandate also participated in several activities organized by United Nations agencies, including: the regular meetings and annual retreat of the Global Protection Cluster; activities for the promotion of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); a seminar on addressing the adverse impacts of climate change on the full enjoyment of human rights (23–24 February 2012), organized by OHCHR in Geneva; the Committee on the Elimination of Discrimination against Women regional consultation for South and Eastern Europe and Central Asia on women in conflict and post-conflict situations (11 May 2012), in Turkey; a high-level panel discussion in Geneva, "Promoting and protecting women's rights in conflicts and post conflicts situations: the case of French speaking Africa" (18 October 2012), co-organized by OHCHR and the International Organization of la Francophonie; and a seminar on humanitarian access and protection assistance under constraints (7 November 2012), organized by UNHCR in Geneva. The Special Rapporteur expresses his appreciation for the continued partnership with these bodies.

5. The past year also marked the mandate's twentieth anniversary. In that context, the mandate organized various events in collaboration with relevant partners and sponsors, including, a panel discussion in Geneva on "Influencing our common future: the role of internally displaced women in recovery, peacebuilding and durable solutions" (7 March 2012); a side event to the Human Rights Council on IDPs living outside camps (29 June 2012); a side event to the General Assembly on "The evolution of the mandate and the

internal displacement context: achievements and challenges two decades later” (24 October 2012), which was also the theme of the report presented by the Special Rapporteur at the General Assembly in 2012 (A/67/289); and a consultation in Geneva “Taking Stock of Internal Displacement: Twenty Years On” (28–29 November 2012). The Special Rapporteur further convened a workshop (18 September 2012) in Geneva to hold consultations with experts from numerous human rights, humanitarian and development bodies and civil society organizations with specific expertise in the field of displacement and protection of the human rights of women. The discussions of the workshop informed the present thematic report.

## **B. Cooperation with regional and international organizations**

6. The Special Rapporteur is pleased to report on his ongoing collaboration with regional and international organizations, such as African regional organizations and mechanisms, the Organization for Security and Co-operation in Europe (OSCE) and the International Organization for Migration (IOM). Amongst others, he engaged closely with regional organizations in Africa for the promotion, ratification and implementation at the national level of the 2009 Kampala Convention. To this end, he participated in the 126th Assembly of the Inter-Parliamentary Union (31 March–5 April 2012), in Kampala. He is pleased to note that this first legally binding regional instrument, which represents the culmination of over two decades of work involving Governments, civil society and the international community to address the plight of millions of IDPs, came into force on 6 December 2012.

7. Furthermore, the Special Rapporteur addressed the Human Dimension Committee of OSCE in Vienna on 4 September 2012 with a view to raising awareness of the mandate’s work and the critical connections between durable solutions to internal displacement situations and national and regional security in the OSCE area. In that same context, he participated in a workshop in Vienna on “Natural Disasters and Displacement” (5 September 2012). He also participated in a panel discussion on displacement induced by natural disasters (20 July 2012), organized by IOM in New York. Moreover, he briefed the Humanitarian Liaison Working Group on his mandate priorities and country visits (24 October 2012).

8. The Special Rapporteur has maintained a strong partnership with civil society organizations (CSOs) in Geneva, New York and the field. In particular, he wishes to express his appreciation for the support provided to his mandate through the Brookings-LSE Project on Internal Displacement and for the cooperation with the Internal Displacement Monitoring Centre on various issues of mutual interest. He also entered into a collaboration agreement to formalize and strengthen the existing cooperation with Joint IDP Profiling Service (JIPS). In the field, CSOs have played a vital role in supporting the mandate by sharing information, articulating the human rights impact of internal displacement in different contexts and acting as a liaison with displaced communities, especially during country visits.

9. From 18 to 23 June 2012, the Special Rapporteur participated in the eighth Annual Course on the Law of Internal Displacement, in San Remo, Italy, co-organized by Brookings-LSE Project, the International Institute of Humanitarian Law, UNHCR and OHCHR. The course included 18 Government officials working on internal displacement from 14 displacement-affected countries. He is also pleased to announce that a new week-long, annual San Remo Seminar on International Law and Legal Protection in Natural Disasters, intended for practitioners and lawmakers, was launched in December 2012.

10. The Special Rapporteur also participated in numerous other forums and events on internal displacement organized by CSOs and other actors, including: “The Role of Women

in Conflict Situations” (2 May 2012), and transitional justice and displacement (28 June 2012) organized by Brookings-LSE Project in Washington, D.C., and Geneva respectively; and a round-table discussion on current priorities and challenges relating to internal displacement (23 March 2012) hosted by USAID in Washington, D.C.

## **C. Country engagement**

### **Afghanistan**

11. From 12 to 16 July 2012, at the invitation of the Government of Afghanistan, the Special Rapporteur held dialogue sessions with Government officials and participated in a national consultative workshop on the development of a national policy on internal displacement (15–16 July) in Kabul. The workshop, which was led by the Ministry of Refugees and Repatriation with the support of CSOs and the United Nations, aimed to establish a road map for key stages in the development of an IDP policy. He congratulates the Government of Afghanistan for this important initiative and wishes to express his commitment to continue to provide his assistance in this regard.

### **Côte d’Ivoire**

12. From 23 to 31 July 2012, the Special Rapporteur undertook a country visit to Côte d’Ivoire, at the Government’s invitation. He met with communities affected by internal displacement in sites of return, resettlement and integration, in both Abidjan and west of the country. He found that the Government, with support of the international community, had made significant progress in stabilizing the country after the 2010 post-election violence, re-establishing law and order and facilitating return or other solutions for the 1 million persons estimated to have been displaced at the height of that crisis. Significant challenges remain, however. Chief amongst these is ensuring that conditions conducive to durable solutions are put in place, including housing, services, and security for IDPs so that they may rebuild their lives. It is also essential that the root causes of violence and displacement, which have repeatedly shaken the country for over a decade, be addressed.

13. While IDPs were no longer visible in camps at the time of his visit, the Special Rapporteur noted the dire living conditions of many IDPs and host communities, in areas of return and local integration, including lack of housing, basic services, livelihood opportunities and confidence in the security sector – especially in the country’s western part and in informal urban settlement in and around Abidjan. He underlines the need to address the special needs of vulnerable IDPs, such as single female households, the elderly and disabled, and separated children. In this regard, he commends the Government and the international community for the recent decision to undertake a data-collection exercise which will seek to identify the needs of vulnerable IDPs and host communities, and the decision to pilot the Secretary-General’s decision and framework on durable solutions in post-conflict situations in Côte d’Ivoire.

14. Addressing structural and other deep-seated challenges such as those relating to land, justice and security sector reforms, reconciliation, and other issues likely to affect the human rights of many, such as the lack of personal identity documents (e.g. birth registrations, proof of citizenship), will also be essential in order to avoid further future displacement. Given the role that land has played in inter-community conflicts in the past, and its connection to identity issues, it is critical that the reform process be inclusive and transparent, promote local ownership of solutions and take into account the specific situation of IDPs.

15. The Special Rapporteur notes that, despite some progress, the security situation in the country remains fragile due to the slow pace of related reforms. Many IDPs continue to

express deep apprehension with regard to their safety, especially in the west. He underlines the need to fully set in place security sector reforms, and the disarmament, demobilization and reinsertion process. These should benefit from an inclusive consultation process, include a vetting mechanism which makes the human rights records of a soldier a condition to serving in the new army, and concrete measures to address the presence of non-State armed actors and other irregular forces in parts of the country, and particularly in the west. The Special Rapporteur condemns the 20 July 2012 attack on the Nahibly camp, in which at least eight persons were killed and 60 injured, as a violation of the protection afforded to IDPs according to the Guiding Principles on Internal Displacement (Guiding Principles), international human rights and international humanitarian law. He regrets that to date no findings have been announced from the investigations undertaken into the incident and no arrests have been made, and urges the Government to pursue these measures as a matter of priority. He also calls on the international community to continue supporting humanitarian, development, peacebuilding and Government reforms in Côte d'Ivoire – reforms which should be grounded in a human rights-based approach and include the meaningful participation of displacement-affected communities.

### **Sudan**

16. From 14 to 22 November 2012, the Special Rapporteur undertook a country visit to Sudan at the Government's invitation. He met with displacement-affected communities in north, west and south Darfur, and in Khartoum, but was unfortunately unable for security reasons to visit South Kordofan. He commends the Government and the international community for their efforts to address both the sources and consequences of internal displacement. He found that, while important challenges continue to exist in Sudan, there are also significant opportunities and progress made, which must be seized by all relevant actors so as to bring about sustainable peace and durable solutions.

17. In Darfur particularly, the signing of the 2011 Doha Document for Peace in Darfur, represents one such window of opportunity. The Special Rapporteur believes that, if implemented effectively and in an inclusive manner by all stakeholders, this agreement, which includes provisions on durable solutions for IDPs, security, power and wealth-sharing, and reconciliation, can contribute to peace and stability in the region. He urges all efforts to be made towards this end, and momentum on its implementation to be increased. He notes that other factors are essential to effectively address the protracted internal displacement situation in Darfur. These include, inter alia: open, predictable and sustained humanitarian access to affected populations, which will enable an assessment of their humanitarian needs and longer term intentions; a comprehensive approach to durable solutions, which facilitates local integration, resettlement and voluntary returns; and concerted efforts to integrate IDPs (which in many cases have been urbanized) into urban planning, development, and livelihood projects. Other areas, emphasized by IDPs, are the need for improved security, access to services and livelihood opportunities, and access to their land in areas of return. Concerted efforts are needed to meet the protection and assistance needs of IDPs in Darfur, most of who have now lived in very dire circumstances for many years.

18. Regarding persons of South Sudanese origin, the Special Rapporteur is encouraged by the signing of the 4 Freedoms Agreement, which will facilitate the process of regularizing the stay of persons wishing to remain in Sudan. He urges all parties to take practical measures to implement it as soon as possible and exercise flexibility on administrative requirements that may be difficult for persons to meet. He also calls on the Governments of Sudan and South Sudan to facilitate the establishment of humanitarian corridors to enable safe and voluntary returns. Until a durable solution has been attained, however, it is essential that the human rights of persons of South Sudanese origin be protected. In this regard, he urges the Government of Sudan to promote a culture of respect

for their rights within Sudan and fully investigate and prosecute any violations thereof. The very difficult conditions in some departure points, including with regard to water and sanitation, shelter, health care and other basic services, also require particular attention and monitoring.

19. In South Kordofan and Blue Nile, the Special Rapporteur notes the efforts by the Government of Sudan to ensure the provision of humanitarian assistance in Government-controlled areas. He further urges all parties to provide safe access to humanitarian assistance in all areas, in implementation of the memoranda of understanding (August 2012), and to redouble efforts, with support of the international community, to peacefully address all outstanding issues that are fuelling this crisis. He observes that Sudan continues to experience a variety of causes and contexts of internal displacement. These include both new and protracted displacement; displacement due to armed conflict and communal violence; and displacement due to conflicts over resources because of climate change and natural disasters. He therefore urges the Government to embrace a comprehensive framework for the protection of the human rights of IDPs by ratifying the Kampala Convention and adopt implementing legislation at the earliest opportunity.

### **III. Internally displaced women: progress, challenges and the way ahead**

#### **A. Introduction and overview**

20. Since the 1990s, States, international agencies, CSOs and other relevant actors have paid greater attention to the rights and needs of women and girls in emergency and post-conflict situations, and promoting gender-sensitive approaches to humanitarian and development assistance<sup>1</sup> and early recovery. This has been borne out in a wide range of resolutions, policies, guidelines and handbooks, as well as gender-mainstreaming efforts and numerous targeted programmes. This overall framework, predominantly focused on women, peace and security, turned greater attention to refugees, with initiatives in recent years increasingly including IDW.

21. Despite these developments, in many cases responses to internal displacement still do not adequately address the concerns of women,<sup>2</sup> who account for some 50 per cent of IDPs.<sup>3</sup> As IDPs, women experience the various human rights challenges characteristic of displacement situations generally, and which often place IDPs at greater risk than most other affected populations. These frequently include: loss of livelihoods and key documentation, and lack of effective access to a number of important rights and services. Existing patterns of discrimination prevalent in many of these contexts are exacerbated during conflict and contribute to violations of women's rights to housing, land and property. IDW also often experience human rights challenges due to interlinked forms of discrimination based on gender, and intersection of gender with other factors such as age, group affiliation (e.g. membership in minority groups), disability, civil status, socioeconomic status and displacement itself. Particular groups or categories of IDW can therefore be especially at risk, while the particular risks encountered by IDW vary depending on the displacement context (e.g. emergency situations, protracted displacement

<sup>1</sup> 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.

<sup>2</sup> Susan Martin, "Refugee and displaced women: 60 years of progress and setbacks", *Amsterdam Law Forum*, vol. 3, No. 2 (2011).

<sup>3</sup> UNHCR, *Global Trends 2010: 60 years and still counting* (2011), p. 33.

situations, camp settings, etc.). The Council expressed “particular concern at the grave problems faced by many displaced women and children, including violence and abuse, sexual and labour exploitation, trafficking in persons, forced recruitment and abduction” (resolution 14/6). Other major human rights concerns include inequitable access to assistance, education, training and livelihoods; poor reproductive health care; and exclusion from decision-making processes.

22. Refugee and IDW often face similar assistance and protection concerns, such as increased risk of sexual and gender-based violence (SGBV), and could benefit in some instances from analogous gender-sensitive interventions to address these problems.<sup>4</sup> However, the diversity within these groups, the particular challenges they may face, and the legal, social and other implications of the very context of their displacement (i.e. internal versus external displacement) must be acknowledged and integrated into responses to their needs. For example, the lower levels of international assistance provided, on average, to IDPs compared to refugees are associated with comparatively poorer reproductive health outcomes for IDW.<sup>5</sup> Conversely, as residents or citizens of their country, IDW generally do not face the same type (or extent) of legal and administrative barriers in the exercise of their rights to freedom of movement and to work.

## **B. Taking stock of efforts to protect and assist internally displaced women**

### **1. The evolving framework on gender and internal displacement**

23. The past twenty years have witnessed the formulation of a multitude of tools and standards relevant to gender and forced displacement, which increasingly include IDW. While some standards and practices focus on particular issues such as reproductive health<sup>6</sup> and SGBV,<sup>7</sup> others tackle gender and displacement in a cross-cutting manner. The Guiding Principles formed the first normative framework to detail a number of specific rights of IDW, including non-discrimination and the right of expectant mothers, mothers of young children, and female heads of household, inter alia, to protection and assistance that “takes into account their special needs”.<sup>8</sup> The Guiding Principles identify various forms of violence and exploitation against which IDPs should be protected, including SGBV, underline the right of IDW to access all necessary documents, education and training, and call for the active participation of women in decision-making at all stages of displacement.<sup>9</sup> They have informed subsequent instruments and frameworks, which address IDW, such as the Kampala Convention and the Framework on Durable Solutions for Internally Displaced Persons.

<sup>4</sup> Chaloka Beyani, “An International Legal Perspective on Refugee and Displaced Women” in *Legal Status of Refugee and Internally Displaced Women in Africa*, Christopher Mulei et al. (eds.), (UNIFEM/AFWIC, 1996).

<sup>5</sup> Dale Buscher, “Refugee Women: Twenty Years On”, *Refugee Survey Quarterly*, vol. 29, No. 2 (2010), p. 8; UNHCR, *Inter-agency global evaluation of reproductive health services for refugees and internally displaced persons* (November 2004).

<sup>6</sup> Inter-agency Working Group on Reproductive Health in Crises, *Inter-agency Field Manual on Reproductive Health in Humanitarian Settings* (2010).

<sup>7</sup> 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).

<sup>8</sup> Principle 4, para. 2.

<sup>9</sup> Principles 11, para. 2; 19; 20, para. 3; 23.



24. Other tools and frameworks that address the needs and rights of IDW include: IASC Guidelines on Gender-based Violence Interventions in Humanitarian Settings and the *Gender Handbook in Humanitarian Action* of 2006; UNHCR Executive Committee conclusion 105 (LVII) of 2006; UNHCR's 2008 *Handbook for the Protection of Women and Girls*; the United Nations Principles on housing and property restitution for refugees and displaced persons;<sup>10</sup> 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. The Special Rapporteur is presently supporting the work of the Committee as it develops a general recommendation on women in conflict and post-conflict situations, which he welcomes as it will contribute to the evolving protection framework.

25. Various Security Council resolutions address issues of particular relevance to IDW, including access to protection and assistance;<sup>11</sup> sexual violence;<sup>12</sup> trafficking;<sup>13</sup> and peace, reconciliation and development.<sup>14</sup> The Council's resolutions on women, peace and security, including its landmark resolution 1325 (2000), are particularly important tools for strengthening and systematizing responses to the rights and needs of IDW.<sup>15</sup> The development of national action plans for the implementation of resolution 1325 (2000) represents a valuable opportunity to include and engage IDW. To date, 35 national Governments, as well as the European Union, OSCE and the North Atlantic Treaty Organization (NATO), have approved action plans, while numerous others are in the drafting phase.<sup>16</sup> Several countries facing internal displacement have developed plans, including Côte d'Ivoire, Georgia, Nepal and the Philippines. Concerted support for the effective implementation of these action plans is essential to ensure that their potential benefits for IDW are maximized.

## 2. Mainstreaming gender in responses to internal displacement

26. It is now widely recognized that a "two-pronged approach" is needed, which balances programmes targeted at displaced women with concerted gender mainstreaming efforts.<sup>17</sup> Yet many organizations continue to struggle to identify and respond to the multiplicity of concerns facing IDW.<sup>18</sup> To improve its protection and assistance efforts,

<sup>10</sup> E/CN.4/Sub.2/2005/17 ("Pinheiro Principles"); *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the 'Pinheiro Principles'* (FAO et al., 2007). The Pinheiro Principles underline, inter alia, the right to equality between men and women (including regarding remedies, inheritance rights, security of tenure, ownership rights and land control rights); the need for age and gender-sensitive restitution and appeals processes; and the need for international and national actors to ensure that the particular concerns of potentially vulnerable groups such as female heads of households, are accommodated.

<sup>11</sup> 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).

<sup>12</sup> Security Council resolutions 1807 (2008) on the Democratic Republic of the Congo and 1556 (2004) on Sudan.

<sup>13</sup> Security Council resolution 1674 (2006).

<sup>14</sup> Security Council resolutions 1265 (1999) and 1296 (2000).

<sup>15</sup> Security Council resolutions 1820 (2008) and 1889 (2009).

<sup>16</sup> <http://peacewomen.org/naps/list-of-naps>.

<sup>17</sup> UNHCR, "Age, Gender and Diversity Mainstreaming Forward Plan 2011-2016", p. 1; Buscher, "Refugee Women", p. 18.

<sup>18</sup> See IASC Sub-Working Group on Gender and Humanitarian Action for analyses of gender mainstreaming efforts.

UNHCR issued the new Age, Gender and Diversity Policy in June 2011 and accompanying Forward Plan for 2011–2016. These documents were informed by an analysis of key challenges that have hindered UNHCR mainstreaming efforts, including a tendency to treat the displaced as “passive beneficiaries of aid” rather than “equal partners with rights” and the need for proactive leadership and follow-up on the findings of participatory assessment processes integral to age, gender and diversity mainstreaming.<sup>19</sup> Progress in mainstreaming also depends on improved coordination between actors<sup>20</sup> and the development of more concrete indicators to assess the implementation of mainstreaming policies.

27. The lack of gender-sensitive budgeting represents a significant obstacle to effective mainstreaming. Presently, many budget processes do not devote adequate attention to gender considerations and budget cuts tend to disproportionately impact areas essential to women. Introduced by IASC in 2009 with a view to increasing gender mainstreaming in the Consolidated Appeals Process, the gender marker tool supports efficient tracking of gender-sensitive funding allocations and promotes the development of projects more attuned to gender considerations. However, mainstreaming gender issues, including the rights and needs of IDW, in budget processes will continue to require more institutional leadership, disaggregated data collection and increased training.<sup>21</sup>

28. There is also a need to integrate gender considerations in relevant legislation so as to ensure that the rights of IDW are addressed in legislative processes at national (Parliament) and local levels (local government units). Finally the Special Rapporteur highlights that gender-sensitive planning is another element to consider especially in displacement-affected countries.

### 3. Addressing key protection issues

29. Advances have been made in addressing some key protection issues, even as many continue under-examined or unresolved. The greatest strides are visible in the area of reproductive health services, mainly owing to the Inter-agency Field Manual on Reproductive Health in Humanitarian Settings, and the Minimum Initial Service Package (MISP) addressing reproductive health and sexual violence in emergency settings, developed by the Inter-agency Working Group on Reproductive Health in Crises. This manual was revised in 2010 to better encompass IDPs and others affected by humanitarian emergencies better.<sup>22</sup> Nonetheless, important gaps remain in the reproductive health response, including the provision of adequate maternal and reproductive health care for women with disabilities and adolescent girls; scaling up systematic and equitable coverage of MISP; and sustaining these services in protracted crisis and the recovery phase.

30. Some progress has also been made in developing guidelines on prevention of and response to SGBV,<sup>23</sup> setting standards for the inclusion of sexual violence concerns in peace agreements and ceasefires;<sup>24</sup> implementing training programmes to prevent sexual exploitation by peacekeepers and humanitarians; rolling-out monitoring analysis and

<sup>19</sup> UNHCR Executive Committee, Report on Age, Gender and Diversity Mainstreaming, EC/59/SC/CRP.14, p. 3.

<sup>20</sup> Ibid.

<sup>21</sup> IASC, *2012 IASC Gender Marker: Analysis of Results and Lessons Learned*.

<sup>22</sup> Inter-agency Field Manual on Reproductive Health in Humanitarian Settings; also Martin, “Refugee and Displaced Women”, p. 86.

<sup>23</sup> 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*.

<sup>24</sup> Department of Political Affairs, *Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements* (2012).

reporting arrangements in several countries pursuant to Security Council resolution 1960 (2010); developing early warning indicators on sexual violence;<sup>25</sup> and establishing targets to increase the proportion of female police officers in peacekeeping operations to 20 per cent by 2014. However, these issues continue to represent stark challenges.

31. Modest – and not yet entrenched – advances have been achieved in integrating women into assistance distribution systems,<sup>26</sup> and implementing fuel strategies to reduce displaced women’s exposure to violence when they collect firewood.<sup>27</sup> Limited gains in upholding housing, land and property rights of IDW have been achieved in some instances through measures such as the provision of legal aid to returnee women. Likewise, the participation of IDW in decision-making processes has increased in some countries, including through the development of strong associations of IDW, for example in Colombia and the Philippines.<sup>28</sup> In 2011, UNHCR convened its second global dialogue with women and engaged IDW in this process for the first time.<sup>29</sup> Despite persistent constraints, some progress has been made in collecting disaggregated data in conflict and post-conflict situations,<sup>30</sup> including through the establishment of JIPS, which collects data disaggregated by age, sex and location, as well as other indicators such as the provision of protection of and assistance to IDW, their housing, land and property rights.

### C. Looking forward: analysis of key challenges

32. Despite these advances, the Special Rapporteur finds that a host of challenges remain, from implementing equitable documentation practices to systematically training Government officials, security actors and field staff in gender approaches, raising awareness of communities, especially host communities, about IDPs to avoid double stigmatization of displaced women (as IDPs and as women) and engaging women in early warning systems and disaster preparedness strategies. He finds that overcoming the “implementation gap” that curtails the practical impact of the frameworks developed to protect, assist and support the leadership role of IDW possibly represents the greatest obstacle. Beyond this, he below some of the key challenges faced by IDW, and which are notable for their strategic significance, or because they reflect important longstanding, neglected or emerging problems.

<sup>25</sup> Such indicators will be tested in the Democratic Republic of the Congo and South Sudan and will look specifically at sexual violence in the context of displacement situations.

<sup>26</sup> IFRC, *Practical Guide to Gender-sensitive Approaches for Disaster Management* (2010).

<sup>27</sup> 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.

<sup>28</sup> Brookings-Bern Project on Internal Displacement, *Moving Beyond Rhetoric: Consultation and Participation with Populations Displaced by Conflict or Natural Disasters* (2008).

<sup>29</sup> 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.

<sup>30</sup> 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>.

## 1. Detailed and disaggregated data collection

33. Data disaggregated by sex, age, location and other key indicators are essential for effective advocacy and the development of programmes to respond to the specific needs of IDW at all stages of displacement, whether caused by conflicts, disasters or other factors.<sup>31</sup> Data is equally essential to the implementation, monitoring and evaluation of such programmes. Despite calls in the Beijing Platform for Action and subsequent reports,<sup>32</sup> recommendations<sup>33</sup> and resolutions<sup>34</sup> for the collection of detailed, disaggregated data, such information is not available in the vast majority of displacement-affected States, which often lack the necessary infrastructure and human and financial capacity to produce and update such data.<sup>35</sup> Additionally, where such data are collected, lack of formal endorsement by Governments may represent a further hurdle to its dissemination and the implementation of corrective measures in programmes, particularly those affecting IDW. Improving the reporting and analysis of sex-disaggregated data has been a key area of focus of the IASC Sub-Working Group on Gender and Humanitarian Action. Moving forward, greater attention is needed for the collection not only of disaggregated quantitative, but also qualitative data that capture the particular experiences and concerns of IDW and other members of displacement-affected communities. For instance, data that is sex-disaggregated should further be age-disaggregated to take into account the specific needs of adolescent girls, young women and older women and therefore allow more equitable assistance to these different groups. Beyond collecting such data, national census offices should also systematically apply a gender lens to analysis and dissemination efforts.

## 2. Prevention and response to SGBV in the context of internal displacement

34. Despite myriad training, guidelines and manuals, displaced women and girls continue to be subject to egregious levels of sexual violence. In some situations, sexual violence or other forms of gender-based violence is used as a deliberate tactic to instil terror, and force displacement, or to discourage IDPs from demanding their rights. Beyond being a significant cause of displacement and a grievous human rights violation in its own right, SGBV or the perceived risk of it can also curtail women's access to a range of rights and services.<sup>36</sup>

35. There is therefore a pressing need for a more preventative approach to these challenges. In this regard, the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (2006) of the Great Lakes region and the model law annexed thereto, the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) provide some important entry points and examples in terms of legal frameworks. Fuel strategies and livelihood initiatives targeting displaced women and girls,

<sup>31</sup> Buscher, "Refugee Women", p. 15; Nina M. Birkeland, Edmund Jennings and Elizabeth J. Rushing (eds.), *Global Overview 2011: People internally displaced by conflict and violence* (2012, IDMC and Norwegian Refugee Council), p. 2.

<sup>32</sup> Review and Appraisal of the Beijing Declaration and Platform for Action.

<sup>33</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women.

<sup>34</sup> Security Council resolution 1889 (2009).

<sup>35</sup> Birkeland et al., *Global Overview 2011*, p. 27; Martin, "Refugee and displaced women", p. 91; UNDESA, Statistics Division, "Fact Sheet: Civil conflict and severe lack of development take a toll on statistical capacities", 18 January 2006.

<sup>36</sup> Report of the Secretary-General on women's participation in peacebuilding, A/65/354-S/2010/466, para. 22.

and those at risk of displacement, are further practical measures which can be central to reducing exposure to sexual violence. Reducing vulnerability to sexual violence also entails ensuring that survivors have access to appropriate support, including reproductive and psychosocial services and that adequate resources are devoted to gender-sensitive site planning.

36. Given that nearly 50 per cent of survivors of sexual assault are under 18 years of age,<sup>37</sup> the Special Rapporteur is concerned about the prevailing tendency to overlook the needs of children and youth in this area. Additionally, a stronger focus on prevention is required regarding SGBV *within* internally displaced households and communities. At present, most SGBV prevention and response programmes focus on “stranger” rape rather than the more prevalent forms of sexual violence experienced within households and communities (e.g. intimate partner violence), and the problematic coping practices that IDW may be compelled to adopt (e.g. early marriages).<sup>38</sup> Moreover, given that women with disabilities in non-displacement settings are more likely to be victims of sexual violence and abuse, the levels of sexual violence against women and girls with disabilities amongst displaced and conflict-affected populations are likely to be even higher.<sup>39</sup>

### 3. Early recovery

37. Early recovery is a vital element of an effective response to internal displacement as it aims at crisis recovery from the humanitarian phase onwards, resilience-building and development opportunities, and can encourage social change. As such, it presents important opportunities to promote gender equality in the context of internal displacement. However, these opportunities are often lost because gender issues are given low priority in emergency contexts, as well as during the recovery phase. The Special Rapporteur underlines that failure to include gender perspectives early in decision-making processes can have long-lasting impacts on IDW, particularly in the context of governance structures, and policies and practices, which can reinforce existing socioeconomic disparities between men and women.

### 4. Access to justice and accountability towards internally displaced women

38. Access to justice and accountability mechanisms remains limited and inadequate for most IDW. In some cases, women are constrained to use customary justice systems, which often discriminate against them and apply principles in contradiction with national and international standards. In others, formal justice mechanisms may also discriminate against women and therefore not provide the best outcome for IDW. The Special Rapporteur finds the most glaring gap to be in access to justice for survivors of sexual violence. Ensuring legal justice for survivors can be transformative because it sends a clear message rejecting impunity for this heinous crime. However, in some instances IDW not only lack access to effective remedies, but have themselves been charged when bringing forward allegations of rape by State security forces in camps.<sup>40</sup> Conversely, legal aid, where

<sup>37</sup> Women’s Refugee Commission (WRC), “Peril or Protection: Making Work Safe”.

<sup>38</sup> Child Protection in Crisis Learning Network, “Rethinking Gender-Based Violence”, Policy Change Brief (2010), p. 2.

<sup>39</sup> World Health Organization (WHO) and World Bank, *World Report on Disability* (Malta, 2011), p. 59; WHO and United Nations Populations Fund, *Promoting sexual and reproductive health for persons with disabilities: WHO/UNFPA guidance note*, p. 6; reports of the Special Rapporteur on violence against women, its causes and consequences, to the General Assembly (A/67/227) and the Council (A/HRC/20/5 and Corr.1), on the issue of violence against women and girls with disabilities.

<sup>40</sup> Human Rights Watch, “Somalia: Alleged Rape Victim Convicted”, 29 January 2013. Available from [www.hrw.org/news/2013/02/05/somalia-alleged-rape-victim-convicted](http://www.hrw.org/news/2013/02/05/somalia-alleged-rape-victim-convicted).

available, has proven invaluable to IDW seeking access to justice for SGBV, as well as for other crimes and legal claims.

39. Furthermore, in the absence of rule of law that characterizes many conflict and post-conflict contexts and where women's access to formal justice mechanisms may be compromised by lack of documentation, illiteracy and absence of or restricted access to judicial structures, it is important for the humanitarian community to engage with alternative dispute resolution processes (including customary, religious and local governance structures) to promote women's access to land and housing and resolve disputes over central issues such as inheritance.<sup>41</sup> International development actors also have a critical role to play in working alongside national actors to respond to these concerns and support more concerted efforts to evaluate interventions and identify best practices in this field.

40. In addition to promoting access to criminal and civil justice systems for IDW, it is also essential to consider how their concerns are addressed through transitional justice processes. Transitional justice measures such as restitution, compensation, trials and truth and reconciliation commissions can contribute to recognizing and redressing the violations experienced by IDW, and in turn supporting sustainable solutions to displacement. Maximizing these contributions depends upon ensuring their accessibility, equitability and relevance to the priorities of IDW. For instance, reparation programmes can be calibrated to mitigate pre-existing structural inequalities, such as biased inheritance or other practices, for example by recognizing customary marriages in order to facilitate recognition of succession and inheritance rights and displaced women and men as co-claimants, or by distributing compensation benefits on an individual rather than family-unit basis, so as to increase women's control over the use of their share.<sup>42</sup> In countries where the presence of formal legal institutions is limited at the local level, and alternative dispute-resolution mechanisms or customary justice are de facto the main accessible form of justice, programmes should consider engaging with these to sensitize them to national and international standards and progressively redress discriminatory customary practices.

41. International and national actors should also be accountable to IDW for delivery of effective protection and assistance programmes, a challenge currently largely unmet. Integrating a stronger gender lens into initiatives such as the Humanitarian Accountability Partnership Standard in Accountability and Quality Management and more accessible and trusted complaints and response mechanisms at field level constitute important steps towards addressing this challenge. Increasing donor accountability towards IDW entails more effectively integrating gender issues into donorship practices, including through tools like the gender marker.

## **5. Implementing meaningful participatory approaches and supporting internally displaced women's mobilisation**

42. Gender-sensitive responses to internal displacement require the full and equal participation of women in decision-making at all stages of displacement and in

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<sup>41</sup> For example, the Information, Counselling and Legal Assistance Programme of the Norwegian Refugee Council.

<sup>42</sup> Lucy Hovil, "The Nexus Between Displacement and Transitional Justice: A Gender-Justice Dimension" in Roger Duthie (ed.), *Transitional Justice and Displacement* (New York, International Center for Transitional Justice (ICTJ) and Brookings-LSE Project); Brookings-ICTJ, "Transitional Justice and Displacement: Challenges and Recommendations" (2012); report of the Special Rapporteur on violence against women, its causes and consequences, to the Council on reparations for women subjected to violence (A/HRC/14/22).

peacemaking processes.<sup>43</sup> Such participation is essential to effectively promoting and protecting human rights, preventing rights violations, achieving durable solutions, and supporting sustainable peace processes, post-conflict reconstruction and development.<sup>44</sup> Ongoing participatory needs assessments and “bottom-up” participatory planning processes are essential to overcoming the “implementation gap” between gender policies and effective practice, and ensuring that nationally and internationally supported protection interventions complement women’s self-protection strategies and respond to their evolving needs and concerns.

43. However, opportunities for IDW to participate actively in decision-making processes remain particularly limited. For example, IDW have rarely played an active role in developing, implementing and monitoring national action plans on Security Council resolution 1325 (2000), although IDW in a diverse range of contexts have demonstrated their ability and determination to play leading roles in developing and implementing policies and programmes concerning them.<sup>45</sup> Unfortunately, the participatory approaches used to identify protection gaps of concern to IDW often do not extend to ensuring that they have an active say in the development, implementation and evaluation of responses to these gaps. IDW should therefore be given the opportunity to actively participate in peace processes; in negotiating durable solutions and the planning process for returns, reintegration or resettlement; and in post-conflict reconstruction and rebuilding. Participation of women in humanitarian planning should further reflect the diversity of the population and seek to include adolescent girls, youth and those with disabilities.

44. Strategies to strengthen the meaningful participation of IDW should also include constructive engagement of men in efforts to uphold IDW’s rights. Yet, this also remains an inadequately addressed challenge. Engaging men in women’s economic empowerment programmes has in some instances proven advantageous because it has increased men’s support for the initiatives, but it also raises the risk of men assuming control of the process.<sup>46</sup> Similarly, when IDPs are consulted on development and implementation of protection and assistance programmes, IDW may often defer to men as the community’s representatives if separate consultations are not convened.<sup>47</sup> Identification and exchange of good practices, effective awareness-raising programmes and creative approaches to engaging men and boys to work alongside and support IDW should be a fundamental pillar of protection and assistance efforts.<sup>48</sup>

45. Beyond consultation and participation processes, mobilization of IDW to actively assert their rights can play a critical role in advancing and sustaining equitable assistance,

<sup>43</sup> Security Council resolutions 1325 (2000) and 1889 (2009); UNHCR, *Handbook for the Protection of Women and Girls* (2008).

<sup>44</sup> Council resolution 20/9.

<sup>45</sup> Leslie Dwyer and Rufa Cagoco-Guiam, *Gender and Conflict in Mindanao* (2011, Asia Foundation), p. 27; summary of general discussion from the Committee on the Elimination of Discrimination against Women meeting on the protection of women’s human rights in conflict and post-conflict contexts (in which IDW participated), New York, 18 July 2011.

<sup>46</sup> Lesley Abdela, *Case Study: Nepal. United Nations Security Council resolution 1325: Women’s Meaningful Participation in Peacebuilding and Governance* (Vienna/Kathmandu, 2011, CARE International), p. 11; Gary Barker and Jennifer Schulte, *Engaging Men as Allies in Women’s Economic Empowerment: Strategies and Recommendations for CARE Country Offices*, (CARE Norway, 2010).

<sup>47</sup> Brookings-Bern Project, *Moving Beyond Rhetoric*.

<sup>48</sup> For example, see IRC, *Part of the Solution: Engaging Men as Partners to Prevent Violence Against Women and Girls-- Principles and Promising Practice* (2009); Men’s Resources International, *Engaging Men in Ending Gender-Based Violence in Liberia: Case Study and Promising Practices: Male Involvement Project - Year One*.

protection and development strategies at the community level. In countries such as Colombia and Georgia, IDW have formed organizations to advocate for their rights at multiple levels, gaining important political skills and capacity to inform and advise other women facing human rights concerns. However, IDW who mobilize to defend their rights are often exposed to increased risks and threats, including SGBV perpetrated by State or non-State armed actors.<sup>49</sup> National and international actors should document, monitor and ensure accountability for these violations and ensure comprehensive protection for these IDPs. Equally, these actors can support the development of such groups by encouraging their engagement in policy development and implementation processes, and by promoting access to training and opportunities to exchange experiences with other women involved in mobilization efforts. Moreover, the value of IDW mobilization may extend beyond the period of displacement, as community mobilization efforts establish women as active, equal citizens and leaders. Opportunities for young IDW to participate in mobilization processes are therefore of particular importance.

## 6. Supporting sustainable livelihoods

46. Access to sustainable livelihoods for both women and men is now widely recognized as a key element of protection in the context of displacement, and is critical to ensuring durable solutions for IDPs.<sup>50</sup> IDW and girls are often disproportionately affected by the loss of livelihoods during displacement. For example, due to security concerns, they may be more confined to the domestic sphere than they were prior to displacement and unable to leave the home in order to pursue livelihoods or other necessary activities. They may not be able to practise their livelihoods due to loss of land and livestock and may have particular difficulty in shifting from rural to urban lifestyles (or vice versa) and livelihood options, depending on their level of education and cultural or other barriers. In extreme circumstances, IDW and girls may resort to dangerous coping practices, such as survival sex, to feed their families. They are also often the first to drop out of school and take on work to support the family; incidences of early marriage tend to rise; and they may experience increased risk of trafficking. Such risks, as well as exposure to sexual violence, harassment, physical abuse, and exploitation, need to be taken into account when programing and advocating for livelihood programmes or schemes for IDW.<sup>51</sup>

47. In some situations, such as the Philippines, employment rates are in fact higher amongst IDW men, in part due to the fact that women benefit from greater freedom of movement because they are not seen as a threat by warring parties.<sup>52</sup> IDW taking on new employment opportunities can result in increased tensions, particularly within families and between generations, as notions of pride, status and dignity are perceived to be challenged. These women may face increased pressure and strain, particularly if men do not shift roles to take on more domestic work.<sup>53</sup> However, new livelihood opportunities can strengthen the confidence, leadership skills and influence of IDW. To maximize these benefits, the skills

<sup>49</sup> Report of the Special Rapporteur on the situation of human rights defenders on women human rights defenders and those working on women's rights or gender issues, A/HRC/16/44 and Corr.1.

<sup>50</sup> United Nations Development Programme (UNDP), *Livelihoods & Economic Recovery in Crisis Situations*, (2013), [www.undp.org/content/dam/undp/library/crisis%20prevention/20130215\\_UNDP%20LER\\_guide.pdf](http://www.undp.org/content/dam/undp/library/crisis%20prevention/20130215_UNDP%20LER_guide.pdf).

<sup>51</sup> WRC, "Peril or Protection".

<sup>52</sup> Dwyer and Cagoco-Guiam, *Gender and Conflict in Mindanao*.

<sup>53</sup> Olivia Bennett and Christopher McDowell, *Displaced: The Human Cost of Development and Resettlement* (New York, Palgrave Macmillan, 2012), pp. 85–87; Rogaia Mustafa Abusharaf, *Transforming Displaced Women in Sudan: Politics and the Body in a Squatter Settlement* (Chicago, University of Chicago Press, 2009), p. 46; Priscilla Joseph, "Effects of War on Women and Children" for the Sudanese Women Peace Forum in Khartoum in 2001, cited in Abusharaf, pp. 45–46.



and resources of IDW should be fully recognized and more systematically supported. This entails rectifying the “pervasive biases”, which, as the Secretary-General has highlighted, result in resources for initiatives such as post-conflict livelihoods programmes being directed “overwhelmingly towards men”.<sup>54</sup> Livelihood programmes for IDW should further be designed to be safe and sustainable, and protect women against unintended protection consequences, including elevated risks of SGBV.

## 7. Enhancing gender-sensitive approaches to durable solutions

48. The pursuit of durable solutions raises a range of concerns for IDW. Although the choice of a durable solution is, in principle, an individual matter, in practice decisions concerning durable solutions are usually made by families or communities, often marginalizing women’s preferences. For example, particularly when they have been the targets of SGBV, IDW may be deterred from returning due to traumatic associations or fear of further attacks.<sup>55</sup> Yet, in some instances families or other actors may pressure women to return despite these concerns.

49. Moreover, experiences of crisis, conflict and displacement often challenge existing notions of gender. While uprooted, many women take on new roles as leaders and breadwinners, which they sustain after displacement by, for example, developing new businesses and promoting peaceful coexistence at the grassroots level. However, many women struggle to preserve these advances upon return or resettlement, as they are often pressured to revert to traditional gender roles. Such changed gender roles can lead to increased incidents of domestic violence, particularly when men return to their families and communities and are not able to resume their traditional roles as breadwinners and head of the family. Hence, the importance of actively engaging men in order to achieve equitable humanitarian assistance and enhancing IDW participation and protection. Additionally, displaced and returnee women may be disadvantaged with regard to housing rights, be unable to gain security of tenure, and are often marginalized in the negotiation of land claims.<sup>56</sup> Those with disabilities may also face particular obstacles to accessing durable solutions, including extreme marginalization in decision-making processes, lack of appropriate transportation and inadequate services and pervasive discrimination in return and resettlement communities.<sup>57</sup>

50. Overall, the Special Rapporteur notes that discussions of gender issues within host and return communities and how particular durable solutions can backstop protection for IDW remain relatively nascent. Addressing them requires more concerted attention, as well as cooperation between humanitarian and development actors. The piloting of the Secretary-General’s 2011 Framework for Ending Displacement in the Aftermath of Conflict represents an important opportunity to strengthen attention to the particular rights, needs and concerns of IDW in the pursuit of durable solutions.

<sup>54</sup> A/65/354-S/2010/466, para. 49.

<sup>55</sup> Integrated Regional Information Networks, “Nigeria: Boko Haram displaced fear returning home”, 19 January 2012.

<sup>56</sup> Jacquie Kiggundu, Brookings-Bern Project, “IDP Return Processes and Customary Land Tenure”, speech to the Overseas Development Institute, London, 7 February 2008.

<sup>57</sup> Human Rights Watch, “*As If We Weren’t Human*”: *Discrimination and Violence against Women with Disabilities in Northern Uganda* (2010); HelpAge and IDMC, *The neglected generation: the impact of displacement on older people* (2012).

## 8. Strengthening the links between gender and age-sensitive approaches, and other elements of diversity

51. Despite attempts to mainstream attention to gender, age and other elements of diversity, room remains for stronger links between gender and generation-sensitive analyses and interventions in support of IDPs. This is especially the case for adolescent girls, young and older IDW. The ageing of the global population points towards the need to integrate gender and generation-sensitive approaches to internal displacement more systematically, given the growing proportion of elderly displaced women, including widows,<sup>58</sup> with particular capacities and protection and assistance concerns.<sup>59</sup> These concerns may be particularly pronounced when older IDW take on the role of caregivers to children whose parents have died or moved elsewhere.<sup>60</sup> Similarly, displaced girls are burdened with heavy household responsibilities, including domestic chores, such as fetching water and firewood and caring for younger siblings. This often results in young girls missing out on schooling and exposes them to increased protection risks.<sup>61</sup> There is also a need for more concerted attention to the particular risks and challenges faced by IDW and girls with disabilities, including ensuring full access to and inclusion in humanitarian programmes and recognizing their skills and capacities.

## 9. Gender dimensions of displacement linked to natural disasters and climate change

52. In recent years, increased attention has been devoted to rising rates of displacement linked to the effects of climate change<sup>62</sup> and the particularly adverse effects of climate change on potentially vulnerable groups, including women. It is now widely acknowledged that climate change impacts on men and women differently at all stages from preparedness to reconstruction. As recognized by the Intergovernmental Panel on Climate Change (IPCC), inequitable gender roles may exacerbate women's exposure to harm, while at the same time women may make "very significant, active contributions ... [to] coping with and adapting to extremes".<sup>63</sup> Women often experience higher rates of mortality than men in natural disasters<sup>64</sup> and may experience particularly deleterious effects on health,

<sup>58</sup> For example, the JIPS profiling exercise in Burundi highlighted the large number of older widows in IDP settlements.

<sup>59</sup> Elizabeth Ferris and Daniel Petz, "The Old are the Future: impacts of an aging world population on the future of disaster response", in Elizabeth Ferris and Daniel Petz, *The Year that Shook the Rich: A Review of Natural Disasters in 2011* (Washington, D.C., Brookings-LSE Project, 2010).

<sup>60</sup> HelpAge and IDMC, *The neglected generation*, p. 6.

<sup>61</sup> WRC, *In Search of Safety and Solutions: Somali Refugee Adolescent Girls at Sheder and Aw Barre Camps, Ethiopia* (2010) and *The Path to Hope: Congolese Refugee Adolescent Girls in Nyarugusu Refugee Camp, Tanzania* (2012). See also Coalition for Adolescent Girls, *Missing the Emergency: Shifting the Paradigm for Relief to Adolescent Girls* (2012).

<sup>62</sup> Report of the Special Rapporteur on the protection of and assistance to internally displaced persons, A/66/285, para. 34; report of the OHCHR on the relationship between climate change and human rights, A/HRC/10/61, paras. 42–60; background report submitted by the United Nations High Commissioner for Human Rights, A/HRC/SF/2010/2 and Corr.1.

<sup>63</sup> IPCC, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation: Special Report of the Intergovernmental Panel on Climate Change* (2012), sect. 2.5.2.1.2. See also WHO, *Gender, Climate Change and Health* (2011); UN Women Watch, "Fact Sheet: Women, Gender Equality and Climate Change" (2009); UNDP, *Training Manual on Gender and Climate Change* (2008); report of the fifty-second session of the Commission on the Status of Women, E/CN.6/2008/11-E/CN.6/2008/11, para. 21 (jj); United Nations Framework Convention on Climate Change, Conference of the Parties decision 1/CP.16, para. 7.

<sup>64</sup> Eric Neumayer and Thomas Plümper, "The Gendered Nature of Natural Disasters: The Impact of Catastrophic Events on the Gender Gap in Life Expectancy, 1981–2002", *Annals of the Association of American Geographers*, vol. 97, No. 3 (2007).

exacerbated gender inequality and reduced access to education and livelihood opportunities.<sup>65</sup>

53. The Hyogo Framework for Action 2010-2015 requires Member States to incorporate gender perspectives into all disaster risk management processes, plans and policies (para. 13 (d)). However, there has been relatively little success to date in mainstreaming gender and women's health considerations in these policies and processes, and when they have been integrated they have mainly been portrayed as victims rather than actors.<sup>66</sup> Given that natural disaster-induced displacement is expected to become more severe in future, issues such as the role of women in early warning systems and women's full participation in the development and implementation of gender-sensitive disaster preparedness and response strategies therefore merit more concerted attention.

## IV. Conclusions and recommendations

54. **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 IDW. Yet too often, discussions of these issues remain perfunctory, failing to recognize and actively engage IDW and perpetuating inadequate responses to their concerns. In the light of these dynamics, and in line with the Guiding Principles and other relevant standards, the Special Rapporteur makes the following recommendations:**

### A. General recommendations to national and international stakeholders

#### 1. States:

55. **In accordance with the Guiding Principles on Internal Displacement, ensure that national laws and policies provide comprehensive protection for IDW;**

56. **Initiate gender-sensitive budgeting processes that ensure allocation of adequate resources to the needs and priorities of IDW;**

57. **Support initiatives to increase the capacity of officials, particularly at local level, to adopt gender-sensitive approaches to policymaking, planning, budgeting and programme implementation on IDP issues;**

58. **Provide gender-sensitive training to police, military forces, judiciary and social workers, including on preventing and addressing SGBV in displacement situations;**

59. **Recruit, train and deploy greater numbers of female police and military personnel at national level in countries experiencing internal displacement, as well as in United Nations peacekeeping operations;**

60. **Ensure prompt and equitable provision of all necessary personal documentation to IDW;**

<sup>65</sup> IPCC, Martin Parry et al. (eds.), *Climate Change 2007: Impacts, Adaptation and Vulnerability* (Cambridge University Press), sect. 9.7; United Nations Office for Disaster Risk Reduction (UNISDR), *2009 Global Assessment Report on Disaster Risk Reduction: Risk and poverty in a changing climate*.

<sup>66</sup> UNISDR, *Global Assessment Report*, p. 14; International Union for Conservation of Nature, *Draft Guidelines to Mainstreaming Gender in the Development of National Adaptation Plans (NAPs)* (2011).

61. Develop awareness-raising programmes to enhance relationship between IDW and host communities, especially other women in those communities;

**2. Humanitarian and development organizations:**

62. 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; include senior management/decision-makers as well as operational staff in such training and outreach activities;

63. Deepen efforts to develop and implement programmes that recognize and build on IDW capacities, taking into account their diversity;

64. Include civil society including CSOs, and networks of women and traditional leaders within host/return communities, in consultations and awareness-raising activities in order to build a support system for IDW.

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

**1. Gender and age-sensitive data collection and analysis**

65. Strengthen support for national and international efforts to collect, update, analyse 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;

66. Ensure that such data is not only collected but analysed in a gender-sensitive manner, that it is meaningfully reflected in programme design and implementation and that dissemination efforts include feedback to IDW;

**2. Consultation, meaningful participation and mobilization**

67. Ensure meaningful participation of IDW and girls in the development, implementation, monitoring and evaluation of laws, policies, programmes 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;

68. Facilitate active participation of IDW in development and implementation of national and regional action plans on women, peace and security, and integration of their diverse concerns into such plans;

69. Recognizing the barriers socioeconomic and security concerns may present, identify and implement practical steps to make meaningful participation opportunities more accessible to IDW, such as providing safe transportation to meetings;

70. 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;

71. Identify and integrate lessons from past consultation and participation processes with IDW in order to improve participatory practices;

72. Devote particular attention to the creation of participation and mobilization opportunities for IDW with disabilities, including involvement in camp management, community leadership and women's committees and groups;

73. Gather, systematize and share lessons on engaging men and boys in participatory processes intended to advance gender equality;

74. States should systematically investigate, document, monitor, prosecute and punish crimes against IDP leaders and IDW advocates, and ensure adequate protection from physical, psychological and socioeconomic abuses against them, their families and communities;

75. Given the importance of the mobilization of IDW to protection, assistance and long-term empowerment:

(a) Develop guidance notes for international actors on how to effectively, ethically and non-discriminatorily engage with and support IDP organizations;

(b) Promote training opportunities for IDW and girls, to strengthen their capacity to organize and advocate on multiple levels;

(c) Support the exchange of experiences and strategies between IDP groups within and between countries;

### 3. Preventing and addressing SGBV

76. Redouble efforts to prevent and respond effectively to SGBV at all stages of displacement, including by:

(a) Enhancing security measures in all locations with IDPs, including host communities, IDP settlements and camps, and return communities;

(b) Engaging men, as appropriate, in prevention and protection efforts;

(c) Supporting the provision of cooking fuel as part of lifesaving assistance and implementation of market-based livelihood programmes which can help prevent SGBV by removing the need for IDW to venture into unsafe areas to collect firewood or other resources to use themselves or to sell;

(d) Providing mental health, psychosocial and medical services and public education programmes for individuals and communities affected by SGBV;

(e) Devoting increased attention to sexual violence in domestic contexts, recognizing its high prevalence;

(f) Increasing targeted support for young women and girls, including those with disabilities, at risk of or subjected to SGBV;

(g) Piloting and evaluating strategies which promote access and inclusion for IDW and girls with disabilities in SGBV prevention programmes, building the evidence base and guidance for field practitioners;

(h) Holding States accountable for bringing perpetrators of conflict-related sexual violence to justice and for reporting on progress on the relevant resolutions;

77. 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;

**4. Access to justice and accountability**

78. Increase investments in rule of law and governance in displacement-affected communities, with a view to rectifying the marginalization of IDW from justice systems;

79. Increase support for and access to legal aid for IDW;

80. Collect, disseminate and apply good practices in engaging IDW in transitional justice processes and addressing their concerns, such as through gender-sensitive reparation processes;

81. Ensure that men and members of communities are integrated in consultation processes to avoid marginalization of IDW;

82. Support the development of more accessible and trusted complaints and response mechanisms at field level, particularly to eliminate sexual exploitation by humanitarians and peacekeepers;

83. States should take all measures to combat impunity for SGBV, including by promptly investigating, prosecuting and punishing SGBV, and providing police, judicial officials (including legal aid providers) and the health sector with necessary training and tools such as SOPs;

**5. Supporting livelihoods**

84. Increase strategic support for education, training and safe and sustainable livelihoods for IDW at all stages of displacement, recognizing the critical contribution effective livelihoods make to protection, and to advancing and sustaining women's empowerment;

85. Ensure livelihood programmes 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 labour; mitigate unintended protection consequences, including exposing women to increased SGBV; and are accessible to IDW both in and outside camps;

**6. Gender-sensitive durable solutions strategies**

86. Ensure IDW have the right as individuals to make free and informed decisions concerning the resolution of their displacement on the basis of adequate and appropriately communicated information, and participate fully in planning and management of their return, local integration or resettlement;

87. Develop and implement protection-focused, gender-sensitive durable solutions strategies that: fully consider the needs and rights of IDW 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;

88. 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, and the broad dissemination of lessons learned through this process;

89. Ensure systematic, medium and long-term monitoring of durable solutions to better understand and address their gendered impacts;

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90. **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;**

91. **Given that comprehensively addressing the rights and concerns of IDW requires a long-term development approach, donors should promote and enable cooperation between humanitarian and development actors working in displacement-affected contexts;**

92. **With regard to housing, land and property (HLP), States should:**

(a) **Develop and implement laws and policies which recognize equal HLP rights for IDW, in accordance with international standards;**

(b) **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;**

**7. Gender, natural disasters and displacement**

93. **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;**

94. **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.**