

UNICEF and DISPLACEMENT: A Guidance Note

Office of Emergency Programmes

Executive Summary

This note provides guidance on UNICEF's responsibilities with regard to internally displaced persons (IDPs), refugees and host populations. It situates displacement within UNICEF's mandate for *all* children, everywhere, and identifies actions to be taken by UNICEF and its partners in displacement situations, within the framework of the Core Commitments to Children in Emergencies (CCCs) and other programme guidance.

Displacement increases the vulnerability of children and their families to discrimination, abuse, violence and exploitation, and undermines psychological and social support mechanisms. Access to basic social services, including education, health, water and sanitation, is severely hindered in displacement situations. People have often been forced to flee without proper documentation, making it difficult to establish that they have a right to receive basic social services or to prove ownership of their property upon return. Displaced children are particularly vulnerable to forced recruitment by armed groups, while displaced women and girls are at greater risk of abduction, trafficking and sexual violence, including the use of rape as a weapon of war.

Forced displacement is recognized as a violation of human rights under international law. A robust legal and normative framework, including national legislation, exists to protect displaced persons. UNICEF and partners can use this framework to inform programming as well as advocacy efforts for the displaced.

Various organizations play a role in providing support to displaced populations.¹ Typically, this support takes the form of assistance to national authorities, which bear the primary responsibility for people within their sovereign territories. Within the UN system, UNHCR is the agency specifically mandated with responsibility for refugees – i.e. those displaced persons who have crossed international frontiers. While in some cases UNHCR also provides assistance to those who are internally displaced, overall responsibility for IDPs rests with the Emergency Relief Coordinator. At country-level, IDPs fall within the purview of the Humanitarian/Resident Coordinator. In line with its mandate for children, UNICEF has an important role to play within country teams to ensure that the needs and rights of displaced children are taken into account in all efforts to support the displaced.

In addition to UNICEF's Core Commitments for Children (CCCs) in emergencies, the Medium Term Strategic Plan (MTSP) and all other Programme Policies and Procedures continue to apply in displacement contexts. However, displacement – regardless of whether it is internal or across national boundaries – creates additional vulnerabilities and risks for children. UNICEF must analyze and respond to these challenges using established benchmarks such as international law. Displacement and its implications must also be taken into account in our work in early warning and emergency preparedness planning. UNICEF must therefore be aware of the impact of displacement on children and women, and ensure measures are in place to mitigate this impact. In so doing, regular reference must be made to situation analyses in order to establish and demonstrate impact.

¹ Recently, the Senior Network has prepared an IASC policy package on "Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for Humanitarian and/or Resident Coordinators and Country Teams" (2004).

UNICEF may often be required to adopt a flexible programming approach that addresses the particular needs of more than one population simultaneously. For example, it may be necessary in some circumstances to provide emergency assistance to the displaced in one part of the country while promoting rehabilitation, re-integration, and development efforts elsewhere. When dealing with displacement, UNICEF should adopt a "phased" programmatic response. This means that programmes need to address prevention of further displacement, mitigation of the impact of acute displacement as well as protracted displacement, and even return/reintegration/durable solutions. These tasks may need to be undertaken at the same time, or in different parts of the same country. It is always a preferred option to provide support to IDPs within host communities rather than establishing IDP camps. Together with the CCCs, Annex II of this guidance note presents some of the key actions UNICEF should take during these different phases of displacement.

A key role for UNICEF is advocacy for the protection of children in all phases of displacement. Such advocacy should focus primarily on those Government and non-state entity (NSE) leaders who have the authority and responsibility to address the conditions of the displaced, prevent abuses of children, ensure that the displaced can return to their communities if they so desire, and address the underlying causes of displacement.

I. CONTEXT

There are approximately 50 million internally displaced persons (IDPs) and 11-12 million refugees² in the world today, the majority of whom are women and children. Displacement increases the vulnerability of children and their families to discrimination, abuse, violence and exploitation, and undermines psychological and social support mechanisms. Access to basic social services, including education, health, water and sanitation, is severely hindered in displacement situations. Displacement complicates birth registration and the issuance of travel documents, thereby compromising displaced persons' right to an identity. Displaced children are particularly vulnerable to forced recruitment by armed groups, while displaced women and girls are at greater risk of abduction, trafficking and sexual violence, including the use of rape as a weapon of war.³

In addition, displaced persons – whether they are internally displaced persons or refugees – often suffer discrimination and hostility from host populations, who may perceive them as encroaching upon their land, taking away jobs from locals, and/or consuming scarce resources. Displaced persons may be singled out for intimidation or attacks because they are of a different ethnicity/religion/culture than the local population.

In the chaos of flight, they may have been forced to leave their homes without proper documentation, making it difficult to establish their identity. They may therefore be unable to prove their right to receive basic social services such as education or health, or to work in a different part of the country. Upon return, IDPs and refugees may find their homes and their land taken over by others, including local authorities, and may not be able to prove their ownership of their property. They may also be rejected by their own communities because they fled during the crisis or violence while others remained.

² Refugees also go through an internal displacement phase before they cross an international border during which vulnerability levels and loss of life is generally much higher. Accordingly, consideration should also be given to this interim status.

³ See, for example, Graca Machel, *The Impact of War on Children*, New York: UNICEF, 2001; Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War and Peace*, New York, UNIFEM, 2002; and UNOCHA, *No Refuge: The Challenge of Internal Displacement*, New York and Geneva: United Nations, 2003.

Given its mandate “to protect and promote the rights of *all* children, *everywhere*,” UNICEF must analyze threats specific to the displaced when developing programmes of support at national and sub-national levels. In addition, specific actions to protect the rights of the displaced and to provide assistance, in coordination with national authorities as well as other UN and non-governmental partners, should become integral components of UNICEF country programmes and emergency assistance strategies.

II. THE LEGAL FRAMEWORK⁴

Several international human rights, humanitarian and refugee legal instruments stipulate the rights of displaced persons and the corresponding obligations of governments as well as non-state entities. In addition to the Convention on the Rights of the Child (CRC), other instruments include:

- The Convention on the Elimination of All Forms of Discrimination Against Women of 1979;
- The International Covenant on Civil and Political Rights of 1966; and the International Covenant on Economic, Social and Cultural Rights of 1966;
- The Geneva Conventions of 1949 and their two Additional Protocols of 1977;
- The Rome Statute of the International Criminal Court of 1998;
- The Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;
- The Guiding Principles on Internal Displacement of 1998.⁵

These instruments may be reinforced by Security Council resolutions, which are binding if taken under Chapter VII of the UN Charter. UNICEF can use these instruments for advocacy and programming. From an advocacy perspective, these legal instruments constitute binding obligations for governments, provided they have been signed and ratified by the government concerned. When governments fall short in adhering to these standards, UNICEF and partners can use these instruments as a benchmark to point out where and how the government is not meeting its commitments to the displaced.⁶ In programming, these instruments can be useful for identifying the range of services and protections to which the displaced are entitled. For example, the Guiding Principles on Internal Displacement require that, *inter alia*: key protection measures must be put in place by authorities prior to and during displacement (principles 5-23); authorities must seek the free and informed consent of those to be displaced (principle 7); displaced children must not be recruited or required to take part in hostilities (principle 13).

III. ROLES OF UN ORGANIZATIONS⁷

Responding to displacement is the responsibility of local/national authorities, UN agencies and the broader humanitarian community (International Organizations, NGOs, community-based organizations etc.).

⁴ See annex 1 for further explanation of definitions of refugees, IDPs, and forced displacement in these various instruments.

⁵ Unlike the other instruments listed, the Guiding Principles on Internal Displacement are not a legally binding treaty or convention which governments sign and ratify. They are a compilation of the relevant legal standards from international human rights law, international humanitarian law, and refugee law which are applicable to IDPs. Thus, although the Guiding Principles themselves are not legally binding, they are based on treaties and conventions which are legally binding. Ideally, the Guiding Principles should be referred to in conjunction with their underlying legal instruments.

⁶ Where key member states, including refugee hosting states, are not parties to a particular treaty such as the Refugee Convention, it may be necessary to conclude a tripartite agreement to clarify roles and responsibilities.

⁷ See annex III for more information on the roles of IASC members with regard to IDPs.

In the case of refugees, UNHCR is the agency mandated within the UN system to provide for their protection and assistance. Nevertheless, UNICEF has a vital role in refugee situations to support UNHCR in ensuring that the rights and assistance needs of children and women are adequately considered. In many cases, this will mean that UNICEF will provide assistance to refugees with respect to core areas of its mandate and within the framework of the CCCs. Likewise, UNICEF should be prepared to coordinate sectoral responses as outlined in the CCCs. In this light, the overall agreement between UNHCR and UNICEF is being revised to make it clearer, more specific and more comprehensive.

In the case of the internally displaced, *primary responsibility rests with national authorities* since IDPs remain under the jurisdiction of their national governments. The UN system's humanitarian response to IDPs is guided by the "collaborative approach". Under this approach, a broad range of humanitarian and development actors are called upon to respond to the needs of displaced on the basis of agency-specific mandates and expertise, rather than having a designated "lead agency" for IDPs. The UN Humanitarian Coordinator or Resident Coordinator is ultimately accountable for protection and assistance to IDPs.⁸ Within the country team, UNICEF should insist on the integration of the rights of children and women in decisions and actions related to displacement and ensure the provision of specific assistance to them. In addition, UNICEF should strive to establish benchmarks and standards for assistance and ensure that displacement data is disaggregated by sex and age.

At the country level, the UN Secretary General has tasked the Emergency Relief Coordinator (ERC) with ensuring that the protection, assistance and recovery needs of the internally displaced are addressed. The ERC is the chair of the Inter-Agency Standing Committee (IASC),⁹ of which UNICEF is a member. UNICEF is also a member of the Senior Inter-Agency IDP Network, which has a broad membership of UN, international and non-governmental organizations. The Senior Network meets monthly to pursue action in areas such as IDP protection, accountability for IDPs, and application of the collaborative approach.¹⁰ It also advises the Inter-Agency Internal Displacement Division (formerly the Internal Displacement Unit), which is mandated to strengthen the overall UN system's response to IDPs at global and country levels. The Division assists the ERC in discharging his function to coordinate an effective response to the needs of IDPs at global and country levels. It also supports field response in IDP crises as implemented by IASC members and the Office of the Coordination of Humanitarian Affairs (OCHA) under the leadership of Resident and Humanitarian Coordinators. Like the ERC and OCHA, the Internal Displacement Division does not have an operational mandate.

Other relevant actors, such as the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons¹¹, and forums, such as the Executive Committee on

⁸ For more information, see the Guidance Note on the Collaborative Approach (2003) and the Terms of Reference for Humanitarian Coordinators (2003).

⁹ The IASC brings together the UN humanitarian agencies, the International Organization for Migration, three consortia of major international NGOs and the Red Cross movement. The primary role of the IASC is to formulate humanitarian policy to ensure coordinated and effective humanitarian response. See <http://www.humanitarianinfo.org/iasc/> for more information. Annex 2 lists all the IASC members and standing invitees and explains their role in relation to IDPs.

¹⁰ The Senior Network has collaborated, for instance, to produce an IASC policy package on "Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for Humanitarian and/or Resident Coordinators and Country Teams" (2004).

¹¹ Formerly referred to as the Special Representative of the Secretary-General on IDPs, the Secretary-General recently appointed Walter Kälin as his new Representative on the Human Rights of IDPs on 21 September 2004. As all Special Procedures under the Commission on Human Rights, the Representative will function as an

Humanitarian Affairs (ECHA), can play a role in promoting greater attention to the rights of internally displaced children. Country offices and country teams can use these fora to draw attention to particular situations and mobilize specific action.

IV. UNICEF'S ROLE

Within the framework of a human rights-based approach to programming, the rights of all children are the focus of programming in all countries in which UNICEF works. Thus, the substance of what UNICEF should do for children does not change at the onset of an emergency. However, the manner in which this work is done and how priorities are set may need to be modified.

In addition to UNICEF's Core Commitments for Children (CCCs) in Emergencies, the MTSP and all other Programme Policies and Procedures continue to apply in displacement contexts. The key programming steps established in the PPP Manual – including assessment and analysis, monitoring, programme review and evaluation – continue to form the basis of programming for displaced populations. At the same time, the CCCs provide detailed guidance on actions that may be required to ensure the rights and needs of children and women are met in emergency situations.

Because of the vulnerabilities and risks that displacement creates for children and women, *UNICEF must respond to displacement both internally and across national borders.* UNICEF's emergency preparedness planning should also take into account displacement and its implications. At all times, UNICEF should be aware of the impact of displacement on children and women, and with our partners ensure measures are in place to mitigate this impact.

Situation analyses should examine the rights and specific priority needs of displaced children, such as access to health care, education and protection from violence and exploitation. Needs assessments should be sensitive to displacement-specific indicators, which are particularly related to protection, such as the extent to which young people report being fearful of abduction or forced recruitment from the camp by armed groups, or access to clean water for IDPs living in camps versus those living in the host community. Needs assessments should also identify the specific needs and vulnerabilities of the host or neighboring population in the area, and programme responses should address both sets of needs to the extent possible. This should help to avoid creating further divisions or frustrations between the displaced and non-displaced populations and to maintain a sense of equity among both groups. Collecting data on displaced children and women may require extraordinary efforts in overcoming obstacles to access, uncertain legal standing or simply difficulty in finding them and tracking their condition over time, especially in situations of conflict or repeated displacement.

UNICEF may often be required to adopt a flexible programming approach that addresses the particular needs of more than one population simultaneously. For example, it may be necessary in some circumstances to provide emergency assistance to the displaced in one part of the

independent expert supported by OHCHR. He will work in close cooperation with the Emergency Relief Coordinator and, in particular, the Division on Internal Displacement within OCHA and UNHCR in addressing the complex problem of internal displacement by mainstreaming human rights of the internally displaced into all relevant parts of the UN system and strengthening the international response to situations of internal displacement. He will also engage in coordinated international advocacy and action for improving protection and respect of the human rights of IDPs, while continuing and enhancing dialogues with Governments, as well as NGOs and other relevant actors.

country while promoting rehabilitation, re-integration, and development efforts elsewhere. In order to mount the most effective response to a displacement crisis, country offices may decide to: i) reorient the focus and resources of *existing* components of the approved/ongoing country programme, and/or; ii) design and seek funding for new projects within the overall country programme framework or within the context of a UN consolidated appeal or other forms of funding requests made by the UN country team.

V. A PHASED PROGRAMMATIC RESPONSE

When dealing with displacement, UNICEF will normally need to adopt a "phased" programmatic response. Programmes will need to address prevention of further displacement, mitigation of the impact of acute displacement as well as protracted displacement, and even return/reintegration/durable solutions. It will often be necessary to pursue these goals at the same time, or in different parts of the same country.

A) Prevention of displacement

A number of actions can be taken to prevent displacement or to be better prepared should it occur:

- As specific situations become more volatile, advocate with national governments for the prevention of displacement with support of the UN country team.
- Ensure that analysis of potential displacement is included in emergency preparedness plans where appropriate, including the proportion of children and women in a displacement-prone community.
- If advance notice is given by authorities of impending displacement, work with the country team and other partners to determine with authorities whether displacement can be avoided, and if not, whether it is being undertaken legally. In the case of IDPs, use the Guiding Principles on Internal Displacement (principles 5-9) to determine legality. Key considerations include:
 - Is displacement avoidable? Have the authorities explored all feasible alternatives in order to avoid it?
 - Note that internal displacement is illegal under the following circumstances: if it is forced; if it is based on policies of ethnic cleansing; if it occurs in situations of armed conflict ("unless the security of civilians involved or imperative military reasons so demand"); in cases of large-scale development projects (unless "justified by compelling and overriding public interests"); in cases of disasters ("unless the safety and health of those affected requires their evacuation"); and when it is used as a form of collective punishment.
 - If displacement is considered unavoidable and legal, international law requires that certain conditions be put in place by the authorities. These include: proper accommodation for IDPs; adequate conditions of safety, nutrition, health, and hygiene; measures to prevent family separation; and provision of full information to IDPs on the reasons and procedures for their displacement and, where applicable, on compensation and location. In addition, the free and informed consent of those to be displaced must be sought by authorities, and the IDPs themselves, particularly women, must be involved in the planning and management of their relocation.
- Establish baseline data through regular assessments conducted within the country programme. Familiarity with the customary situation of children (i.e. before displacement occurs) in key sectors such as health, education, water and sanitation, nutrition and protection will help determine the severity of the impact of displacement.

- Compare data on displaced and non-displaced children and women. All data should be disaggregated by sex and age.
- Ensure that information is available, e.g. via global early warning and monitoring mechanisms, that can help predict conflict and displacement and the type of action required to prevent displacement.
- Ensure that staff are familiar with the international legal standards for displacement and whether or not the particular country is a party to the key treaties.
- Review the CCCs to anticipate programme requirements and budgets for emergency care to the displaced. Additional considerations may include:
 - transportation costs
 - pre-positioning of supplies and other logistics activities
 - procurement or use of maps or satellite imagery to trace group movements
 - obtaining knowledge of partners operating in regions where the displaced may relocate
 - obtaining knowledge of specialized technologies, such as mobile cold chain systems, etc.

B) The initial displacement phase

This is the acute phase, where both the place of origin and the location of displacement may require emergency assistance based on the CCCs. Assistance should be provided within the context of the ‘collaborative approach’ and thus in close coordination with UN and other partners. It is also important to keep in mind that large-scale emergency assistance in cases of displacement may act as a ‘pull factor’ for other vulnerable groups. The following actions can be taken to address and mitigate displacement during its initial phase:

- In coordination with UN and other partners, assess basic survival needs. Identify the extent of vulnerability of displaced girls and boys to forms of abuse, threats to their physical safety and psychosocial well-being, efforts at recruitment, HIV/AIDS caused by displacement, and other human rights violations.
- Take all actions necessary to ensure the implementation of the initial CCCs (i.e. for the first six to eight weeks of an emergency), including, as required, adopting sectoral coordination roles.
- To the extent possible, involve displaced women, men and young people in the design and conduct of the assessment and programming. Identify and draw upon the skills and knowledge of displaced persons, e.g. knowledge of the community, interview skills, language skills, etc. However, be sensitive to the potential risks of participation to the safety and security of the displaced.
- Support the establishment of mechanisms to monitor the situation of IDP populations, in particular children. These mechanisms can reinforce or inform processes for monitoring the impact of programmes on children, or the general situation of children (e.g. rapid assessments).
- Work with key humanitarian partners, particularly OCHA, to track mobile displaced populations.
- Work with key partners, such as UNHCR, to identify, register and provide assistance to unaccompanied children, and where appropriate to establish family tracing mechanisms.
- Develop clear plans with other UN partners and national governments concerning the long-term implications of displacement. For example, funding for long-term refugee displacement is likely to be solely available to UNHCR. Be careful not to over-commit UNICEF in such circumstances.

C) The static phase

This is a protracted situation where no further displacement takes place yet there is no possibility of voluntary return. Thus the situation may be relatively stable, both in the place of origin as well as in the location of displacement. As noted, for refugee populations UNHCR has the primary responsibility and mandate for support and protection during displacement. However, the following actions can be taken by UNICEF to address and mitigate displacement during its static phase:

- Continue to implement emergency assistance as outlined in the CCCs. Coordination with other partners is particularly important during this static phase since, in some cases, the support required may continue for many years.
- Work with partners to ensure that access to basic services (e.g. schools, health facilities, water supplies, etc.) is maintained. Special attention should be devoted to education, since this is particularly critical in displacement situations lasting for long periods. Mobilize and, as necessary, support teachers among the displaced populations. Ensure that accurate records are kept to prepare for and support eventual re-enrolment in the area of return.
- Advocate with relevant authorities to ensure that all displaced children, even those without necessary documentation, have access to education, health services, etc. Particular attention should be devoted to unaccompanied children, disabled children and other vulnerable groups.
- Support continued monitoring and reporting on the situation of children, including systems to monitor egregious violations of their rights. Ensure that such support builds monitoring into existing systems and activities to the extent possible.
- Advocate for continued attention to these “forgotten” crises, and the ongoing rights abuses faced by displaced children in these situations.

D) The return, integration and resettlement phase

The return phase is when durable solutions can be introduced for the displaced. Potential solutions include returning home, local integration (integrating in the location of displacement), or resettlement in another location. This is the period when support can make the transition from relief to development, including “4Rs” (relief, return, reintegration, rehabilitation). Given that the return process often occurs over a substantial period of time, it is vital that UNICEF work closely with UN and other partners in this process, taking particular note of the specific mandate of UNHCR in the return and reintegration of refugee populations. In addition, UNICEF should be prepared to consider the inclusion of refugee children and women in its development assistance programming when local integration and developmental assistance issues arise. A number of supportive actions can be taken during the return, integration and resettlement phase:

- Coordinate with partners to develop a checklist of conditions that must be in place/addressed before return can take place. Issues to consider include: status of basic social services; land rights, including access for women; whether the area of return has been cleared of landmines and other explosive remnants of war; whether the choice to return is voluntary; whether support is being provided to vulnerable groups to return, etc.
- Coordinate with partners such as UNHCR and government ministries as early as possible in this phase to assess capacities of social service providers, governance structures, local institutions, etc. in places of origin and/or places of return to deal with a possible return.

- As necessary and in conjunction with UN and other partners, support social services in places of origin and/or places of return, with a particular emphasis on capacity building of women through training, income-generation, and other initiatives to promote women's livelihoods.
- As necessary and in cooperation with key partners, facilitate and support the reunification of separated children with caregivers.
- With UN and other partners, assess the availability and quality of infrastructure in places of return. Advocate with government authorities to rebuild infrastructure if necessary, with priority given to basic social services (health, education, water and sanitation facilities, etc.).
- Build the capacity of and involve displaced women, men and young people in planning and decision-making about return and resettlement.
- Consider activities with a wider community/societal impact, such as peace-building (e.g. education; rule of law programmes), reconciliation (e.g. truth commission; traditional dispute resolution mechanism) and poverty reduction activities (e.g. youth programmes; skills based training).

VI. ADVOCACY

UNICEF advocacy should primarily target government and non-state entity (NSE) leaders, who have the authority and responsibility to prevent displacement, address the conditions of the displaced, prevent abuses of children, ensure that the displaced can return to their communities, and address underlying causes of displacement.

One of the most critical purposes of advocacy is to obtain free, safe and unhindered humanitarian access to displaced populations. Fundamental advocacy messages include:

- Displacement has a profound effect on children and young people. It undermines their sense of safety and security, exposes them to danger, violence, abuse and exploitation, and can separate them from their families and other protective support systems. Different groups of children – younger children and adolescents, girls and boys – are affected differently and support activities must be tailored accordingly.
- Displaced children have the same rights as all other children. Under no circumstances should they be subjected to discrimination.
- Humanitarian access to displaced persons must not be denied by local authorities. Access to persons in need should always be free, safe and unhindered. Authorities have an obligation to facilitate access.
- Arbitrary displacement by authorities should always be avoided. There are very limited and strict criteria that determine when displacement is considered legal, as defined by international law. In all cases, displaced persons, whether refugees or IDPs, have rights which are guaranteed under international law.
- When displacement extends for years, it becomes even more important to provide a sense of stability or normalcy to children's lives. This can often be done through psychosocial support, recreation, and most importantly, re-establishing access to education and learning opportunities for both girls and boys.
- Protracted displacement crises often remain *urgent* humanitarian crises requiring sustained commitment by the international community, including support for developmental resources and investments in areas of displacement and return.

To be effective, advocacy must be undertaken simultaneously at the headquarters, regional and country levels. Accordingly, country representatives should maintain close contacts with relevant parties at all levels to ensure implementation of a comprehensive advocacy strategy. At the global level, advocacy on displacement takes place in different fora. The Commission on Human Rights passes an annual resolution on refugees and IDPs. The Humanitarian Segment of

the Economic and Social Council also considers issues related to displacement in its annual agreed conclusions, depending upon the specific theme being treated each year. The Security Council addresses refugees and IDPs in its thematic debates on children affected by armed conflict and the protection of civilians in armed conflict, as well as in its deliberations on a number of specific countries. Finally, the Executive Committee of UNHCR is another opportunity to raise specific issues and concerns related to displaced children.

VII. WHO CAN HELP IN UNICEF

UNICEF country offices have primary responsibility to respond to the needs of displaced children, as outlined in the CCCs, the PPPM, and this guidance note. Regional offices continue to be responsible for providing the first line of technical support, guidance and oversight to country offices on all programme issues, including displacement issues, as part of their overall oversight functions. At Headquarters, responsibility for displacement issues is shared as follows:

- The Humanitarian Policy and Advocacy Unit in the Office of Emergency Programmes (EMOPS) provides guidance on matters of policy, principles and legal standards related to displacement, and assures overall liaison with the Senior Inter-Agency IDP Network, Internal Displacement Division, the IASC, etc. on displacement issues;
- EMOPS Geneva is the primary liaison with Geneva-based humanitarian actors and provides technical support to country and regional offices on preparedness planning;
- Within the Programme Division, the Humanitarian Response Unit is responsible for day-to-day liaison with country and regional offices and providing direct support to country offices on humanitarian response generally;
- Programme Division technical clusters (i.e. health, nutrition, education, child protection, HIV/AIDS, water and environmental sanitation) can provide sector-specific technical guidance and support.

Annex I: DEFINITION OF CATEGORIES OF DISPLACED PERSONS

Forced Displacement

Deportation and forcible transfer of populations is addressed in the Rome Statute of the International Criminal Court, as a crime against humanity and a war crime if carried out without grounds permitted under international law. Forced movement is illegal if done to deprive state or non-state entities of local support; or collectively punish part(s) of the civilian population; or alter the demographic and political profile of an area; or ethnically cleanse certain areas.

In instances where arbitrary displacement is absolutely necessary for the safety and security of the people, the affected population must participate in taking the decision on relocation. Also, authorities must take all feasible actions to minimize the adverse effects of the displacement by, for example, providing and protecting the means needed for survival of the civilian population, such as foodstuffs, crops, etc. Finally, arbitrary displacement should be followed by an active plan for solutions, including return and reintegration, and, in exceptional cases, resettlement.

The Security Council has put the issue of children affected by armed conflicts on its agenda. Resolutions 1460 (2003), 1379 (2001), 1314 (2000), and 1261 (1999) urge members states and parties to armed conflict to provide protection and assistance to refugees and internally displaced persons, children and women in particular.

Internally Displaced Persons

According to the Guiding Principles on Internal Displacement, *internally displaced persons (IDPs) are those persons or groups of persons “who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”* This includes displacement caused by natural and human-made disasters. In all cases, primary responsibility for IDPs rests with the Government since IDPs remain within the borders of their own country. National and international law, including the CRC, continue to apply.

Principles 4, 11, 13, 17 and 23 of the Guiding Principles reiterate that children have specific needs during displacement that should be addressed, such as protection from forced recruitment and child labor, and the right to an education. The importance of children staying with their families during displacement and family reunification is stressed in principle 17.

Refugees

The 1951 Refugee Convention states: *a refugee is any person who: “...owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his (or her) nationality and is unable or, owing to such fear, is unwilling to avail himself (or herself) of the protection of that country...”* The High Commissioner for Refugees (UNHCR) is responsible for providing assistance and protection to refugees.

The universality of the CRC enables UNICEF to look more broadly at the needs of all refugee children and not just those recognized under the 1951 Convention; often the very children who are most vulnerable. Article 2 of the CRC clearly notes that “State Parties shall respect and ensure rights set forth in the present Convention to each child *within their jurisdiction*” while Article 22 of the CRC pays particular attention to the rights of refugee children. It provides for specific consideration and assistance measures to be put in place and highlights the need for tracing and family reunification of separated and unaccompanied children.

Third country nationals are residents in a country other than their country of origin, who may also be forced to flee across an international border because of generalized conflict and violence in their country of residence. In this instance, the children and their families are usually able to avail themselves of the protection of their country of origin. There may be instances, however, where this is not the case, and the third country nationals therefore may be considered as de facto refugees.

Annex II: Key UNICEF actions in displacement situations

As outlined above, assistance to displaced populations should form part of UNICEF’s country programme and, during emergency stages, follow the priority actions outlined in the Core Commitments for Children in Emergencies. You will find below some specific additional considerations to be taken into account regarding the situation of IDPs and refugees.

	Prevention of displacement	Acute displacement	Static/protracted displacement	Return/resettlement /reintegration
Assessment	<ul style="list-style-type: none"> • As part of routine early warning and preparedness planning, identify “red flags” that may lead to conflict or other sources of displacement. • Alert necessary partners and authorities to promote prevention and ensure preparedness. 	<ul style="list-style-type: none"> • Conduct rapid assessment, inter-agency if possible, within 48-72 hours, focused on program areas and urgent child rights issues (i.e.: health, WES, protection, nutrition, education). • Ensure assessment collects information specific to displaced women and girls. • Assess challenges to service delivery to displaced persons (in the local environment and within UNICEF) and mechanisms for overcoming them. 	<ul style="list-style-type: none"> • Conduct expanded rapid assessment, inter-agency if possible, to feed into medium-term response. • Develop medium-term response (such as a 90-day plan). • Consider the needs of additionally-burdened host populations. • Stay in close contact with community leaders to assess costs and benefits of return, as well as future plans and needs. • Focus on what will ensure safe return and coordinate with other agencies and authorities to put those conditions in place. 	<ul style="list-style-type: none"> • Assess relevant indicators to determine whether safe RRR is possible. • Organize consultations with those living in or near areas vacated by IDPs to address issues of contention (particularly land and access to basic social services and employment).
Coordination	<ul style="list-style-type: none"> • Identify key agencies to be involved in a response by sector (Health and Nutrition, Education, WES, HIV/AIDS, Child Protection) and ensure establishment of coordination mechanisms. • Assess needs for supplies, transport, and other necessary logistics where possible. • Procure maps or satellite imagery necessary to trace group movements. • Consider whether “zones of peace” or “corridors of tranquility” would be useful, and work with partners to establish them. 	<ul style="list-style-type: none"> • With UN and relevant national agencies, ensure capacity to assume a coordinating role in the following areas: public health, nutrition, child protection, education, and WES. • Collaborate with partners to ensure that displacement-specific risks, based on assessment, are addressed. • Partner with community leaders and members and groups (particularly women), to ensure effective delivery of services. 	<ul style="list-style-type: none"> • Provide support required for coordination in sectors that particularly affect children. • Promote programming by all partners that targets the specific needs of children and women. 	<ul style="list-style-type: none"> • Coordinate with other agencies to assume responsibilities for basic services in resettlement areas. • Advocate to prevent children and women from “falling through the cracks” by targeting their specific needs in return and resettlement.

	Prevention of displacement	Acute displacement	Static/protracted displacement	Return/resettlement /reintegration
Monitoring, Reporting, Advocacy	<ul style="list-style-type: none"> • Employ global early warning and monitoring mechanisms to collect and share information on the situation of children. • Work with country team and relevant authorities to determine if displacement is avoidable or illegal. • Advocate widely against the prospect of displacement, and if it occurs, advocate to minimize its impact on children and women. • Establish monitoring systems for future programming and rapid needs assessments. 	<ul style="list-style-type: none"> • Collect regular information on the impact of displacement on children and women, and use this information to inform private and public advocacy. • Report and advocate against sexual violence by military forces, state actors, armed groups and others. • When appropriate, partner with media to raise awareness of the situation of displaced persons. • Establish networks with partners to monitor and report on the rights of displaced children and women. 	<ul style="list-style-type: none"> • Lobby national governments to meet their responsibility to provide protection and assistance for IDPs. • Continue regular monitoring, reporting, and advocacy on the rights of displaced persons, particularly in forgotten emergencies. 	<ul style="list-style-type: none"> • With partners, outline benchmarks to measure success in re-integration. • Monitor sources of discrimination and work with local authorities to promote equity in key areas such as housing, education, healthcare, and job access.
Programme Response	<p style="text-align: center;">See Core Commitments to Children in Emergencies</p> <p>In addition, pay specific attention to the following cross-cutting areas:</p> <ul style="list-style-type: none"> • With key partners (UNHCR, ICRC, WFP, national counterparts and NGOs), ensure the continuation and/or provision of basic information on displaced populations. This may include: birth registration, school enrolment, family records etc. This information will be essential for eventual reintegration in home areas as well as for validation of school attendance etc. Assistance may also be required for the transfer of such information at the return/resettlement stage. • Working with the country team, ensure the planning and availability of basic social services while populations are in transit, as possible, during initial displacement and for return/resettlement process. This may entail support to 'way-stations' or transit centers along the return route. • During resettlement process, anticipate added burden and social services infrastructure in resettlement areas (e.g. health care, education services, WES etc.). • Take precautions prior to and during return and resettlement to avoid separation of children and families. Have tracing activities ready in case of separation. 			

Annex III: Overview of IASC Members and Standing Invitees
(From *No Refuge: The Challenge of Internal Displacement*, OCHA, 2003)

Full Member	Mandate/ Authority relevant to internal displacement	<u>Internal displacement policy</u>	Main sectors/ activities
OCHA	Coordination of humanitarian assistance and protection efforts on behalf of internally displaced persons (Res. 46/182 of 1991, Report of the SG A/51/950 of 1997, UNGA/Res/56/164 of 2002).	To monitor, review and respond to situations of internal displacement, including through the Internal Displacement Division; to facilitate policy development for an effective and coordinated response, under the framework of the collaborative approach; to deploy field presence to support of coordination capacity, in particular of the ERC and of the RC/HC as IDP focal points; to advocate and promote resource mobilization on behalf of IDPs.	Coordination; information dissemination; advocacy; resource mobilization, policy development; studies/lessons learned exercises.
FAO	Special responsibility for protecting the right to food as a basic human right.	To provide agricultural inputs to increase the food security of persons displaced by conflict.	Facilitation of the rehabilitation of agricultural, livestock and fishery sectors through access to land, seeds and tools.
UNDP	Sustainable human development to break the cycle of crisis, poverty and risk that fuels instability (<i>The Role of UNDP in CPC Situations</i> (DP/2001/4)); government and community capacity building; ensuring a comprehensive UN response through the Resident Coordinator system.	To assist communities as a whole, provide reintegration support and facilitate sustainable recovery by identifying durable solutions for recovery and increasing absorptive capacity and self-reliance; to strengthen national capacity and ownership and facilitate civil society participation in launching a holistic response to IDP protection, assistance and recovery needs; to ensure synchronization of development with relief activities during transition.	Intermediate and long term assistance through community regeneration; (i.e.: livelihoods, mines and reconciliation); rehabilitation of social infrastructure; improving access to basic services; technical support, institution building, training and strategy; facilitation of joint programming and coordination.
UNFPA	To ensure the reproductive health of vulnerable populations, including displaced persons; to treat and protect against sexual and gender-based violence (ICPD, 1994; ICPD+5, 1999).	To ensure access to reproductive health information and services, including those for sexual and gender-based violence; to provide targeted prevention programs for HIV/AIDS including information dissemination and access to STI prevention and treatment.	Health education and service delivery, including provision of supplies, training and technical support; prevention of, treatment and counseling for sexual and gender-based violence; vocational training for war-affected women and youth.
UNHCR	Protection and assistance to internally displaced persons calling for UNHCR's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems" (UNHCR Statute paras 3 and 9; UNGA Resolutions 48/116 of 1993 and 49/169 of 1995, EXCOM Conclusions No. 75,1994 and No. 87 of 1999).	The scope of UNHCR's involvement in IDPs operations will depend on prevailing circumstances. Where UNHCR's involvement is based on a close link with a refugee or a durable solution situation, the IDPs may benefit from the same level of protection, assistance and services available to refugees and returnees. In other situations, UNHCR's role may be limited to protection and certain other specific functions within an overall framework for humanitarian assistance by the UN system.	Protection and humanitarian assistance including capacity building activities to promote participation by IDPs in the identification of needs and solutions, assisting integration and/or re-integration, creating conditions that are conducive to establishing national protection, monitoring return and resettlement.
UNICEF	Protection of and assistance to children and women (UNGA Res. 57, 1946 and UNGA Res. 417, 1950; Convention on the Rights of the Child, 1989; UNICEF Core Corporate Commitment in Emergencies (E/ICEF/2000/12); UNICEF Mission Statement (E/ICEF/1996/12/Rev.1)).	To ensure that children displaced under emergency conditions have the same rights to survival, protection and development as other children; to provide protection and assistance to internally displaced children and women.	Assessment; child protection (including psychosocial support, family tracing and reunification, disarmament, demobilization and reintegration, etc.); health (including immunization, maternal and child health care, HIV/AIDS prevention and support for those affected); education; provision of food and non-food items; water supply and sanitation; mine awareness; nutrition; advocacy.

WFP	Provision of food aid to the most vulnerable and food-insecure, including internally displaced persons (WFP Mission Statement, WFP Executive Board Information Document: “WFP – Reaching People in Situations of Displacement, 2000;” April 2001 Framework for Action).	To promote food security and immediate and longer-term re-establishment of coping mechanisms and livelihoods of internally displaced persons and others affected by internal displacement; to support inter-agency coordination mechanisms with the aim of enhancing assistance to and protection of internally displaced persons.	Food aid, logistics coordination and support; provision of common logistical services to operating partners. Food aid is provided based on need, taking into consideration the various stages of displacement. Vulnerability and food security monitoring
WHO	Lead agency to support health authorities and/or other humanitarian health actors in strengthening public health services and in improving health care to attain highest possible levels. (WHO Constitution, Chapter II, article 2, WHA46.6 of 1993, WHA 46,39 of 1993, WHA 47.28 of 1994 and WHA 48.2 of 1995)	To reduce avoidable loss of life, burden of disease and disability in emergencies and post-crisis transitions and to ensure access to basic, good quality, preventive and curative care with a focus on the especially vulnerable groups, including IDPs This is achieved by strengthening coordinated public health management for optimal immediate impact, collective learning and health sector accountability.	Producing reliable health information; Establishing priorities for immediate response; Provision of technical operational support for optimal interventions; Facilitation of coordination among different national and international bodies; Information dissemination and advocacy.

Standing Invitee	Mandate/ Authority relevant to internal displacement	<u>Internal displacement policy</u>	Main sectors/ activities
ICRC	Protection of and assistance to persons affected by armed conflict and internal violence, including internally displaced persons, based on International Humanitarian Law (1949 Geneva Conventions and 1977 Additional Protocols) and on the Statutes of the International Red Cross and Red Crescent Movement.	To prevent displacement; ensure protection of and assistance to internally displaced persons; promote return when appropriate and to negotiate access on the basis of the ICRC’s neutral and independent status and as part of a comprehensive policy based on vulnerability rather than on pre-defined categories.	Promotion of respect of IHL; protection through representations to parties to the conflict; facilitation of agreements for the establishment of safety zones; evacuation of civilians at risk; maintenance and restoration of family links; provision of material assistance and services.
IFRC	Prevention and alleviation of human suffering through facilitation and promotion of humanitarian activities (IFRC Constitution).	To provide protection and assistance to the most vulnerable without reference to status or cause.	Provision of material assistance & services (food, shelter, water/ sanitation, medical care and social welfare) through its National Societies; coordination at its Secretariat of National Society capacity to carry out effective programming.
IOM	Protection and assistance through provision of migration services and services facilitating reception and integration (IOM Constitution).	To provide migration services through evacuation, return and resettlement; to provide reintegration assistance when safe and voluntary return is feasible.	Transportation assistance, including data collection/ documentation; provision of basic needs (shelter, food and supplies); reintegration and vocational training; technical cooperation.
NGO- Consortia	Protection and assistance through a wide range of services. NGOs are represented on the IASC through three umbrella organizations (ICVA, InterAction, SCHR).	To provide assistance and/or protection according to the mandate and mission of individual NGOs.	All sectors/activities, with various NGOs specializing in particular sectors/activities.
RSG on Internally Displaced	Protection of and advocacy for the needs of internally displaced persons (CHR Rights Res. 1992/73; renewed most	To identify and promote enhanced measures to better address the protection, assistance, reintegration and development needs of internally displaced persons.	Promotion of the Guiding Principles and more effective national, regional and international response; dialogue with governments and relevant actors, including through

Persons (as of mid-2004, this function is called the Special Envoy of the SG for IDPs)	recently in CHR Res. 2001/53).		country visits; local capacity building and support for seminars with UN agencies, regional organizations and NGOs; research in thematic issues.
UN/ OHCHR	Promotion and protection of the effective enjoyment by all of all human rights (UNGA Res. 48/141 establishing the High Commissioner, 1993; UN international human rights norms).	To enhance promotion and protection of the rights of internally displaced persons worldwide; to examine specific thematic and country-specific human rights situations through the special mechanisms established by the Commission on Human Rights.	Technical cooperation and advisory services; fact-finding, monitoring, investigation and reporting on human rights violations.
World Bank	Elimination of the worst forms of poverty by improving living standards through sustainable development. Comprehensive approach to response in (post) conflict situations including assistance to vulnerable groups such as internally displaced persons (Development Cooperation and Conflict, OP 2.30, 2001).	To provide financial grants to assist in the reintegration of displaced populations in order to restore human and social capital, ease tension on disrupted economic infrastructures and consolidate peace.	Rehabilitation and reintegration projects (i.e.: self-reliance projects, demobilization and reintegration of ex-combatants); post-conflict reconstruction.