

Mandate of the Special Rapporteur on the human rights of internally displaced persons

Open letter from the Special Rapporteur on the Human Rights of Internally Displaced Persons on the inclusion of IDPs in the Global Compact on safe, regular and orderly migration, in line with the New York Declaration on Refugees and Migrants.

12 March 2018

Excellencies,

In his report outlining his vision for the Global Compact on Migration, the UN Secretary-General reminds us that migration **should never be an act of desperation**.¹ This important statement is reflected in the zero draft of the Global Compact, calling Member States to “mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their country of origin, and so compel them to seek a future elsewhere.” (*zero draft plus, para 11 and Objective 2*)

Every year, millions of persons are displaced internally due to a variety of factors such as conflicts, generalized violence, human rights violations, as well as natural and man-made disasters² and, too often, they join the most vulnerable members of their societies. Over 40 million people are currently internally displaced because of conflict and violence, many of them in protracted internal displacement situations, and an average of 25 million people are displaced each year as a result of disasters. Most IDPs seek refuge with host communities, which often puts additional economical strain on families counting on already scarce resources. While the vast majority of people displaced due to disasters stay within their country, those who cross borders often lack adequate protection and generally fall under the category of migrants.

Objective 2 of the zero draft of the Global Compact addresses the measures necessary to minimize the adverse drivers and structural factors that compel people to leave their countries of origin. The actions currently listed under this objective are in my view instrumental to prevent and address internal displacement, including: operationalizing the 2030 Agenda for Sustainable Development and the commitment to reach first those who are furthest behind; operationalizing the Sendai Framework for Disaster Risk Reduction 2015-2030; investing in programs such as poverty alleviation, disaster risk reduction, climate change adaptation and mitigation, conflict prevention and resolution, as well as maintaining peaceful and inclusive societies with effective, incorrupt and accountable institutions that provide access to justice and human rights protection for all; establishing or strengthening crisis centres to monitor and anticipate

¹ UN Secretary-General (12 December 2017), *Making Migration Work for All*. A/72/643

² Guiding Principles on Internal Displacement, 1998, Introduction.



the development of risks and threats that might trigger or affect internal movements; strengthen early warning systems and launch emergency operations and support post-crisis recovery, in close cooperation with other States, relevant national and local authorities, NHRIs and civil society; strengthen joint analysis and sharing of information, and collaboration between humanitarian and development actors, and integrate displacement considerations into disasters preparedness strategies.

Objective 2 however does not currently mention internal displacement specifically, and I urge Member States to remedy this omission.

The New York Declaration on Refugees and Migrants and the 2017 UN GA Third Committee Resolution on the Protection of and assistance to internally displaced persons acknowledge that IDPs may seek protection and assistance in other countries as refugees or migrants, when their needs are not met in their country of origin. For many IDPs, crossing the border, including for purposes of migration, remains an act of desperation.

I urge Member States to specifically **commit under Objective 2 to mitigate the drivers of internal displacement and ensure that IDPs have access to assistance, protection and durable solutions, to ensure that migration remains a choice.** IDPs should be supported to move early towards self-sufficiency in safety and in dignity, to alleviate their situation, but also to minimize the socio-economic impact on host communities, as well as on local and national Governments. I also urge Member States to pay due consideration to the specific needs of IDPs who may be particularly vulnerable, including women, children, older persons and persons with disabilities, and to collect comprehensive and disaggregated data to prevent and address displacement. Not fulfilling the human rights of IDPs can have great political, social and economic costs, and addressing the needs of IDPs can help countries to achieve their overall development goals.³ Moreover, I encourage States to ensure that internally displaced persons participate in decisions affecting their protection and durable solutions in order to provide them security and sustainability in finding solutions inside their own countries.

At a minimum, Objective 2 of the Global Compact should reflect language already agreed by all Member States, as stated in the New York Declaration or the IDP Resolution:

³ The 2030 Agenda recognizes IDPs as one of the vulnerable groups who should not be left behind, see Resolution 70/1; the UN GA 3rd Committee 2017 Resolution stresses that ""Recognizing that the 2030 Agenda for Sustainable Development seeks to address the needs of the most vulnerable, including internally displaced persons and that addressing the needs of internally displaced persons can help countries to achieve their overall development goals,"pp12, A/C.3/72/L.46/Rev.1.



New York Declaration Para 20

“We recognize the very large number of people who are displaced within national borders and the possibility that such persons might seek protection and assistance in other countries as refugees or migrants. We note the need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement.”

IDP Resolution PP6

“Recalling the very large number of people who are displaced within national borders and the potential for such persons to seek protection and assistance in other countries as refugees or migrants, and noting the need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons in this regard, including the need for comprehensive and disaggregated data and other measures aimed at preventing and reducing such displacement,”

This year 2018 marks the 20th anniversary of the Guiding Principles on Internal Displacement. In this spirit, my mandate looks forward to supporting Member States in negotiating and implementing a global compact on migration, in line with the promise of the New York Declaration to reflect on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement.

Please accept, Excellencies, the assurances of my highest consideration.

Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons