

# Forced Displacement: Background & Legal Frameworks

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# Refugees & IDPs: UN Figures

- 2006: 8.4 million refugees
- 2006: 6.6 internally displaced persons (IDPs)

# Iraq & Population Displacement

- 2 million have fled Iraq (UN)
- 1.7 million IDPs inside Iraq (UN)
- 400,000 people displaced during past year (IOM figures)
- Up to 1 million more may flee their homes this year (UN)

# Legal Framework for Protecting Displaced Persons

- Human rights law
- International humanitarian law
- Refugee law (but does not apply to internally displaced persons (IDPs))
- Other non-binding documents: UN Guiding Principles on Internal Displacement

## Applicable law by type of situations

<b>Types of situations</b>	<b>Relevant Bodies of Law</b>
Peacetime	Human Rights (HR) law
Tensions, civil disturbances, riots, demonstrations, or disasters	HR law is applicable; Rarely justifies derogation
Public emergency	Certain rights in HR law may be suspended - core body of rights can NEVER be suspended
Non-International armed conflicts (civil disturbances within a country; marked by prolonged use of force) either between the govt forces & organised armed groups or between two or more organised groups.	IHL applicable in non-international conflicts, no derogation allowed HR law also applicable but may be possible to suspend certain rights
International armed conflicts between two or more states, including wars of national liberation	IHL applicable in international armed conflicts no derogation allowed. HR law still applicable domestically but possible to suspend certain HR.

# UN Refugee Definition

“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.”

# IDP Definition

Two main components of the IDP definition:

- **involuntary movement**
- **within one's own country**

- ▮ IDPs outnumber refugees
- ▮ Displacement should be used as an indicator of potential vulnerability

# Refugees & IDP: Differences in Definition

- A refugee has crossed an **international border**
- The causes in the refugee definition do not include **natural disasters**
- The legal status of refugee is made according to an **internationally legally binding document**
- The status of refugees entitles the individual to **certain rights**

# Risk Factors for IDPs

- May be forced towards unhealthy or inhospitable environments
- Social organisation destroyed or damaged
- May experience profound psychological distress
- Removed from sources of income and livelihood
- Schooling disrupted
- May lack identity documents
- Lack of access for international organisations
- Protection & assistance needs have not been fully met

# UN Guiding Principles on Internal Displacement

- Not legally binding *but* have been incorporated into domestic law in many countries
- 30 Principles set forth the rights and guarantees relevant to the protection of internally displaced persons (IDPs) in all phases of displacement

# UN Guiding Principles on Internal Displacement

- Address protection against arbitrary displacement;
- Address protection and assistance during displacement; and
- Address protection and assistance during return or internal resettlement and reintegration.

# Questions to consider...

- Role of Parliamentary HR Committees in addressing forced displacement
- Role of national human rights commissions in addressing forced displacement
- Collaborative response of actors to forced displacement