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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 Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin

Addendum

Operational Guidelines on the protection of persons in situations of Natural Disasters*

Summary

The Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, (revised) were developed in response to a need for more practical guidance on the application and protection of the human rights of persons affected by situations of natural disaster. The Operational Guidelines aim primarily to support international and non- government humanitarian organisations in their efforts to ensure that disaster relief and recovery efforts are conducted within a framework that protects and furthers the human rights of affected persons. This includes ensuring that human rights principles are integrated into disaster response from the earliest stages, and that measures are taken to facilitate the consultation and participation of affected persons and communities in relevant processes and decisions. They may also be useful for governmental actors, in particular disaster management institutions, which are primarily responsible for providing protection and humanitarian assistance to affected persons.

The Operational Guidelines detail the key principles which should guide humanitarian action in the context of natural disasters, and complements them with a number of possible activities and concrete examples on how the principles can be implemented in practice. Activities in situations of natural disasters should aim, *inter alia*, at preventing or stopping harm, ensuring that affected persons have access to relevant goods, services and opportunities, ensuring that they can claim their rights and avoiding or combating discrimination.

* Circulated as received.

For ease of reference, the Operational Guidelines are divided into four sets of rights including: rights related to protection of life and physical security; rights related to the essentials of life such as food, shelter, education, and health; rights related to housing, land, property and livelihoods; and civil and political rights such as freedom of movement, and expression.

These Operational Guidelines merge and improve the original Guidelines developed in 2006 by the Representative of the Secretary-General on the Human Rights of Internally Displaced persons, and the accompanying Manual developed in 2008. These revised Guidelines also draw on input received from field operations of humanitarian agencies as well as the feedback gathered in a series of workshops conducted in various regions of the world, and which were attended by some 300 Government officials, humanitarian organizations and other actors. They were developed in the context of the mandate's mainstreaming activities, and have been endorsed by the Inter-Agency Standing Committee.

Annex

Operational Guidelines on the protection of persons in situations of Natural Disasters

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Part I

Introduction

A. How do natural disasters affect human rights?

1. Natural disasters¹ are traditionally seen as situations creating challenges mainly related to the provision of humanitarian assistance. Less attention has been devoted to the need for human rights protection in this particular context.

2. In particular, the tsunamis, hurricanes and earthquakes, which hit parts of Asia and the Americas in 2004 and 2005, as well as the Haiti earthquake of 2010, highlighted the fact that affected persons may face multiple human rights challenges in the aftermath of natural disasters, such as:

- Lack of safety and security (e.g. rampant crime, secondary impacts of natural disasters, etc.);
- Gender-based violence;
- Unequal access to assistance, basic goods and services and discrimination in aid provision;
- Abuse, neglect and exploitation of children;
- Family separation, particularly for children, older persons, persons with disabilities and other individuals who may rely on family support for their survival;
- Loss/destruction of personal documentation and difficulties to replace it, in particular due to inadequate birth registration mechanisms;
- Inadequate law enforcement mechanisms and restricted access to a fair and efficient justice system;
- Lack of ineffective feedback and complaint mechanisms;
- Unequal access to employment and livelihood opportunities;
- Forced relocation;
- Unsafe or involuntary return or resettlement of persons displaced by the disaster; or
- Lack of property restitution and access to land.

3. Experience has shown that, while patterns of discrimination and disregard for human rights may already emerge during the emergency phase of a disaster, the longer the effects of the disaster last, the greater the risk of human rights violations becomes. Experience has also shown that pre-existing vulnerabilities and patterns of discrimination usually become exacerbated in situations of natural disasters.

4. Particularly at risk are those among the affected populations who are forced to leave their homes or places of habitual residence because of the disaster and who, as a result, become internally displaced persons² and should be treated in accordance with the 1998 Guiding Principles on Internal Displacement.

¹ For this notion, see Appendix I, Glossary.

² For this notion, see Appendix I, Glossary.

5. Often, negative impacts on the human rights concerns after a natural disaster do not arise from purposeful policies but are the result of inadequate planning and disaster preparedness, inappropriate policies and measures to respond to the disasters, or simple neglect.

6. As stated by the Secretary General "(...) the risks and potential for disasters associated with natural hazards are largely shaped by the prevailing levels of vulnerability and the effectiveness of measures taken to prevent, mitigate and prepare for disasters."³

7. These challenges could be mitigated or avoided altogether if the relevant human rights guarantees were taken into account by national and international actors, in all phases of the disaster response: preparedness, relief and recovery.

B. Why does a human rights based approach help protect persons in situations of natural disasters?

8. A protection perspective can bring a strategic dimension to humanitarian assistance programmes, namely one of promoting and securing the fulfilment of human rights. Experience shows that assistance cannot simply be assumed to be a neutral activity affecting everyone equally and in a positive way. The manner in which assistance is delivered, used and appropriated, as well as the context in which it is taking place, has an important impact on whether the needs and human rights of affected persons are being respected or fulfilled. A human rights-based approach provides the framework, and necessary standards for humanitarian assistance activities. It grounds the basis for humanitarian action in universal principles, such as human dignity and non-discrimination, as well as a set of universally accepted human rights. Those affected by the disaster thus become individual rights holders who can claim rights from particular duty bearers rather than simply being passive beneficiaries and recipients of charity.

9. In addition, a human rights-based approach can enhance the protection value of assistance activities: If, e.g., authorities provide women and children with sufficient food and adequate housing in a secure environment without discrimination, these persons are less exposed to the risks of sexual exploitation, child labour and violence than they would be if they were excluded from such assistance.

10. If humanitarian assistance is not based on a human rights framework, it risks having too narrow a focus, and not all the basic needs of the victims will be integrated into a holistic planning and delivery process. Factors that are important to recovery later on may also be overlooked. Furthermore, people affected by natural disasters do not live in a legal vacuum. They belong to the population of countries that have ratified international and regional human rights instruments and enacted constitutions, laws, rules and institutions that should protect these rights. Therefore, States are directly responsible for respecting, protecting and fulfilling the human rights of their citizens and other persons under their jurisdiction.

11. Thus, human rights remain important as norms underpinning humanitarian work in natural disasters. Despite the existence of national disaster management laws in many countries and certain international provisions on specific aspects of disaster response,

³ Report of the Secretary General to the General Assembly "On international cooperation on humanitarian assistance in the field of natural disasters, from relief to development", A/60/227

human rights law provides an important and comprehensive international legal framework to guide humanitarian response activities.⁴

12. Most international – and many national – humanitarian organizations, while not directly bound by international human rights treaties, accept that human rights should underpin their actions. In the interest of the affected people, they should ensure that these rights are respected and protected – even beyond the strict wording of their mandates – and, at a minimum, refrain from promoting, actively participating in, or in any other manner endorsing policies or activities, which do or can lead to human rights violations by States.

13. The challenge often is how to apply human rights in an operational context, given the many potential humanitarian and human rights dilemmas arising in situations of natural disasters, among other challenges. At the operational level, a human rights framework helps to:

- *Identify relevant needs and interests of affected persons :*
Example: Human rights law provides for the freedom of movement and the right to choose one's place of residence, thus protecting internally displaced persons' choice to return to their homes or settle elsewhere in the country. Human rights law in contrast does not provide for a right to credit, thus leaving it to a large extent to the discretion of agencies and authorities whether or not to set up a micro-credit program for affected persons.
- *Identify rights holders and duty bearers:*
Examples: (1) According to the Convention on the Rights of the Child, children are entitled to have their best interests given paramount consideration and are therefore right-holders. (2) According to many human rights conventions, the State as the main duty bearer has a duty to provide police protection in camps and collective centres.
- *Identify the limitations of what people can demand:*
Example: As the freedom of movement is not an absolute right, forced evacuations or relocations are permissible in certain exceptional cases (see below guidelines A.1.4 and D.2.4).
- *Ensure that humanitarian action meets human rights standards:*
Example: The human rights standard that food, shelter or health services must be accessible for persons with special needs requires for example to organize humanitarian action in a way addressing the specific access problems of female headed households, older people, persons with disabilities or others with particular vulnerabilities.

C. What is protection?

A definition

14. According to the Inter-Agency Standing Committee (IASC) protection is defined as:

"...all activities aimed at obtaining full respect for the rights of the individual in

⁴ In the context of natural disasters, international humanitarian law as a branch of law applicable in situations of armed conflicts is not applicable in natural disaster settings unless in an armed conflict civilians under the control of a party to the conflict are affected. This exceptional situation is not addressed in these Operational Guidelines.

accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law)”⁵

15. Such activities can be *responsive*, i.e. aiming to prevent imminent or stop on-going violations, *remedial*, i.e. aiming to provide redress (e.g. access to justice, reparation or rehabilitation) for past violations, or *environment-building*, i.e. aiming at creating the necessary legal and institutional framework, capacity and awareness that is necessary to promote respect for human rights and prevent future violations.⁶

Protection actors and their obligations

16. This definition of protection has to be seen in the context of fourfold obligations that international human rights law imposes on States to *respect* human rights, i.e. to refrain from actively violating them; to *protect* such rights, i.e. to intervene and take protective action on behalf of the victim against threats by others or stemming from a situation; to *fulfil* them, i.e. to provide goods and services necessary to allow people to fully enjoy their rights; and to discharge these obligations *without discrimination*.

17. In a temporal perspective, these duties mean that States have, in particular: (a) to *prevent violations* of human rights from occurring or from re-occurring; (b) to *stop them* while they are happening by making sure that State organs and authorities respect the rights concerned and protect victims against threats by third parties or stemming from situations including natural disasters; and (c) to *ensure reparation and full rehabilitation* once a violation has happened.

18. Where the capacity and/or willingness of the authorities to fulfil their responsibilities is/are insufficient, the international community plays an important role in supporting and complementing the efforts of the State. The scope and complexity of many natural disasters call for the active involvement of organizations both within and outside the UN system which possess special expertise and resources.

19. Humanitarian and development actors are committed to respect human rights guarantees, in particular civil and political rights, a commitment embodied in the principle of “do no harm”⁷. They also play an important role in fulfilling especially economic, social and cultural rights by providing humanitarian assistance including food, water and sanitation, shelter, health services and education. However, distributing humanitarian goods and providing humanitarian services, while greatly contributing to the enjoyment of human rights by affected persons, are not as such protection activities. They become so insofar as they specifically aim at preventing future, stopping on-going and redressing past violations of such rights.

20. Thus, the concept of protection in the context of humanitarian action can be understood as the role humanitarian and (in the context of recovery) development actors play with regard to ensuring that the rights of affected persons under international human rights law are respected, protected and fulfilled without discrimination.

Protection in practice

21. Protection is about securing human rights. To make this abstract notion more tangible, it is useful to draw from the experience that key protection challenges typically

⁵ IASC IDP Protection Policy 1999. The definition was originally adopted by a 1999 Workshop of the International Committee of the Red Cross (ICRC) on Protection.

⁶ IASC IDP Protection Policy 1999; Global Protection Cluster Working Group, Handbook for the Protection of Internally Displaced Persons, March 2010, p. 7.

⁷ For this notion see Appendix I, Glossary.

consist of situations where people are harmed or neglected, where access to available humanitarian goods and services is curtailed, where people whose rights are disregarded or have been violated do not have the possibility or are impeded from asserting these rights, and where they face discrimination. For practical purposes, protection activities can be classified in the following way:

- **Harm:** Activities addressing (past, present or future) harm inflicted on or caused by neglect of people in contravention of human rights guarantees.
- **Lack of access:** Activities aimed at ensuring that people in need have access to goods and services protected by human rights such as adequate food, water and sanitation, shelter, health services, education, etc., and that obstacles impeding or hindering access are removed.
- **Incapacity and obstacles to claim one's rights:** Activities aimed at ensuring that people can exercise their rights themselves and assert them in case of violations, as well as activities strengthening their capacities in this respect, in particular in cases of:
 - Lack of information, consultation and participation regarding decisions affecting the persons concerned and their rights;
 - Lack of documentation;
 - Lack of effective remedies against violations, including access to courts and reparation for violations of their rights; and
 - Lack of accountability for violations.
- **Discrimination:** Activities aimed at ensuring that people are not singled out for harm, denied access, unable to assert their rights, or otherwise disadvantaged on the basis of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth, age or other status, i.e. discriminated against.

22. What exactly such protection activities are comprised of depends to a large degree on the actual circumstances and the opportunities as well as the constraints. However, protection tools typically comprise the following:

- **Monitoring** of situations and identification of relevant protection issues; prioritization of protection activities on the basis of needs;
- **Advocacy** with relevant stakeholders (confidentially or publicly);
- **Capacity building** of relevant stakeholders as well as affected persons and communities;
- **Direct protection delivery** for affected persons, e.g. transportation of persons who want to evacuate from disaster-affected areas; lighting of water points and sanitation areas in camps and collective centres to prevent or reduce instances of gender-based violence; provision of legal aid to victims of human rights violations.

D. What are the purpose and scope of these Operational Guidelines?

Audience and purpose

23. These Operational Guidelines primarily aim to help international and non-governmental humanitarian organizations, members of the Inter-Agency Standing Committee, to ensure that disaster relief and recovery efforts are conducted within a

framework that protects and furthers human rights of affected persons. Specifically, they aim to:

- Ensure that human rights principles and protection standards – including the fundamental principle of non-discrimination – are integrated into all disaster response and recovery efforts from the earliest stage possible;
- Identify relevant measures to ensure that affected persons and their communities are fully consulted and can actively participate, to the extent possible, in all stages of the disaster response in accordance with their human rights;
- Complement (but not replace) existing guidelines on humanitarian standards in situations of natural disasters;
- Provide a basis for humanitarian actors when entering into dialogue with governments about their obligations towards affected people under human rights law.

24. The Operational Guidelines may also be useful for those governmental actors, in particular disaster management institutions, who are primarily responsible for providing protection and humanitarian assistance to affected persons. Furthermore, they may also inform national laws and policies.

25. These Operation Guidelines may also be useful for civil society in countries affected by natural disasters.

Scope

26. The Operational Guidelines cover response and recovery in situations of natural disasters. While they do not deal with preparedness and risk reduction as such, references to possible measures for preparedness are included where appropriate. Furthermore, these Guidelines can be used for inserting protection issues in disaster preparedness policies and strategies, namely at national and regional levels, through promotion of training activities and capacity building of entities involved in the disaster management as well as human rights activities; improvement of legal and institutional frameworks; and contingency plans.

27. The Operational Guidelines spell out key principles which should guide humanitarian action in situations of natural disasters and are accompanied by possible activities, which are concrete and real-life examples of how the key principles could be implemented in a given context. Indicated activities are illustrative, *not exhaustive* and therefore do not replace more detailed guidance as referenced in Appendix III. Activities included in these Guidelines aim at:

- Preventing or stopping *harm*; or
- Ensuring that affected persons have *access* to relevant goods, services and opportunities; or
- Ensuring that affected persons can *claim their rights*; or
- Avoiding or combating *discrimination*.

28. The Operational Guidelines are informed by and draw on relevant international human rights law, existing standards and policies pertaining to humanitarian action, and human rights guidelines on humanitarian standards in situations of natural disaster.⁸

⁸ The Guidelines are based on the full spectrum of the universal human rights instruments, as far as appropriate, as well as on relevant regional human rights conventions and other standards, such as the Guiding Principles on Internal Displacement, the Sphere Project's Humanitarian Charter and

However, the Operational Guidelines do not list the rights of persons as enshrined in international law. Rather, they focus on what operational standards humanitarian actors may be guided by in order to implement a rights-based approach to humanitarian action in the context of natural disasters.⁹ While these Guidelines have been drafted with the consequences of quick-onset natural disasters in mind, most of them are also relevant in preparation for or after other kinds of disasters, such as slow-onset disasters.

Structure

29. The Guidelines first set out some general principles. For practical reasons, the presentation of key principles relevant for the protection of the human rights of affected persons is divided into four chapters, namely:

- Protection of rights related to *protection of life; security and physical integrity; and the protection of family ties in the context of evacuations*. These guarantees are civil and political rights¹⁰ particularly relevant already during and immediately after the disaster occurs. Some of them, in particular the right to security and physical integrity remain important throughout the disaster response, e.g. in the context of gender-based violence.
- Protection of rights related to the provision of *food; health; shelter; and education*. These social rights¹¹ help to ensure that survivors of the disaster receive life-saving humanitarian assistance, particularly during the emergency phase and, to the extent necessary, also at later stages.
- Protection of rights related to *housing, land and property; and livelihoods*. These are economic, social and cultural rights that start becoming particularly relevant once the emergency phase is over and recovery efforts commence.
- Protection of rights related to documentation, free movement in the context of durable solutions for internally displaced persons; re-establishment of family ties, expression and opinion; and elections. These are civil and political rights that may become more important the longer the recovery phase lasts.

30. Thus, users may limit themselves to consult categories A and B during the immediate emergency phase and turn to C and D at a later stage. However, only the full respect of all rights mentioned in these chapters can ensure adequate protection of the human rights of those affected by natural disasters. All human rights are universal, indivisible and interdependent and interrelated.¹² The structure of these Guidelines thus does not suggest any hierarchy among relevant rights but rather helps to quickly identify those rights that are primarily relevant during a given phase of a disaster.

Minimum Standards in Disaster Response (the Sphere Handbook), and the IFRC Code of Conduct. The Operational Guidelines should be seen as complementing these standards and policies and interpreted so as to be consistent with them.

⁹ Currently the UN's International Law Commission is in the process of preparing standards addressing additional State responsibilities in the context of natural disaster relief, which run parallel to the immediate need of the humanitarian agencies for guidance.

¹⁰ At the international level, these rights are primarily enshrined in the 1966 International Covenant on Political and Civil Rights.

¹¹ They are primarily enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights.

¹² World Conference on Human Rights in Vienna, Vienna Declaration and Programme of Action UN Doc A/CONF.157/23, 12 July 1993.

Part II

Operational Guidelines on the protection of persons in situations of Natural Disasters¹³

I. General principles

A. General guarantees for persons affected by natural disasters

I.1. Persons affected by natural disasters (affected persons) should be recognized and treated as persons entitled to enjoy the same rights and freedoms under international human rights law as others in their country and to not be discriminated against on the basis of their race, colour, sex, disability, language, religion, political and other opinion, national or social origin, property, birth, age or other status. Targeted measures to address specific assistance and protection needs of women and children and particular categories of affected populations, including but not limited to older persons, persons with disabilities, persons living with HIV/AIDS, single heads of households and child-headed households, internally displaced persons or members of ethnic or religious communities and indigenous peoples, do not constitute discrimination if, and to the extent that, they are based on differing needs.

I.2. Persons affected by a natural disaster or facing an imminent risk of being affected should be provided with easily accessible information in a language they understand concerning:

- *The nature and level of disaster they are facing;*
- *The possible disaster risk and vulnerability reduction measures that can be taken;*
- *Ongoing or planned humanitarian assistance, recovery efforts and their respective entitlements;*
- *Their rights under international and domestic law.*

I.3. Affected persons should be informed and consulted on measures taken on their behalf and given the opportunity to take charge of their own affairs to the maximum extent and as early as possible. They should be able to participate in the planning and implementation of the various stages of the disaster response. Targeted measures should be taken to include those who are traditionally marginalized from participation in decision-making.

I.4. Affected persons should be entitled to and supported in claiming and exercising their rights and provided with effective remedies, including unimpeded access to the justice system, in case of violations.

I.5. In all decisions and actions concerning children, the best interest of the child should be a primary consideration.

I.6. Persons who have been ordered or forced to flee or to leave their homes or places of habitual residence or who have been evacuated as a result of a natural disaster or its effects, or were obliged or forced to leave in order to avoid them, and have not crossed an internationally recognized State border are internally displaced persons in accordance

¹³ Revised version 2010.

with the 1998 Guiding Principles on Internal Displacement and should be treated accordingly.

I.7. The human rights of the affected persons and the impact of humanitarian activities on these rights should be regularly monitored. To this effect existing monitoring mechanisms should be strengthened or new mechanisms established. Monitors should be given access to areas where humanitarian operations take place as well as to all affected persons.

I.8. Protection activities should be undertaken and prioritized on the basis of identified needs of affected persons. Such needs should be identified and assessed on the basis of non-discriminatory and objective criteria, and in consultation with the affected population. Collected data should be disaggregated by age and gender.

I.9. Protection activities should be carried out in a manner that respects the cultural sensitivities prevailing in areas affected by the disaster, providing that they do not contravene existing international human rights standards.

B. Role of States and other actors contributing to the humanitarian response

II.1. States have the primary duty and responsibility to provide assistance and protection to persons affected by natural disasters. In doing so, they are obliged to respect the human rights of affected persons and to protect them from violations of their rights by private actors (e.g. individuals and groups committing crimes) as well as from dangers arising from the disaster (e.g. secondary impacts of natural disasters).

II.2. International humanitarian organizations and agencies and non-governmental organizations contributing to the humanitarian response:

- Offer their services in support of persons affected by natural disasters and in need of protection and humanitarian assistance when and to the extent that the authorities concerned are unable or unwilling to provide the required humanitarian assistance.
- Accept that human rights underpin humanitarian action. In situations of natural disasters they should therefore respect the human rights of persons affected by disasters at all times and advocate for their promotion and protection to the fullest extent. Such organizations should not promote, actively participate in, or in any other manner endorse policies or activities leading or likely to lead to human rights violations or abuses.
- Are guided by these Operational Guidelines in their activities, in particular when monitoring and assessing the situation and needs of affected persons, when planning, programming and implementing their own activities as well as when entering into a dialogue with governmental authorities on the State's duties and responsibilities vis-à-vis affected persons under international law, and supporting their activities.
- Carry out their activities in accordance with the principles of humanity, independence, impartiality and neutrality.
- Remain accountable to all relevant stakeholders, including to the affected persons.

II.3. All relevant humanitarian actors should ensure coordination of their protection activities among themselves and with national and local authorities while respecting and taking into account respective mandates.

II.4. Humanitarian assistance should not be used for purposes other than humanitarian, e.g. to achieve political goals or to divert goods to persons not in need of them.

II. Groups

Group A.

Protection of life, security and physical integrity of the person and family ties

A.1 Life saving measures, in particular evacuations

A.1.1. The life, physical integrity and health of persons exposed to imminent risks created by natural disasters, including in particular of persons with specific needs, should be protected, to the maximum extent possible, wherever those persons may be located.

Amongst others, the following activities can be considered:

- Informing affected persons, in a language they understand, about expected risks, proposed precautions and facilities such as safe escape routes and emergency shelters in their neighbourhood;
- Activating alert systems and preventive protection measures in particular for persons with special needs.

Preparedness measures:

- Community-/village-based disaster risk management planning; community awareness raising programs on the nature of the risks and how to protect themselves.
- Integration of disaster awareness into educational curricula.
- First aid trainings for all humanitarian responders.
- Implementation of disaster preparedness and mitigation measures, e.g. river-bed maintenance in flood-prone areas; participatory community vulnerability assessments.
- Supply of protective measures for the communities and households, such as maps with evacuation routes or whistles to alert others of upcoming dangers.

A.1.2. If such measures are not sufficient to protect them, the departure of endangered persons from the danger zone should be facilitated.

Amongst others the following activities can be considered:

- Making arrangements for protective shelters and urging people to go to them;
- Providing information about evacuation routes in a language people can understand and in a manner that is accessible to them;
- Providing assistance for persons with special needs enabling them to leave.

Preparedness measures:

- Creation of disaster management committees at the local level.
- Installation of signposts and information panels indicating evacuation routes location of protective shelters in areas at a particularly high risk of disasters such as tsunamis or sudden floods.

- Community evacuation exercises/training before the disaster strikes.

A.1.3. To the extent that endangered persons cannot leave on their own they should be evacuated from the danger zone.

Amongst others the following activities can be considered:

- Ensuring that information about evacuation measures and assembly sites are publicly announced in all areas at risk;
- Identifying persons with special needs and mobility challenges, including persons with disabilities, older persons, persons in hospitals and homes, or prisoners, and providing transportation for them;
- Providing transportation for affected populations in general;
- Providing protection for homes and possessions left behind by evacuees.

Preparedness measures:

- Participation of the population in the identification of suitable alternatives, evacuation routes and of measures to be taken to safeguard their homes and assets left behind.
- Establishment of up-to-date photographic records of property and belongings.

A.1.4. Persons unwilling to leave should not be evacuated against their will unless such forced evacuation is:

- Provided for by law;
- Absolutely necessary under the circumstances to respond to a serious and imminent threat to their life or health, and less intrusive measures would be insufficient to avert that threat;
- To the extent possible, carried out after the persons concerned have been informed and consulted.

Amongst others, the following activities can be considered:

- Informing and consulting populations at risk on where they are being evacuated to and for how long.
- Consulting populations at risk on the reasons why people do not want to be evacuated.

Preparedness measures:

- Adoption of legislation allowing for and circumscribing the conditions for evacuations.
- Technical assessments of the degree of risk and the possibility of less intrusive measures in disaster prone areas.
- Public awareness-raising of circumstances that may require forced evacuation.
- Information/consultation on how and when forced evacuations will be implemented.
- Consultation with the potentially affected persons on possible obstacles to voluntary evacuation; and inclusion of identified needs in the contingency planning.

A.1.5. Evacuations, whether voluntary or forced, should be carried out in a manner that fully respects the rights to life, dignity, liberty and security of those affected and that does not discriminate against anyone. To the extent possible, the people concerned should be

informed, in a manner that is accessible to them and in a language they can understand, of the likely duration and process of the evacuation as well as the reasons why it is necessary.

Amongst others the following activities can be considered:

- Registering evacuated persons and their belongings and monitoring of their evacuation.
- Giving priority to persons with specific needs in situations where transportation means are limited.

A.1.6. Persons who leave or are evacuated should be supported to stay as close to their places of habitual residence as the security/safety situation allows.

Amongst others the following activities can be considered:

- Identifying and prioritizing suitable nearby evacuation sites.
- Actively searching for host families in the vicinity.

Preparedness measures:

- Preparation for the reception of evacuated persons and their protection according to the Guiding Principles on Internal Displacement.
- Identification of host families as well as preparation of possible remuneration schemes for hosting.

A.1.7. The designated evacuation centres or temporary shelter zones, which affected persons are brought to or received in, should be safe and not expose them to further risk.¹⁴ They should provide living conditions that respect the dignity of the persons concerned.

Amongst others the following activities can be considered:

- Conducting assessments of the safety of such sites to ensure that minimum physical safety requirements are fulfilled and, to the extent possible, taking measures to mitigate identified risks.
- Where identified risks cannot be sufficiently mitigated, organizing immediate relocation to safer sites.
- Establishment of suitable forms of self-governance and structures of participation among the displaced persons hosted in the evacuation centre, including persons with specific needs.
- Set up mechanisms to inform in a timely manner all persons hosted in the evacuation centre about the situation and future prospects.
- Conducting awareness rising and training activities on protection of displaced persons hosted in the evacuation centre, and using these opportunities to collect information on potential protection issues.

Preparedness measures:

- Selection criteria for evacuation centres (geographic location; building type and condition; capacity and size of the building; occupancy period; accessibility, communication, sanitation and cooking facilities, backup utilities, etc.)

¹⁴ See, in particular, below A.3 and A.4.

- Determining roles and responsibilities for supervision, coordination and management at evacuation sites.
- Prepositioning of kits for persons with specific needs (recreational kits for children, etc.) or kits specifically designed for evacuation centres.
- Ensuring that persons working with displaced persons hosted in evacuation centres or temporary shelters are trained on and sign codes of conduct.

A.I.8. International and non-governmental organizations providing protection and assistance should not carry out or participate in forced evacuations, unless an imminent and serious threat to the lives, physical integrity or health of the evacuees cannot be averted without the involvement of the organizations concerned.

A.2. Protection against separation of families¹⁵

A.2.1. During an evacuation family separation should be minimized. To the extent possible, priority should be given to evacuating children together with a parent/grandparent or guardian. Evacuation of children as a group without their parents should be done as a last resort.

Amongst others the following activities can be considered:

- Using identification tags or bracelets for children.
- Registering evacuated children and their parents.
- Registering locations evacuated children are brought to and informing parents about such locations.

Preparedness measures:

- Identification of single children / of households that are too numerous to be evacuated together.
- Distribution of identification material prior to evacuation.
- Involvement of parents and schools in identifying evacuation locations for children.

A.2.2. Children who are separated or unaccompanied during an evacuation should be placed in temporary interim care. Institutional or long-term adoption arrangements should be avoided as long as the situation remains unsettled.

Amongst others the following activities can be considered:

- Identifying suitable foster homes/parents for temporary interim care and monitoring them.
- Suspension of adoption proceedings to adoptive parents abroad that have not been finalized before the disaster occurred.

A.3. Protection against the secondary impacts¹⁶ of natural disasters

A.3.1. Persons affected by natural disasters should be protected against the dangers of potential secondary impacts of natural disasters.

¹⁵ See also D.3 Re-establishing family ties.

¹⁶ For this notion, see Appendix I, Glossary.

Amongst others the following activities can be considered¹⁷:

- Informing affected persons about potential secondary impacts.
- Conducting risk assessment of sites where affected people continue to stay.
- Conducting risk assessment of sites where affected persons have fled to or were brought to and, where necessary, introducing technical adaptation or correction measures, for instance to prevent flooding, sanitation overflow, etc. at such sites; or if not possible or sufficient, organizing relocation to other, safer sites.

Preparedness measures:

- Mapping and updating of risks.
- Pre-identification of safe sites.

A.3.2. Persons affected by natural disasters should be protected against the dangers of chemicals, toxic waste, anti-personnel landmines and unexploded ordinances, and other dangerous materials that may have been dislodged, concealed or obscured in the course of the natural disaster.

Amongst others the following activities can be considered:

- Fencing off and marking relevant areas.
- Alerting specialized organizations to take appropriate measures.
- Conducting information and awareness campaigns.

Preparedness measures:

- Mapping and removal of chemicals, toxic waste, landmines, unexploded ordinances, and other dangerous materials is given priority in areas that are at risk of disasters.

A.4. Protection against violence, including gender-based violence

A.4.1. During and after the emergency phase, the security of persons affected by the natural disaster should be ensured.

Amongst others the following activities can be considered:

- Preventive measures:
 - Identifying and mapping potential sources of violence outside and within the affected population.
 - Identifying and mapping persons particularly exposed to the risk of violence, for instance single women or girls, single parent households, single or non-accompanied children, older persons, persons with disabilities, etc.
 - Advocating for additional deployment of law enforcement personnel able to provide the necessary protection to areas or sites at risk of or experiencing instances of gender-based violence, robberies, looting, etc. or a general break-down of law and order.
 - Conducting awareness raising among persons who are exposed to new specific protection needs as a consequence of the disaster about these new risks, e.g. exploitation, trafficking, etc.

¹⁷ For other measures, see also A.1.7.

- Avoiding large or overcrowded collective shelters.
- Including representatives of affected populations, including women, children, older persons and persons with disabilities in the design of camps and collective centres, in particular regarding:
 - Design, location and lay-out of shelter;
 - Lighting, fencing and other security measures;
 - Safe location of and access to food distribution and water points, sanitation facilities, fuel sources, health, education and other community facilities.
- Protection against hostility of host communities: For such measures, see A.5.
- Protection against violence within the affected population in camps and collective centres:
 - Separating men who are not family members from women and children where appropriate.
 - Setting up, in collaboration with local law enforcement officials, the judiciary and, where relevant, shelter management committees, of child and women-friendly procedures to enable victims and their families to report incidents of domestic violence and to address such incidents;
 - Using community mobilizers to organize the sheltered persons as a community, including e.g. community policing within the shelter.
 - Establishing, in close cooperation with the shelter residents, in particular the women, a guard and/or buddy system among the shelter population.
- Establishment of monitoring, reporting and referral mechanisms:
 - Establishing a system of shelter ombudspersons or other complaints and monitoring systems.
 - Establishing complaint mechanisms in camps and collective centres to ensure that all agencies and service providers are accountable towards evacuees/displaced persons.
 - Establishing referral mechanisms to refer victims of human rights violations or abuses in a timely manner to the required services.
 - Ensuring regular visits by national human rights mechanisms to areas of displacement and camps or collective centres.
- Protection of affected population from organized crime: For such measures, see A.4.3.
- Protection of affected populations at sites where humanitarian assistance is being distributed:
 - As far as possible, providing prior information to the beneficiaries as to when and where assistance will be distributed.
 - Organizing separate distributions to women, children, older persons and persons with disabilities at different times or places than other beneficiaries.
 - Where humanitarian assistance is provided by armed forces or groups, ensuring that civilian authorities or humanitarian organizations supervise the provision of such relief.

Preparedness measures:

- Preparation of awareness-raising material targeted towards young women and men, girls and boys.
- Training of law enforcement personnel to work in emergency situations.
- Mapping of potential sources of security concerns.
- Inclusion of safeguards for women's and girls' physical and personal security by including them in the pre-identification and planning of shelters.

A.4.2. Affected persons, in particular women and girls, should be protected against gender-based violence and survivors of such violence should be provided with appropriate support.

Amongst others the following activities can be considered:

- Mobilizing community-based action to protect women and children from gender-based violence.
- Education campaigns on the risk of gender-based violence, as well as on the criminal sanctions for such violence.
- Distribution of cell-phones with hotline numbers.
- Establishment of safe places for women and children.
- Enrolment of children in formal or informal educational activities or provision of other child-friendly spaces at the earliest moment possible.
- Identifying strategies to meet women's needs for non-food items and planning safe ways of distribution.
- Ensuring access to gender-sensitive and confidential services (including health, security, legal/justice and psychosocial support), and referral mechanisms as well as adequate material support for survivors of gender-based violence. This may entail building capacity among service providers and material and technical support to health and other systems.
- Capacity building for law enforcement agencies on how to investigate and respond to incidents of gender-based violence; inclusion of a sufficient number of trained female security staff, either through fast-track recruitment or use of the women from among affected communities.
- Setting up, in collaboration with local law enforcement officials, the judiciary and shelter management committees, of child and women-friendly procedures that enable survivors and their families to report incidents of gender-based violence.
- As soon as possible thorough investigations and prosecution of perpetrators of gender-based violence; as well as effective witness protection.
- Systematic monitoring of reported incidents of gender-based violence and emerging trends.
- Education campaigns on the risk of gender-based violence, and, as well as on the penalties they entail.
- Deployment of community mobilizers.

A.4.3. Affected persons should be protected against trafficking, child labour, contemporary forms of slavery such as sale into marriage, forced prostitution, and sexual exploitation, and similar forms of exploitation.

Amongst others the following activities can be considered:

- Conducting awareness-raising campaigns targeted towards affected population on the risks of trafficking, exploitation, etc.
- Enrolment of children in formal or informal educational activities or provision of other child-friendly spaces at the earliest moment possible.
- Building the capacity of law enforcement agencies on how to investigate and respond to incidences of trafficking, child labour, and similar forms of exploitation; including a sufficient number of trained female staff, either through fast-track recruitment or involvement of the women from among affected communities.
- Including sufficient and trained female staff into law enforcement activities, either through fast-track recruitment or involvement of the women in the shelters.
- Setting up, in collaboration with local law enforcement officials, the judiciary and shelter management committees, of child and women-friendly procedures to enable victims and their families to report incidents of trafficking, child labour, and similar forms of exploitation.
- Conducting, as soon as possible, thorough investigations and prosecution of perpetrators of trafficking, child labour, recruitment of children, and similar forms of exploitation; as well as effective victim and witness protection.

A.4.4. Access to the affected areas and populations should be facilitated for other mechanisms, such as National Human Rights Institutions, Ombudspersons or local bar associations, in order to address instances of violence and other violations of human rights.

Amongst others the following activities can be considered:

- Advocating and raising-awareness with these institutions to take up cases of affected persons.
- Providing logistical and staff support to such institutions.

Preparedness measures:

- Inclusion for an extension of the monitoring mechanisms' operating budget within the budgetary provisions for humanitarian response;
- Training of members of monitoring mechanisms on the specificities of the protection risks in disaster response.

A.4.5. If the natural disaster occurs in a region of armed conflict, appropriate preventive measures should immediately be taken or already existing measures reinforced to protect children affected by the natural disaster against recruitment and use by armed forces or armed groups, including by local defense forces, in line with international standards and procedures (see Appendix III).

Amongst others the following activities can be considered:

- Organizing awareness-raising campaigns on the risks of child recruitment by armed forces and armed groups and their use in armed conflict, as well as on the fact that recruiting or using them to participate actively in hostilities may amount to war crimes.
- Mobilizing community-based action to protect children from such recruitment and use.

- Ensuring access to appropriate services for children associated with armed forces and armed groups as required, including medical and psychosocial support, interim care and family reunification.
- Facilitating access to educational and livelihood opportunities for children at risk of recruitment and use as both a preventive and protective measure.
- In the displacement context, assuring that the humanitarian and civilian character of camps and collective shelters is respected (see A.5.3 and B.2.3).
- Establishing links with law enforcement and military bodies operating in the disaster-affected areas, with appropriate referral mechanisms, and conduct capacity building as required.
- Ensuring children who flee from the disaster affected country to another country to escape recruitment or use by armed forces or groups can effectively exercise their right to seek asylum. Confirm that the refugee determination takes into account the particular forms of persecution experienced by boys and girls, including recruitment or deployment in armed conflict.
- Systematic monitoring of the occurrence and trends of recruitment and use of children by armed forces and armed groups.

A.5. Security in host families and communities, or in collective shelters:

A.5.1. Appropriate monitoring and ombuds-mechanisms should be put into place when internally displaced persons live with host families.

In addition to the above, the following activities can be considered:

- Establishing hotlines or neighbourhood watch systems.
- Setting up of community/women centres with counselling and legal advice services.
- Conducting regular visits by social workers, NGO staff and staff of National Human Rights Institutions in areas with a significant number of internally displaced persons.
- Ensuring that the monitoring and ombuds-mechanisms are child- and women-friendly, as well as accessible to persons with disabilities.

Preparedness measures:

- Monitoring and ombuds-mechanisms are included in the disaster preparedness and contingency plans to be able to operate in a disaster area.
- Members of monitoring and ombud-mechanisms are trained to identify the specific risks that disaster situations create or exacerbate.

A.5.2. Camps and collective centres for persons displaced by the disaster should, to the extent possible, be located and designed so as to maximize the security and protection of internally displaced persons, including women, older persons and others whose physical security is most at risk, and to minimize their impact on host communities.

In addition to the above, the following activities can be considered:

- Locating washing and communal sanitary facilities, water points, food distribution points, fuel sources, health and education facilities close to living and sleeping quarters; if this is not possible, providing secure access to them, especially at night, including through presence of guards and adequate lighting for all walkways.
- Designing shelters and living/sleeping quarters in a way that allows for a maximum degree of privacy and protection against unwanted visitors and intruders.

- Monitoring security through law enforcement personnel and through camp/shelter committees drawn from among the displaced communities that are representative of the gender and age composition of the population (see also A.4.1 above).

A.5.3. Once the immediate emergency phase is over, camps or collective centres set up by armed forces or groups should be managed by civilian authorities or organizations. The role of police and security forces should be limited to providing security.

A.6. Dealing with mortal remains

A.6.1. The mortal remains of those deceased should be collected and identified, to prevent their despoliation or mutilation, and to facilitate the return of the remains to the next of kin.

A.6.2. If remains cannot be returned – for example, when the next of kin cannot be identified or contacted – they should be disposed of in a manner which will facilitate their future recovery and identification. Cremation of unidentified bodies should be avoided. Instead, they should be stored or buried temporarily, pending future identification and return to families.

A.6.3. Local religious and cultural practices and beliefs on the disposal of bodies should be taken into account from the outset. Such disposals should be conducted in a manner that respects the dignity and privacy of the dead and of their family members. Measures should be taken to protect funerary sites and monuments from desecration or disturbance.

A.6.4. Family members should be fully informed about the location of grave sites or places where the bodies have been disposed of, and should have full access to them. They should be given the opportunity to recover the human remains for reburial or cremation according to their own religious and cultural beliefs and practices, as well as to erect memorials and conduct religious ceremonies as needed.

Amongst others the following activities can be considered:

- Conducting comprehensive census or registration exercises to determine the number, age, gender, ethnicity and religion of people who have died in the disaster. Incorporating proper collection and management of ante-mortem data (AMD) into the identification process, in order to facilitate the identification of the dead.
- Ensuring that the bodies are numbered and photographed and details of the deceased (e.g. clothes) are identified or recorded before mass burials or other forms of disposal are undertaken. In addition to photographs, personal effects and documents of the deceased, methods of forensic human identification that are based on matching ante-mortem data (AMD) of the deceased with post-mortem data (PMD) obtained from the remains (e.g. fingerprints, dental records, unique medical traits, general physical characteristics, DNA, etc.) may be used.
- In cases of mass disposal:
 - Carrying out a public information campaign to inform affected communities in a language and manner they understand about the procedures for identifying the bodies. The information provided should, in particular, indicate where photographic and other documentation of the dead can be viewed, where personal effects and documents are being kept, and where forensic examinations are being carried out.
 - Putting in place emergency legal and administrative measures to issue death certificates expeditiously, if and when requested by surviving relatives, to allow families to resolve legal and civil matters related to the disappearance of a relative. This should not undermine the rights of affected families,

including the right to dignity, truth and the eventual recovery of the remains of their kin if ever found.

- In the specific case of mass graves:
 - Avoiding commingling of bodies.
 - Marking and mapping the position of each body within the grave.
 - Carrying out a public information campaign to inform affected communities about the location of mass graves.
- Ensuring close collaboration with foreign consulates and embassies as well as INTERPOL in assisting family members with the identification and repatriation of remains of foreign nationals victims of disasters.

Preparedness measures:

- Stock of disposable cameras for the quick establishment of means of identification.
- Preparation of identification data forms.
- Identification of morgues and other cold storage areas as well as sites suitable for mass graves.

Group B.

Protection of rights related to the provision of food, health, shelter and education

B.1. Access to and provision of humanitarian goods and services – general principles

B.1.1. Humanitarian goods and services should be provided on the basis of assessed needs, without any distinction of any kind other than that of differing needs and without any discrimination as to race, colour, sex, language, disability, religion, political or other opinion, national or social origin, property, birth, age, or other status. All affected persons should have safe, unimpeded and non-discriminatory access to goods and services necessary to respond to their basic needs. Specific measures such as priority access or separate distribution systems should be taken to the extent necessary to ensure that persons with specific needs have adequate access to humanitarian goods and services.

Amongst others the following activities can be considered:

- Use of proven assessment tools that include all categories of persons with special needs and allow objective identification of needs.
- Specific monitoring whether persons with special needs, older persons, persons with disabilities, sick persons or female-headed households with infants and young children have equal access to food, water, health and other humanitarian services and, if not, giving them priority access, or setting up separate distribution points/separate hours for distribution of goods and for services, etc.
- Systematic inclusion of female-headed households, unaccompanied children, older persons, persons with disabilities and other persons with special needs in the distribution of humanitarian goods.
- Securing distribution points against rioters or others ready to use violence.
- Monitoring of risks for beneficiaries after distributions.

Preparedness measures:

- Preparation of assessment tools prior to the disaster.
- Analysis of safety routes and sites for distribution;
- Planning for particular distribution means for people with specific needs.

B.1.2. Humanitarian goods and services provided to affected persons should be adequate. Adequacy of such goods and services requires that they are (i) available, (ii) accessible, (iii) acceptable, and (iv) adaptable:

- Availability means that these goods and services are provided to the affected population in sufficient quantity and quality.
- Accessibility requires that these goods and services (a) are provided to all according to their needs and without discrimination, (b) are within safe reach and can be physically accessed by everyone, including persons with specific needs, and (c) are known to the beneficiaries.
- Acceptability refers to the requirement that goods and services provided are respectful of the culture of individuals, minorities, peoples and communities, and sensitive to gender and age requirements.
- Adaptability requires that these goods and services be provided in ways flexible enough to adapt to the change of needs in the different phases of emergency relief, recovery and, in the case of internally displaced persons, return, local integration or settlement elsewhere in the country.

Actors contributing to the humanitarian response should strive to achieve all elements of these criteria as soon as feasible. During the immediate emergency phase, food, water and sanitation, shelter, clothing, and health services are considered adequate if they respond to what is needed for survival and meet internationally recognized standards (see Appendix III).

Amongst others the following activities can be considered:

- Regarding availability:
 - Using pre-positioned food and non-food items in disaster-prone areas.
 - Ensuring, to the extent possible, that quantities (e.g. of food) and specifications (e.g. size of tents or cooking pots) correspond to people's differing needs.
- Regarding accessibility without discrimination:
 - Identifying as soon as possible persons and groups with a history of being discriminated against prior to the disaster, or with special needs, and monitoring ongoing humanitarian action to avoid that they are discriminated against and intervene if this happens.
 - Involving members of the affected populations, including those with particular needs, in the humanitarian response, for example in distribution of food and non-food items.
 - Monitoring and intervening in cases where affected persons have to pay bribes or exchange sex for humanitarian goods and services.
 - See also measures below at B.1.3 and B.1.4.

- Regarding acceptability:
 - Ensuring that to the extent possible food, medicine and other goods such as clothing :
 - Are culturally acceptable to affected persons, particularly if they are members of indigenous peoples or belong to particular ethnic or religious communities.
 - Correspond to the specific needs of older persons, pregnant and lactating mothers, infants, persons with disabilities, sick persons, and others with special needs.
- Regarding adaptability:
 - Ensuring that food, water and sanitation, non-food items, shelter, health and other services meet minimum standards in the emergency phase, improve once the emergency phase is over and are adapted to changing needs over time.

Preparedness measures:

- Mapping of cultural needs in terms of food, shelter, clothing, etc.
- Use of disaggregated data to gauge what the needs will be in terms of age, gender, disabilities or chronic illnesses or other factors.
- Pre-positioning of goods – also to more remote areas.

B.1.3. In case of displacement caused by the disaster, the specific needs of internally displaced persons as well as the needs that host communities experience as a consequence of the influx of such persons should be addressed on the basis of non-discriminatory and objective criteria when providing humanitarian assistance.

Amongst others the following activities can be considered:

- Providing humanitarian assistance to persons from among the host community who have the same or similar needs as the internally displaced persons.
- Using a community-based approach to strengthen the absorption capacities and resilience of host communities as needed, e.g. through provision of additional water and sanitation facilities, enhancement of school and health services to the community, school feeding to strengthen the nutritional basis of the community, provision of building materials for host families to enlarge dwellings, or cash grants for internally displaced persons staying with host families.
- Providing for analysis, assessment and awareness-raising among humanitarian actors of potential ethnic, political or other tensions between displaced communities, or between displaced and host communities, and ensuring that this analysis is incorporated into planning the response.

Preparedness measures:

- Anticipate the needs that host communities experience as a consequence of the influx of internally displaced persons.
- Include the host communities in the determination and decision-making concerning the identification of shelter and evacuation sites and facilities.

B.1.4. The design of specific programs for humanitarian action should take into account and address gender-specific roles in the society concerned.

Amongst others the following activities can be considered:

- Including women in the relief distribution teams, in particular for distribution to women.
- Setting up separate lines/channels and places of distribution where cultural traditions limit women's mobility in public spaces.
- Identification and monitoring of cases of discrimination against women or men in the distribution of and access to goods and services by their communities and families and raising such cases with community leaders and heads of family.

B.2. Provision of specific goods, such as adequate food, water and sanitation, shelter, clothing; essential health services, and education

*B.2.1. The **right to food** should be respected and protected. It should be understood as the right to have physical and affordable access without discrimination to adequate food in sufficient quantities or the means for its procurement. Food related interventions should be planned accordingly.*

Amongst others the following activities can be considered:

- Ensuring the maximum participation of affected communities, in particular women, in the planning, design and implementation of food distribution activities, e.g. by organizing focus group discussions, and using community organizers to identify women representatives.
- Ensuring that persons with specific needs – e.g. unaccompanied children, older persons, persons with disabilities in need of support or persons living with long-term or chronic illnesses such as HIV/AIDS who have lost their caregivers during the disaster – have unimpeded access to food. In particular:
 - Clear and accessible information for all beneficiaries, including those with special needs, about the frequency, timing and quantity of food distributions and what quantities will be supplied.
 - Direct distribution of food to women or unaccompanied children if, traditionally, women and children receive less than men in times of scarcity or if there is a risk that food may be diverted for other purposes.
 - Distribution and assistance in a way that avoids the need for older persons, persons living with HIV/AIDS or other particular illnesses, pregnant women, persons with disabilities, and unaccompanied children to stand in line for long periods of time, or to carry heavy loads from the distribution point to their dwellings (portioning of food bags so that they can be carried by such persons).
 - Linking persons with specific needs to support families for the joint preparation of meals when these persons are unable to do so themselves.
- Incorporating strategies to prevent sexual violence in food and nutrition programmes.
- Including food items into deliveries that correspond to the specific needs of pregnant and lactating mothers, infants, children, older people or persons living with long-term or chronic illnesses.
- Ensuring that the food distributed, whether cooked meals or dry rations, meets international nutritional standards and is culturally acceptable to the population. If it

is available, food to which the affected persons are accustomed should be provided. Cultural food practices should be included into initial rapid assessments.

*B.2.2. The **right to water and sanitation** should be respected and protected. It should be understood as the right to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use without discrimination. Water and sanitation related interventions should be planned accordingly. At a minimum, safe water should be provided in a quantity that is necessary to prevent dehydration; and to provide for consumption, cooking, and personal and hygienic requirements necessary for a life in dignity.*

Amongst others the following activities can be considered:

- Ensuring that in temporary camps and collective shelters as well as permanent relocation sites, there are adequate water and sanitation facilities, including water pumps, toilets and bathing facilities:
 - Are accessible to persons with disabilities and older persons and are easy to use.
 - Are safe, e.g. because there is sufficient lighting at night.
- In camps and collective shelters, providing for separate toilets and bathing facilities for men and women and for single-parent households.

See also measures suggested under A.4 for the protection against gender-based violence.

*B.2.3. The **right to shelter** should be respected and protected. It should be understood as the right to have an accommodation allowing persons to live there in security, peace and dignity. Shelter related interventions should be planned accordingly. Camps and collective centres should be a last resort and should only be established when, and as long as, the possibility of host family arrangements, self-sustainability, or rapid rehabilitation does not exist. Where collective shelters exist, the following principles should be respected:*

- Affected persons should be allowed to move freely in and out of camps and collective centres. Such movement should not be restricted or prohibited unless it is necessary for the protection of the security or health of the residents, or that of the population in the vicinity. If there are restrictions, they should not remain in force any longer than absolutely necessary.
- In order to maintain their civilian character at all times, the presence of armed elements in camps and collective centers should not be tolerated, unless where necessary to provide security through armed guards or police. Where armed elements are present, they should be separated from the civilian population. Should they be members of families resident in such camps and centres, they should not be allowed to bring arms or wear uniforms or distinguishing insignia in such locations.

Amongst others the following activities can be considered:

- As regards internally displaced persons, giving priority to living arrangements with host families (supported by cash for shelter programs, or provision of non-food items including building materials to expand dwellings, if appropriate), or, in consultation with relevant local authorities, the use of community or unused buildings, or allowing the displaced offset up informal but adequate accommodation on public land.
- Creating specific areas where women, whether alone or with children, feel safe and secure.
- Provision, to the extent possible, of shelters that are culturally acceptable, in particular regarding privacy for women and children.

- Ensuring that shelter provided to persons with disabilities or older persons (age-friendly shelter) is safe, appropriate and accessible.
- Ensuring that camps and collective centres are located in areas that provide as easy access as possible to livelihood and employment.

B.2.4. Internally displaced persons should be allowed to occupy unused private property, land and possessions only if they do not have access to alternative accommodation and no longer than absolutely necessary. Owners of affected private property should be adequately compensated for such use. Due process guarantees and access to fair and impartial legal procedures should be assured for all parties.

Amongst others the following activities can be considered:

- Establishing objective criteria and official mechanisms to allocate unused public or private property, land and possessions to internally displaced persons for temporary use.
- Registering internally displaced persons who, spontaneously or under direction of competent authorities, occupy and use unused public or private property, land and possessions.
- Establishing of mechanisms ensuring compensation for owners whose private property has been occupied.
- Facilitating, in case of conflicts between internally displaced persons and the rightful owners of property used by them, access for all parties to existing legal procedures or, where necessary, advocating the creation of such procedures.

Preparedness measures:

- Clear understanding of property issues in areas that are prone to disasters: Who are the owners? What is public or communal land? What categories of property and ownership exist? Who can take decisions if owners are not present or represented?

*B.2.5. The **right to health** should be respected and protected. It should be understood as the right to timely and appropriate, accessible, culturally acceptable and gender sensitive health care without discrimination as well as to the underlying determinants of health (such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing), healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health. Health interventions should be planned accordingly. In particular, special attention should be given:*

- To the needs of affected persons requiring medical care, including mental health and psycho-social care, whether the problems and needs are pre-existing, emergency-induced or related to the humanitarian response.
- To the health needs of women and girls, including access to health services and the provision of at least priority sexual and reproductive health services including actions to prevent maternal morbidity and mortality, prevent and clinically manage cases of sexual violence and prevent HIV; provision of appropriate medication and hygienic supplies; access to reproductive and specialized health services; including family planning and emergency obstetrical care.
- To the prevention of, response to and mitigation of contagious and infectious diseases, including HIV/AIDS, among the affected population.
- To the need for specialized services necessary for injured persons and persons with disabilities.

- To the health needs of persons with chronic illnesses.
- To the need for community-based psychosocial support as well as specialized mental health services at primary care level and more specialized as needed for those among affected persons with mental disorders.

Amongst others the following activities can be considered:

- Ensuring that women's health services are appropriate and culturally sensitive already in the early stages of the emergency and that they are accessible to women and girls.
- Providing free health services, in particular during the emergency phase.
- Ensuring that sufficient female health staff and female interpreters if needed are in place to provide services.
- Reaching out to injured persons and persons with disabilities in order to cover their specific health and rehabilitation needs, and to prevent further long term impairments.
- Ensuring that women, girls and as relevant, men and boys have full, safe and easy access to at least a minimum set of priority reproductive health services in accordance with international standards (see Appendix III) and to other key services including family planning and testing and treatment for sexually transmitted diseases.
- Providing easily accessible, gender-sensitive counselling and care services for survivors of sexual violence and their children where appropriate.
- Including culturally appropriate, community-based psycho-social support programmes for children and adolescents as part of immediate emergency response and longer-term recovery efforts. Integrating psycho-social support programmes into existing community services (e.g. school curricula, youth clubs, and health clinics). Ensuring access to mental health care as needed and appropriate.
- When constructing health centres, ensuring segregation of men and women in waiting areas where this is culturally appropriate. Depending on the social structures and cultural traditions in the affected community, and particularly the type of health problems faced, screening and shielding patients from open public view.
- Providing programmes to address the problem of alcohol and other substance use in the aftermath of disasters such as community-based public awareness campaigns on alcoholism or other toxic substances,
- Locating, wherever possible, camps and collective centres as well as permanent relocation sites within easy access of all necessary health care facilities or, where this is not possible, setting up health facilities in such sites.
- In order to ensure that the concerns of people living with HIV/AIDS are fully integrated into the disaster response, educating and raising awareness among local government and law enforcement officials and humanitarian workers about HIV/AIDS and the rights, including those related to confidentiality and non-discrimination, and needs of people living with HIV/AIDS.
- Identifying persons with HIV/AIDS and ensuring access to antiretroviral therapy for those in need.
- Factoring possible discrimination against persons with HIV/AIDS into planning. If voluntary testing of persons living with HIV/AIDS is provided, ensuring that it is done with the full and informed consent of persons concerned and remains

confidential, so that persons testing positive are not discriminated against within the camp or collective centre, or in the distribution of assistance. Mandatory HIV testing must never be considered.

*B.2.6. The **right to education** should be respected and protected. It should be understood as the right to receive, without discrimination, an education in all its forms and at all available levels that is accessible, acceptable and inclusive. Education interventions should be planned accordingly. At the primary level, education should be compulsory and free. Interventions and activities at all educational levels should be based on the following principles:*

- The return of children and youth, whether displaced or not, to school or education programmes in safe learning environments should be facilitated without discrimination as early and as quickly as possible after the disaster, even if documentation which is usually required has been destroyed.
- Special efforts should be made to ensure that girls and women, as well as members of marginalized groups who have been affected by the disaster, have full and equal access to education.
- Education should respect the cultural identity, language and tradition of the affected persons.
- Special attention should be paid to the needs of children with disabilities.
- Schools should only be used as collective shelters as a last resort and only as long as required. In such cases alternative classrooms, e.g. tents, should be provided.

Amongst others the following activities can be considered:

- Including into the needs assessment for education consideration of the safety of existing school buildings and facilities as well as the impact of the disaster on the teaching staff and the students (i.e. number of deaths/injuries; impact on families such as loss of parents/siblings/other family members; loss of property and possessions).
- Wherever possible, ensuring that temporary camps and settlements, as well as temporary or permanent relocation and resettlement sites, are located in close and easy proximity of schools and other educational facilities.
- Identifying at an early stage, in full consultation with the affected persons, safe and adequate alternative shelter for the displaced staying in school buildings to facilitate the re-opening of schools as quickly as possible. Encouraging local communities, school children, parents and teachers to play an active role in cleaning and rehabilitating school buildings so that classes can resume as soon as possible.
- Developing, on the basis of the needs assessment, plans to re-open schools and to resume classes at the earliest opportunity during the emergency response.
- Taking into consideration the mobility and security concerns of women and girls when re-establishing schools or putting up temporary schools.
- Advocating that restrictions for attending schools such as birth certificates and other personal documentation, school uniforms and school supplies to be provided by parents are lifted at least temporarily.
- Providing the necessary support and resources to enable children to return to school as soon as possible, in particular:
 - Encouraging school principals and local education authorities to adopt a flexible approach regarding documentation necessary for school registration.

- Supporting emergency school registration or campaigns to encourage children to return to school as soon as possible.
- Supporting emergency teacher training programmes to replace teachers who died, were injured or displaced during the disaster.
- Ensuring that children with disabilities or HIV/AIDS, and others belonging to disadvantaged or marginalized groups, have equal access to education and training opportunities without discrimination of any kind.
- Integrating psycho-social support programmes, public health information (including prevention of HIV/AIDS), landmine awareness, and other contents related to relevant protection issues into school curricula in the aftermath of a disaster.

Group C

Protection of rights related to housing, land and property, livelihoods and secondary and higher education

C.1. Housing, land and property, and possessions

*C.1.1. The **right to property** should be respected and protected. It should be understood as the right to enjoy one's house, land and other property and possessions without interference and discrimination. Property related interventions should be planned accordingly. Property rights, whether individual or collective, should be respected whether they are based on formal titles, customary entitlements or prolonged and uncontested possession or occupancy.*

C.1.2. Property and possessions left behind by persons, communities or indigenous peoples displaced by natural disasters should be protected, to the maximum extent possible, against looting, destruction, and arbitrary or illegal appropriation, occupation or use.

Amongst others the following activities can be considered:

- Establishing photographic records of landmarks and possessions left behind.
- Using standard forms to record property left behind by the displaced.
- Advocating for the deployment of police forces to areas where destruction or looting may take place.
- Ensuring access of owners to effective remedies to bring complaints against persons illegally occupying or using their property.

C.1.3. Individual owners or communities, whose land deeds or property documents have been lost or damaged during the natural disaster or whose land boundaries have been destroyed, should have equal and non-discriminatory access to procedures to re-claim ownership of their original land and property without undue delay. They should receive information concerning such procedures.

Amongst others the following activities can be considered:

- Providing legal advice for such owners.
- Advocating for the establishment of facilitated procedures for restitution of land deeds or property documents, including for child and women-headed households.
- Providing capacity building, additional staff and other support to administrative and judicial authorities dealing with property cases.

Preparedness measures:

- Securing land cadastres and other documents relevant for establishing property and ownership rights and keeping them in disaster-resistant locations.
- Advocacy for the amendment of relevant laws to allow, in the aftermath of a disaster, for alternative forms of proof of ownership, such as testimonies from credible witnesses (e.g. neighbours or village committees), where restitution of relevant documents is not possible.

C.1.4. When existing administrative or judicial procedures are not able to deal with the caseload without undue delay, special mechanisms with simplified procedures to consider competing claims to land and property should be put in place and made accessible without discrimination. These procedures should include due process guarantees and decide such claims without delay. Access to an independent court or tribunal should be guaranteed if the decision is rejected by one party.

Amongst others the following activities can be considered:

- Advocacy for setting up such procedures.
- Providing capacity building, staff and other support to such mechanisms.
- Building capacity of the staff of such mechanisms.
- Informing affected persons about their rights and how to access the procedures.

Preparedness measures:

- Advocacy for the amendment of relevant laws to create such mechanisms.

C.1.5. Affected women, particularly widows, as well as orphaned children should be assisted in (re-)claiming their housing, land or property or possessions or in acquiring housing or land title deeds in their own names.

Amongst others the following activities can be considered:

- Providing legal advice or legal aid for such persons.
- Advocating for the amendment of laws, where necessary, to allow women and children to own property in their own name.
- Establishing child- and women-friendly procedures and targeted information about them and how to access them.

C.1.6. Traditional claims of indigenous peoples and ethnic minority groups to land title and ownership in the absence of land title documents should be respected.

Amongst others the following activities can be considered:

- Providing legal advice or legal aid for such communities.
- Advocating for the amendment of laws and procedures, where necessary, to allow indigenous peoples and ethnic minority groups to safeguard their land rights.

C.2. Transitional shelter, housing and evictions

C.2.1. Transitional shelter or housing provided should fulfil the requirements of adequacy in international human rights law. The criteria for adequacy are: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education (see B.1.2). Respect for safety standards aimed at reducing damage in cases of future disasters is also a criterion for adequacy.

C.2.2. Appropriate measures to allow for a speedy transition from emergency shelter to transitional shelter or to permanent housing should be taken, without discrimination of any kind, as soon as possible.

C.2.3. All affected groups and persons should be consulted and participate in the planning and implementation of transitional shelter and permanent housing programmes, for tenants and owners/occupiers. Any decision to move from emergency shelter to transitional shelter or permanent housing requires the full participation and decision/agreement of the persons concerned.

C.2.4. Should evictions become unavoidable in situations other than forced evacuations (see A.1.4 above) and despite consultation and participation in accordance with C.2.3, all the following guarantees should be put in place:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice prior to the scheduled date of eviction;
- the timely provision of information in an accessible format on the eviction and future use of the land;
- the presence of government officials during an eviction;
- the proper identification and registration of all persons being evicted;
- the proper identification of all persons carrying out the eviction;
- the prohibition of evictions during bad weather or at night;
- provision of legal remedies; and
- provision of legal aid, where needed, to seek redress from the courts.

C.2.5. Evictions – in particular those ordered in the context of evacuations and of secondary occupation of property and possessions left behind by internally displaced persons – should not render individuals homeless or vulnerable to the violation of other human rights. Appropriate measures should be taken to ensure that adequate alternative shelter is made available to those unable to provide for themselves.

C.3. Livelihood and work

C.3.1. Access to livelihoods and employment opportunities as well as projects to restore economic activities, employment opportunities and livelihoods disrupted by the natural disaster should be facilitated, without discrimination, as soon and as comprehensively as possible. To the maximum extent possible, such measures should already be initiated during the emergency response phase.

Amongst others the following activities can be considered:

- Developing community-based strategies to ensure that all sectors of the affected population are fully informed and consulted and can participate in decision-making related to the rehabilitation of disrupted livelihoods and re-training options.
- Ensuring access for all sectors of the affected population, including women, to re-training and skills-development programmes, taking into account the often hidden role of certain groups such as older persons in the formal and informal economy.
- Providing women, as well as persons with special needs, with viable economic opportunities in order to protect them against trafficking, sexual exploitation and abuse, enforced prostitution, or other abusive and dangerous sources of income.

- Ensuring that persons with disabilities or long-term or chronic illnesses such as HIV/AIDS have full access to employment and training opportunities without discrimination of any kind.
- Ensuring that training programmes do not reinforce existing social or stereotypical gender divisions of labour which push women, children and social, economic, ethnic, religious or racial minorities into the least desirable jobs with the lowest pay and poorest working conditions.

C.3.2. Affected persons gaining access to livelihoods and employment opportunities should be protected against unfair, unhealthy and unsafe working conditions.

See also A.4.3 on child labour and modern forms of slavery.

Amongst others the following activities can be considered:

- Ensuring that international standards on health and safety, fair wages and environmental sustainability are applied in all efforts to rebuild/rehabilitate damaged and disrupted sectors of the economy and that affected persons are aware of these standards.

C.3.3. Camps and collective centres as well as permanent relocation sites should not be located in areas depriving affected persons from access to livelihoods and employment opportunities.

C.4. Secondary and higher education

C.4.1. Access to secondary and higher education should, to the extent possible, not be disrupted, in particular when students can no longer afford the studies as a consequence of the disaster.

Amongst others the following activities can be considered:

- Providing special study grants for disaster-affected students.
- Waiving or reducing fees for disaster-affected students.
- Providing special courses and setting up special examination periods to allow disaster-affected students to make up for missed exams.

Group D

Protection of rights related to documentation, movement, re-establishment of family ties, expression, opinion and elections

D.1. Documentation

D.1.1 Personal documentation for identification and other purposes (e.g. birth, marriage and death certificates, personal identification and travel documents, education and health certificates) that has been lost or destroyed in a natural disaster should be restored to affected persons as early as possible. The following principles should be respected:

- Women and men should be treated equally when documents of any kind are issued. Women should be issued documentation in their own names.
- Unaccompanied, separated and orphaned children should be issued documentation in their own names.
- Attention should also be paid to the documentation needs of non-citizens.

Amongst others the following activities can be considered:

- Advocating for the quick adoption of simplified administrative procedures for (re-)issuing personal documentation and establishment of such procedures (e.g. bringing witnesses/community leaders/elders/local authorities who can confirm the identity of affected persons to locations where internally displaced persons live; cancellation of or discounts for fees for affected persons to have documents issued/restituted; etc.).
- Deployment of mobile teams that include magistrates and other relevant authorities to areas affected by the disaster to (re-)issue personal documentation.

Preparedness measures:

- Securing copies of personal documents and information relevant for their restitution.

D.1.2. Loss of personal documentation should not be used:

- to justify the denial of essential food and relief services;
- to prevent individuals from travelling to safe areas or from returning to their homes;
- to impede their access to employment opportunities; or
- to deny access to basic services such as education or essential health care.

D.1.3. Loss of documents proving land tenure and ownership should not be used to impede the exercise of property rights (see above C.1.3).

D.1.4. Organizations providing humanitarian assistance to affected persons should either grant access to life-saving goods and services even in the absence of registration or register the beneficiaries for purposes of such assistance without delay during the emergency phase of the humanitarian response.

D.1.5. Personal data collected, and records established in this context, should be protected against misuse of any kind.

Amongst others the following activities can be considered:

- Keeping personal data in paper form always locked up and electronic data password-protected and encrypted, and using secure locations to store such information (including the presence of guards).
- Developing and implementing strict procedures for sharing of personal data and for identifying persons with whom data can be shared.
- Destroying data once the purpose for its collection has been served.

Preparedness measures:

- Humanitarian actors have a data collection policy and standard operating procedures in place.

D.2. Freedom of movement, particularly in the context of durable solutions¹⁸

*D.2.1. The **right to freedom of movement** of affected persons, whether or not displaced, should be respected and protected. This right should be understood as including the right*

¹⁸ Other important aspects of the freedom of movement and its possible restrictions – namely evacuations and forced evictions – are discussed above (see Guidelines A.1.4 and C.2.4). The following Guidelines relate primarily but not exclusively to the right of those displaced by disasters to decide for themselves whether they want to return to their homes, integrate locally or start a new life elsewhere in the country.

to freely decide whether to remain in or to leave an endangered zone. It should not be subject to restrictions except those which are: (i) provided for by law, (ii) serve exclusively the purpose of protecting the safety of the persons concerned, and (iii) are used only when there are no other less intrusive measures. In the case of evacuations (above A.1.3 – A.1.7), temporary relocation should not last longer than absolutely necessary.

D.2.2. After the emergency phase, internally displaced persons should be supported to find a durable solution to their displacement. Durable solutions should be understood as sustainable integration of internally displaced persons:

- *at the place of origin (“return”);*
- *in areas where they took refuge (“local integration”); or*
- *in another part of the country (“settlement elsewhere in the country”).*

Internally displaced persons should be granted the right to choose freely whether they want to return to their homes and places of origin, to integrate locally in the area to which they have been displaced, or to settle elsewhere in the country. Appropriate measures, such as consultation, information campaigns and go-and-see visits should be taken to enable such persons to take an informed decision in this regard.

D.2.3. Conditions conducive to making return, local integration or settlement elsewhere in the country sustainable should be established as soon as possible. Conditions are considered sustainable if internally displaced persons:

- *are and feel safe and secure, free from harassment and intimidation, as well as from unmitigated risks of further natural disasters;*
- *have been able to access adequate housing, including, in the case of return, to repossession of and adequate reconstruction or rehabilitation of their homes; and*
- *can return to their lives as normally as possible, with access to water, basic services, schools, livelihoods, employment, markets, etc. without discrimination.*

Amongst others the following activities can be considered:

- Conducting security assessments of sites for return, local integration or settlement elsewhere in the country.
- Establishing comprehensive and accessible public information campaigns as well as grassroots communication strategies on return, local integration and settlement elsewhere in the country.
- Establishing mechanisms such as media reports, database, information centres etc. to provide internally displaced persons with information on the conditions at the place of their former homes or locations identified for settlement elsewhere in the country and organization of “go and see” visits.
- Identifying persons with special needs and including them into the planning and management of return, local integration or settlement elsewhere in the country, including through outreach activities and focus group meetings where appropriate.
- Publishing and widely disseminating zoning and rebuilding plans and holding of planning commission meetings that are open to the general public.
- Monitoring and identifying instances of discrimination, in particular of persons with special needs, in providing access to durable solutions including adequate housing, basic services and livelihoods.
- Removal of legal and administrative obstacles that hinder local integration or settlement elsewhere in the country.

D.2.4. Permanent prohibitions of return without the consent of affected persons and communities should only be considered and implemented if the area where people live or want to return to is indeed an area with high and persistent risk for life and security that cannot be mitigated by available adaptation and other protective measures. Any such prohibition must respect all of the following conditions:

- *It is provided for by law;*
- *Its only purpose is to protect the lives and health of the affected persons;*
- *The affected persons have been informed of the process and the reasons for the decision.*
- *The affected persons have been consulted during all phases of the relocation, starting from the choice of the site to the construction of housing, services and access to livelihoods, and were given an opportunity to participate in these decisions and their implementation.*
- *The affected persons are provided with the opportunity for settlement elsewhere in the country in accordance with the following conditions:*
 - *The proposed sites are not exposed to secondary impacts of the disaster and are safe from recurrent disasters;*
 - *At such sites, the affected persons have access to safe and culturally appropriate housing; water, basic health services and education; livelihoods and employment, markets, etc. without discrimination.*

Amongst others the following activities can be considered:

- *Advocacy on behalf of affected persons forced to return to or settle in a place where their life, safety, liberty and/or health would be at risk.*
- *Advocacy on behalf of affected persons faced with prohibition of return that are not in accordance with international standards or with forced relocation.*
- *Provision of effective legal remedies and free legal advice for such persons.*
- *Monitoring of post-disaster settlement or relocation schemes to ensure they are not used as a pretext to either clear or repopulate areas in order to further political, military or economic ends unrelated to the protection of the population.*

D.2.5. In all cases of limitations of freedom of movement, in particular as outlined in D.2.1 – D.2.4, affected persons should be provided with effective legal remedies that respect due process guarantees, including the right to be heard and the right of access to an independent court or tribunal, as well as to just compensation.

D.3. Re-establishing family ties

D.3.1. Relief operations should be designed so as to preserve family unity. Members of internally displaced families who wish to remain together should be allowed and assisted to do so during all phases of the disaster response, and their separation should be prevented.

Amongst others the following activities can be considered:

- *Organizing assistance in a manner that avoids incentives to separate families in the hope of better assistance benefits. In particular distributing food- and non-food items in quantities appropriate for large families.*
- *Providing access to education in areas where internally displaced persons leave.*

Preparedness measures:

- Foresee family sizes when preparing relief and contingency planning.

D.3.2. Affected persons should be assisted in learning about the fate and whereabouts of missing relatives. The next of kin should be informed on the progress of the investigation and results obtained through the use of tracing services or mechanisms. The reunification of families, should they so desire, should be facilitated, particularly when children or older persons are involved.

Amongst others the following activities can be considered:

- Establishing rapid family tracing and reunification procedures from the onset of the emergency and identifying a lead agency or organisation responsible for family tracing and reunification. In most instances this would be the International Committee of the Red Cross (ICRC) or national Red Cross and Red Crescent Societies. Promoting coordination with the lead agency and setting up of compatible systems and formats for transmitting copies of registration details and tracing requests to the lead agency or organisation.
- Conducting comprehensive census or registration exercises to determine the persons who are looking for missing relatives or friends in the disaster as well as the exact numbers, age and gender of missing persons.
- Collecting all available photographic and video records to assist families who are searching for missing relatives.
- Developing public communication strategies to disseminate information about separated family members with due regard to the protection of sensitive personal data, in particular relating to unaccompanied children and their whereabouts. These could include: posting photos on bulletin boards; camp and community meetings; TV and radio broadcasts and newspaper advertisements; preparing tracing bulletins or leaflets with photos of family members for wide circulation; or the distribution of cell-phones to receive text messages.
- Using a wide variety of tracing methods. In addition to the above strategies, these may include: interviewing adults who have lost children; taking children to locations they have described; and organizing family messaging services in a language and manner that is understood by the affected populations.
- Once family members have been identified, reunifying families to the extent desired by the family as smoothly and efficiently as possible, avoiding unnecessary bureaucratic delays and obstacles.
- In the case of children, ensuring that family relationships are valid and that the child and family members have given their consent before proceeding with reunification is essential.
- Providing psycho-social and material support to reunified families as necessary, as well as to family members that are still separated.

D.3.3. Separated and unaccompanied children should be taken care of until they can be reunited with their families. All interim care arrangements should be in the best interest of the child. Children should be kept fully informed about interim care arrangements and their rights, and their opinions regarding caretakers should be taken into consideration. Siblings should be kept together when arranging for interim care.

Amongst others the following activities can be considered:

- Conducting rapid assessments in the immediate aftermath of the disaster to identify the number of separated and unaccompanied children and their specific needs, and to assess existing care arrangements. Details about unaccompanied and separated children should be included in registration exercises.
- Establishing rapid registration, family tracing and reunification procedures from the onset of the emergency to reunite separated and unaccompanied children with family members. Emphasis should be placed on triaging cases to facilitate appropriate and timely action on a case by case basis. Particular attention should be placed on identifying child-headed households, as well as separated or unaccompanied children who may already have been subjected to a grave violation (e.g. recruitment, abduction, gender-based violence).
- Including questions relevant for identifying unaccompanied and separated children in other registration exercises.
- Ensuring appropriate documentation, care and tracking of separated and unaccompanied children who are medically evacuated.
- Where no surviving family members can be traced, making arrangements for separated and unaccompanied children to be cared for by friends or neighbours from their own community whenever possible, taking into consideration children's preferences for caretakers.
- Conducting regular and close monitoring and review of interim care arrangements to ensure that separated and unaccompanied children are well cared for and protected from all forms of physical, psychological and sexual abuse and exploitation. Children should be interviewed in private to allow them to reveal incidents of abuse. Immediate action should be taken to remove children from abusive or exploitative interim care situations and to find alternative solutions.
- Avoiding the placement of separated or unaccompanied children in orphanages or children's homes. Such placement, if necessary, should only be used as a temporary measure while more sustainable, community-based solutions are sought, or as a last resort when all other options have been exhausted. Careful monitoring and record-keeping of each individual case regarding the placement of children is critical.
- Ensuring that separated and unaccompanied children are provided with necessary documentation in their names, including registration, personal identity, birth certificates, health, education, and land ownership. Establishment of rapid documentation procedures.
- Ensuring that separated and unaccompanied children have equal access to the material, financial and legal assistance to which they are entitled in the aftermath of a disaster. In particular, separated and unaccompanied children, or their legal guardians, should be provided with the possibility to claim government benefits for dead, missing or injured family members; resettlement and housing allowances; land entitlements and compensation.

D.3.4. Adoption should only be envisaged once it has been established that all efforts with regard to tracing and family reunification have failed, or that the parents have consented to the adoption in conformity with the standards set up in the Hague Adoption Convention.¹⁹

¹⁹ The Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (Hague Adoption Convention) of 29 May 1993.

The consent of parents and the consent of other persons, institutions and authorities that are necessary for adoption must be free and informed. Priority should be given to adoption by relatives in their country of residence. Where this is not an option, preference should be given to adoption within the community from which the child came or at least within his or her own culture.

Preparedness measures:

- Establishment of legal or administrative procedures to formalize interim care arrangements within the community, including foster care, and to provide additional material, financial and social support as appropriate.
- Pre-identification of alternative arrangements either with host families or institutions, as well as pre-identification of monitoring mechanisms.

D.4. Expression, assembly and association, and religion

D.4.1. Affected persons and communities should be allowed and enabled to give feedback and raise complaints or grievances on the disaster relief and recovery response. They should be protected against adverse reaction to such expression of their opinion. Opportunities should be provided for affected persons to conduct peaceful assemblies or to form associations for this purpose.

Amongst others the following activities can be considered:

- Establishing mechanisms and building capacity to enable affected persons including women, children and youth as well as members of marginalized or minority groups to voice their concerns and opinions regarding the relief and recovery efforts.
- Establishing specific mechanisms to monitor, to report on and to investigate incidents where the rights of individuals to freedom of thought, expression and assembly are curtailed and where individuals are punished or ill-treated for the exercise of these fundamental rights. Ensuring appropriate action by law enforcement bodies in such cases.

D.4.2. Religious beliefs and cultural traditions should be respected to the extent possible, when planning and implementing humanitarian assistance, in particular in the context of food assistance, health care services, and living and sanitary arrangements.

Amongst others the following activities can be considered:

- Consulting with religious leaders and elders on religious and cultural traditions and beliefs that need to be respected to the extent possible during the humanitarian response.
- Avoiding inclusion of culturally non-acceptable food- and non-food items into distribution packages.
- Ensuring that arrangements and provision of services are gender-sensitive where the genders are traditionally separated.

D.4.3. Affected persons should be allowed and provided with opportunities for the exercise of their religious faith and cultural traditions in a manner that respects the rights and beliefs of others and does not incite discrimination, hostility or violence.

Amongst others the following activities can be considered:

- Locating, to the extent possible, camps and collective centres as well as permanent relocation sites for communities displaced by the disaster within close proximity of

existing religious, cultural and community buildings. Including such facilities, where they do not exist, in site plans for such sites.

- Protecting existing religious and cultural sites, especially those of indigenous, ethnic or religious minorities.

D.5. Electoral rights

D.5.1. Affected persons, whether or not displaced, should be enabled to fully exercise their right to vote in elections and to be elected

Amongst others the following activities can be considered:

- Organizing opportunities to affected persons, whether or not they have been displaced, for voter registration and voting as well as running for office. This may include the use of mobile registration teams and mobile polling stations.
- Using procedures for absentee voting by those displaced or by allowing them, particularly in the case of prolonged displacement, to register as voters at the place where they temporarily reside.

III. Appendices

Appendix I

Glossary

For the purposes of the Operational Guidelines the following terms are used:

Actors contributing to the humanitarian response:

- Intergovernmental and (international or national/local) non-governmental organizations and agencies or governmental or para-governmental disaster responders providing protection and assistance to affected persons during and after the emergency phase.

Affected persons:

- Those who suffer the negative consequences of a particular disaster, whether they are displaced or not, for instance if they have sustained injuries, loss of property and livelihoods and other damages due to the disaster.

Camps:

- Newly erected sites with non-permanent shelters (e.g. tents) used for the collective and communal accommodation of evacuated/displaced persons in the event of a disaster. Camps can be planned (i.e. purposely-built sites, completed before or during the influx) or self-settled (i.e. set up spontaneously without the support of the government or the humanitarian community). Camps are a type of collective shelter (see below).

Collective centres:

- Pre-existing buildings and structures used for the collective and communal non-permanent accommodation of evacuated/displaced persons in the event of a disaster. Types of buildings and structures used as evacuation centres vary widely. They include schools, hotels, community centres, town halls, hotels, sport infrastructures, hospitals, religious monuments, police posts, military barracks, warehouses, disused factories, and unfinished buildings, etc. Collective centres are a type of collective shelter (see below).

Collective shelters:

- Camps and collective centres as defined above.

Disaster:

- A serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources.²⁰

²⁰ International Strategy for Disaster Reduction (ISDR) UNISDR Terminology on Disaster Risk Reduction, available at www.unisdr.org/eng/library/UNISDR-terminology-2009-eng.pdf.

Disaster/Emergency management:

- Organization and management of resources and responsibilities for addressing all aspects of an emergency, in particular preparedness, response and initial recovery steps.²¹

Discrimination:

- Disadvantageous distinctions that are based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age, disability or other status of a person. To advantage someone on the basis of objective and serious reasons (e.g. particular vulnerability; specific needs not shared by others) rather than these criteria does not amount to discrimination even if the person concerned possesses them.

Displacement affected communities:

- Communities that bear the negative consequences of displacement, either because they have to flee or leave their homes and places of habitual residence themselves, or because they have had to host internally displaced persons, or because they have to receive and integrate formerly displaced persons who return to their homes and places of habitual residence or settle permanently elsewhere in the country.

Durable solutions:

- In the context of internal displacement, a situation where internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through:
 - Sustainable reintegration at the place of origin (hereinafter referred to as “return”);
 - Sustainable local integration in areas where internally displacement persons take refuge (local integration); or
 - Sustainable integration in another part of the country (settlement elsewhere in the country). This can be applied to disaster affected persons as well.
- According to international standards (the right to liberty of movement and freedom to choose one’s place of residence; the Guiding Principles on Internal Displacement) all solutions must be voluntary, i.e. based on an informed decision and free choice by the persons concerned.

Evacuation:

- “Facilitation or organization of transfer of individuals or groups from one area/locality to another in order to ensure their security, safety and well-being.”²² Evacuations are forced if they are ordered and/or enforced by authorities. A forced evacuation is not considered arbitrary or unlawful and thus permissible if it is done in accordance with the law, absolutely necessary under the circumstances, to protect life, health or the physical integrity of the affected persons, and to the extent the emergency allows, in proper consultation with the affected population.

²¹ Ibid.

²² Handbook for the Protection of Internally Displaced Persons, March 2010, p. 503.

Evacuation centres:

- Collective shelters (see above) used for temporarily accommodating evacuated persons.

Eviction (forced):

- The permanent or temporary removal of individuals, families and/or communities against their will from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.²³ The notion of forced evictions does not apply to evictions carried out both in accordance with the law and in conformity with the provisions of international human rights treaties.²⁴ Forced eviction does not automatically mean arbitrary displacement, but can be the first step leading to it.

Family reunification

- “The process of bringing together families, particularly children and older dependants, with their family or previous care-provider for the purpose of establishing or re-establishing long-term care.”²⁵

Forced eviction

- See “Eviction (forced)”.

Gender Based Violence (GBV)

- Violence “that is directed against a person on the basis of their gender or sex, including acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other arbitrary deprivation of liberty. It includes physical, sexual and psychological violence perpetrated or condoned within the family, the general community or by the State and its institutions”.²⁶

Host community

- A community that hosts considerable numbers of internally displaced persons, typically in camps, collective centres, informal settlements or directly integrated into households.²⁷

Internally displaced persons:

- “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 generalised violence, violations of

²³ Handbook for the Protection of Internally Displaced Persons, March 2010, p. 503. UN CESCR, General Comment No. 7: The right to adequate housing: forced evictions, 20 May 1997, para. 3)

²⁴ See Basic Principles and Guidelines on Development based Evictions and Displacement, UN Doc A/HRC/4/18, para 4 and footnote a).

²⁵ Handbook for the Protection of Internally Displaced Persons, March 2010, p. 503. Inter-agency Working Group on Unaccompanied and Separated Children, Inter-Agency Guiding Principles on Unaccompanied and Separated Children, January 2004

²⁶ Handbook for the Protection of Internally Displaced Persons, March 2010, p. 168. See UN General Assembly, Declaration on the Elimination of Violence against Women, Arts. 1 and 2, A/RES/48/104 of 20. December 1993.

²⁷ See Handbook for the Protection of Internally Displaced Persons, March 2010, p. 504.

human rights or natural or man-made disasters, and who have not crossed an internationally recognised border.”²⁸

Livelihoods

- “The combination of the resources used and the activities undertaken in order to live. The resources might consist of individual skills and abilities (human capital), land, savings and equipment (natural, financial and physical capital, respectively), and formal support groups or informal networks that assist in the activities being undertaken (social capital).”²⁹

Natural disaster:

- “Disasters” (see above) that are caused by sudden-onset natural hazards. The term “natural” disaster is used for ease although the magnitude of the consequences of sudden natural hazards is a direct result of the way individuals and societies relate to threats originating from natural hazards. The magnitude of the consequences is, therefore determined by human action, or the lack thereof. The Operational Guidelines are written with sudden-onset disasters in mind, but they can also be applied to other kinds of disasters.

Persons with specific needs

- Persons exposed to risks going beyond those of the general population because, among others, of their gender, age, health status, disability, belonging to a minority, particular social status, or indigenous origin, or internal displacement and other specific circumstances they find themselves in.

Protection:

- A concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of international human rights [and where applicable], refugee and humanitarian law. Protection involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation.³⁰

Relocation:

- Temporary relocation: The act of moving evacuated people to a place where they stay until return or settlement elsewhere in the country becomes possible;
- Permanent relocation: The act of moving people to another location in the country and settling them there when they no longer can return to their homes or place of habitual residence. Relocations can be voluntary, i.e. with the consent of affected persons, or forced, i.e. against the will of such persons. Relocation is only successful if it leads to a durable solution (see above) in the sense of sustainable settlement elsewhere in the country.

²⁸ See Guiding Principles on Internal Displacement. E/CN.4/1998/53/Add.2 (1998), Scope and Purpose, §2,

²⁹ Handbook for the Protection of Internally Displaced Persons, March 2010, p. 508. Department for International Development, Sustainable Livelihoods Guidance Sheets, 2001

³⁰ OCHA, Glossary of Humanitarian Terms in relation to the Protection of Civilians in Armed Conflict, 2003.

Reparation:

- Restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims of human rights violations. Reparation is full and effective when it is proportional to the gravity of the violations and the harm suffered and victims have relevant information concerning reparation mechanisms and equal and effective access to them.³¹

Secondary impacts of natural disasters:

- Secondary impacts of natural disasters can include natural or physical impacts such as landslides caused by heavy rainfall or seismic activity. They could also encompass impacts by the initial disaster on industrial installations and infrastructure, e.g. damage to hydro dams or damage to pipelines and chemical factories that may cause spills of hazardous materials which pose a threat to human health and lives.

³¹ Arguably, under present international customary law, reparation is only due for gross human rights violations (See Principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of humanitarian law' A/Res/60/147, 21 March 2006). Obligations to provide reparation in less serious cases may flow from international human rights conventions.

Appendix II

Protection of specific groups of persons cross-references to relevant guidelines

Certain groups of persons are particularly vulnerable and/or have particular needs in the event of a disaster. The specific human rights concerns these groups may face, and some of the practical steps that can be taken to protect them, have been systematically integrated into the Guidelines. This appendix cross-references relevant guidelines for the following groups: Internally displaced persons, women, children and adolescents, older persons, persons with disabilities, persons living with HIV/AIDS, single parent households without extended family support or child headed households, ethnic minority groups and indigenous peoples.

1. Internally displaced persons

Guidelines:

- I.1 Non-discrimination
- I.6 Treatment of internally displaced persons in accordance with the Guiding Principles on Internal Displacement
- I.8 Protection activities to be prioritized on the basis of assessed needs
- A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks
- A.1.2
- A.1.8 Evacuations (voluntary and forced)
- A.2 Protection against separation of families and of separated/unaccompanied children
- A.3: Protection against secondary impacts of natural hazards
- A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency
- A.4.2 Protection against gender-based violence
- A.5.1
- A.5.3 Security in host families and communities, camps or collective centres
- B.1.1
- B.1.3 Access to and adequate provision of humanitarian goods and services
- B.2.1 Equal access to food
- B.2.2 Water and sanitation in camps and collective shelters
- B.2.3 Safe and dignified shelter for IDPs, including outside camps

- B.2.4 Occupation of unused property for accommodation
- B.2.5 Equal access to health care
- B.2.6 Facilitation of re-schooling displaced children
- C.1.2 Protection of property left behind
- C.2.1
- C.2.5 Adequate shelter including guarantees in case of evictions
- C.3.3 Location of camps and sites and access to livelihoods
- D.1.1 Not prevent return to homes due to lack of documentation
- D.2.1
- D.2.5 Freedom of movement in the context of durable solutions
- D.3.1
- D.3.2 Family unity during all phases of the disaster response and family reunification
- D.4.1 Feedback on disaster response
- D.5.1 Electoral rights

2. Women

Guidelines:

- I.1 Non-discrimination
- I.3 Participation and consultation
- I.8 Protection activities to be prioritized on the basis of assessed needs
- A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks
- A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency
- A.4.2 Protection against gender-based violence
- A.4.3 Protection against trafficking, child labour, contemporary forms of slavery
- A.5.2 Security and protection in camps and collective centres
- B.1.1
- B.1.2 Access to and adequate provision of humanitarian goods and services
- B.1.4 Addressing gender-specific roles in humanitarian action
- B.2.1 Including women in planning, design and implementation of food distribution

- B.2.2 Safety in accessing sanitation facilities in camps and collective shelters
- B.2.3 Adequate shelter addressing the specific needs
- B.2.5 Special attention to health needs of women
- B.2.6 Equal access to education
- C.1.5 Assistance in (re-)claiming property and acquiring deeds in one's own name
- C.2.3 Consultation and participation in planning and implementation of shelter and housing programmes
- C.3.1
- C.3.2 Access to livelihoods and skills training
- D.1.1 Equal access to documentation issued in one's own name
- D.4.1 Feedback on disaster response

3. Children and youth

Guidelines

- I.1 Non-discrimination
- I.3 Participation and consultation
- I.4 Best interest of the child
- I.8 Protection activities to be prioritized on the basis of assessed needs
- A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks
- A.2.1 Evacuation of children together with parents
- A.2.2 Temporary interim care for separated or unaccompanied children
- A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency
- A.4.2 Protection against gender-based violence
- A.4.3 Protection against trafficking, child labour, contemporary forms of slavery
- A.4.5 Protection against recruitment and use by armed elements
- A.5.2 Security and protection in camps and collective centres
- B.1.1 Access to and adequate provision of humanitarian goods and services
- B.2.1 Unimpeded access to food for persons with specific needs

- B.2.3 Adequate shelter addressing the specific needs
- B.2.5 Special attention to health needs of girls
- B.2.6 Equal access to education, including facilitation of return to schools
- C.1.5 Assistance in (re-)claiming property for orphaned children
- C.4.1 Access to secondary and higher education
- D.1.1 Documentation in one's own name for unaccompanied, separated or orphaned children
- D.3.2 Family reunification
- D.3.3 Care arrangement for separated or unaccompanied children until reunification
- D.4.1 Feedback on disaster response

4. Older persons

Guidelines:

- I.1 Non-discrimination
- I.3 Participation and consultation
- I.8 Protection activities to be prioritized on the basis of assessed needs
- A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks
- A.1.3 Special attention during evacuation
- A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency
- A.5.2 Security and protection in camps and collective centres
- B.1.1
- B.1.2 Access to and adequate provision of humanitarian goods and services
- B.2.1 Unimpeded access to food for persons with specific needs
- B.2.2 Accessibility of sanitation facilities
- B.2.3 Adequate shelter addressing the specific needs
- B.2.5 Access to health care
- D.3.2 Family reunification

5. Persons with disabilities

Guidelines:

- I.1 Non-discrimination
- I.3 Participation and consultation
- I.8 Protection activities to be prioritized on the basis of assessed needs
- A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks
- A.1.3 Special attention during evacuation
- A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency
- A.5.2 Security and protection in camps and collective centres
- B.1.1
- B. 1.2 Access to and adequate provision of humanitarian goods and services
- B.2.1 Unimpeded access to food for persons with specific needs
- B.2.2 Accessibility of sanitation facilities
- B.2.3 Adequate shelter addressing the specific needs
- B.2.5 Specific health care
- B.2.6 Special attention to children with disabilities in accessing education
- C.2.3 Consultation and participation in planning and implementation of shelter and housing programmes
- C.3.1 Access to livelihoods and skills training
- D.4.1 Feedback on disaster response

6. Persons living with HIV/AIDS

Guidelines:

- I.1 Non-discrimination
- I.3 Participation and consultation
- I.8 Protection activities to be prioritized on the basis of assessed needs
- A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks
- A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency
- B.1.1
- B.1.2 Access to and adequate provision of humanitarian goods and services

B.2.1 Unimpeded access to food for persons with specific needs

B.2.5 Access to health care and prevention of HIV/AIDS

B.2.6 Equal access to education and prevention of HIV/AIDS

C.3.1 Access to livelihoods and skills training

7. Single heads of household without familial support and child-headed households

Guidelines:

I.1 Non-discrimination

I.3 Participation and consultation

I.8 Protection activities to be prioritized on the basis of assessed needs

A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks

A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency

A.5.2 Security and protection in camps and collective centres

B.1.1

– B.1.2 Access to and adequate provision of humanitarian goods and services

B.1.4 Addressing gender-specific roles in humanitarian action

B.2.1 Unimpeded access to food for persons with specific needs

B.2.2 Safety in accessing sanitation facilities in camps and collective shelters

B.2.6 Ensuring access to education for children heading households

C.1.3 Facilitated procedures for restitution of land deeds and property documents

C.2.3 Consultation and participation in planning and implementation of shelter and housing programmes

D.4.1 Feedback on disaster response

8. Ethnic and religious minorities or groups facing discrimination and indigenous peoples

Guidelines:

I.1 Non-discrimination

I.3 Participation and consultation

I.8 Protection activities to be prioritized on the basis of assessed needs

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- I.9 Protection activities to respect cultural sensitivities
 - A.1.1 Protection of life, physical integrity and health of persons exposed to imminent risks
 - A.4.1 Special attention to protection against violence, including in camps and collective centres during and after the emergency
 - A.5.2 Security and protection in camps and collective centres
 - A.6.4 Dealing with mortal remains in an ethnic and religious sensitive manner
 - B.1.1
 - B.1.2 Access to and adequate provision humanitarian goods and services
 - B.2.3 Adequate and culturally acceptable shelter
 - B.2.6 Equal access to culturally sensitive education
 - C.1.2 Protection of property left behind
 - C.1. 6Respect for traditional claims to land title and ownership
 - C.2.3 Consultation and participation in planning and implementation of shelter and housing programmes
 - C.3.1 Ensuring training programmes do not reinforce economic marginalization of such groups
 - D.4.1 Feedback on disaster response
 - D.4.2
 - D.4.3 Culturally sensitive humanitarian assistance and right to exercise religious faith and cultural traditions

Appendix III

References to codes of conduct, guidelines and manuals

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