

## Action Sheet 5

### Threats to life, safety and security

#### Key message

1. Internally displaced individuals and communities face a range of serious threats to their life, safety and security at every stage of the displacement cycle. While human rights and humanitarian actors rarely have the mandate or the capacity to physically protect individuals and communities from such threats they can play an important role by helping to reduce exposure to and mitigate the devastating effects of such violence. The threats faced by individuals and communities in the course of displacement can take various different forms and involve a wide range of actors depending on the context. This **Action Sheet** is divided into three sections, each of which provides guidance on ways to address distinct but interrelated threats to life, safety and security, i.e.:
  - Threats arising as a result of or aggravated by a **general break-down in law and order**, including individual or collective acts of crime, violence, exploitation and abuse taking place in the community, including in camps and settlements<sup>1</sup>.
  - Threats arising in the context of **armed conflict**, i.e. at the hands of or as a result of the activities of armed forces and groups who are parties to the conflict.
  - Threats arising as a result of **communal or intra-group tension**, either within the IDP population, for instance along ethnic or religious lines, or between the IDP and the host population, for instance owing to competition for scarce resources, such as land, water or firewood.<sup>2</sup>
2. Given the inter-related nature of such threats the following sections should be read together and used in conjunction with Action Sheet 6 on Gender-Based Violence.

#### Action Sheet 3.1. Threats to life, safety and security owing to crime, violence and abuse

3. Internal displacement often takes place in situations characterized by a breakdown in the rule of law where national or local authorities may lack the capacity - or the willingness - to maintain law and order and ensure the safety and security of displaced individuals and communities. Together with other factors - such as the presence of armed conflict, the collapse of institutions and infrastructure, poverty, a lack of education and livelihood opportunities, and a breakdown of social norms and values, - such factors often lead to a marked increase in crime, exploitation and abuse in the public as well as the private sphere.
4. In many cases internally displaced persons bear the brunt of such violence. Having lost the protective presence of their homes, families and communities and lacking resources, such as shelter, food and water, internally displaced persons frequently find themselves at greater risk of being exposed to such violence at the same time as their ability to recover from its harmful effects is undermined.
5. While such threats are common in both urban and rural environments they can be particularly pronounced in large camps or settlements. While camps and settlements should ideally be places of safety they often give rise to a number of protection risks. Population density, poverty, lack of education or livelihood opportunities and sub-standard living conditions combined with lack of effective law enforcement and access to justice together can create a fertile ground for crime, violence and abuse at the hands of internal as well as external actors. Such threats can range from a variety of minor offenses, such as theft, robbery and vandalism, to serious violations of human rights, including rape, physical assault, murders and forced disappearances, as indicated in the table below. The often closed environment of camps and settlements

<sup>1</sup> In general, an act of violence – whether it takes place in times of conflict or not – can be defined as an any act that inflicts physical, mental, sexual or other harm or suffering upon an individual or group, including threats of such acts, and that either result in or have the likelihood of resulting in injury, death, physical or mental disability, or deprivation.

<sup>2</sup> This list is not exhaustive and various other sources of threats may need to be identified and responded to. These include threats arising within the family as a result of increased levels of domestic and/or sexual and gender-based violence owing to discrimination, breakdown in traditional gender roles or increased substance abuse, and threats arising as a result of the deployment of undisciplined police and security forces, peace-keepers or humanitarian workers, including in particular sexual exploitation and abuse. Such threats are partly addressed in Action Sheet \*\* on Gender-Based Violence. In addition, natural or environmental factors, such as fire, draught, floods, earthquakes, landslides and man-made pollution may pose serious risk to people's life, health and well-being. These are to some extent covered in Action Sheet \*\* on Shelter and Physical Planning.

coupled with anxiety and desperation stemming from trauma, marginalization and lack of hope of a durable solution often contributes to an increase in both the frequency and seriousness of such acts. It also tends to limit the coping mechanisms of individuals and communities and undermine their ability to protect themselves from such acts.

**Table 3.1.1: Examples of frequently encountered risks to physical safety and security**

<ul style="list-style-type: none"> <li>▪ Murder; killings; assassination; forced disappearance; summary or arbitrary executions; physical assault or battering</li> <li>▪ Torture or cruel, inhuman and degrading treatment and other outrages upon personal dignity; mutilation or maiming; and corporal punishment</li> <li>▪ Sexual and gender-based violence, including rape and sexual assault, abuse or humiliation; sexual exploitation, including forced prostitution and sex in exchange for aid; harmful traditional practices, such as female genital mutilation, forced and early pregnancy; and honour killings</li> </ul>	<ul style="list-style-type: none"> <li>▪ Abduction; kidnapping; enslavement: forced recruitment; forced labour; human trafficking; sexual slavery</li> <li>▪ Forced displacement, forced return or relocation</li> <li>▪ Harassment, intimidation and coercion</li> <li>▪ Destruction of livelihoods and property, including land, fields, crops and livestock, and other objects indispensable for people’s survival; vandalism; arson,</li> <li>▪ Theft; robbery; looting; cattle rustling; fraudulent seizure/purchase of land or property</li> <li>▪ Extortion; fraud; forgery; unlawful taxation; paying of ‘protection’ money;</li> <li>▪ Exploitation, obstruction or diversion of humanitarian assistance</li> </ul>
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**Role and responsibility of the State**

6. Maintaining law and order and protecting individuals and communities – including in camps and settlements - from crime, violence and abuse is essentially a **matter of civilian law enforcement**. All governments have a responsibility to safeguard the life, well-being and rights of everyone in their territory and within their jurisdiction, including by providing safe and secure environment conducive to the realisation of human rights (see legal section). The State must both ensure that agents of the State respect and protect human rights and provide protection from violation of such rights by third parties, including non-state actors. This will necessarily entail: (i) the deployment of adequate numbers of trained civilian police officers, both female and male, within and around IDP camps and settlements: (ii) strengthening of the formal and informal justice sector in order to combat impunity and ensure access to justice; (iii) strengthening the capacity of individuals and communities to prevent, respond to and recover from violence; (iv) ensuring access to essential assistance and services, including adequate shelter, food and livelihood opportunities, as well as health services; and (v) targeted interventions on behalf of individuals and groups at particular risk, including women and children.

**The role of the human rights and humanitarian community**

7. While human rights and humanitarian actors rarely have the mandate, the expertise or the capacity to ensure the physical protection of persons of concern, they can play an important role by helping the State as well as displaced individuals and communities to reduce exposure to and mitigate the effects of such violence. The table below lists a number of activities which, depending on the context, can be undertaken in this respect.

In our work we can ...	
<b>Assessment &amp; Analysis*</b>	<ul style="list-style-type: none"> <li>▪ Ensure that security experts are involved in designing and carrying out assessments and analysis of security risks identifying the full range of risks stemming from violence, exploitation and abuse. This should form the basis of a protection strategy that will focus on risk mitigation and risk prevention. The assessment/analysis should include (i) the form and type of threat; (ii) those targeted or otherwise at risk; (iii) the actors involved and their motives; (iv) any aggravating factors or conditions; (v) existing capacity of the State to address the risks, the obstacles it faces and the kind of support needed; (vi) the impact on persons of concern, the coping strategies they have adopted and the kind of support they themselves need to counter the risks involved; (vii) any possible negative unintended consequences that may result from our intervention.</li> </ul>
<b>Advocacy*</b>	<ul style="list-style-type: none"> <li>▪ Advocate with relevant stakeholders, including in particular law enforcement agencies and Ministries of Justice and the Interior, for adequate numbers of trained and professional civilian police (including female officers) to be deployed in camps, settlements and IDP hosting areas.</li> </ul>
<b>Information and communication activities*</b>	<ul style="list-style-type: none"> <li>▪ Support information and education campaigns / networks, whether through radio, theater or printed media (leaflets, signboards, etc.) that provide neutral security related information and advice. Such networks should ideally be run by the community, allow information from more than one source, take illiteracy and disabilities into account, and</li> </ul>

	include safeguards for manipulation for political or military purposes.
<b>Material, technical and financial support</b>	<ul style="list-style-type: none"> <li>Consider providing material, technical or financial support to law enforcement agencies and relevant ministries if appropriate. This include material support (e.g. office space or equipment, telecommunications equipment, vehicles, or fuel); managerial support (e.g. planning, co-ordination), or financial (e.g. staff incentives).</li> </ul>
<b>Training</b>	<ul style="list-style-type: none"> <li>Provide or support training relating to human rights, codes of conduct for law enforcement officials, and principles of effective policing to police and other security personnel. Consider whether other stakeholders could benefit from similar training initiatives.</li> </ul>
<b>Reporting mechanisms</b>	<ul style="list-style-type: none"> <li>Support the establishment of adequate reporting mechanisms for incidents of crime, violence and human rights abuses. While reporting will in principle be done to civilian police and security personnel, where necessary alternative mechanisms can include camp management officials and humanitarian and human rights agencies. A referral system must ensure that information on incidents is properly recorded, coordinated among and followed up by relevant agencies, and processed with due attention to confidentiality concerns.</li> </ul>
<b>Access to justice*</b>	<ul style="list-style-type: none"> <li>Improve access to and fair administration of justice by building the capacity of both formal and informal justice mechanisms as well as the capacity of individuals and communities to access and benefit from such mechanisms. → See Action Sheet ** on Access to Justice.</li> </ul>
<b>Community mobilization*</b>	<ul style="list-style-type: none"> <li>Consider various ways to strengthen the protection capacity of individuals, communities and civil society to prevent, respond to and recover from violence, for instance through training, counseling and material support. This could, for instance, include training on human rights and humanitarian principles (people have to know they have rights in order to claim them) as well as other topics, such first aid, self-defense, crime prevention, fire-fighting, mine-awareness, conflict resolution, community relations etc. Pay particular attention to individuals and groups with specific needs, including women, girls, elderly and minorities. → See chapter** on Community Mobilization</li> </ul>
<b>Family unity*</b>	<ul style="list-style-type: none"> <li>Maintain family unity, including by ensuring that separated family members are identified and family tracing and reunification mechanisms are established and maintained. In the case of separated and unaccompanied children best interest determination must be conducted and alternative care arrangements for the shorter or the longer-term may need to be identified. → See Action Sheet ** on Family Separation.</li> </ul>
<b>IDP community or camp management</b>	<ul style="list-style-type: none"> <li>Ensure that community and camp management committees, including relief distribution committees, are non-discriminatory, participatory and representative, particularly of women and other vulnerable groups, with transparent and open electoral processes, and that adequate safeguards against manipulation, misuse and diversion to political or military forces or groups are put in place. Camp rules should be drafted and disseminated by the committees in cooperation with camp management authorities.</li> </ul>
<b>Community Watch Systems</b>	<ul style="list-style-type: none"> <li>As appropriate, assist the community in organising and managing, in cooperation with the police when feasible, community security patrols as described in Annex I. These must be civilian in character, should receive adequate training in basic principles of law enforcement, and be adequately supervised, monitored and equipped. Necessary equipment may, for instance, include identity cards, uniforms, flashlights (and batteries), whistles, shoes, raincoats, bicycles, office and communication equipment, etc.</li> </ul>
<b>Presence*</b>	<ul style="list-style-type: none"> <li>Presence can protect. Consider, security conditions allowing, maintaining permanent or regular high visibility presence in and around IDP camps, settlements and hosting areas. Be aware, however, that there may be circumstances in which your presence will instill a false sense of safety and security in persons of concern and/or draw unwanted attention their way.</li> </ul>
<b>Protection-based physical planning*</b>	<ul style="list-style-type: none"> <li>Ensure that camps, settlements and IDP hosting areas are, to the extent possible, in line with the principles of protection-based physical planning, including as regards location, layout and design of services. Considerations will include distance from armed conflict or other sources of violence; community participation in family plot layout; allocation of adequate space per family; safe access to resources, such as food, water and firewood; and services, such as police, camp management offices, sanitation facilities, schools, markets and community centers; security lighting; and establishment of child-friendly spaces.</li> </ul>
<b>Relief assistance</b>	<ul style="list-style-type: none"> <li>Ensure provision of relief assistance which can reduce exposure or mitigate the effects of crime, violence and abuse. This may include provision of food, firewood, fuel-efficient stoves, and various non-food items (in particular if IDPs are exposed to risks when</li> </ul>

	<p>acquiring such items by other means).</p> <ul style="list-style-type: none"> <li>▪ Ensure that relief distribution does not create or expose IDPs to additional risk, e.g. by ensuring that such distribution takes place in a safe environment, is distributed equitably and in a non-discriminatory manner. Relief distribution should take into account persons with specific needs and the needs of the host community. → See Chapter ** on Relief Distribution</li> </ul>
<b>Socio-economic Activities</b>	<ul style="list-style-type: none"> <li>▪ Make all possible efforts to ensure the community's engagement in education or vocational training, and cultural, religious and sports activities. This not only limits exposure to risk, it reduces the chances of persons resorting to violence, it helps individuals recover from the effects of violence, and helps build livelihoods.</li> </ul>
<b>Relocation</b>	<ul style="list-style-type: none"> <li>▪ In exceptional cases evacuation or relocation of certain individuals or groups from one camp, settlement or area to another may be necessary for their physical protection. Relocation is often a temporary security measure and should not prevent the search of an adequate sustainable solution. → See Chapter ** on Relocation/Evacuation.</li> </ul>
<b>Health and psycho-social support*</b>	<ul style="list-style-type: none"> <li>▪ Ensure that victims/survivors of crime, violence and abuse have access to adequate health care. This should include physical, mental and reproductive health and well-being and include psycho-social support for people dealing with the effects of violence, including trauma and post-traumatic stress disorders. → See Action Sheet ** on Health and Guidance Note on Psycho-Social Support.</li> </ul>

### Action Sheet 3.2. Threats to life, safety and security at the hands of parties to a conflict

8. An estimated 25 million persons are currently living in a situation of internal displacement as a result of armed conflict taking place in their country. The forced displacement of civilians, however, is not simply a regrettable consequence of armed conflict. All too frequently forced displacement itself has become the very objective of conflict or a method of warfare, aimed at furthering political or military agendas at the expense of the civilian population. The impact upon individuals and communities has been and remains devastating as indicated by the fact that civilian casualties of conflict outnumber those among military actors by almost four to one.
9. Situations of armed conflict are governed by a rich body of law which lays down extensive provisions for the protection of civilians. However, serious violations of human rights and humanitarian law by armed forces and groups are often wide-spread, systematic and conducted in a climate of impunity. Internally displaced persons and other affected individuals and communities may face a wide range of threats to their life, safety and security at the hands of such actors, including:
  - **Direct or indiscriminate attacks against civilians or civilian property** and other unlawful means and methods of warfare, including forced displacement, mass rape, acts of terror, starvation and destruction of land, homes and other property, such as crops and livestock. Such methods may be used in a systematic manner and as a weapon of war aimed a terrorizing or destroying individuals and communities.
  - **Ill-treatment of civilians or those placed *hors de combat*** in power of parties to the conflict, including murder, torture and other ill-treatment, sexual assault, rape and sexual humiliation, arbitrary arrest and detention, extra-judicial killings and disappearances, extortion, harassment, confiscation of documents, and appropriation of land and property. Such acts may take place in areas of refuge or transit, including in and around camps and settlements, in detention or prison facilities, at checkpoints, or entry/exit points into towns and villages.
  - **Militarization of camps, settlements and IDP hosting areas**, including infiltration and the use of such areas for rest, recuperation, recruitment, and resources seriously undermines the civilian and humanitarian character of such areas and poses a serious threat to their residents as well as host communities and humanitarian workers. The presence of armed actors frequently results in an increase in forced recruitment, sexual assault and exploitation, various forms of physical violence, murder, torture and ill-treatment, harassment, extortion, theft and destruction of property, and diversion of humanitarian aid. It may also expose the civilian population to attack and a range of punitive measures by parties to the conflict, including restrictions on freedom of movement and access to humanitarian aid.
  - **Forced recruitment into armed forces or groups**, in particular of children and adolescents who may be forced to participate in hostilities or serve as sex slaves, spies, porters, cleaners or cooks. Such children are often compelled to witness or commit acts that may leave them traumatized and hinder their reintegration into society upon release.



### Role and responsibility of parties to the conflict

10. All parties to a conflict, both State and non-state actors, are obliged at all times to distinguish between civilians and combatants/fighters and to respect the civilian and humanitarian nature of camps, settlements and other IDP hosting areas. This entails taking all feasible measures to protect such areas from direct attack and the indiscriminate effects of military operations as well as to treat individuals in their power humanely, without any adverse distinction. The State, including its armed forces, as well as armed groups have an obligation to ensure that military activities and the activities of members of the armed forces, whether on active duty or not, respect humanitarian law and principles relating to protection of civilians (see legal section), including by **(i)** providing training to the armed forces and the public; **(ii)** criminalizing violations of the law and put in place adequate legal, administrative and disciplinary structures to prevent, monitor and punish violations, and **(iii)** prosecuting and punishing – or extraditing upon request - those responsible for violations of international humanitarian or criminal law.

### Role of human rights and humanitarian actors: Building the protection response

11. Situations of armed conflict pose a unique set of challenges to humanitarian operations. Human rights and humanitarian actors rarely have the capacity to physically protect individuals or communities. Such actors can however play an important role by helping to reduce exposure to, respond to and mitigate the effects of such threats. As security conditions worsen, the response of human rights and humanitarian actors can be adapted. In an initial stage activities will be focused on working closely with the State on preventive measures, and developing the capacity of the State authorities. If these prove to be insufficient, the use of the international civilian or police monitors can be negotiated who provide technical expertise and support to local authorities, through training, mentoring and monitoring. Finally, the situation may require a referral to the Security Council if maintaining the security can only be ensured by the use of international military forces, whether peace-keeping or peace-building.

In our work we can...	
<b>Advocacy</b>	<ul style="list-style-type: none"> <li>Establish, where appropriate, direct lines of communication with armed forces and armed groups to advocate for respect of relevant humanitarian principles, to explain the humanitarian mandate and the need to maintain a clear distinction between civilian and humanitarian action and military operations. Insist that especially IDP camps and settlements are kept free from infiltration and not used for recruitment, or material and political support.</li> </ul>
<b>Early warning and contingency planning</b>	<ul style="list-style-type: none"> <li>Work with security staff to establish early warning and preparedness mechanisms aimed at identifying and responding to potential security threats, including armed conflict and the infiltration of armed elements into camps, settlements and other IDP hosting areas.</li> </ul>
<b>Civilian character</b>	<ul style="list-style-type: none"> <li>Take measures aimed at preventing militarization of camps, settlements and other IDP hosting areas. This may include (i) using information and communication campaigns or other activities to sensitize the community of the negative impact of militarization; (ii) discuss with the community what measures they feel can positively contribute to an improvement of their security and (iii) in case of IDP camps and settlements, ensure their location away from areas of active conflict, or areas known to be inherently unstable or suffering from endemic violence.</li> </ul>
<b>Enforcement of the law and access to justice</b>	<ul style="list-style-type: none"> <li>Advocate with the State, and where possible non-State actors, for measures to end impunity, including prompt and effective investigation, prosecution and punishment of violations of humanitarian and human rights law as well as national military codes. Particular attention must be paid to acts which amount to war crimes, crimes against humanity or genocide, as well as other serious violations of the law.</li> </ul>
<b>Identification, neutralization and separation of armed elements</b>	<ul style="list-style-type: none"> <li>Together with security staff, consider establishing security mechanisms in order to safeguard the civilian character of camps and settlements. This may include (i) screening, for instance inside or when entering camps and settlements, or when accessing assistance or services; (ii) encouraging self-identification of combatants/fighters and voluntary separation from the civilian population; (iii) spot-checks, weapons searches, and on an exceptional basis, physical separation of such individuals from the civilian population.</li> </ul>
<b>Recruitment</b>	<ul style="list-style-type: none"> <li>Advocate and take other measures aimed at preventing forced recruitment and use of children by armed groups and forces and, where children have been or are being recruited, securing their release from armed forces and groups. Such efforts do not have to form part of a formal DDR process but should be pursued at all times.</li> </ul>
<b>Demobilization, disarmament,</b>	<ul style="list-style-type: none"> <li>While DDR programmes will not be undertaken by humanitarian or human rights actors, they can nevertheless provide support for such programmes, for instance by (i) advocating</li> </ul>

<b>reintegration</b>	for such programmes where appropriate, including adequate funding; (ii) helping to ensure that such programmes meet the needs of men and women alike; (iii) stressing that the release of boys and girls associated with armed forces and groups should always be a priority, regardless and outside formal DDR processes, while advocating for special arrangements for boys and girls associated with armed groups and forces; (iv) helping to prepare the community for the return of former combatants, in particular children formerly associated with armed groups and forces; (v) assisting families of former combatants to reunite: (vi) giving former combatants access to, or even devising, programmes that provide psycho-social support, education, vocational training or micro-financing for small businesses.
<b>Landmines*</b>	<ul style="list-style-type: none"> <li>Where applicable, mine awareness activities must be appropriately co-coordinated with all relevant actors. This should either be done by a specialized de-mining agency, or, if not available, by a designated agency with mine awareness experience.</li> </ul>
<b>Use of military assets</b>	<ul style="list-style-type: none"> <li>Peace-keeping or local military forces can, on an exceptional basis and as a last resort, be called upon to escort humanitarian staff or convoys; transporting humanitarian relief or providing technical support. While important for security purposes it may also compromise the civilian and humanitarian character of relief, whether real or perceived, and create further security problems, including sexual abuse and exploitation of women from the IDP or host community.</li> </ul>
<b>Humanitarian zones</b>	<ul style="list-style-type: none"> <li>The establishment of neutralized or military-free zones has been used in the past for shorter or longer terms in order to provide protection from conflict for civilian populations. This can entail humanitarian zones, established by an agreement between parties to the conflict, or security zones, which usually must be secured by force. Similarly, safe routes or safe days have been negotiated for the delivery of assistance and life-saving services, such as medical assistance. Given the great risks that these arrangements can backfire, they need to be considered on an exceptional basis and only if the humanitarian imperative they serve outweighs those risks. Negotiations can be done directly between affected communities and military forces or groups. The humanitarian community should only be represented by experienced negotiations and security experts.</li> </ul>

### Action Sheet 3.3. Threats arising as a result of inter-communal relations

12. Whether internally displaced persons find refuge in camps, rural or urban settlements or within existing communities, their protection and coping mechanisms will to a large extent depend on the relation with the surrounding (host) communities. Conflict between communities on the move and resident communities can arise for a number of reasons. If ethnic, racial or political tension have been at the root of the displacement, this will be perpetuated both on a national and communal level during displacement.
13. But even without underlying inter-communal tensions, potential sources of conflict are numerous. The disorderly transitory movement or arrival of large amounts of people itself is likely to cause upheaval. Large scale movements and settlement of pastoralists with their cattle have caused clashes in the past. The arrival of alien communities may raise fears of a deterioration of hygienic conditions and an increase of diseases. If the new arrivals are fleeing from armed conflict, host communities, including previously settled IDPs, may fear military incursions or reprisals, or more generally rising insecurity and criminality.
14. Probably the most common source of conflict between displaced and host communities is the competition over scarce resources. Especially in remote areas where natural resources of water and food are limited, host communities will protect their livelihoods. They will have equally serious concerns about environmental degradation which risks undermining the longer term sustainability of the community. Firewood, often so essential for survival, has proven to be a source of conflict. These issues may not be apparent at the earlier stages of a displacement crisis, when all efforts are focused on addressing immediate emergency humanitarian needs, and many still hope for swift end of the crisis. As displacement endures, so will the potential for tension and conflict.
15. If internally displaced persons receive assistance, from national or international relief efforts, the host community may feel neglected or discriminated against. Discriminatory treatment by national authorities of one or the other community will also be a cause of tensions. Similar tensions as described above may arise among internally displaced persons with the arrival of a new community of internally displaced in an area where others have fled to and settled earlier.

16. Internally displaced persons who have been able to find accommodation with relatives or friends will have better chances for self-reliance. Nevertheless, even in such circumstances, especially when displacement last longer than anticipated, misunderstanding and tension can arise.

<b>In our work we can ...</b>	
<b>Assessment &amp; analysis</b>	<ul style="list-style-type: none"> <li>▪ In a fully participatory manner, including representatives of both the displaced and host community, on a regular and systematic basis identify sources of tension and conflict and areas of common interest within the communities. Ensure that these issues are fully incorporated in any protection strategy or activities.</li> </ul>
<b>Advocacy</b>	<ul style="list-style-type: none"> <li>▪ Effective and strategic advocacy with national authorities as primary responsible for maintaining law and order and ensuring the physical safety and security of the population displaced or host. Advocacy should especially focus on non-discrimination, equitable assistance, attention for those with specific needs, inclusiveness of all groups in national planning, and respect for human rights and accountability for their actions of all agents of the State, including the police, the military and municipal authorities.</li> </ul>
<b>Strengthening justice mechanisms</b>	<ul style="list-style-type: none"> <li>▪ Impunity contributes to further violence and abuse. Confidence in justice mechanisms and rule of law is one of the main factors that will prevent conflict among and between communities. Assist in building the capacity of both formal and informal justice sectors. This can be either material (office space or equipment, telecommunications, vehicles, fuel, staff incentives), managerial (planning, co-ordination), or training (human rights, effective policing, standards of professional conduct) support.</li> </ul>
<b>Security environment</b>	<ul style="list-style-type: none"> <li>▪ Communicate closely with existing law enforcement agencies on the policing and security needs of the IDP and host community respectively. Fears among the host community that the presence of IDPs may attract military violence need to be addressed. IDPs need to be equally made aware of the obligations they hold towards a peaceful and law abiding environment.</li> </ul>
<b>Communication and confidence building activities</b>	<ul style="list-style-type: none"> <li>▪ Effective communication channels are crucial to ensure access to objective information and minimize the risk of misinformation or manipulation. Ensure the establishment of a system of information exchange that is best suited to the social and cultural customs of the both the displaced and host community. It is strongly recommended to facilitate the establishment of a joint committee bringing together representatives of both the displaced and host community to discuss matters of mutual interest and concern and actively develop confidence building measures. The joint committee can agree in advance on mutually acceptable conflict resolution mechanisms and should be the first port of call in case of conflict.</li> </ul>
<b>Relief assistance</b>	<ul style="list-style-type: none"> <li>▪ When relief assistance is provided to IDPs specifically, an assessment needs to be made on the humanitarian needs of the host community. If (parts of) the host community has similar humanitarian needs as the displaced community, a comprehensive and integrated approach of community assistance will facilitate to prevent tension and conflict. This is equally relevant for the organization of activities aimed at improving the self-reliance of IDPs, such as skill training, income generating activities and micro-credit schemes.</li> </ul>
<b>Grazing grounds</b>	<ul style="list-style-type: none"> <li>▪ In case IDPs have arrived with large amounts of cattle, the identification of grazing areas must be made in close consultation with the local community. Existing or traditional grazing lands need to be reconsidered as priority.</li> </ul>
<b>Environmental protection</b>	<ul style="list-style-type: none"> <li>▪ Overuse of land and other natural resources is a common cause of tension and conflict between IDPs and host communities. Sensitizing IDPs and host communities to environmental concerns, providing targeted support, and engaging in environmental rehabilitation programmes, may help reduce tensions and minimize adverse impact on the environment.</li> </ul>
<b>Firewood collection</b>	<ul style="list-style-type: none"> <li>▪ Special attention must be paid to firewood collection as it has proven to be a serious cause of contention between displaced and host communities. Identify cooking/heating methods (e.g. fuel-efficient stoves) and cooking/heating fuel that are environment-friendly and do not cause depletion of firewood. Initiate reforestation programs. Create awareness among the displaced population on the consequences of collecting and cutting of firewood, including the presence of protected natural forests and the possibility of judicial action against illegal cutting/collection.</li> </ul>
<b>Confidence building measures</b>	<ul style="list-style-type: none"> <li>▪ Pro-active efforts must be made to build confidence between the displaced and host communities. Based on the expressed needs and concerns of the host community, this could include improvement of local infrastructure, such as roads, bridges, or communication (internet access). Consider members of the local community for</li> </ul>

	employment possibilities. Emphasize also the positive impact that IDPs can play within the community. Establish complaint mechanisms for members of both the displaced and host community.
<b>Health and educational institutions</b>	<ul style="list-style-type: none"> <li>Where feasible, health and educational institutions must be equally accessible to both IDPs and the host community. This relates to new as well as existing structures. Support to these institutions should be planned on the basis of the combined needs of both IDP and host community.</li> </ul>
<b>Access to water</b>	<ul style="list-style-type: none"> <li>As another potential for conflict, access to potable water needs to be free and secure for both IDP and host community. Whether new installations are built or existing ones repaired or upgraded, equal access is imperative, with special attention to sanitary conditions.</li> </ul>

### Key actors

- **National:** The internally displaced and host communities; Ministries of Justice, Defense and the Interior; law enforcement agencies; courts and other justice institutions; prison authorities; armed forces; human rights commissions and ombudsmen; parliamentary commissions and committees that legislate on or maintain oversight over armed forces or law enforcement agencies; civil society organizations and NGOs.
- **Regional:** Any regional military and civilian peace-keeping forces; regional organizations, such as the African Union, the European Union, Economic Community of West African States, the Organization for Security and Cooperation in Europe; regional human rights commissions and courts; governments of neighbouring states, influential states in the region, and donor states.
- **International:** Any UN military and civilian peace-keeping forces; staff of the UN security management system; security / protection staff of individual organizations and NGOs; UN Security Council; ICRC; UNICEF (in particular relating to disarmament, demobilization and reintegration of child soldiers); UN Mine Action Service; International Criminal Court (ICC); UN treaty bodies and special procedures.

### Key legal principles

17. International human rights and humanitarian law, together with national law, provide a comprehensive legal framework governing the conduct of hostilities and the treatment of civilians, including the internally displaced, in times of armed conflict.

#### ***International – and regional - human rights law***

18. Human rights law applies both in times of peace and armed conflict and in principle the State and its institutions, including the armed forces and any other agents of the State, should respect and protect all human rights at all times. This obligation can also extend to armed groups in control of territory, in particular if they exercise state-like functions, and such groups have on occasion committed to respect human rights<sup>3</sup>. Among the most important provisions in this respect are the rights to life; to freedom from torture and cruel, inhuman or degrading treatment or punishment; to freedom from slavery and forced recruitment; to liberty and security; to equal recognition and protection of the law; and access to justice.
19. Human rights law also lays down strict requirements for the use of force and firearms by law enforcement officials. Use of force must be necessary and proportionate to achieve a legitimate aim, such as to make an arrest or protect the lives of civilians. Only when non-violent means remain ineffective should force be resorted to. If the use of force results in injury or loss of life an official investigation should be conducted. The rules on the use of force are described in greater detail in the **UN Code of Conduct for Law Enforcement Officials** and the **UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**<sup>4</sup>. The State has responsibility to ensure that police and other security personnel are properly trained and that they carry out their functions in line with these rules.
20. While the State can lawfully derogate from some human rights during times of war or public emergency such derogation is subject to strict conditions. Moreover, the rights mentioned above are non-derogable,

For a useful summary of the main principles of international human rights and humanitarian law see **Principles 10 and 11 of the Guiding Principles on Internal Displacement**, which are reprinted in Annex \*\*. For further information about the legal framework see the Chapter 1.2. on the **International Legal Framework**.

<sup>3</sup> Insert reference to SPLM and the CRC

<sup>4</sup> These are available from [www.ohchr.org/english/law/index.htm](http://www.ohchr.org/english/law/index.htm)



meaning that they must be respected at all times, including during armed conflict.

### ***International humanitarian law***

21. International humanitarian law, which applies to State and non-state actors equally, applies only in times of armed conflict: it does not cover internal tensions or disturbances, such as riots or isolated acts of violence, which remain governed by human rights law. While different legal provisions may apply depending on the whether the conflict is international (between States) or non-international (between a State and non-state actors, or between such actors) the basic principles and prohibitions remain same and can be easily applied. These are mostly based in customary law as well as in the four Geneva Conventions and Additional Protocol I, which apply in international armed conflict, and Additional Protocol II, which together with Common Article 3 of the Conventions, apply in non-international conflict. The law contains two sets of rules of particular importance to the internally displaced and other civilians, i.e. (i) rules limiting the means and methods of warfare and (ii) rules containing fundamental guarantees of humane treatment.

- Rules limiting the means and methods of warfare

The law obliges parties to the conflict to distinguish at all times between combatants/fighters and civilians/civilian property, to direct their attacks only against the former and take all feasible measures to protect the latter from indiscriminate effects of the hostilities. Among prohibited acts are direct and indiscriminate attacks against civilians or their settlements; use of civilians to shield military objectives from attack or to shield, favour or impede military operations; displacement of civilian populations; acts of violence intended to spread terror; starvation of the civilian population as a method of warfare and of attacking, destroying, removing or rendering useless objects indispensable for its survival; reprisals against civilians or their property and collective punishments, which in practice often take the form of destruction of property, leading to displacement. The law also prohibits use of means and methods of warfare that cause superfluous injury or unnecessary suffering, or that cause widespread, long-term and severe damage to the natural environment or jeopardize the health or survival of the population. This includes weapons such as exploding bullets, chemical and biological weapons, blinding laser weapons and anti-personnel mines.

- Rules containing fundamental guarantees of humane treatment

Persons who do not or have ceased to take part in hostilities must be treated humanely and protected against violence to life, health and physical or mental well-being, including murder, mutilation, torture and cruel, humiliating or degrading treatment; rape, enforced prostitution and any form of indecent assault; forced recruitment of children and slavery in all its forms, including sexual slavery, exploitation and abuse. The law also contains detailed rules governing the conditions of detention and treatment of civilians when under the authority of an enemy power, including relating to food, shelter and medical care, and the right to exchange messages with their families.

### **References**

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- **Camp Management Toolkit** (Norwegian Refugee Council, 2<sup>nd</sup> edition, forthcoming in 2008)

<b>Annex 1 Community Watch Mechanisms</b>	
<b>Introduction</b>	While primary responsibility rests squarely with the State, individuals and communities can also play an important role in enhancing safety and security. Community watch mechanisms (CWM) can – if adequately trained, equipped and supervised - help reduce the levels of crime, violence and abuse within the community. This note summarises some good practice relating to the establishment and running of CWM. It should be noted however that CWM should generally not be used in highly politicized or militarized settings owing to the risk such mechanisms can pose to individuals and communities that participate in them.
<b>Definition and overall aim</b>	CWM can be defined as mechanisms that are organized and staffed by members of the community with the aim of supporting civilian law enforcement through a police-community partnership. Such mechanisms have particular value where police and security forces are absent, overwhelmed, or otherwise lack the capacity to maintain law and order. In addition, they can play an important role in identifying risk factors and addressing minor disputes, tensions, and conflict within the community, especially in camp settings.
<b>Roles and responsibilities</b>	CWM can be assigned different roles and responsibilities depending on the context and while no one model will fit all, common functions have included: patrolling; providing protection through presence; monitoring and reporting; assisting victims and survivors to seek assistance and report crime; registering complaints and mediating minor disputes; protecting community property from theft, sabotage, or fire; assisting with crowd control, for instance during relief distribution; and liaising between the community and police or camp authorities.
<b>Not police forces</b>	It is important to note that CWM are neither part of nor substitute to effective law enforcement and should under no circumstances carry arms or be authorized to perform police related functions, such as arresting, detaining or interrogating suspects or interviewing victims and witnesses. They should be entirely civilian in character, have no established links with armed forces or actors, and be closely supervised by relevant authorities as well as the community.
<b>Key considerations and lessons learned</b>	<p>Some of the lessons learned from previous experience with CWM projects include:</p> <ol style="list-style-type: none"> <li>1. Proper <b>consultation and cooperation with local and other relevant authorities</b>, including police, military and camp management authorities, must be ensured. CWM should be established with the consent and under the supervision of relevant authorities, which retain primary responsibility for safety and security.</li> <li>2. CWM should be <b>participatory, representative and include men and women</b> of different ages and ethnic or religious background, chosen by the community through a fair, open and transparent process.</li> <li>3. <b>Roles, responsibilities and reporting lines must be clearly delineated</b> in a written memorandum of understanding between relevant stakeholders and a code of conduct agreed upon.</li> <li>4. Adequate <b>supervisory, monitoring and disciplinary systems</b> must be put in place, including safeguards against corruption and abuse of power, such as diversion of aid and sexual exploitation and abuse.</li> <li>5. <b>Adequate equipment</b> must be provided, which may include support in the form of identity documents; office space or equipment; communication equipment such as phones or radios; clothing and footwear, including uniforms, rain coats and patrol boots; flashlights; whistles; bicycles and in some cases, financial incentives.</li> <li>6. <b>Training</b> in human rights and humanitarian law, as well as professional conduct and basic principles of community policing, must take place.</li> <li>7. While nominated by the community participants may need to be <b>vetted by relevant authorities</b>. To minimise the risk of corruption and enable greater number of individuals to benefit from the project, terms of service should be limited to 12-18 months, made subject to regular but not too frequent rotation. Particularly talented participants can be retained for training or supervisory functions.</li> <li>8. CWM must be entirely <b>civilian in character and prohibited from carrying arms</b>. Every effort must be made to ensure that such mechanisms neither act nor present themselves as law enforcement agents, do not become militarised or establish links with military groups or militias.</li> </ol>
<b>Further information</b>	‘A Comparative Review of Refugee Security Mechanisms’ (UNHCR, ESS/EPAU, Dec 2004); ‘Preserving the Civilian Character of Refugee Camps: Lessons from the Kigoma Refugee Programme in Tanzania’ (Jean-François Durieux, Track Two, Vol. 9, No. 3, Nov. 2000)