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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Human rights of internally displaced persons

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, in accordance with General Assembly resolution [76/167](#) and Human Rights Council resolution [50/6](#).

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\* [A/78/150](#).



## **Report of the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur**

### *Summary*

In the present report, the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, provides an update on the activities that she has undertaken since her first report to the Human Rights Council in July 2023. She further outlines the thematic priorities that she intends to focus on during her mandate, namely, internal displacement resulting from generalized violence; mediation and peace processes, peace agreements, peacebuilding and internal displacement; internal displacement and climate change; and the reintegration and integration of internally displaced persons. For each of these themes, she elaborates upon the current state of play and provides an overview of the particular issues she intends to examine during her mandate.

## I. Introduction

1. The present report is submitted to the General Assembly by the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, pursuant to General Assembly resolution [76/167](#) and Human Rights Council resolution [50/6](#). The Special Rapporteur elaborates upon the thematic priorities she will pursue during her tenure as mandate-holder, identifying key areas under each theme where she believes the attention of the mandate would be particularly warranted.
2. The Special Rapporteur expresses her gratitude to Member States, national human rights institutions, civil society organizations, academia and a wide range of other stakeholders for their valuable contributions in response to her call for input<sup>1</sup> and enriching consultations.

## II. Activities undertaken by the Special Rapporteur

3. In July 2023, the Special Rapporteur presented her first annual report ([A/HRC/53/35](#)) to the Human Rights Council. The report focused on her vision and thematic priorities for her mandate, which she will develop further in this report. The report included a summary of the final activities of the former Special Rapporteur, Cecilia Jimenez-Damary. Addenda to the annual report covered the reports of the former Special Rapporteur on her country visits to Japan ([A/HRC/53/35/Add.1](#)) and Mexico ([A/HRC/53/35/Add.2](#)).
4. On 3 July 2023, the Special Rapporteur delivered opening remarks regarding the country visit to Japan at a Human Rights Council side event organized by civil society. She also delivered closing remarks on internal displacement profiling in Mexico at another side event.
5. From 11–13 July 2023, the Special Rapporteur travelled to Mexico to deliver a keynote speech at the 2023 International Conference on Human Mobility, organized by the Migration Policy Unit of the Secretariat of the Interior and attended by both federal and state-level authorities and the country offices of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Mexico. She also met with civil society representatives, human rights defenders and journalists who had been internally displaced, as well as with the working group on internally displaced persons in Mexico City established to support the adoption of a federal law on internal displacement and to follow up on the recommendations of her predecessor's visit. The Special Rapporteur travelled to the state of Michoacán to lead a session with the Interinstitutional Committee for Forced Displacement of Michoacán State and discuss the adoption of a state-level law on internal displacement.
6. On 12 July, the Special Rapporteur attended a side event sponsored by the Government of Somalia and co-organized by the United Nations Development Programme (UNDP), the United Nations Human Settlements Programme (UN-Habitat) and the International Organization for Migration (IOM) on the margin of the high-level political forum on sustainable development, at which she stressed the importance of nationally owned development approaches to progress towards Sustainable Development Goal 11 of the 2030 Agenda for Sustainable Development

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<sup>1</sup> The submissions to the Special Rapporteur will be made available at [www.ohchr.org/en/calls-for-input/2023/call-input-thematic-priorities-special-rapporteur-human-rights-internally](http://www.ohchr.org/en/calls-for-input/2023/call-input-thematic-priorities-special-rapporteur-human-rights-internally).

through the adoption of a whole-of-society approach involving internally displaced persons and host communities.

7. From 17–21 July, the Special Rapporteur undertook a working visit to New York to hold consultations with stakeholders working on issues of peace, security and transitional justice. She met with the Peacebuilding Support Office, the Peacebuilding Fund, the Peacebuilding Commission, the International Center for Transitional Justice, the New York offices of OHCHR and UNHCR and the electoral assistance and policy mediation divisions of the Department of Political and Peacebuilding Affairs.

8. The Special Rapporteur is grateful to the Governments of Mozambique and South Sudan for their interest in receiving an official visit. She followed up her prior country visit requests to both countries with proposed dates and looks forward to agreeing on mutually convenient dates for those visits.

### **III. Thematic priorities**

9. In her first report to the Human Rights Council, the Special Rapporteur introduced the following thematic priorities for her mandate: (a) internal displacement resulting from generalized violence; (b) mediation and peace processes, peace agreements, peacebuilding and internal displacement; (c) climate change and internal displacement; and (d) the integration and reintegration of internally displaced persons. The present report explores some of the strategic directions that the Special Rapporteur will take and the specific topics that she wishes to address with regard to each of these themes.

10. The Special Rapporteur considers these themes to be a priority, in view of their relevance to a wide range of stakeholders, geographic contexts and internal displacement situations. These themes have an impact on all phases of the displacement cycle, influencing the conditions that lead to displacement, the protection and assistance needs of internally displaced persons and the sustainability of durable solutions. Developing a comprehensive picture of how these themes influence patterns of internal displacement and the lives of internally displaced persons and finding ways to address them more effectively could have a catalytic impact on the human rights of internally displaced persons. The Special Rapporteur will pursue an integrated approach to her examination of these four themes and will pay special attention to the interplay and interrelations among them.

11. The Special Rapporteur will pursue an intersectional approach that aims to consider the situation of different segments of the internally displaced population, including women, girls, children, young people, LGBTQI+ persons, people of African descent, minorities, older persons and Indigenous Peoples, including how they are impacted by climate change and generalized violence and the specific barriers to their participation in decisions that affect them, including mediation and peace processes and special measures to facilitate their integration and reintegration when implementing durable solutions.

12. As cross-cutting considerations, the Special Rapporteur will also examine urbanization and the localization of responses to internal displacement. The majority of internally displaced persons reside in towns and cities,<sup>2</sup> given the concentration of public services and economic opportunities they provide. Given the particular impacts

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<sup>2</sup> High-level Panel on Internal Displacement, *Shining a Light on Internal Displacement: A Vision for the Future* (2021), p. 8.

of internal displacement on urban areas and the fact that the impacts and manifestations of conflict, disasters and the adverse effects of climate change vary significantly within States depending on geography, the Special Rapporteur will also place an emphasis on the localization of responses to internal displacement, advocating that a more central role be played by municipal and provincial authorities and by local civil society organizations.

### **Internal displacement resulting from generalized violence**

13. The Guiding Principles on Internal Displacement apply to situations of generalized violence, which is often understood as situations of violence, including political, ethnic or intercommunal violence, that fall below the threshold of an “armed conflict” under international humanitarian law.<sup>3</sup> In 2022, a total of 28.3 million people were displaced by conflict and violence, approximately 2.3 million of whom were displaced by causes related to generalized violence.<sup>4</sup> Contexts of generalized violence are disproportionately deadly. Between 2015 and 2021, 3.1 million people died owing to intentional homicides, compared with 700,000 people in armed conflicts, and organized crime was responsible for as many deaths during this period as all armed conflicts globally.<sup>5</sup>

14. Generalized violence encompasses a broad range of situations and perpetrators. Organized criminal groups deploy violence in their criminal activities, including robbery, extortion, drug dealing, arms sales, sexual exploitation, murder and human trafficking. Violent extremist groups commit similar atrocities against civilians under their control, including murder, torture, rape, sexual slavery, child recruitment and use, forced religious conversion, the deliberate targeting of minorities and severe punishment of the population. Intercommunal violence can take a number of forms, including resource-related conflicts, conflicts between herders and farmers, conflicts between displaced persons and their host communities or conflicts among ethnic or religious groups. Violence and human rights violations in all of these contexts can engender internal displacement. The Special Rapporteur will examine in further detail the various perpetrators of generalized violence that leads to internal displacement and unpack how the violence caused by these actors may overlap or differ in its objectives, tactics and impact on the human rights of affected populations.

15. The main criteria for distinguishing non-international armed conflicts from generalized violence are the intensity of the conflict and the level of internal organization of the parties to the conflict.<sup>6</sup> In many contexts, this distinction is blurred. Although the motives of organized criminal groups or violent extremist organizations may be economic or ideological rather than explicitly political, many may exercise control over territory, have a well-organized hierarchy and management structure and contribute to violence at an intensity surpassing that of recognized armed conflicts.<sup>7</sup> Similarly, the increasingly recurrent nature of intercommunal

<sup>3</sup> See Global Protection Cluster, UNHCR, Internal Displacement Monitoring Centre, Norwegian Refugee Council and Directorate-General for European Civil Protection and Humanitarian Aid Operations, “Session 1: Who are IDPs, and what are their specific needs?”, available at <https://www.internal-displacement.org/sites/default/files/inline-files/Session-1-handout.pdf>.

<sup>4</sup> Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2023: Internal displacement and food security* (Geneva, 2023), p. 12. This number represents the combined figures for communal violence, crime-related violence and other forms of violence.

<sup>5</sup> United Nations, “Our Common Agenda policy brief 9: a new agenda for peace”, July 2023, p. 5.

<sup>6</sup> See International Committee of the Red Cross, commentary of 2020 on article 3 of the Geneva Convention relative to the Treatment of Prisoners of War, para. 448.

<sup>7</sup> Robert Muggah, “Organized crime in armed conflicts and other situations of violence”, *International Review of the Red Cross*, vol. 105, No. 923 (June 2023).

clashes has occasionally led to the militarization and political instrumentalization of the groups involved.<sup>8</sup> In such contexts, intercommunal clashes may meet the threshold criteria for an armed conflict.

16. The ambiguous distinction between contemporary generalized violence and armed conflict has serious consequences for civilians caught in situations of violence akin to or exceeding that of an armed conflict, who may not have the protections afforded to civilians under international humanitarian law. The non-State nature of the groups concerned renders it equally challenging to hold them accountable under international human rights law.<sup>9</sup> Although they are bound by international human rights law, States may feel less constrained by international humanitarian law and may therefore carry out highly militarized operations against criminal or extremist groups with little regard for the protection of civilians, leading to further displacement (see [A/HRC/38/39/Add.1](#), paras. 49–51). States may also derogate from human rights obligations under extraordinary counter-terrorism or anti-gang measures, causing additional human rights violations, including restrictions on freedoms of expression, movement, association and religion or belief and the rights to home and family life, liberty and security of person and protection from arbitrary detention (see [A/HRC/31/65](#), paras. 38–47). This type of securitized response does not address the underlying causes of such violence and, further, can lead to retaliatory attacks by criminal or extremist groups and boost their recruitment, which in turn engenders more repressive security operations, creating a vicious cycle of violence and displacement.<sup>10</sup>

17. Despite the disregard for international humanitarian and human rights law that frequently characterizes situations of generalized violence, both non-State actors and States are under an obligation to prevent arbitrary displacement and violations of the rights of internally displaced persons in these situations. Non-State actors operating as de facto authorities have the same obligations as States under the Guiding Principles on Internal Displacement.<sup>11</sup> The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) takes this further, explicitly outlining in article 7 acts that violate the rights of internally displaced persons for which non-State armed groups will be held criminally accountable. The Special Rapporteur will study successful strategies to incentivize non-State armed groups to respect their obligations to prevent arbitrary displacement and to respect the rights of internally displaced persons.

18. The Special Rapporteur is grateful to her predecessor for outlining the legal obligations of States to prevent arbitrary displacement in contexts of generalized violence.<sup>12</sup> She takes the view that States must also act to prevent situations of generalized violence from arising by addressing the structural violence and breakdown of rule of law and accountability mechanisms that enable generalized violence to arise. This is a core element of “The highest aspiration: a call to action for human rights” of the Secretary-General<sup>13</sup> and has been recognized by Member States through the Human Rights Council’s landmark resolution [51/14](#) on the role of prevention in the promotion and protection of human rights, which calls on States to

<sup>8</sup> Daniel Christopher Watson, “Rethinking inter-communal violence in Africa”, *Civil Wars* (6 March 2023).

<sup>9</sup> Tilman Rodenhäuser, “The legal protection of persons living under the control of non-State armed groups”, *International Review of the Red Cross*, vol. 102, No. 915 (January 2022).

<sup>10</sup> United Nations, “Our Common Agenda policy brief 9”, p. 13.

<sup>11</sup> Walter Kälin, *Guiding Principles on Internal Displacement: Annotations* (American Society for International Law, 2008), p. 9.

<sup>12</sup> [A/76/169](#).

<sup>13</sup> United Nations, “The highest aspiration: a call to action for human rights”, 2020.

fully implement their human rights commitments as the best preventive measure for human rights violations. The Special Rapporteur will advocate for States to adopt human rights-based approaches integrating political and development considerations that address the underlying drivers of such violence, in line with the New Agenda for Peace.<sup>14</sup>

19. Effective prevention strategies require a fuller understanding of other factors that lead to situations of generalized violence that engender forced displacement. The adverse effects of climate change can play a role, by exacerbating conflict over dwindling resources or by rendering traditional land-based livelihoods unfeasible, which can heighten the appeal of joining criminal gangs or extremist groups, absent other economic alternatives.<sup>15</sup> People initially displaced by disasters that were exacerbated by climate change may enter situations of generalized violence when their arrival causes conflict with host communities (see [A/76/169](#), para. 56). Pre-existing armed conflict, such as civil war, can divert the attention of security forces from criminal groups or violent extremists or, indeed, facilitate their rise, as their criminal businesses may be profitable to the activities of parties to the armed conflict.<sup>16</sup> Weak, corrupt or absent governance can create structural violence and conditions conducive to the emergence of organized criminal or violent extremist groups.<sup>17</sup> The Special Rapporteur will further investigate how these factors should be taken into account to effectively prevent arbitrary displacement and situations of generalized violence.

20. The human rights of certain groups are disproportionately impacted by generalized violence in many contexts, often owing to these groups being explicitly targeted by criminal or extremist groups. Children and youth face not only disruption to their schooling,<sup>18</sup> but also restrictions on their liberty, including arbitrary detention or restrictions on their movement, owing to suspicions of association with criminal or extremist groups.<sup>19</sup> They may be subject to forced recruitment by criminal or extremist groups owing to these groups' perception that children may more easily escape suspicion or that they are less vulnerable to prosecution, or owing to the lack of economic alternatives for their families in areas devastated by violence.<sup>20</sup> Women and girls face specific protection risks, including domestic violence,<sup>21</sup> rape and femicide, owing to a general climate of impunity as well as the specific use of sexual violence as a means of coercive control over the civilian population (see [A/HRC/32/35/Add.4](#), paras. 34–41). Women and girls may be coerced into relationships with members of criminal gangs or even sexual enslavement (see [A/HRC/33/46/Add.1](#), para. 33) and face increased risks of trafficking (see [A/HRC/32/35/Add.4](#), para. 36).

21. Hate crimes against LGBTIQ+ persons tend to rise significantly in the context of gang-related violence.<sup>22</sup> They may face additional barriers when it comes to

<sup>14</sup> United Nations, "Our Common Agenda policy brief 9", p. 13.

<sup>15</sup> Karoline Eklöv and Florian Krampe, "Climate-related security risks and peacebuilding in Somalia", Stockholm International Peace Research Institute policy paper, No. 53, October 2019.

<sup>16</sup> Muggah, "Organized crime in armed conflicts".

<sup>17</sup> Internal Displacement Monitoring Centre, "Cause or consequence? Reframing violence and displacement in Guatemala" (Geneva, 2018).

<sup>18</sup> [A/HRC/38/39/Add.1](#), paras. 22–23, and [A/HRC/38/39/Add.3](#), paras. 51–52.

<sup>19</sup> [A/HRC/38/39/Add.1](#), para. 20, and [A/HRC/38/39/Add.3](#), paras. 49–50.

<sup>20</sup> [A/HRC/33/46/Add.1](#), para. 35, and [A/HRC/38/39/Add.3](#), para. 49.

<sup>21</sup> [A/HRC/32/35/Add.4](#), para. 39, and [A/HRC/38/39/Add.3](#), paras. 53 and 55.

<sup>22</sup> [A/HRC/32/35/Add.4](#), para. 46; [A/HRC/38/39/Add.1](#), paras. 29–30; the submission of Caribe Afirmativo; and the joint submission of ILGA World and Colombia Diversa.

reporting violence against them and access to justice.<sup>23</sup> In contexts of violent extremism, minority groups may be targeted by extremist groups on the basis of their ethnic, religious or linguistic identity (see [A/HRC/44/41/Add.1](#), paras. 29–32). Those attempting to expose or seek justice for the human rights abuses perpetrated by armed groups in contexts of generalized violence, including journalists, human rights defenders and displaced Indigenous land rights activists, may be targeted as well and subject to threats, aggression or criminalization by the State, in addition to arbitrary displacement (see [A/HRC/53/35/Add.2](#), paras. 25 and 31).

22. The Special Rapporteur will accordingly devote particular attention to the impact of generalized violence on specific groups that are specifically targeted and/or disproportionately affected as a result of their identities or professions, including women, children, migrants, LGBTIQ+ persons, Indigenous Peoples, minorities, journalists and human rights defenders.

23. The wide range of situations, perpetrators and human rights impacts that characterize internal displacement in the context of generalized violence makes it challenging to provide protection, assistance and durable solutions to internally displaced persons in these situations. Patterns of displacement may vary, from localized displacement of individual households or neighbourhoods in contexts where displacement is motivated by targeted threats and extortion by gangs, to mass displacement resulting from intercommunal clashes. The motives of the armed actors involved in situations of generalized violence are not homogenous, which poses a challenge in terms of creating incentives to protect and assist internally displaced persons and work towards durable solutions. The Special Rapporteur will aim to evaluate how strategies to provide protection, assistance and durable solutions to internally displaced persons in contexts of generalized violence should be adapted depending on the specific circumstances.

24. States have the primary responsibility to provide protection, assistance and durable solutions to internally displaced persons, including those displaced by generalized violence. However, the emergence of widespread generalized violence is in itself indicative of the State's inability or unwillingness to effectively enforce the rule of law, meaning that laws and policies related to internal displacement may be difficult to implement. In addition, States may be reluctant to recognize all forms of violence that drive displacement as generalized violence, and may instead make a distinction between violence that stems from the actions of organized groups and high levels of violent criminality perpetrated by individual actors.<sup>24</sup> This can lead to fragmented responses. These dynamics may necessitate the consideration and development of alternative and novel approaches to prevention, protection, assistance and solutions in these contexts, and examining and proposing such actions and policies will be a focus during the Special Rapporteur's tenure. She will also advocate for local actors, including municipalities, to play a leading role, given the context-specific nature of generalized violence and the greater legitimacy that local authorities may enjoy in certain contexts.

25. Accountability for arbitrary displacement and associated human rights violations remains a complicated challenge for contexts of generalized violence but is critical for preventing the recurrence of violence and displacement. This is reflected in Human Rights Council resolution [51/14](#) on the role of prevention in the promotion and protection of human rights, which calls on States to take measures to ensure the rule of law and accountability for human rights violations in order to prevent them in

<sup>23</sup> [A/HRC/53/35/Add.2](#), para. 26, and the submission of Colombia Diversa.

<sup>24</sup> See submission of Comisión Mexicana de Ayuda a Refugiados.



the future. Given the complex constellation of situations that this encompasses, multiple legal frameworks may be applicable. The Special Rapporteur will accordingly consider accountability measures for various perpetrators of arbitrary displacement and associated human rights violations in diverse contexts of generalized violence; the role of transitional justice mechanisms, international humanitarian and human rights law and domestic criminal and counter-terrorism laws in these situations; and special measures to facilitate access of marginalized groups to justice, remedy and the psychosocial support needed to facilitate their integration and reintegration.

26. Both accountability measures and measures to prevent future displacement related to generalized violence should be part of peace dialogues and mediation efforts. These processes must engage all groups that are involved in contributing to generalized violence as well as those displaced by generalized violence and reflect their concerns and perspectives in order to lead to sustainable peace.

### **Mediation and peace processes, peace agreements, peacebuilding and internal displacement**

27. Resolving internal displacement is inextricably linked with meeting the Sustainable Development Goals, preventing conflict and generalized violence and achieving and sustaining peace, especially in the light of the New Agenda for Peace.<sup>25</sup> Building upon the work of her predecessors,<sup>26</sup> the Special Rapporteur will continue to examine the existing progress and challenges with respect to the mainstreaming of internal displacement into mediation<sup>27</sup> and peace processes, peace agreements and peacebuilding. In this context, she recalls that internally displaced persons have rights grounded in international human rights law and international humanitarian law and that States experiencing armed conflicts, generalized violence and post-conflict situations have an obligation to protect those rights. Similarly, she recalls that mediation and peace processes, peace agreements and peacebuilding must involve consideration of internal displacement and reinforce durable solutions in accordance with the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee.<sup>28</sup>

28. As a former member of the Secretary-General's High-level Panel on Internal Displacement, the Special Rapporteur concurs fully with the urgency to move beyond viewing internal displacement solely as a humanitarian crisis and to recognize its direct connection to broader governance, development, human rights, climate change and peace challenges.<sup>29</sup> She is determined to advance the humanitarian-development-peace nexus in a context where climate change and disaster-related risks are higher,<sup>30</sup> aiming to achieve improved collaboration, coherence and complementarity between humanitarian, development, disaster risk reduction and peace actors to address the vulnerabilities and unmet needs of internally displaced persons, in line with the promise of the 2030 Agenda to leave no one behind.

<sup>25</sup> "Our Common Agenda policy brief 9", actions 2 and 3 (p. 15) and pp. 19–26.

<sup>26</sup> See [A/62/227](#), [A/68/225](#), [A/HRC/10/13](#) and [A/HRC/13/21/Add.4](#).

<sup>27</sup> Mediation should be understood as including conflict management, conflict resolution and conflict transformation processes. See Department of Political and Peacebuilding Affairs, "Engaging at the local level: options for UN mediators" practice note, September 2022.

<sup>28</sup> See [A/HRC/13/21/Add.4](#), sect. E.

<sup>29</sup> High-level Panel on Internal Displacement, *Shining a Light on Internal Displacement*, foreword.

<sup>30</sup> See [A/75/207](#).

29. Addressing internal displacement as part of mediation and peace processes, peace agreements, peacebuilding and transitional justice is critical.<sup>31</sup> Unfortunately, however, this has not happened in a consistent way, and internally displaced persons themselves, in particular women, young persons, ethnic or religious minority groups and LGBTQI+ persons, have rarely had a voice in them.<sup>32</sup> This represents a critical missed opportunity to promote sustainable peace, ensure the active and empowered participation of internally displaced persons in decisions affecting them and pursue durable solutions for displaced populations in countries experiencing the devastating impacts of conflicts, generalized violence and climate change. The Special Rapporteur will continue to encourage States to address displacement in mediation and peace processes; include internally displaced persons from all age groups, genders and diversities in associated dialogues and mediation efforts; and promote compensation, restitution, transitional justice and social cohesion initiatives.<sup>33</sup>

30. Mediation and peace processes and agreements that have incorporated the needs and insights of internally displaced persons and that have further sought to address and prevent future internal displacement have been identified in several contexts.<sup>34</sup> Moreover, some countries have succeeded in paving the way for durable solutions for their displaced populations via peace agreements.<sup>35</sup> During her tenure, the Special Rapporteur will resurface past case studies, identify new ones and raise awareness about existing and emerging good practices and strategies, as well as about the challenges encountered along the way.

31. Despite recent progress in addressing internal displacement in mediation and peace processes, commitments are often not fulfilled, especially in peace agreements, because of poor drafting, insufficient implementation mechanisms and funding, scarce political will, more pressing priorities such as ceasefire or demobilization and specific obstacles, such as landmines or urgent humanitarian needs.<sup>36</sup> As a starting point, the Special Rapporteur will promote the establishment of systematic monitoring mechanisms to ensure compliance, accountability and follow-up, with commitments to internally displaced persons in mediation and peace processes, peace agreements and throughout the peacebuilding phase.<sup>37</sup>

32. The Special Rapporteur has taken note that certain groups, in particular women, children, older persons, persons with disabilities, ethnic, linguistic and religious minorities, and LGBTQI+ persons, face heightened discrimination and marginalization within displaced populations and have historically been excluded or underrepresented in mediation and peace processes, peace agreements and peacebuilding.<sup>38</sup> Their participation is extremely valuable, given their insights into the root causes of displacement, the impact of conflict and violence on their lives and the pursuit of potential durable solutions, thereby supporting prevention,<sup>39</sup> diminishing

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<sup>31</sup> See [A/73/173](#).

<sup>32</sup> See submission of Kenya.

<sup>33</sup> High-level Panel on Internal Displacement, *Shining a Light on Internal Displacement*, p. 64.

<sup>34</sup> Brookings Institution and University of Bern, *Addressing Internal Displacement in Peace Processes, Peace Agreements and Peace-Building*, September 2007, pp. 28–42.

<sup>35</sup> High-level Panel on Internal Displacement, *Shining a Light on Internal Displacement*, p. 13.

<sup>36</sup> Brookings and Bern, *Addressing Internal Displacement*, executive summary.

<sup>37</sup> Gerard McHugh, *Integrating Internal Displacement in Peace Processes and Agreements*, Brookings-Bern Project on Internal Displacement (Washington, D.C., 2010).

<sup>38</sup> See submissions of: Colombia Diversa; National Commission for Refugees, Migrants, and Internally Displaced Persons of Nigeria; and Nigerian National Human Rights Commission.

<sup>39</sup> Walter Kälin, *Internal Displacement and the Law* (Oxford, Oxford University Press, 2023), p. 106.

the risks of perpetuating displacement and strengthening the sustainability of peace.<sup>40</sup> Guaranteeing the right to participation to internally displaced persons throughout the cycle of public policy grants legitimacy and accountability to all designed programmes and measures, including those related to mediation and peace. As such, the Special Rapporteur intends to work with States to establish a legal standard for the meaningful and continuous participation of internally displaced persons in decision-making processes directly affecting them.<sup>41</sup>

33. The importance of the participation of internally displaced persons in these processes rests on its purpose rather than on its specific form, given that it should be understood as a means and not as an end.<sup>42</sup> Displaced populations may participate throughout the various stages of mediation and peace processes, peace agreements and peacebuilding – including implementation, monitoring and evaluation – via direct representation or consultations, forums, focus groups or other dedicated platforms or coalitions.<sup>43</sup> This non-exhaustive list of mechanisms allows them to share their views, concerns and proposals regarding the ongoing conflict and to satisfy their unique protection and assistance needs, not only in geographic areas experiencing conflict, but also with respect to return, resettlement and integration and reintegration in order to address, among other things, the mutual mistrust between host communities and the displaced.<sup>44</sup> The effective inclusion of the voices of internally displaced persons – including those of the most vulnerable – has improved the responsiveness of mediation and peace processes to the drivers of violence, conflict and displacement<sup>45</sup> and the effectiveness of prevention policies.<sup>46</sup> To ensure meaningful participation, however, opportunities should be context-specific, accessible, inclusive and culturally sensitive, should prioritize the inherent diversity and intersectionality of internally displaced persons and should remove physical, attitudinal and communicative barriers.<sup>47</sup> The Special Rapporteur recognizes that security concerns make it extremely difficult to access internally displaced persons, and will promote the urgent improvement of the safety and security situations in areas of displacement, settlement and integration and reintegration.

34. Early engagement of internally displaced persons in mediation and peace processes, peace agreements and peacebuilding can help to build trust and legitimacy among displaced communities, enhance the prospects for durable solutions and reduce the risk of further marginalization.<sup>48</sup> Governments, negotiators and other peace actors should provide adequate support and capacity-building to enhance the participation of internally displaced persons, including training in negotiation skills and advocacy.<sup>49</sup> Safe spaces should be created to enable an environment for the

<sup>40</sup> See submission of UN-Habitat.

<sup>41</sup> See submission of the Constitutional Court of Colombia. The Court established as a legal standard the obligation to ensure a level of participation of displaced persons that was comparable with the rest of the population in order to counteract their disproportionate marginalization.

<sup>42</sup> See submission of the Institute for Integrated Transitions.

<sup>43</sup> See *Ibid.* Participation should be understood as a means rather than an end. While the possibility of incorporating multiple voices into a negotiation is desirable, the nature and number of actors must be balanced with the intrinsic limitations of these processes.

<sup>44</sup> See submission of the Kenya National Commission on Human Rights as well as Roger Duthie, “Contributing to durable solutions: transitional justice and the integration and reintegration of displaced persons”, Brookings-LSE Project on Internal Displacement (June 2013).

<sup>45</sup> See submission of the Commission on Human Rights of the Philippines.

<sup>46</sup> Prevention is not limited to the pre-displacement phase; see [A/76/169](#), paras. 34–68.

<sup>47</sup> See submissions of Kenya and the Refugee Consortium of Kenya.

<sup>48</sup> *Ibid.*

<sup>49</sup> Gerard McHugh, *Integrating Internal Displacement in Peace Processes and Agreements*.

meaningful participation of internally displaced persons. Throughout their engagement, internally displaced persons should have access to timely, accurate and reliable information to ensure that they are up to date on opportunities for participation, to maximize their engagement and to remain aware of the latest developments.<sup>50</sup> The Special Rapporteur will consistently advocate for a people-centred and human rights-based approach that views internally displaced persons as citizens with agency and not only as beneficiaries of humanitarian action.

35. Despite having the primary responsibility to advance compensation, restitution, transitional justice and social cohesion initiatives for displaced populations in the pursuit of durable solutions, Governments have neither explored nor utilized these instruments sufficiently.<sup>51</sup> Violations of basic human rights, including the rights to housing, land and property have persisted in the majority of conflicts around the globe, to the detriment of the economic, social and cultural rights of internally displaced persons.<sup>52</sup> The Special Rapporteur will work to expand the discussions on the links between transitional justice, reparations and housing, land and property restitution with States and the donor community. Several countries lack the financial and human resources to offer adequate compensation to internally displaced persons, while in others, informal approaches to housing, land and property tenure create challenges for the displaced in reclaiming their entitlements;<sup>53</sup> even States with the required means may be unwilling to prioritize such initiatives. Disputes over housing, land and property rights are often a significant driver of internal displacement, and the failure to guarantee them undermines the pursuit of integration and reintegration and durable solutions for displaced communities. The Special Rapporteur further believes that peace processes and agreements should address these issues by promoting land reforms, ensuring secure land tenure, resolving land-related conflicts and establishing mechanisms for land restitution or compensation.<sup>54</sup>

36. The general consensus conveyed to the Special Rapporteur is that mediation and peace processes, peace agreements and peacebuilding have proven inadequate in addressing the needs of all internally displaced persons. As such, mediation and peace processes should identify the root causes of displacement in order to contribute to providing durable solutions to those experiencing this plight and thereby achieve and sustain peace. Overlapping conflict and displacement drivers often include unaddressed grievances, socioeconomic inequalities, political exclusion, land disputes, resource competition (which is particularly acute in the face of climate change) and ethnic tensions.<sup>55</sup> Discrimination, marginalization, forced evictions, generalized violence, sexual and gender-based violence and land rights abuses further contribute to internal displacement. If mediation and peace processes, peace agreements and peacebuilding efforts successfully address these issues, they can pave the way for preventing further displacement, promoting lasting peace and consolidating durable solutions that facilitate safe and voluntary return, as well as social, political and economic integration and reintegration.<sup>56</sup> To do so, however, they should promote dialogue, truth and reconciliation processes and community-based

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<sup>50</sup> See submission of the Refugee Consortium of Kenya.

<sup>51</sup> *Shining a Light on Internal Displacement*, p. 16.

<sup>52</sup> Confidential consultations with development, humanitarian and peace actors.

<sup>53</sup> See submission of the International Center for Transitional Justice.

<sup>54</sup> See submission of Maat for Peace, Development and Human Rights Association.

<sup>55</sup> See submission of Kenya.

<sup>56</sup> Duthie, "Contributing to durable solutions".

initiatives to heal wounds, foster social cohesion and rebuild trust among diverse groups, for which transitional justice must serve as a cross-cutting instrument.<sup>57</sup>

37. The human rights of internally displaced persons that are the most serious and the least considered in mediation and peace processes, peace agreements and peacebuilding include, *inter alia*, security risks and lack of protection; gender- and sexual orientation-based violence; unattended trauma and psychological issues; lack of active and meaningful participation in policymaking; limited access to essential public goods and services, particularly in the health-care sector, as well as limited access to shelter with adequate water, sanitation and hygiene amenities; and discrimination, exploitation and abuse, including forced recruitment of minors. The Special Rapporteur fully acknowledges that these human rights issues are only reinforced by the role of intersectionality, whereby marginalized groups face compounded challenges.

38. Developing robust early warning systems and rapid response mechanisms has helped in the detection of and response to potential triggers of displacement, thereby preventing the phenomenon.<sup>58</sup> Thus, the Special Rapporteur will continue to promote timely mediation and intervention efforts to prevent conflicts and generalized violence from escalating and leading to internal displacement in the first place. In particular, and in line with “The highest aspiration: a call to action for human rights”, Our Common Agenda and the New Agenda for Peace of the Secretary-General, the Special Rapporteur will advocate for the development of human rights-based national prevention strategies to address the root causes of displacement, as well as its proximate and immediate causes and triggers. Building towards the Summit of the Future, to be held in 2024, the incorporation of internal displacement as one of the critical challenges to be addressed by a reinvigorated multilateral system should be prioritized.

39. The Special Rapporteur remains committed to studying the strategies for sustainable peace developed by regional, subregional and intergovernmental organizations and civil society, including those that emphasize the women-peace-security nexus. Similarly, the Special Rapporteur remains committed to promoting and collaborating closely with organizations led by internally displaced persons and to helping bodies within the United Nations system and humanitarian and development sectors to better understand the significance and contributions of these local actors.<sup>59</sup>

40. The Special Rapporteur will continue to join efforts with States, international organizations, national human rights institutions and civil society organizations, especially those led by internally displaced persons themselves, to raise awareness and tackle the barriers resulting in the underrepresentation or exclusion of displaced populations from mediation and peace processes, peace agreements and peacebuilding. Similarly, and in close cooperation with these stakeholders, she will continue to advocate for the full spectrum of human rights – civil, political, economic, social and cultural – of internally displaced persons to be protected and mainstreamed into all said processes and efforts. Throughout the remainder of her mandate, the Special Rapporteur will accompany internally displaced persons in preparing for

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<sup>57</sup> International Center for Transitional Justice Research Unit and Brookings-LSE Project on Internal Displacement, “Transitional justice and displacement: challenges and recommendations”, June 2012.

<sup>58</sup> See submissions of Kenya; Refugee Consortium of Kenya; and the Kenya National Commission on Human Rights.

<sup>59</sup> Suggestions provided by Internally Displaced Persons Protection Expert Group, including Jennifer Welsh.

active and fruitful participation in mediation and peace processes, and, ultimately, peacebuilding, by facilitating their access to training in order to close knowledge gaps and to develop tools and skills to advance their needs and initiatives.

### **Climate change and internal displacement**

41. The adverse impact of climate change on the global crisis of internal displacement, once a distant future hypothetical, is now a lived reality for millions worldwide: for the livestock herder driven from home by conflict with his neighbours over dwindling water and pasture sources; for the mother in an informal urban settlement whose children can no longer go to school or drink clean water following flash flooding; and for entire communities of Indigenous Peoples in places such as the Arctic Circle or the Pacific Islands, whose traditional homelands are literally disappearing from beneath their feet. The Special Rapporteur considers it an urgent priority for her mandate and for the international community to find ways to address this twofold crisis and provide tangible protection, assistance and solutions to those affected.

42. Under the United Nations Framework Convention on Climate Change, the Cancun Adaptation Framework highlights measures to enhance understanding, coordination and cooperation around displacement, migration and planned relocation in the context of climate change, while a dedicated Task Force on Displacement has been established under the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (see [A/75/207](#), para. 7). The Sendai Framework for Disaster Risk Reduction 2015–2030 recognizes the role of climate change in exacerbating disaster risks and the need to mitigate these risks, including the risk of displacement. The Global Compact for Safe, Orderly and Regular Migration calls for disaster preparedness and resilience policies that integrate displacement considerations in the context of sudden-onset and slow-onset disasters exacerbated by the adverse effects of climate change.<sup>60</sup> Several regional and national instruments also aim to address internal displacement in the context of climate change, including through integrated frameworks that address climate, disaster and conflict-related drivers of displacement.<sup>61</sup>

43. The relationship between the adverse effects of climate change and internal displacement is complex, as it involves the interplay of various triggers and drivers of displacement rather than a direct causal pathway.<sup>62</sup> Climate change increases the risk of disasters and conflict, which are more proximate drivers of internal displacement. Climate change can increase the frequency and intensity of seasonal hazards, such as floods or cyclones, which turn into disasters – situations in which hazards interact with pre-existing conditions of exposure, vulnerability and capacity, to disrupt the functioning of a community or society<sup>63</sup> – when they overwhelm affected communities’ capacity to cope, leading to losses and other adverse impacts, including displacement. Climate change can also fuel conflict, for instance, in contexts where slow-onset processes such as drought and desertification intensify competition over resources, eventually leading to conflict-induced displacement.<sup>64</sup>

<sup>60</sup> General Assembly resolution [73/195](#), objective 2 (h)–(l).

<sup>61</sup> UNHCR and IOM, *Bridging the Divide in Approaches to Conflict and Disaster Displacement: Norms, Institutions and Coordination in Afghanistan, Colombia, the Niger, the Philippines and Somalia* (2021).

<sup>62</sup> See submission of the Kaldor Centre for International Refugee Law.

<sup>63</sup> See [www.undrr.org/terminology/disaster](http://www.undrr.org/terminology/disaster).

<sup>64</sup> “Human rights, climate change and migration in the Sahel” (United Nations publication, 2021), pp. 5–6.

Climate change can also erode the ability of communities to cope with hazards and conflict, for example, by disrupting traditional livelihoods, leaving communities with fewer resources for adaptation following a crisis event.

44. Not all migration in response to the adverse effects of climate change is necessarily displacement. Human mobility in the context of the adverse effects of climate change may amount to displacement if it meets the threshold stipulated by the Guiding Principles on Internal Displacement, which defines internally displaced persons as those who have been evacuated or who have fled their homes or places of habitual residence as a result of, or in order to, avoid the anticipated effects of a disaster, and who have not crossed an international border.<sup>65</sup> However, other persons impacted by climate change may choose to migrate voluntarily as an adaptation strategy before the situation in their area of origin reaches the threshold of a disaster, in particular those with the means to do so. A third alternative is planned relocation, whereby persons or groups of persons move or are assisted to move from their homes to protect them from risks and impacts related to disasters and environmental change, including the effects of climate change, are settled in a new location and are provided with the means to rebuild their lives, under the authority of the State.<sup>66</sup>

45. Former mandate-holders have extensively explored internal displacement in the context of climate change, considering both sudden-onset and slow-onset climatic phenomena and the impact thereof on the human rights of internally displaced persons.<sup>67</sup> The Special Rapporteur will aim to build on these findings and focus on specific mitigation, adaptation and loss and damage measures to address the adverse effects of climate change, advocating for sustained attention to displacement in the context of the adverse effects of climate change in the decision-making bodies of all relevant conventions and treaties. She will consider how such measures can be formulated with a view to protecting, assisting and providing solutions and remedy to internally displaced persons and preventing further displacement. She will also examine how climate mitigation, adaptation and loss and damage measures address the needs and leverage the capacities of specific populations among the displaced, as well as the interplay between climate change and her other thematic priorities.

46. States have an obligation to prevent arbitrary displacement in the context of climate change, which threatens the effective enjoyment of a broad array of rights, by implementing mitigation and adaptation measures that reduce the risk of displacement by disasters. Mitigation measures in particular are an obligation for the majority of States under the Paris Agreement.<sup>68</sup> Given that disasters involve the interaction of hazards with pre-existing factors of exposure, vulnerability and capacity to cope, mitigation measures aim to reduce the frequency of hazards by curbing emissions and other factors that drive climate change, while adaptation measures aim to reduce the exposure and vulnerability of communities and build their capacity to cope with hazards. Adaptation measures include early warning systems and other mechanisms to provide information to affected communities; infrastructure to offset the effects of hazards; sustainable land-use planning; and development initiatives that improve access to basic services and an adequate standard of living, expanding communities' ability to cope.<sup>69</sup> Several stakeholders identified the need to support diversification of

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<sup>65</sup> A/75/207, para. 12.

<sup>66</sup> Brookings Institution, Georgetown University and UNHCR, "Guidance on protecting people from disasters and environmental change through planned relocation", 7 October 2015, p. 5.

<sup>67</sup> A/64/214, A/66/285, A/75/2017 and A/HRC/10/13/Add.1.

<sup>68</sup> OHCHR, "Key messages on human rights, climate change and migration". Available at [www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/Key\\_Messages\\_HR\\_CC\\_Migration.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/Key_Messages_HR_CC_Migration.pdf).

<sup>69</sup> A/75/207, paras. 45–46.



livelihoods and expand social safety nets as the adverse effects of climate change render certain land- and resource-dependent livelihoods unviable.<sup>70</sup>

47. The Special Rapporteur will advocate for the full and meaningful participation of communities that have been displaced in the context of the adverse effects of climate change and those at risk of such displacement, which is indispensable to the success of climate mitigation and adaptation efforts in terms of their ability to prevent disaster displacement. Such participation should reflect the intersectionality of these communities in order to ensure a diversity of perspectives. These efforts are especially critical in instances of climate change adaptation projects that in and of themselves displace communities. The costs and benefits of such projects must be carefully assessed, with the full participation of affected communities, before they can be implemented. Given the variation in local impacts of climate change and the particular role of cities in hosting those displaced in the context of the adverse effects of climate change, the Special Rapporteur will also promote the leadership of local authorities, including municipalities, in the design and implementation of these projects.

48. Planned relocations in the context of climate change are generally considered a measure of last resort after other mitigation and adaptation options have been reasonably exhausted.<sup>71</sup> Such caution is reasonable, given the immense financial and logistical challenges associated with the relocation of entire communities, as well as the myriad potential adverse impacts on the human rights of those relocated in instances where the process is not properly managed or where affected communities are not meaningfully engaged, which may more closely resemble development-based evictions or involuntary resettlement.<sup>72</sup> Furthermore, planned relocation implies shifting the focus away from mitigation measures to curb the climatological drivers of displacement,<sup>73</sup> although such measures are not always within the power of the States that are the most affected, which have often contributed the least to climate change,<sup>74</sup> to enact. Planned relocations also represent a devastating loss of culture and identity for those with a special dependency on and attachment to their lands, including Indigenous Peoples, minorities and those with land-based livelihoods. Nevertheless, the increasing severity of the adverse effects of climate change implies that even under the best-case mitigation scenarios, some communities will have no other recourse than this last resort and indeed, many States have already begun implementing such policies for affected citizens.<sup>75</sup>

49. Given this reality, the Special Rapporteur will examine how planned relocations in the context of climate change can be conceptualized and carried out in a manner that protects and expands the human rights of those affected and ensures their full, informed and meaningful participation throughout the process. She will identify lessons from planned relocation efforts that negatively impacted the human rights of those displaced, as well as examples of successful efforts, in particular those that were initiated at the request of climate-change affected communities,<sup>76</sup> and provide

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<sup>70</sup> See submissions of Nigeria; Kenya; Overseas Development Institute Humanitarian Policy Group; Maat for Peace Development and Human Rights Association; and CARAM Asia.

<sup>71</sup> Brookings, Georgetown and UNHCR, “Guidance on protecting people from disasters”, p. 11.

<sup>72</sup> For an assessment of the human rights impacts of development-induced displacement, see [A/77/182](#).

<sup>73</sup> See submission of Elizabeth Ferris.

<sup>74</sup> Core Writing Team, Hoesung Lee and José Romero, eds., “Summary for policymakers” in *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Intergovernmental Panel on Climate Change (Geneva, 2023), para. A.2.

<sup>75</sup> See submission of the Internal Displacement Monitoring Centre.

<sup>76</sup> See submission of the Kaldor Centre for International Refugee Law.



concrete recommendations on conflict-sensitive, human rights-based approaches to planned relocations, in line with the Guiding Principles on Internal Displacement<sup>77</sup> and the guidelines developed by the Brookings Institution, Georgetown University and UNHCR.<sup>78</sup> As the design, implementation, and success of such efforts will depend significantly on the local circumstances of the areas and communities from which and to which people will be relocated, she will advocate for local authorities, including municipalities, to lead these efforts.

50. The Special Rapporteur will give particular attention to how specific groups are impacted by planned relocation and how they participate in the planning and execution of this process. She will also give particular attention to innovative approaches to relocation that accommodate continued mobility, such as seasonal return or pendular migration to the area of origin to continue traditional livelihoods. She will further investigate how such efforts may be executed with a view to preserving the culture and identity of those with a special dependency on and attachment to their lands, and what additional measures are needed to ensure the integration of these communities.

51. Access to justice and remedy are essential rights of internally displaced persons in contexts of arbitrary displacement;<sup>79</sup> however, these rights are difficult to realize in the context of climate change. Those displaced in the context of climate change, in particular slow-onset events, often struggle for recognition as internally displaced persons, which limits their ability to claim reparative measures.<sup>80</sup> Establishing liability for climate change-related rights violations poses significant challenges, including the difficulty of attributing disasters and conflicts that cause displacement definitively to climate change, the difficulty of attributing responsibility for specific climate change-driven events to specific actors and the question of which States or entities should be held responsible for the effects of climate change.<sup>81</sup> A further complication is whether the States and businesses that have contributed the most to climate change will have the political will to acknowledge and remedy the harms caused by their emissions.

52. Nevertheless, displacement in the context of climate change is not natural or inevitable, but rather the result of deliberate actions and policies that benefit some to the detriment of others. There are clear disparities among States as to which have contributed the most to global emissions and which are the most impacted by the adverse effects of climate change, which, the Intergovernmental Panel on Climate Change has concluded, are linked to historical and ongoing patterns of inequity such as colonialism.<sup>82</sup> Significant inequities are also evident within States. For example, the Intergovernmental Panel found that, in urban contexts, the adverse effects of climate change are concentrated among economically and socially marginalized urban residents.<sup>83</sup> Climate change amplifies existing structural inequalities among and within States, and those that already have fewer resources to cope with increasingly frequent and severe hazards are consequently the most affected by disasters.<sup>84</sup>

<sup>77</sup> See, in particular, principle 7, which concerns planned displacements.

<sup>78</sup> Brookings, Georgetown and UNHCR, “Guidance on protecting people from disasters”.

<sup>79</sup> OHCHR, “Key messages on human rights and climate change” (available at [www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/KeyMessages\\_on\\_HR\\_CC.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/KeyMessages_on_HR_CC.pdf)), para. 3, and “Key messages on human rights, climate change and migration”, para. 9.

<sup>80</sup> See submissions of Climate Refugees and the Kaldor Centre for International Refugee Law.

<sup>81</sup> See submission of Elizabeth Ferris.

<sup>82</sup> Intergovernmental Panel on Climate Change, “Headline statements from the summary for policymakers”, Sixth Assessment Report of Working Group II, 28 February 2022.

<sup>83</sup> Core Writing Team and others, eds., “Summary for policymakers”, para. A.2.7.

<sup>84</sup> [A/75/207](#), paras. 27–33, and [A/HRC/52/28](#).

53. Internally displaced persons in the context of climate change thus require access to justice and remedy for multiple harms: for the climate change-fuelled disaster that was the proximate cause of their displacement and for the pre-existing structural violence that deprived them of the resources and capacity to cope with hazards prior to their displacement. Groups with a special dependence on and attachment to their lands also face the devastating losses of their culture and identity in situations where they are displaced from their traditional lands and/or forced to give up their traditional livelihoods. Finding ways to remedy these intangible yet consequential losses is also critical.

54. Consequently, the Special Rapporteur believes that more attention should be paid to the question of justice for internally displaced persons in the context of climate change. The international community has made incremental progress towards recognizing the need to address the unequal harms associated with climate change, under the umbrella of “loss and damage”, the term generally used to denote the adverse effects of climate change that occur despite mitigation and adaptation measures or in their absence.<sup>85</sup> The Conference of the Parties to the United Nations Framework Convention on Climate Change established the Warsaw International Mechanism to address loss and damage in developing countries that are particularly vulnerable to the adverse effects of climate change in 2013; included loss and damage as a core element of the Paris Agreement (article 8) in 2015; and established a fund to respond to loss and damage in 2022. Displacement is recognized as one form of loss and damage, as evinced by the Mechanism’s establishment of the Task Force on Displacement.

55. Nevertheless, these efforts must go further towards reparative justice for those displaced in the context of climate change. By definition, “loss and damage” explicitly excludes the possibility of liability or compensation for climate change-related harms.<sup>86</sup> To date, most of the above mechanisms have focused largely on research and knowledge-sharing around the adverse impacts of climate change, and it remains to be seen how the recently established loss and damage fund will function in practice. The Special Rapporteur will aim to examine how loss and damage mechanisms and other channels may be leveraged to provide meaningful access to remedy and justice that give due consideration to the concepts of liability and compensation for the rights violations suffered by internally displaced persons in the context of climate change. She will advocate for the full and meaningful participation of internally displaced persons, including the specific groups that are disproportionately impacted by the adverse effects of climate change, in the design and implementation of loss and damage policies and programmes and in eventual efforts towards broader climate justice.

56. In contexts where the adverse effects of climate change and conflict intersect, the Special Rapporteur will promote due consideration of climatological factors that contribute to conflict in mediation and peace processes, peace agreements and peacebuilding, including by ensuring that post-conflict reconstruction supports climate mitigation and adaptation in order to prevent further displacement in the future.

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<sup>85</sup> See interview with Adelle Thomas, “Loss and damage: A moral imperative to act”, available at [www.un.org/en/climatechange/adelle-thomas-loss-and-damage](http://www.un.org/en/climatechange/adelle-thomas-loss-and-damage).

<sup>86</sup> Article 8 of the Paris Agreement and Adoption of the Paris Agreement – Proposal by the President – Draft decision -CP.21 (FCCC/CP/2015/L.9/Rev.1), paras. 48–52.

### The integration and reintegration of internally displaced persons

57. The Framework on Durable Solutions for Internally Displaced Persons describes the path towards the sustainable integration and reintegration of internally displaced persons as a gradual, long-term process of reducing displacement-specific needs and ensuring the enjoyment of human rights without discrimination. It enumerates eight human rights-based criteria for determining when durable solutions have been achieved, namely, long-term safety and security, adequate standard of living, access to livelihoods and employment, access to remedies and justice, family reunification, accessible mechanisms for restoration of housing, land and property and personal and other documentation and participation in public affairs.<sup>87</sup> Although indicators have been developed to measure the progress made with respect to these criteria, the availability of data to inform these criteria remains extremely limited.<sup>88</sup>

58. It is crucial to move beyond treating internal displacement as solely a humanitarian problem and work towards nationally and locally owned solutions to ensure that the rights, including the right to a voluntary, safe and dignified solution, and agency of internally displaced persons of all ages, genders and diversities are protected by the State, and that internally displaced persons, along with other members of the local community, are empowered as rights-holding residents of their countries. Integration and reintegration are contextual and multidimensional, and “subjective factors play a major role in determining at what point IDPs [internally displaced persons] no longer see themselves as IDPs or if they are still perceived as such by others.”<sup>89</sup>

59. According to UNHCR, in 2022, at least 5.7 million internally displaced persons were estimated to have returned to their place of origin, 8 per cent more than during the previous year.<sup>90</sup> This figure, however, does not address the fundamental aspects of identity, including cultural, religious and linguistic considerations, belonging and acceptance, social cohesion, spirituality and quality of social life, which are rarely documented or considered when formulating durable solutions.<sup>91</sup> Return and relocation movements are not a durable solution in and of themselves absent full and holistic integration and reintegration; however, the focus in many contexts continues to be primarily on physical return, with limited support for local integration or settlement elsewhere.<sup>92</sup>

60. The Special Rapporteur will further explore differentiated approaches to facilitating the integration and reintegration of internally displaced persons and will pay special attention to the conditions that contribute to the sustainability of durable solutions in their countries and their lived experiences and perceptions that impart a sense of belonging. She will analyse programmes and policies to address social cohesion, psychosocial well-being, subjective feelings about belonging, family and social networks and access to information to understand how they reduce discrimination and marginalization.

61. The Special Rapporteur will also consider the role of identity, including cultural, spiritual and religious practices, as well as the link between mental health and suffering, including transgenerational impacts resulting from displacement and the impacts of post-traumatic stress, loneliness and isolation, discrimination and

<sup>87</sup> See Durable Solutions, “Informing responses to support durable solutions for IDPs”, at <https://inform-durablesolutions-idp.org/>.

<sup>88</sup> See UNHCR, *Global Trends: Forced Displacement in 2022* (Copenhagen, June 2023).

<sup>89</sup> Kälin, *Internal Displacement and the Law*, p. 245.

<sup>90</sup> See UNHCR, *Global Trends*.

<sup>91</sup> See submission of the Internal Displacement Monitoring Centre.

<sup>92</sup> See submission of the Danish Refugee Council (Middle East).

prejudice and other mental health and psychosocial challenges with respect to integration and reintegration, as well as the participation of internally displaced persons in the development of solutions. The importance of psychosocial care, social support and community networks, protection from discrimination and access to information and mental health care will be examined in the context of life-changing events experienced by internally displaced persons, including how such support and targeted interventions affect their resilience, capacities and agency.

62. Key issues will be the importance of upholding fundamental rights, such as the rights to life, security, safety, protection, equality, non-discrimination and freedom from stigmatization and exclusion, and prioritizing the strengthening of resilience, self-reliance and protection capacities of internally displaced persons by eliminating barriers that hinder their ability to secure sustainable livelihoods, education, health care and adequate housing. Special attention should be given to groups in vulnerable situations, including unaccompanied minors, young people, women and girls, female heads of household, persons with disabilities, older persons, LGBTIQ+ persons, persons perceived as affiliated with parties to conflicts, minorities, Indigenous Peoples, rural workers and pastoralists. Addressing the challenges faced by internally displaced persons in vulnerable situations during integration and reintegration requires context-specific approaches that consider local dynamics, cultural sensitivities and the specific needs, capabilities and aspirations of the affected populations.

63. Full and equitable access to effective legal remedies to protect housing, land and property rights, including in areas where customary rights are managed without formal recognition, is vital for the successful integration and reintegration of internally displaced persons.<sup>93</sup> Ensuring access to justice is a significant challenge for internally displaced persons owing to displacement-related factors such as the lack of documentation, legal representation and familiarity with the legal system. Supporting and strengthening existing local and national protection systems and mechanisms, along with combating discrimination and stereotypes and raising awareness of the drivers of internal displacement, are equally crucial.<sup>94</sup>

64. The Special Rapporteur is grateful to her predecessor for highlighting the importance of reparations in achieving durable solutions, addressing material obstacles faced by internally displaced persons and restoring their dignity, including through housing, land and property restitution and livelihood support, which, together with truth-seeking, accountability and guarantees of non-recurrence, contribute to the recognition of wrongdoing.<sup>95</sup> She will continue advocating for the use of reparations, specifically collective reparations, as appropriate, to enable comprehensive reintegration.

65. Successful integration and reintegration of internally displaced persons require promoting social cohesion and reconciliation within displacement-affected communities, addressing tensions and grievances and fostering dialogue. The effective integration of internally displaced persons into host communities continues to present significant challenges, as the sheer magnitude of internally displaced persons' movements are perceived as overwhelming and straining limited services available in host communities, which can create tensions and conflicts. This may be exacerbated by parallel humanitarian and development responses when little effort is made to ensure inclusive economic development strategies that benefit both host communities and internally displaced persons.

<sup>93</sup> See submission of UN-Habitat.

<sup>94</sup> See submission of the Danish Refugee Council.

<sup>95</sup> [A/73/173](#), paras. 42 and 64.

66. The Special Rapporteur will also address the challenges to achieving integration and reintegration that some have raised regarding the lack of harmonized normative, institutional and monitoring and accountability frameworks that facilitate a comprehensive, coordinated and realistic response and reintegration policy with adequate allocation of resources to address challenges faced by internally displaced persons and empower them to participate in decision-making and national dialogue processes.<sup>96</sup>

67. The absence of documentation, and obstacles to obtaining it owing to transportation and administrative costs and bureaucratic policy barriers,<sup>97</sup> compounded by restrictions of freedom of movement, places internally displaced persons at increased risk for arrest or arbitrary detention, which hinders durable solutions and leaves internally displaced persons with unequal legal protection and access to social welfare schemes. Undocumented births expose children to the risk of statelessness, hinder their access to basic services and place them at risk of trafficking, recruitment and sexual exploitation. These are rights protected by the Guiding Principles on Internal Displacement, and the Special Rapporteur will advocate for the full enjoyment of these rights to enable integration and reintegration.

68. Another challenge the Special Rapporteur will address is the tendency to respond to compounding emergencies with crisis-driven investment rather than sustainable solutions that uplift individuals and communities and address underlying causes of displacement. The pressures generated by funding needs, unclear organizational incentives and limited space for innovative approaches make it difficult to focus on integration and reintegration and effect changes. Humanitarian action is often organized around major technical clusters, producing fragmented funding and programme implementation and prioritizing the interests of major aid agencies rather than the needs and priorities of affected populations, especially in countries experiencing ongoing violence, disasters and migratory flows that further exacerbate the fragility of infrastructure and marginalize crisis-affected populations. Targeted interventions and sustainable response and recovery approaches are needed to mitigate these effects. Furthermore, the short length of humanitarian funding cycles poses a challenge even when long-term issues are duly considered, as available resources do not provide the flexibility or certainty required for effective durable solutions programming.<sup>98</sup> States often focus on providing life-saving humanitarian assistance, which, while crucial, can also perpetuate dependency unless supported by development assistance and socioeconomic and political participation, which are necessary for durable solutions.<sup>99</sup>

69. The sustainability of integration and reintegration of internally displaced persons relies instead on the State's investment in creating livelihood and employment opportunities, the provision of support and services to host communities and continuous monitoring and reporting of displacement triggers.<sup>100</sup> The integration and reintegration of internally displaced persons can further be supported by fostering social cohesion, inclusion and trust; empowering identity and self-determination, including through cultural and spiritual expression; and providing mental-health and psychological support. This can be done by promoting inclusive policies and programmes to ensure equal rights, opportunities and access to services for both internally displaced persons and host communities; encouraging community-led initiatives and engagement; enabling inclusive and meaningful participation in

<sup>96</sup> See submissions of Mexico and the Consortium of Ethiopian Human Rights Organizations.

<sup>97</sup> See submission of the Danish Refugee Council (Middle East).

<sup>98</sup> See joint submission of the International Rescue Committee and Sesame Workshop.

<sup>99</sup> See submission of the Consortium of Ethiopian Human Rights Organizations.

<sup>100</sup> See submission of the Kenya National Commission on Human Rights.

decision-making processes; facilitating dialogue and collaboration between host communities and internally displaced persons; and establishing social and cultural incentives to address concerns and build trust, a sense of solidarity, empathy and shared responsibility.<sup>101</sup>

70. Programmes that promote social acceptance, invest in local actors and prioritize inclusion are crucial for promoting social cohesion and reconciliation and preventing future conflict.<sup>102</sup> Preserving and respecting the diverse identities, cultural heritage, languages, traditions and spiritual practices of internally displaced persons, providing mental health services and psychological support and creating an inclusive environment are important in fostering a sense of identity, belonging and resilience.

71. Many stakeholders stressed the need to prioritize the provision of adequate, accessible and quality mental health and psychological support services, including counselling, trauma support and psychosocial interventions, through fostering capacity within communities; and facilitating access to clinical services, in order to provide a sense of belonging, emotional support and opportunities for collective healing. Raising awareness about mental health issues and reducing the stigma can encourage internally displaced persons to access the necessary support and services. Donors should focus on strengthening the capacity of States to provide these services.<sup>103</sup>

72. In contexts where the State lacks the legitimacy, will or ability to implement measures to facilitate the sustainable integration and reintegration of internally displaced persons, community-based development planning processes play a vital role in addressing social cohesion and economic inclusion in tandem.<sup>104</sup> Civil society actors have an important role to play in mobilizing support and solidarity by bringing attention to and documenting challenges and protection needs and working to address and resolve them, as well as holding the State and other relevant authorities accountable for their obligations towards internally displaced persons.<sup>105</sup>

73. The sustainability of integration and reintegration of internally displaced persons is a complex and multifaceted process that requires a comprehensive approach. The unique needs, experiences and aspirations of internally displaced persons must be considered, and an inclusive and supportive environment within host communities must be fostered. The Special Rapporteur will continue to raise awareness about the rights and needs of internally displaced persons and to identify good practices with a view to developing policy recommendations for sustainable integration and reintegration. She will advocate for integration and reintegration initiatives to be rights-based and age- and gender-sensitive, with due consideration of effective accountability mechanisms for both humanitarian actors and duty bearers.<sup>106</sup>

## IV. Conclusions

**74. The adverse effects of climate change and situations of generalized violence create internal displacement that amplifies existing structural inequalities. Persons who, even prior to displacement, were marginalized by their identities or beliefs are disproportionately impacted by arbitrary displacement and the**

<sup>101</sup> See submission from the National Human Rights Commission of Nigeria.

<sup>102</sup> See submission of Mercy Corps.

<sup>103</sup> See UNHCR, “Strengthening mental health and psychosocial support in UNHCR: achievements in 2021 and priorities for 2022 and beyond” (Geneva, 2022).

<sup>104</sup> Consultation with UNDP.

<sup>105</sup> See submission of the Danish Refugee Council.

<sup>106</sup> See submissions of Save the Children and the Danish Refugee Council.

human rights violations this entails. The impact of both generalized violence and climate change is often highly context-specific, leaving local authorities, particularly in cities, on the front line of responses. The complexity of these phenomena make accountability for arbitrary displacement in these situations a challenge.

75. Mediation and peace processes, peace agreements and peacebuilding efforts provide a platform that can prevent future arbitrary displacement, including in contexts of climate change and generalized violence, as well as provide redress for those subjected to arbitrary displacement and associated human rights violations, including the disproportionate impact faced by those marginalized even prior to displacement. However, these conflict resolution efforts frequently fail to dedicate sufficient attention to addressing internal displacement or meaningfully engage internally displaced persons and displacement-affected communities from an intersectional perspective.

76. Remedying and preventing future rights violations suffered by internally displaced persons in contexts of climate change, generalized violence and post-conflict transitional processes is essential to the integration and reintegration of internally displaced persons. These measures must be complemented by context-specific and holistic efforts to facilitate the full integration and reintegration of internally displaced persons, which remains a multi-faceted, context-specific and subjective process.

77. Given the challenges of establishing accountability and meaningful remedy for rights violations after arbitrary displacement has already occurred, the Special Rapporteur will work with States and other responsible authorities to encourage them to implement meaningful measures and strategies to prevent arbitrary displacement driven by disasters, generalized violence and conflict, including mitigation and adaptation measures to address the adverse impacts of climate change. Where such displacement has already taken place and post-crisis recovery is underway, she will promote measures that provide justice, remedy and reparations to internally displaced persons for the human rights violations, losses and damages they have endured. She will advance these priorities by advocating for the consideration of prevention measures and remedy mechanisms for displacement in mediation and peace processes.

78. Lastly, the Special Rapporteur will consistently advocate for internally displaced persons and displacement-affected communities, including local and municipal authorities, to be meaningfully engaged in the design and implementation of prevention strategies and efforts, transitional justice and remedy mechanisms and mediation and peace processes. She will also promote approaches that centre their perspectives in determining the conditions under which full integration and reintegration, following the implementation of durable solutions, is achieved.