

Cecilia Jimenez-Damary:

Let me first thank the Special Rapporteur and the Chair of this Forum for providing me this opportunity to elaborate on the human rights of internally displaced persons particularly in relation to displaced minorities. As mentioned by my predecessor, many of IDPs around the world actually belong to minorities who have fled from their homes for a variety of causes. The draft recommendations on minorities in situations of humanitarian crises, emanating from the Special Rapporteur on the Rights of Minorities and currently under consideration, are of interest to me particularly in relation to achieving durable solutions.

Unfortunately, within humanitarian crises, achieving durable solutions for minorities is difficult for the reason of discrimination arising from the very causes of their displacement. It is therefore imperative that in order for minorities to achieve durable solutions, due attention should be given to those reasons for their displacement, particularly in relation to their discrimination because they are minorities. Within my own experience as a member of a national human rights institution, we found that an affirmative attention to human rights displaced minorities provided us with a firm analytical framework helpful in the contexts during the displacement as well as in the search for durable solutions. A particular process that may be useful especially in post-conflict situations are those related to transitional justice and reconciliation, as appropriate, which may contribute to resolving both causes of displacement and its consequences,

International soft law standards provided by the IASC Framework on Durable Solutions for internally displaced persons are grounded on the more concrete State obligations to respect, protect and fulfil human rights. Therefore, in relation to displaced minorities, not only is the right to non-discrimination of minorities a foundational right, but the Framework provides certain criteria that are benchmarks for the attainment of durable solutions.

What are these criteria:

Right to non-discrimination to the following:

- Long-term safety, security and freedom of movement;
- An adequate standard of living, including at a minimum access to adequate food, water, housing, health care and basic education;
- Access to employment and livelihoods;

- Access to effective mechanisms that restore their housing, land and property or provide them with compensation.

Also:

- Access to and replacement of personal and other documentation;
- Voluntary reunification with family members separated during displacement;
- Participation in public affairs at all levels on an equal basis with the resident population;
- Effective remedies for displacement-related violations, including access to justice, reparations and information about the causes of violations.

The attainment of these criteria, which are obviously human rights standards, should underline any of the IDP and minorities settlement options:

- Sustainable reintegration at the place of origin (hereinafter referred to as “return”);
- Sustainable local integration in areas where internally displaced persons take refuge (local integration);
- Sustainable integration in another part of the country (settlement elsewhere in the country)

As you can glean, these criteria are complex. In my own experience, the fact that minorities may have their own identities in relation to the majority population makes it difficult for them to attain these durable solutions criteria. Thus, it is the responsibility of the State to ensure that displaced minorities are provided positive conditions to attain these.

The protection risks faced by minorities in the attainment of these criteria, simply because of the different needs and cultural sensitivities of minorities who suffer from discrimination, have to be given attention by the State which has the primary responsibility to assuage and solve these protection risks. Unfortunately, these protection risks during their actual displacement exacerbate the difficulty for durable solutions. It is therefore my belief that even during displacement, protection risks specific to displaced minorities should be resolved including in the context of respect for diversity. In one of the reports that I co-authored as a government representative, the important principles of respect for diversity are seen to be a strength in addressing the protection risks of minority populations rather than a problem.

Lastly, participation of IDP minorities will provide a firm ground to ensure that any of these programmes are relevant, effective, supported and owned by the IDP minorities themselves. The marginalisation of minorities is often a problem that exacerbates their displacement situation and lends to their protracted displacement in greater proportion compared to other non-minority IDPs.

The UNGPID provides that IDP participation is a consistent requirement. This includes in the context of durable solutions. Genuine and free political participation, for example, need to be enhanced despite the fact that they are displaced. Again, in my own experience, special voting programmes may need to be set up in order to provide the displaced minorities an opportunity to lend their voice to democratic processes.

Another example is the participation of IDP minorities in the discussion and design of responses to displacement, so that they can return, locally integrate or settle elsewhere. In fact, such participation actually make it easier for the State organisms and humanitarian and development agencies to provide the necessary support as well as funding. I have come across situations where the construction of houses, for example, actually do not conform with the demands of the minorities cultural practices, including materials. In the end, the resolution of this particular problem was able to enable the return of the displaced minorities in a safe and dignified manner.

In conclusion, the attainment of durable solutions is challenging for IDPs in general; it is even more challenging for displaced minorities who have suffered from discrimination, including in relation to their valid aspirations for the guarantee and fulfilment of their rights as minorities. A concerted effort to achieve durable solutions for displaced minorities, based on their minority rights, is important not only for the minorities themselves. They have far reaching consequences in resolving humanitarian crises and in achieving peace and justice for all peoples. Thank you.