

<p><u>9th Forum on Minority Issues:</u> <u>Minorities in situations of humanitarian crises</u> (Geneva 23-25 November 2016)</p>
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Correlation between Minorities and Internally Displaced Persons
in Humanitarian Situations

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General considerations

- The discussion presented in this paper examines the situation of minorities as internally displaced persons. Most of the displaced populations in humanitarian situations in the world today are persons belonging to minorities. There is a correlation between the phenomenon of displacement and the forcible dispersal of minorities due to their distinct identity and geographical location whether within or between states.
- State formation processes or creation often leads to the incorporation of populations of minorities as communities with a distinct identity usually in specific geographical locations. Early attempts to 'resolve' minority issues involved compulsory population exchanges between States as a way of promoting homogeneity. See for example the population exchange between Greece and Turkey under the 1923 Convention Concerning the Exchange of Greek and Turkish Populations. These population exchanges involved approximately two

million people, around 1.5 million Anatolian **Greeks** and 500,000 Muslims in **Greece**.(see also the exchange of Greek and Turkish Populations, Advisory Opinion of the Permanent Court of International Justice, 1925).

- In other instances, minorities were either dispersed or overlaid with other populations, and sometimes territories inhabited by minorities were ceded or 'transferred' to undermine minority consciousness. During the Second World War, these techniques changed to crude methods involving extermination of minorities by genocide and forcible transfer of populations, including the implantation of settlers.
- While the events of the First World War led to the development of Minority treaties as a specialized regime for protecting minorities, the forerunner to the modern concept of human rights, the Second World War led to the development of an inclusive regime of protection, inclusive of minorities, anchored in human rights flowing from the UN Charter, and the 1949 Geneva Conventions concerning international humanitarian law.
- The sad experience of forcible transfer of populations during the Second World War prompted the prohibition, with certain exceptions, in the 4th Geneva Convention of forcible population transfer and implantation of settlers in Occupied Territories. Forcible transfer of populations also became a grave breach of international humanitarian law. The modern concept of displacement at least in the context of armed conflict has its origins in the forcible transfer of populations, which affected minorities in particular. As part of this development, in 1977, Additional Protocol II to the Geneva Conventions made explicit, again with certain exceptions, the prohibition of displacement for reasons related to the conflict in internal armed conflicts.
- It is this background that informs the situation of minorities in humanitarian crises from the perspective of displacement. As general as a context that may be, this discussion paper itself is limited to the

situation of minorities as internally displaced persons. in humanitarian crises and offers perspectives based on the experience of the UN Human Rights Council mandate on the human rights of internally displaced persons during the six years that I was honored and privileged to lead that mandate.

- The mandate plays a catalytic role in the protection and assistance offered to internally displaced persons in the framework of a specialized regime of international human rights law, international humanitarian law, and the analogical application of international refugee law, all anchored in the 1998 Guiding Principles on Internal Displacement and the 2009 African Union (Kampala) Convention for the Protection and Assistance of Internally Displaced Persons in Africa.
- Like the protection of minorities, the protection of internally displaced persons is a specialized regime that is sensitive to the displacement of minorities. Both the Guiding Principles (GP.9) and the Kampala Convention (Art. 4(5)) prohibit the displacement of minorities, including nomadic groups and communities with a special dependency on land. This is to protect the identity, way of life, and the special attachment of minorities who are particularly vulnerable to internal displacement due to their characteristics and geographical location.
- In addition, arbitrary displacement based for example on ethnic cleansing and racial discrimination is prohibited. These prohibitions have to be understood as important components of the protection of minorities in light of their vulnerability in comparison to majority communities. Persons belonging to minorities that I met in situations of displacement were often among the poorest, and may experienced different forms of marginalization prior to displacement, with their vulnerability exacerbated during displacement. They also mostly lacked representation in political or other State bodies. In Kosovo, where at least there are ten MPs belonging to Serb minorities, government policy on internally displaced Serbs is being influenced by them.

- Vulnerability to displacement may be heightened by discriminatory policies or practices that subject minorities to conditions calculated to cause their displacement. In situations of displacement, non-documentation becomes evident, with obvious risks to statelessness, and the denial or deprivation of citizenship for some ethnic or religious groups. Their rights as citizens are not fully recognized and they may be targeted, or not adequately protected, by national authorities. The protection of internally displaced persons, including minorities is a means of ensuring that these rights are respected.
- Other factors that render certain marginalized communities vulnerable to displacement include intercommunal disturbances, interfaith tensions, and business activities and extractive industries that displace them from their lands. Under the Guiding Principles on Internal Displacement, development induced displacement is arbitrary and prohibited, unless if it involves large –scale development projects that are necessary and proportionately justified by overwhelming and compelling public interests.
- The displacement of minorities in humanitarian situations calls for greater research and data globally to reveal the full impact of displacement on such communities, as well as regional trends, patterns and dynamics of displacement involved. In particular, this makes it necessary to disaggregate data not only by sex and age but also by diversity, such as minorities, indigenous groups, ethnicity and religion, that should be determined by contextual realities. Such information, fully adhering to international standards of data protection and use, would help to predict and prevent displacement targeted against certain communities and contribute to much needed displacement risk assessment and early warning mechanisms.

Main protection concerns regarding displaced minorities

- Physical safety and security of displaced minorities. The system of protection in practice is oblivious to the importance of protecting the characteristics of minorities during displacement.

Challenges facing these minorities may include, inter alia, violence and xenophobic attacks against them; restrictions on freedom of movement and checkpoints crossing; intimidation and discrimination against them in host communities.

Examples: Iraq and Syria

- Access to documentation

It can be particularly challenging for displaced minorities to obtain documentation or the replacement of lost or destroyed documentation given their status as minorities and as displaced persons. Minorities such as Roma, who already lack civil documentation and birth registration, face disproportionate obstacles in trying to get documentation and to register for instance as IDPs to be considered for humanitarian assistance.

Examples: Serbia and Kosovo, Ukraine (Roma IDPs)

- Standards of living and access to food, water and sanitation, health care and education

Given their extreme vulnerability, displaced minorities face additional challenges in accessing basic services. Due to discrimination and marginalization, or because their specific ways of life are misunderstood, minorities who are displaced often lack proper access to water and sanitation, to culturally appropriate food, to health care and to education.

Examples: Serbia and Kosovo (Roma IDPs)

- Housing, land and property rights

The issue of housing, land and property is clearly linked to the one of documentation. Minorities often do not have official papers to prove their rights to land ownership. Addressing the issue of security of tenure is essential when addressing the challenges facing displaced minorities as some minorities might have a particular attachment to their land or as their whole culture may rely on land.

Examples: Serbia and Kosovo (Roma IDPs)

- Specific challenges facing women and children from displaced minorities

Due to multiple and intersecting forms of discrimination, women and children who are displaced and from a minority group can be particularly at risk of sexual and gender based violence and other forms of violence including slavery, trafficking.

Examples: Iraq (Yazidis)

- Lack of participation in decisions affecting them directly, because of the very fact that they are already marginalized because of their status as minorities and as displaced.

- Complex issue of return

The issue of minority return has been well documented in the context of the Balkans. Their return is resisted in the first instance, and where it takes place, minorities face continued harassment, resulting in tensions between communities upon return.

Examples: Kosovo

- Sensitive issue of local integration and settlement elsewhere

Local integration and settlement elsewhere can be particularly challenging for minorities who are IDPs, as they need to adapt to new environments, with no support networks, and may face tensions with host communities.

Annex – Specific references to displaced minorities in country visits reports

Mission to Serbia and Kosovo (October 2013 and September 2016)

- Specific situation of internally displaced Roma, Ashkali and Egyptians (RAE)
- Lack of documentation to enable them to access basic public services
- Precarious housing situation

Mission to Sri Lanka (December 2013)

- Displacement of Tamil and Muslim during the conflict – sometimes multiple displacement
- Expulsion of Muslims in Northern Sri Lanka by the LTTE in 1990
- At the time of the visit, series of attacks by Buddhist extremists, who had targeted Muslim and Christian religious sites in different parts of the country. Mosques and churches frequented by IDPs had been destroyed in the north of the country. May lead to new waves of displacement and therefore required prevention.
- Some IDPs reported that their land of origin had been defined as a sacred area for a Buddhist temple, preventing them from returning.

Mission to Ukraine (September 2014 and September 2016)

- IDPs from the Autonomous Republic of Crimea included ethnic Ukrainians, Crimean Tatars, ethnic Russians and members of other minority ethnic and religious groups as well as mixed families, asylum seekers and foreign nationals formerly resident in Crimea.
- Specific situation of internally displaced Roma: faced discrimination and marginalization, lacked documents and were living in a precarious situation. Lack of documents hampered the ability of Roma to register as displaced persons and consequently may face serious barriers to access to assistance including shelter, food and clothing.

Mission to Iraq (May 2015)

- Ethnic and religious groups particularly vulnerable to displacement. Ethnic and religious minorities, including Assyrians, Christians, Kaka'i, Shabak, Turkmen and Yazidis, have been targeted by ISIL with thousands killed, injured, abducted or forced to flee. Reports documented summary executions, forced conversion, rape, sexual enslavement, the destruction of places of worship, the abduction of children, the looting of property and other human rights violations prohibited under international law repeatedly committed by ISIL.
- Violence appeared to be part of a systematic strategy by ISIL to permanently remove some communities from areas where they have lived for centuries. Christian communities, for example, were told to leave Mosul or face execution. The Shabak people numbering 200,000 to 500,000, located for centuries in the Ninewa plain area, are viewed as heretics by Islamist militias who have targeted them as a result. The Shabak population in Mosul was forced to flee harassment and killings, many taking refuge in Karbala and the Kurdistan region. ISIL militants regarded Yazidis as infidels and they have been regularly targeted.
- The extent of the violence targeted against such ethnic and religious groups and poor prospects for their safe return to their homes have resulted in many looking for refuge outside the country. For many, internal displacement has become a staging post for fleeing Iraq.
- A systematic campaign by ISIL to eradicate the culture, history and identity of ethnic and religious communities in the areas under its control has resulted in buildings, monuments and other sites of immense religious, cultural and historical importance being destroyed — including churches, mosques and tombs, as well as irreplaceable ancient manuscripts and texts belonging to Iraqi Assyrians, Shabak, Turkmen, Yazidis and other minorities.