

DISCUSSION PAPER

Born in displacement: Challenges in assisting and protecting descendants of internally displaced people



Baby sleeping in Datu Odin Sinsuat, Philippines. The mother complained that her baby had been sick for days and that she couldn't afford to buy the medicine to cure her. The baby was born in the camp. IDMC/Frederik Kok, May 2009

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Introduction

There are an estimated 33 million people internally displaced by conflict and violence.¹ Children make up at least 50 per cent of internally displaced people (IDPs) worldwide.² Particularly vulnerable to all forms of violence, abuse and exploitation, they face harsh protection risks during flight and displacement. Internally displaced children require specific attention to ensure their rights are respected, they are not discriminated against and their best interest and participation is at the centre of any decision impacting their lives. The collection of reliable age and sex disaggregated data on IDPs is key to informing programmes for the protection, assistance and, ultimately, achievement of durable solutions for internally displaced children.

The question of whether the descendants of IDPs should be considered and counted as IDPs is important for child protection during displacement. As displacement exacerbates protection risks and poverty and, can cause the breakdown of family and community structures, children born in displacement may, together with children who physically fled their homes, find themselves without basic necessities such as shelter and food. Their education may be disrupted and they may face risks such as forced labour, early marriage, domestic violence and sexual exploitation. Children born to IDPs may therefore be as vulnerable and face the same risks as children who have been physically displaced.

There is no definitive answer in relevant legal frameworks and guidelines on whether children born in displacement and their descendants are IDPs. Governments have adopted their own approaches and practices for registering, counting, assisting and protecting IDPs' children born in displacement and their descendants based on national and local practices and political priorities. Approaches differ among states and their

inconsistent methods have implications for collection of comparable IDP data, programming and budgets for IDP protection and assistance as well as for planning and achievement of durable solutions.

This paper has three aims:

- to expose the gap in current legal frameworks and guidance on descendants of IDPs
- to suggest a human rights-based approach to the protection and assistance of descendants of IDPs
- to highlight the impact of the current gap in legal frameworks on national policies, especially in countries that consider descendants of IDPs as IDPs over several generations.

It is hoped this discussion will inform the work of national policy makers, as well as humanitarian and development actors. The desired outcome is a common needs- and rights-based approach to the descendants of IDPs that is in line with human rights principles and leads to equitable planning and durable solutions for all.

This discussion paper is above all aimed at setting the ground for more in-depth research on the issue of children born in displacement and their descendants, and at contributing to related ongoing discussions on registration of IDPs and their children, the end of displacement and durable solutions. It is the first of a series of planned 'born in displacement' papers.

Legal and Conceptual Frameworks

Neither international law nor the UN Guiding Principles on Internal Displacement explicitly state that children born in displacement and their descendants are IDPs. Regional legal frameworks and internationally recognised guidance and frameworks are similarly silent on this issue. Governments, humanitarian actors and others may therefore enact individual policy decisions on whether children and descendants of IDPs should be considered as IDPs in their work. For the purposes of this paper, a child is defined as anybody below the age of

¹ IDMC, *Global Overview 2014: People Internally Displaced by Conflict and Violence*, May 2014.

² Office of the Special Representative of the Secretary General for Children and Armed Conflict, "The Rights and Guarantees of Internally Displaced Children in Armed Conflict," Working Paper Number 2, 2010.

eighteen. Descendants of IDPs include IDPs' children and subsequent generations of their children.

UN Guiding Principles on Internal Displacement

The UN Guiding Principles on Internal Displacement do not explicitly state that children born in displacement are IDPs. The Guiding Principles define IDPs as:

persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.

IDPs are displaced as long as they have not achieved durable solutions through return, local integration or settlement elsewhere in the country. If the IDP definition in the Guiding Principles is strictly followed, descendants of IDPs should not be considered IDPs since they have not been forced or obliged to flee or to leave their homes or places of habitual residence.



A displaced boy shows his new mask, Mali. IDMC/F. Foster, March 2014

However, the IDP definition provided in the Guiding Principles is purely descriptive and aimed at distinguishing IDPs from other persons due to their specific protection risks and assistance needs related to their displacement. The Guiding Principles aim to apply international human rights and international humanitarian law to persons who have been internally displaced to ensure that they will have access to their rights without discrimination due to their displacement and that their specific needs will be addressed. **From this interpretation of the Guiding Principles's IDP definition, IDP children including those born in displacement should have access to their human rights without discrimination and hence be considered as IDPs together with their parents.**

If the Guiding Principles do not explicitly state that children of IDPs born in displacement should be considered IDPs, a protection and needs-based approach to applying the IDP definition tends to include children born in displacement in its scope. This is corroborated by child-specific Principles such as Principle 4 (2): "Certain internally displaced persons, such as children, especially unaccompanied minors, (...), shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs". Also, Principles 13 and 23 respectively prohibit the

recruitment of internally displaced children and ensure their right to education. While these principles refer specifically to internally displaced children, they do not mention children born to IDPs in displacement. To adhere to the principle of non-discrimination, children born to IDPs should also be entitled to protection and assistance according to their needs.

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) that entered into force in December 2012 does not offer any additional guidance on children born in displacement than the Guiding Principles. The IDP definition in the Kampala Convention is the same as that in the Guiding Principles. The issue of children born in displacement only emerges indirectly from Article 13 (1), which provides that "States Parties shall create and maintain an up-dated register of all internally displaced persons within their jurisdiction or effective control". This IDP registration requirement implies that a decision must be made on whether and for how long to register children born in displacement and their descendants. The Kampala Convention does not provide any further guidance on IDP registration.

Great Lakes Pact on Security, Stability and Development in the Great Lakes Region

The Protocol on the Protection and Assistance to IDPs of the Great Lakes Pact adopted in 2006 by member states of the International Conference of the Great Lakes contains provisions on registration of IDPs similar to the Kampala Convention. Article 3 (4) of chapter three provides that:

Member States shall be responsible for determining the identity of internally displaced persons and shall, to the extent necessary, assist them with registration. Member States shall maintain a national database for the registration of internally displaced persons.

As with the Kampala Convention, this state responsibility for registration requires that governments decide whether and for how long to register children born in displacement and their descendants.

The Protocol on the Property Rights of Returning Persons ensures protection of the property of returning children. Article 6 stipulates that:

Member States shall address the plight of all returning children, without discriminating between girls and boys, orphans, children born out of wedlock, and adopted children, where such children are likely to be disinherited, or dispossessed, of family property.

Article 6 (1a) also specifies protection of these children's right to inherit family property and Article 6 (1f) adherence to the best interest of the child as the overriding principle applicable to all returning children who are orphaned or have lost both parents while in displacement.³ The Protocol does not

³ These provisions are in line with the [United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons](#) (the Pinheiro Principles), 11 August 2005.

explicitly state that the category “returning children” includes those born to IDPs in displacement and their descendants, but it may be inferred that the category includes this group especially as internal displacement often becomes protracted. It should be noted that being considered displaced must not be a pre-condition for recognition of inheritance or property rights. Efforts should also be made to ensure descendants of IDPs may participate in property recovery processes for IDPs.

Rights of the child

International human rights law does not provide explicit legal guidance on whether to consider descendants of IDPs as IDPs. However, given that IDPs are citizens of their own countries with specific protection and assistance needs related to their displacement, the rights of the child are directly applicable to internally displaced children and those born to IDPs in displacement.



Displaced women cook for their families, Central African Republic. IDMC/M. Wissing, February 2014

The principle of non-discrimination requires that the children of IDPs are treated equally in a non-discriminatory manner according to their needs and regardless of whether they physically fled their home. Article 2 (1) of the Convention on the Rights of the Child requires that:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

This means that the births of the children of IDPs should be registered as they are for other children, and the children of IDPs should also be registered as IDPs, where this process exists.

The principle of family unity also governs the rights of the child. Article 9 (1) of the Convention on the Rights of the Child states that “States Parties shall ensure that a child shall not be separated from his or her parents against their will...,” and Article 19 (1) of the African Charter on the Rights and Welfare of the Child provides that “Every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents. No child shall be separated from his parents against his will...”

The principles of non-discrimination and family unity justify the registration of children born in displacement together with their parents or guardians to ensure, among other objectives, that they benefit from the same rights and assistance and that they are not separated due to secondary displacement or durable solutions plans.

Framework on Durable Solutions for Internally Displaced Persons

The Framework on Durable Solutions for Internally Displaced Persons, endorsed in 2009 by the Inter-Agency Standing Committee, provides useful guidelines for achieving durable solutions following internal displacement. It offers eight criteria that may serve as a basis for an assessment of the degree to which durable solutions have been achieved. The Framework elaborates on Guiding Principles 28-30, which guarantee IDPs the right to a durable solution. It defines the achievement of a durable solution as when IDPs no longer have specific assistance and protection needs that are linked to their displacement, and enjoy their rights without discrimination on the basis of having been displaced. A durable solution may be achieved through sustainable return to the place of origin, sustainable local integration in the area of refuge and sustainable integration elsewhere in the country.

The Framework clearly differentiates between mere physical movement – namely returning to one's home, integrating in the place of displacement or settlement elsewhere in the country – and the actual achievement of durable solutions. It provides guidance on how assistance, protection and development programmes could support this process with the aim of helping IDPs in their efforts to bounce back from the setbacks of displacement and eliminate any displacement related needs. This entails consultation, durable solutions planning and monitoring and regular assessment of the situation of returnees and persons who decided to locally integrate or to settle elsewhere.

Children of IDPs have an important role in planning and achieving durable solutions regardless of whether they had physically fled, especially in protracted situations when two to three generations have been living in displacement. The Framework recommends that internally displaced children participate in peace processes and in decisions on where the family will settle, among other matters. To ensure non-discrimination the children of IDPs should participate together with children who were physically displaced. Their right to participation in these processes is closely linked to the right to make an informed and voluntary choice on which settlement option to pursue, which IDPs and their children have. For example, they may not have visited their parents' former home and they may therefore have different opinions about return as compared to their parents.

While the Framework does not explicitly address the issue of descendants of IDPs, **children born to IDPs in displacement should be considered IDPs until they can enjoy their rights without discrimination and do not have protection issues or assistance needs related to the displacement of their family.**

National law and policy

In the absence of explicit guidance on whether IDPs' children may be considered displaced, states, humanitarian actors and others are free to adopt their own IDP registration practices, which may include the descendants of IDPs over several generations. The diversity in national laws and practices on this issue reflect the lack of conceptual clarity in the international legal framework. Laws or policies on registration or IDP status sometimes provide for the conditions in which such registration or status is granted to persons born in displacement and the manner in which it can be transmitted to the descendants of IDPs. In some countries, national authorities have registered and provided specific legal status to IDPs and their descendants, while elsewhere IDP registration is time-limited – and therefore extends only to the physically displaced – or is only used to facilitate targeted assistance.

Although IDPs are citizens of their countries, their protection and assistance needs may justify registration under strict rules and conditions that should respect the principles of neutrality, do no harm, confidentiality and non-discrimination. Registration can be useful if it is attached to a specific and concrete goal, namely the provision of assistance. This is also the case for descendants of IDPs who may have specific needs related to their family's displacement. In many sub-Saharan countries currently facing massive internal displacement such as South Sudan or the Central African Republic, the national authorities do not register IDPs. Registration is, rather, programme-based and done by humanitarian actors in order to facilitate delivery of assistance, especially food distribution. However, **IDPs' registration or formal recognition as IDPs is not required to invoke these rights.** Registration and de-registration does not add to or take away from IDPs' rights under international law, especially the right to a durable solution.

In some countries, IDPs are granted a legal status linked to specific assistance and entitlements.⁴ In Georgia, at the end of 2013 there were around 207,000 IDPs who fled their homes in the early 1990s and in 2008 and were unable to return⁵. Children of men and women who have or had IDP status are eligible for IDP status. Law 335 IIS Art 2(11) states: "A child is eligible to be granted IDP Status on the grounds of the consent of parent(s) or another legal representative, if both or one of the parents have and/or had an IDP Status." In March 2014, a revised law on IDPs came into force, which effectively says the same and does not limit extension of IDP status. During the revision process, the government proposed limiting the transmission of the status only to children born to parents who both have IDP status. This was in view of the impact of this law on the national budget since people with IDP status receive a monthly monetary allowance among other entitlements. This proposal sparked a strong reaction from IDP representatives and some government officials, who argued that the practice was discriminatory and not in line with a needs-based approach.

Other countries also register children born to IDPs during displacement. Colombian IDPs may apply for IDP status within

4 Inter-Agency Standing Committee, *Framework on Durable Solutions for Internally Displaced Persons*, 2010.

5 IDMC, Correspondence with the Government of Georgia, 30 January 2014; IDMC, *Global Overview 2014: People Internally Displaced by Conflict and Violence*, 15 May 2014.

the first year of their displacement in order to be registered by local authorities and access the benefits attached to the status. Children born during displacement can be registered afterwards and are entitled to benefits together with their families until their socio-economic situation has stabilised, whether in the place of origin or in the place of refuge.⁶ Children born to IDPs in Yemen are also registered as IDPs. Some parents actively have their newborns registered, for example during distribution of food and other assistance, while others are registered when IDP numbers are updated by the government's Executive Unit for Internally Displaced Persons or partners through assessments. IDP registration is done at an individual level, but the individuals are grouped in households for the purpose of providing humanitarian assistance.

National laws and practices related to registration of IDPs and their children are inconsistent, based as they are on culture, resources, political priorities, history and socio-economic context. This lack of systematised practices leads to inconsistent collection of IDP data and protection policies.

Assistance and Protection Implications

Counting, registering and granting status to children born to IDPs in displacement over successive generations has implications for IDP data, programming and budgets, integration of IDPs and their achievement of durable solutions. This is especially so when displacement becomes protracted if subsequent generations are considered as IDPs. Regardless of how states and others working with IDPs decide how to treat descendants of IDPs, they must do so in a way that does not result in discrimination in relation to the non-displaced or among those in the displaced community. There should be careful consideration of the implications so as to avoid negative consequences for IDPs as well as their host communities.

Children born to IDPs

National authorities must ensure that the births of children born to IDPs in displacement are registered and that they are provided with protection and assistance according to their needs. Guiding Principle 20, based on the right of every human being to be recognised everywhere as a person before the law, states that the authorities concerned shall issue to IDPs all documents necessary for the enjoyment and exercise of their legal rights. This is of particular importance for children born in displacement whose birth might not be registered because of discrimination or due to lack of sensitisation, information or resources. Children without personal documentation are invisible for the authorities and this lack of documentation is likely to hinder their access to basic services such as health and education as well as inheritance of family property.

Registration of birth and issuance of individual documentation is of paramount importance for members of internally displaced, indigenous or persecuted groups who are often discriminated against, or who cannot access registration mechanisms, due to lack of resources, knowledge or security. In Indonesia for instance, in West Lombok regency, West Nusa Tenggara province, some 177

6 IDMC, Colombia: *Displacement Continues Despite Hopes for Peace*, 14 January 2014.

members of the Ahmadiyya Muslim community (32 households) displaced in 2006 by a mob of villagers because of their religious beliefs, have since been living in a makeshift camp known as Wisma Transito at Mataram on Lombok Island. Having been denied identification cards for more than seven years, many of the displaced have not been able to register their newborn children or access government assistance programmes⁷. In the Democratic Republic of Congo, children's births have to be registered where they were born which can create issues for babies born while fleeing. Also, parents may be unable to register babies born during displacement in areas controlled by non-state armed groups within 90 post-natal days as provided by law. They then need to request a tribunal to pronounce a supplementary judgment to register their birth.



An almost two-week-old baby sleeps beneath a homemade canopy in Ségou, Mali. IDMC/J. Blocher, December 2013

In addition to birth registration, national authorities, humanitarian actors and others working with IDPs are faced with a policy decision of whether to register children of IDPs as IDPs. IDP registration rules can provide for the registration of newborn children through an 'add-on' on the family IDP or ration card or through an extension of the family size when assistance is provided on the basis of family registration, as is the case in Pakistan.

But in most countries facing grave IDP crises and which have established data collection or registration systems updates on the family size or registration of new-born babies are not possible. For instance, in Mali, the Displacement Tracking Matrix (DTM) put in place in the southern Mali by the Commission on Population Movement led by the International Organization for Migration (IOM) registers IDPs and track movements of population. DTM does not, however, yet enable any update of the family size to include newborn babies in the registration system.

Some practices are potentially discriminatory or not in line with international standards, especially when they differentiate between the registration of IDPs living in camps or other forms of collective accommodation and those living in host communities or private accommodation. **It is important that any practices for registering IDPs and their children are in line with the principles of non-discrimination and family unity.**

7 IDMC, [Indonesia: Durable Solutions Needed for Protracted IDPs as New Displacement Occurs in Papua](#), 13 May 2014.

In Jaffna, Sri Lanka, a baby born to an IDP mother and IDP father living in an IDP camp is included on the parent's ration card, counted as an IDP and included in government IDP figures. This is also applied to second and third generation IDPs in camps until they have returned to their place of origin or relocated elsewhere. However, there is no confirmation that children born in displacement to IDP families staying with host families are registered and counted as IDPs⁸. This leads to potential discrimination between IDPs and their children living in camps and those staying with host families. It can also result in a lack of targeted assistance and protection for children of IDPs living outside of camps.

In Kenya, the registration exercise undertaken in 2007 and 2008 only covered some of those displaced by the post electoral violence which erupted following disputed presidential elections. It excluded those considered by the government to be "integrated IDPs" in urban and peri-urban settings, people displaced by disasters, development or environmental projects and pastoralist IDPs⁹. This has had an impact on IDP figures and also creates not only discrimination between IDPs living in camps and those who have decided to seek refuge in host communities, but also between IDPs displaced by conflict and by disasters and other causes.

In other countries IDP registration relates to the attribution of a *de facto* status. This is the case in Azerbaijan, Cyprus and Georgia. Each has adopted a law on internal displacement, which outlines the definition of who is considered an IDP, eligibility criteria for receiving IDP status, criteria for cessation of the status and the benefits and entitlements attached to it. This registration or *de facto* status can lead to the absence of assistance or access to entitlements. For instance, if IDPs are unable to register because they wish to avoid contact with the authorities, if they are in isolated areas or if the IDP definition adopted is narrower than that in the Guiding Principles, then these IDPs are excluded from entitlements related to IDP status.

Descendants of children born to IDPs

If IDPs born in displacement should be considered IDPs due to their specific displacement-related protection needs and in order for them to be supported in their search for durable solutions, the question remains: until when should they be considered and counted as IDPs? Should descendants of IDPs born in displacement also be counted as IDPs? If so, over how many generations?

As long as the descendants of IDPs continue to have displacement-related assistance and protection needs or cannot enjoy their rights without discrimination as a result of the displacement of their forebears, they should be considered IDPs. However, it is important that the consideration of descendants of IDPs as IDPs does not lead to discrimination against other groups. Assessments of their degree of achievement of a durable solution should be done on a regular basis to ensure fair, justified and evidence-based programming.

When conditions in the area of origin are not deemed conducive for sustainable return in safety and dignity, IDPs, their

8 IDMC, Interview, 9 April 2014.

9 IDMC, [Kenya: Too early to turn the page on IDPs, more work is needed](#), 3 June 2014.

children and their descendants over several generations will either stay in the place of displacement or relocate elsewhere in the country. Should they be counted and considered IDPs until they can return in safety and dignity to their place of origin? In this case, governments may decide whether they are considered IDPs and choose the number of generations that will be considered IDPs. In Indonesia, for example, the Maluku province government considers children born to IDPs in displacement as IDPs, but not their descendants. New housing is provided only to the “core family” of IDPs, which is limited to those physically displaced and their children born in displacement. In contrast, unlimited generations of IDPs in Azerbaijan, Cyprus and Georgia are entitled to IDP status and related housing and other assistance.

In Syria, before the start of the civil unrest against the government of Bashar al-Assad in March 2011, there were more than 450,000 IDPs as a result of the Israeli occupation of the south-western Syrian territory of Golan in 1967 and its subsequent formal annexation by Israel. When Israel seized the region nearly all its inhabitants were displaced within Syria. The Syrian government estimates that 130,000 people were displaced as a result of the war in 1967. By 2007, 40 years later, their descendants numbered between 433,000 and 500,000.¹⁰ Most have settled in informal settlements in the Damascus suburbs or in Sweida and Dera'a in southern Syria, areas hard hit by the fighting that started in 2011. Both those displaced in 1967 and their descendants have been classified as IDPs and claim the right to return to their villages of origin in the Golan.

IDP figures

The question of whether to consider and count IDP children born in displacement and their descendants as IDPs is of particular importance in protracted situations, when IDPs and their children and descendants have no choice but to stay in their place of displacement despite their, or the authorities', wish to return to their place of origin. In situations where children of IDPs are registered as IDPs over several generations, IDP figures may stay the same or grow slowly over time, depending on the country's birth and death rates.



An internally displaced mother and daughter stand in a collective centre room in Tskaltubo, Georgia, which they lived in with other family members for over 15 years. IDMC/N. Walicki, July 2010

¹⁰ IDMC, Correspondence from the Permanent Mission of the Syrian Arab Republic to the UN in Geneva, September 2007.

There is a risk that IDP figures may be used to support political goals. IDP registration and transmission of status over generations can perpetuate an IDP culture and identity. Over time this can serve to maintain and nurture claims to territory from which IDPs fled and their right to return there. There may also be a strong natural desire from first and subsequent generations of IDPs – as they assume IDP labels – to maintain their identity and culture and claim their right to return.

Azerbaijan and Cyprus provide examples. In Azerbaijan, around 600,000 people were internally displaced from 1988-1994 as a result of conflict with Armenia over Nagorno-Karabakh. They have since been physically barred from return as long-running, but inconclusive, peace negotiations continue. Around 170,000 people were displaced in 1974 from the north of Cyprus to the Cypriot government-controlled part of the island and have been unable to return in the absence of a peace agreement. Both in Azerbaijan and Cyprus, children of men with IDP status and households headed by women with IDP status are eligible for IDP status and the related benefits and there is no limit to the number of generations entitled to the status.¹¹ The rationale behind this approach is that children are usually registered at their father's place of residence due to patrilineal inheritance practices. Both governments have also admitted that allowing the children of mothers with IDP status to access IDP status would mean the IDP figure would increase significantly over time. The result in both nations is that the IDP figure has remained steady over decades of displacement. The governments often raise IDP figures in political discussions around the conflict in an effort to argue the occupied territories must be returned to Azerbaijan and Cyprus.

The opposite may also be true as efforts to downplay IDP figures can be used to support political goals. For instance, countries may want to deregister or stop counting IDPs as well as their children and descendants as soon as possible to portray the situation as solved and/or limit the budgetary burden assigned to internal displacement. In Pakistan, only IDPs coming from regions that are formally classified as “notified” can register upon presentation of personal identification and be entitled to assistance. Registration is done at the household, not individual level, and IDPs originating from areas declared safe for return or “denotified” are deregistered and are given strong incentives to return.¹² In 2011-2012 in Côte d'Ivoire, concerted pressure was put on humanitarian and development actors when authorities, eager to give a premature impression of return of security, accelerated the closure of IDP sites in order to decrease IDP figures¹³.

In Cyprus, people who fled to the government-controlled area of the island were registered as IDPs, while those who fled to the Turkish-occupied areas were not. The authorities on both sides took opposing approaches to displacement, with the government of Cyprus acknowledging displacement

¹¹ IDMC, Interview with Azerbaijan State Committee for Refugees and IDPs, May 2013; Government of Azerbaijan, Instructions regulating the distribution of monthly food allowances to IDPs, Art. 4, 5 February 2001; IDMC, Interview with Ministry of the Interior, Government of the Republic of Cyprus, 2009.

¹² IDMC, [Pakistan: Massive new displacement and falling returns require rights-based response](#), 12 June 2013.

¹³ IDMC, [Cote d'Ivoire: IDPs Rebuilding Lives Amid a Delicate Peace](#), 28 November 2012.

and the Turkish Cypriot authorities denying the issue. The result is that over 40 years later there is no displacement narrative in the self-declared Turkish Republic of Northern Cyprus while addressing displacement is high on the agenda of the government of Cyprus which has an IDP status system and corresponding budget. Such an approach suits both sides' position on IDP return: the government of Cyprus insists its 212,000 IDPs need to return, which helps its claim to lost territory, while the Turkish Cypriot authorities insist there are no IDPs under its control and hence no one needs to move, thus bolstering their position that there is no need to change the status quo.

Benefits and entitlements

The decision to consider descendants of IDPs as IDPs has programming and budgetary implications if their registration is linked to benefits and entitlements. In Cyprus, children of men with "displaced person" status are eligible for the status and also to refugee identity cards and benefits which flow from having one. This mainly relates to housing assistance that can include a grant, a plot of land, a housing unit or a rental subsidy. In Azerbaijan, children with IDP status are entitled to a range of benefits, including a monthly allowance. The government currently pays approximately \$25 to most of its 600,000 IDPs on a monthly basis and has done so for the past twenty years. This represents a significant expense.

Cyprus has put limitations on the transmission of the status for budgetary reasons. The authorities decided that only children from displaced households headed by men, and not those headed by women, were entitled to a refugee identity card and the benefits deriving from it. When confronted by groups calling for an end to such gendered discrimination, the state argued that it could not afford to assist all IDPs and that if it granted the benefits also to children of displaced women, soon the entire population would be receiving them.¹⁴ A bill put forward in 2010, which had called for equal entitlements to the children of both displaced women and men, failed on the grounds that it amounted to an increase in general budget expenditure and therefore fell under the remit of the executive branch. The issue remains unresolved and the transmission of displaced status and benefits continues to discriminate against the children of women who have the refugee identity card.

Long term planning for durable solutions

Children of IDPs have an important role to play in planning and achieving durable solutions, regardless of whether they had physically fled. A rights-based process to support durable solutions would ensure that children of IDPs born in displacement, including second and third generations, participate in the planning and management of durable solutions. This involves including their needs and rights in national durable solutions, recovery and development strategies, consulting them on their preferred settlement option and supporting them in their search for durable solutions.

As most internal displacement situations become protracted, children are likely to have been born in displacement. To ensure non-discrimination they should participate together

with children who were physically displaced. Children of IDPs born in displacement, including second and third generations, should be involved in national durable solutions strategies, consulted on their preferred settlement option and supported in their search for durable solutions. These processes should continue for as long as they have needs related to their family's displacement, such as barriers to electoral participation, accessing land and livelihoods and obtaining documentation required to exercise their rights.

Periodic profiling and planning in relation to housing and livelihoods in both the place of refuge and the place of origin, are conducive to the achievement of durable solutions and ensuing development. They also contribute to the guarantee that IDPs and their descendants have, and will continue to have, the opportunity to choose between different settlement options and that their intentions and needs are taken into account and addressed. A needs assessment in protracted displacement situations is key to assisting the remaining IDPs and their descendants by assessing their displacement-related needs and avoiding discrimination of the non-displaced.

In Sri Lanka, the entire Muslim population of the Northern Province (covering the districts of Jaffna, Kilinochchi, Mullaitivu, Mannar and Vavuniya) was expelled by the Liberation Tigers of Tamil Eelam (LTTE) in 1990. Around 60,000 found shelter in Puttalam district in the North Western Province. Over more than 20 years in displacement, second and third generations have been born. There were some 86,000 when return movements to the Northern Province began in late 2009¹⁵. No comprehensive consultation and information process has been put in place for either the first generation of IDPs or their descendants who had been living in Puttalam all their lives. Also, northern Muslim IDPs' settlement choices have not always been free. By 2012 the government had de-registered most of them as IDPs in Puttalam and registered them as returnees in the north. This was despite the conditions in place and failure to provide necessary assistance to facilitate their reintegration. Those among them who have wanted to locally integrate in Puttalam have not been able to register as residents there. The result is that the conditions for durable solutions are absent both in the place of displacement and the zone of return. Many 'returned' IDPs including second and third generations therefore commute between Puttalam and the north to ensure their economic survival.



A returnee woman with her two grandchildren in front of their destroyed house in Kilinochchi district, Sri Lanka. IRIN, November 2012

¹⁴ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Fifty-fourth session, Summary Record of the 1108th Meeting*, CEDAW/C/SR.1108, 26 February 2013.

¹⁵ IDMC, *Sri Lanka: Almost Five Years of Peace, but Tens of Thousands of War-Displaced Still Without a Solution*, 4 February 2014.

The IDP label

In countries where IDPs are registered, a consequence of granting IDP registration to the descendants of IDPs is that it may negatively impact IDPs' choice to locally integrate, even for the short-term and create and cement divisions between IDPs and their non-displaced neighbours. With successive generations of children born in displacement registered as IDPs, the label of displacement is unlikely to disappear and may complicate the achievement of durable solutions. The political stance taken by national authorities may widen divisions between IDPs and host communities, especially when specific support is involved. While it is important to respect the wishes of IDPs to maintain community ties, and ensure that return remains a settlement option where possible, it is also important to acknowledge that, gradually diminishing the importance of the IDP label over time can accelerate integration of IDPs.

In Azerbaijan, the government's response and registration practice reflects its view of displacement as temporary until return becomes possible. Most IDPs themselves wish to return¹⁶. However, as the prospect of a peace settlement and return remain elusive their situation can no longer be considered temporary. The government's preference for return should not deter it from fully restoring IDPs' rights and improving their self-reliance and integration while they wait to return. A cautious and thorough monitoring and analysis should be undertaken to determine the degree to which current registration systems and IDPs policy maintain IDPs in a status quo ante situation. This prevents them, their children and their descendants from reaching durable solutions in their places of refuge in order to still be able to count them as displaced persons.



IDPs in new housing built by the government in 2007, Ramana, Azerbaijan. IDMC/N. Walicki, May 2013

Segregated education

The right to education is of utmost importance for internally displaced children both to ensure that they will be able to pursue their education with minimum interruption and also as a protection tool against forced enrollment, child labour, early and forced marriage and a wide range of other abuses. Facilitating and ensuring access to education without discrimination is equally important for children of IDPs born in displacement who are likely to face the same barriers as the ones who physically fled. Some governments and others working with IDPs educate internally displaced children separately from the local population upon arrival in the place of refuge.

¹⁶ Brookings-LSE Project on Internal Displacement, [Can you be an IDP for Twenty Years?](#), 2011.

Policymakers agree that internally displaced children should study in local schools as soon as they arrive in their places of refuge.¹⁷ While special measures for separate education of IDPs may be necessary at the beginning of displacement there is less justification as displacement continues, even if parents support the practice.¹⁸ Prolonged segregated education of IDPs is not in the best interests of the child. By the time children born in displacement reach school age their education should encourage, rather than discourage, their full integration. **Increasing children's capacity to integrate locally is not in contradiction with the right to return to his or her place of origin and may be pursued simultaneously with this option.**

In the Democratic Republic of Congo, 'segregated' education in emergencies is provided to IDP children in camps as they are not able to join local schools that are either unable to accommodate them or out of reach. This situation often continues in protracted situations as schools in host communities often require IDP parents to pay school fees that they cannot afford.

More than 20 years after fleeing their homes, internally displaced parents in Azerbaijan still have the option of sending their children to IDP or mainstream schools. Over 60 per cent are enrolled in IDP schools which have the same curriculum as mainstream schools. The government's rationale for segregated schooling is that it helps to maintain the social fabric of displaced communities, which in turn will make integration easier when they return. Many IDPs also value and wish to retain both their status and separate schooling, so that their children understand their heritage and because they find teachers in schools for IDPs more attentive and collaborative.¹⁹ Similarly in Georgia, IDP parents have tried to avoid discrimination against IDP children by enrolling their children in IDP schools instead of sending them to mainstream schools. Poorer IDP families send their children to IDP schools more often than well-off IDP families out of fear of not being able to compete with children in mainstream schools in terms of ability to provide them with quality clothing and food.²⁰ Often there is no real choice as the closest schools are IDP schools.

IDP schools in Azerbaijan and Georgia have served the political purpose of keeping the memory of IDPs' homeland alive to ensure their return. These schools have also been used as venues for commemorative events organised by government officials who are themselves internally displaced and cultural associations. Such an objective may be valid from the government's point of view in terms of respecting IDPs' cultural identity, language and religion as per Article 29 (c) of the Convention on the Rights of the Child. However, as displacement becomes protracted it is not in line with

¹⁷ Brookings-Bern Project on Internal Displacement, [Protecting Internally Displaced People: A Manual for Law and Policy Makers](#), 2008, p.226; UNHCR, [UNHCR Education: Field Guidelines](#), p.48, February 2003; UNHCR, [Refugee Children: Guidelines on Protection and Care](#), p.112, 1994; Office of the SRSG for Children and Armed Conflict, 2010, [The Rights and Guarantees of Internally Displaced Children in Armed Conflict](#), Working Paper No. 2, p.47, 2010.

¹⁸ IDMC, [Moving Towards Integration](#), 2011.

¹⁹ Brookings-LSE Project on Internal Displacement, [Can you be an IDP for twenty years?](#), 2011.

²⁰ NRC, [Not Displaced Out of Place: Education of IDP Children in Georgia](#), March 2010.

humanitarian or human rights considerations, including the best interest of the children of IDPs. Neither is it in accordance with the main goal of education, which is according to article 29 (c) of the CRC: "The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin".

Ghettoisation of IDPs

Residential segregation of IDPs continues in cases where IDPs have been relocated as a group to new settlements. In Georgia, for example, some IDPs remain in isolated areas where they have received new housing or in collective centres where they have received private ownership of their collective centre space. Such residential isolation has perpetuated segregated education for IDP children in Georgia and may be inhibiting their integration.

In Azerbaijan, considerable efforts have been made to improve housing conditions for IDPs. These have undoubtedly improved the living conditions of tens of thousands of people including children of IDPs born in displacement. New housing is allocated on a temporary basis until IDPs are able to return, and they are not allowed to rent, sell or mortgage the property. In an effort to maintain social cohesion, the new settlements also tend to be isolated from existing communities. The programme has therefore continued the collective accommodation of IDPs separate from the general population which may hamper IDPs' integration in the wider community. This segregated housing also reinforces the sense that their residence is temporary, with return ultimately being the only solution available to them. It also stigmatises IDPs as poor and helpless. This, in turn, hinders their efforts to improve their self-reliance. Housing programmes for IDPs must help to end segregation of IDPs, rather than perpetuate it.

Conclusion

There is no explicit international standard or guidance on whether children born in displacement are IDPs. Governments, humanitarian actors and others working with IDPs must therefore work according to the IDP definition in the UN Guiding Principles in line with international human rights law and principles and define for themselves to what degree the children of IDPs and subsequent generations are to be considered displaced.

Based on the principles of non-discrimination and family unity, as well as the rights of the child, children born to IDPs in displacement and their descendants should be considered IDPs until they or their family have achieved durable solutions through sustainable return to their place of origin, sustainable

local integration or sustainable settlement elsewhere in the country. Assistance to descendants of IDPs must be based on accurate needs assessments and not give rise to discrimination. A needs-based approach and frequent assessments of the degree of achievement of durable solutions of descendants of IDPs could inform national policies and help better target those who still have clear displacement-related needs.

Governments and others working with IDPs also need to decide whether to register IDPs and for what purpose. Any registration process should be non-discriminatory, open, fair and transparent with clear criteria for applications and timelines for decisions. An IDP status is not required for IDP protection and assistance since IDPs are citizens of their countries and are entitled to protection and assistance on that basis alone. Policy decisions must be based on children's rights principles and not be motivated by political objectives or budgetary considerations.



An internally displaced child proudly shows his notebook, Colombia. NRC/E. Giercksky, November 2009

Caution needs to be applied to ensure the principles of non-discrimination and family unity are obeyed, the needs of host communities taken into account and IDPs and their descendants considered displaced only as far as they continue to have displacement-related needs. Applying the IDP label over successive generations may be a missed opportunity for the achievement of durable solutions through return, local integration and settlement elsewhere in the country. Periodic review of policy decisions on this issue is therefore required.

With this approach, IDPs and their descendants can overcome the concrete challenges they face related to their displacement and progress towards durable solutions while, at the same time, having their rights respected.

In future papers, IDMC will further explore the implication of registration of children born to IDPs and their achievement of durable solutions based on concrete case studies.

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