

Internal Displacement in Pakistan: Contemporary Challenges

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Contents

Introduction	5
Legal framework	6
Key challenges	9
Disaster mitigation and management	9
Inclusive decision-making	10
Host communities	12
Challenges in mobility	14
Preventive measures	15
Need for disaggregated data	22
Additional vulnerabilities	23
<i>Women</i>	23
<i>Children</i>	25
<i>Minorities</i>	27
Psychological support	28
Rehabilitation and livelihood restoration	29
Conclusion	33
Recommendations	35
Annexures:	
<i>Annexure I: Pakistan and key international human rights treaties</i>	41
<i>Annexure II: UN Guiding Principles on Internal Displacement</i>	43



Introduction

Over the last decade, Pakistan has experienced large-scale involuntary internal displacement caused by a range of factors. 2010 was the second consecutive year since the Afghan refugee crisis began in 1979 that the number of internally displaced persons in Pakistan exceeded that of registered refugees. The main cause for internal displacement in the spring of 2009 was military operations against militants in Malakand region of the Khyber Pakhtunkhwa province, leading to an exodus of about 2.3 million people in a little over a fortnight and creating one of the largest displacement crises in recent times. Military offensives against Taliban militants in the Federally Administered Tribal Area (FATA) bordering Afghanistan also contributed considerably to involuntary displacement, pushing the number of internally displaced persons to 2.7 million between April and July 2009, the largest internal displacement of population in the country's history until then.

Large-scale displacement occurred in Pakistan in August and September 2010 again after the worst flooding to hit the country in living memory affected 20 million people, forcing over 7 million people from their homes. Although most of the flood IDPs returned to their home areas soon after floodwaters receded, they were mainly living out in the open as over 1.9 million houses had been damaged or destroyed across the country.

The large-scale displacement crises in 2009 and 2010 were only the latest human exodus in Pakistan. They had been preceded by dislocation of population following clashes between rival militant and sectarian groups in the tribal areas; military operations against extremist militants in parts of FATA and against insurgents/dissidents in Balochistan; generalised violence and violations of human rights; and other natural and human-caused disasters, including a devastating earthquake in Khyber Pakhtunkhwa and Azad Kashmir; the annual havoc caused by floods across the country; sea intrusion; and displacement

induced by development projects such as enhancement of water storage capacity at Mangla Dam, construction of Mirani Dam and sale of two Islands off Karachi to an international real estate developer.

All indicators suggest that internal displacement will remain a key issue of concern in Pakistan at least in the medium term.

This paper articulates the position of the Human Rights Commission of Pakistan (HRCP) on various aspects prior to and during displacement as well as during and after return or reintegration. It also underlines the key challenges and the various areas of concern that need to be addressed through domestic laws and policies.

Recent displacement crises in Pakistan have been reviewed to draw on key lessons and ensure that they inform responses in similar crises in the future, not only with respect to protection and humanitarian assistance during displacement, but also to advocate a comprehensive approach to preventing and avoiding conditions that might lead to involuntary displacement in the first place.

Legal framework

For the purposes of this analysis, the definition of internally displaced persons in Guiding Principles on Internal Displacement is relied upon which describes them as individuals or groups forced or obliged to flee their homes, particularly as a result of or in order to avoid the effects of armed conflict, generalized violence, violations of human rights or natural or human-made disasters, and who remain within the borders of their own countries.¹

Since internally displaced persons remain within the territorial jurisdiction of their own countries, the primary duty and responsibility to provide protection and humanitarian assistance to them without discrimination and in accordance with international human rights and humanitarian law lies with the state concerned.²

While a specific framework exists to offer protection for refugees, in the form of the 1951 Refugee Convention, and an international organisation, the UNHCR, has been mandated to assist them, neither is available for internally displaced persons per se. This is because they remain inside their own countries, and therefore do not have a similar claim to assistance and protection under any international legal instrument or from an international organisation. It has not been uncommon for the government of Pakistan to restrict humanitarian assistance or even block access to displaced populations for a range of reasons. Ongoing conflict and overall insecurity in Khyber Pakhtunkhwa and FATA have also impeded humanitarian assistance to the internally displaced people.

Despite hosting one of the world's largest displaced populations in modern times—the refugees from Afghanistan—Pakistan remains surprisingly ill-equipped to deal with large-scale internal displacement at both the policy and implementation levels.

Efforts to formulate a template for assistance to and protection of the displaced as well as for safeguarding their rights have been lacking despite the numerous recent displacement crises in the country. The strategy for dealing with internal displacement has been piecemeal and largely reactive.

1. *Introduction, paragraph 2, United Nations Guiding Principles on Internal Displacement.*

2. *Principles 3(1) and 4, UN Guiding Principles on Internal Displacement.*

The country has neither prepared nor enacted any specific domestic legislation or policies addressing internal displacement or put in place a framework for the protection of internally displaced persons.

Pakistan has not implemented through domestic legislation the UN Guiding Principles on Internal Displacement, which identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. The Guiding Principles provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration.

The Guiding Principles are generally acknowledged as a useful framework for dealing with the needs and protection of the displaced. Even the states that do not accept them as part of binding international law support the goals of these principles and agree that they can play a valuable practical role in the protection of the internally displaced.³

Pakistan's commitments under international human rights instruments⁴ such as the International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination against Women and Convention against Torture also provide key planks for protection of the rights of the displaced. The Convention on the Rights of the Child is of fundamental importance for displaced children and can support efforts for their protection and rights.

However, despite ratification of international human rights treaties, international obligations have not been translated into national legislation. The situation hinders the internally displaced persons from invoking their right to protection under the relevant international human rights instruments and the protection afforded by law therefore remains limited.

The gravity of the need to ensure that the rights of the internally displaced are enforceable and that they have easy and affordable access to justice has not been fully realized. In fact, reference to rights of the internally displaced has largely been missing from the official discourse on internal displacement in Pakistan.

In the absence of specific domestic legislation recognising the rights of the internally displaced persons, the rights guaranteed in the Constitution of Pakistan have acquired central importance in the protection of the internally displaced.

References to rights of the internally displaced largely remain missing from the official discourse on internal displacement in Pakistan. Despite ratification of key international human rights treaties, international obligations have not been translated into domestic legislation recognising the rights of internally displaced persons. In the absence of specific national legislation, the rights guaranteed in the Constitution of Pakistan have acquired central importance in the protection of the internally displaced.

3. See Annexure II for a brief introduction to and text of UN Guiding Principles on Internal Displacement.

4. See Annexure I for Pakistan's signature and ratification of key human rights instruments.



Key challenges

Several factors have contributed to raising problems associated with different phases of displacement in Pakistan to crisis proportions. Many of these factors have arisen because of the overwhelming focus on the emergency situations alone or on the immediate needs of the displaced, rather than being rights-centric. Provision of assistance and protection to the displaced has often been seen as a favour or a concession to the affected population.

The following are some of the main concerns from the human rights perspective in the context of displacement in Pakistan.

Disaster mitigation and management

Pakistan has made some headway towards institutionalising disaster mitigation and integrated response to natural disasters. After the October 2005 earthquake struck, Pakistan immediately created a disaster management agency, the first in the country, to respond to the country's worst natural calamity. In the event of a disaster, efforts of all stakeholders, including government ministries/departments/organisations, armed forces, NGOs and UN agencies are now supposed to be coordinated by the National Disaster Management Authority (NDMA). The National Disaster Management Ordinance, 2007 also envisaged disaster management authorities at the provincial and district levels. If implemented, the system would have

The ability of a national disaster management agency to respond to crisis such as the 2010 floods would remain deficient without functional provincial and district level disaster management authorities and devolution of the implementation structures right down to the grassroots, to ease administration and improve efficiency.



Displaced men form a queue as a policeman frisks them for weapons before registration.

obvious advantages in terms of integrated response, avoiding duplication of efforts and guarding against scenarios where some areas have excess of assistance while others may not get any at all.

However, the provincial disaster management authorities (PDMAs) in general and district disaster management authorities (DDMAs) in particular lack capacity or resources, or both, for disaster mitigation,

preparedness and response. Punjab did not even have a PDMA before the recent floods caused extensive devastation in eight districts of the province. Across the country, the DDMAs had either not been set up or were not functional, which led to exacerbation of the affected population's plight in the 2010 floods as 71 of Pakistan's 122 districts were affected. It is obviously difficult for the NDMA or the PDMA to respond to any emergency in the absence of functional DDMAs. Absence of a comprehensive post-disaster relief plan at the district and sub-district level and lack of a common implementation strategy by all the relevant actors in the districts and at the grassroots remained a constraint in efficient provision of assistance and relief to the affected populations in the aftermath of the 2010 floods. Considerable effort needs to be invested in devolving implementation structures right down to the village level, through the sub-district/town and Union Council administration, to ease administration and improve efficiency.

Inclusive decision-making

Irrespective of the causes and phases of displacement, one of the consistent features of the decision-making process across the country has been the near absence of input from internally displaced persons regarding key decisions and policies affecting them. The fate of the displaced is overwhelmingly determined by high level policy decisions.

From selecting locations of camp sites, relief items provided to the uprooted people, declaring affected areas safe for return and prioritisation in reconstruction of infrastructure, displaced populations, whether in camps or in host communities, have been excluded from decision-making regarding matters central to their daily lives. Absence of consultation, democratic participation and inclusive decision-making can undermine effectiveness of overall humanitarian assistance and heightens chances that assessment of the needs and concerns of the affected populations may be ignored or wrongly worked

out.

This exclusion, which may at times have been deemed justifiable in order to ensure prompt emergency response or efficient management of relief efforts, can also cause an even greater sense of disempowerment among displaced persons.

The fate of the displaced is overwhelmingly decided by high level policy decisions. Exclusion of the affected population causes an even greater sense of disempowerment among displaced persons.

Even the few instances where some degree of participation has been sought from the uprooted persons, women have often been left out despite specific protection and assistance needs that they invariably have. Adequate attention has not been paid to ensure that women have easy access to information, especially in social settings where women traditionally hesitate to communicate with men on account of conservative norms.

Internally displaced persons fleeing the conflict in Swat district of the Malakand region learned during their flight that at the peak of summer the government had set up camps in the intensely hot Mardan and Swabi districts of Khyber Pakhtunkhwa. Not only were the displaced persons unaccustomed to such intense heat, they also lacked clothing appropriate for the weather.

In addition to ensuring that camps were set up as close to the affected population's original habitat as possible, close consultation with the affected population could also have allowed them to maintain social and community bonds/networks by lodging people from the same community or village in the same camp.

Providing shelter and assistance to groups from the same area at one location would also have helped in identifying militants from that area seeking refuge in the camp.

In the Swat displacement crisis, housing uprooted families from a single village or community in different camps in a random manner caused disruption of traditional social structures and the displaced found themselves isolated from family and social and community networks. Children whose schools had been destroyed by militants also lost contact with friends from school, because their families had been given shelter in other camps.

Making certain that the affected population has access to reliable information to make informed choices remains another area in urgent need of improvement. In some conflict areas, the government encouraged the uprooted population to return to their original place of domicile in 2008 and 2009, even before the areas had sufficiently stabilised. In many cases that resulted in the returning families being forced to flee their native areas more than once after realizing that the security situation had not improved substantially. In the last few years, instances of families being uprooted multiple times in this manner have been reported from Swat and the tribal region of Bajaur. In June 2009, the displaced population from Mingora, in the Swat valley, was informed that it was safe to return while there were

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several reports that militants had placed landmines in Swat. Several internally displaced persons returning to the conflict-hit areas in Swat have been killed in militant attacks or in blasts of landmines and explosives left behind by the militants or unexploded munitions from the security forces' operations.

The government is not only under an obligation to create conditions that allow internally displaced persons to return in safety and with dignity to places of their habitual residence but must also ensure that they have access to accurate information to enable them to make informed decisions in a voluntarily manner and that they get to choose the timing of their return. Effective participation of internally displaced persons, particularly affected women, must also be ensured in planning and implementation of all aspects of their return or resettlement/relocation/reintegration to take their concerns into consideration.

Giving stakeholders a say in decision-making and actively asking for their priorities not only gives ownership of decisions to the people and increases public support for measures, it also contributes to durability of solutions and sustainability of rehabilitation work.

Putting in place effective mechanisms to enable and facilitate all displaced individuals, irrespective of gender, to highlight their grievances and register complaints can be one mode of encouraging participation.

Host communities

A significant facet of the recent large-scale displacement in Pakistan has been the disproportionately high reliance of the affected population on local communities for shelter and support.

The United Nations refugee agency compared the scale of the 2009 exodus from Swat to the massive displacement in Rwanda in the 1990s. Returning from a three-day trip to Pakistan in May 2009, the UNHCR head António Guterres called the displacement crisis “one of the most dramatic of recent times”⁵ as the UN said that relief workers were “struggling to keep up with the size and speed of the displacement”.⁶

The main difference with African refugee crises such as Rwanda, however, was that only a minority of the people displaced from Swat were housed in camps set up by the government or humanitarian organisations. According to the United Nations, at the peak of the Swat displacement crisis in mid-May 2009, only 130,000 people were being accommodated in the sprawling camps in Mardan and Swabi.

UNICEF's Director of Emergency Programmes, Louis-Georges Arsenault, stated at the time: “In Pakistan we face a unique humanitarian challenge, since the vast majority of the displaced are seeking shelter in host communities which are far more difficult to reach with basic services than in the camps.”⁷

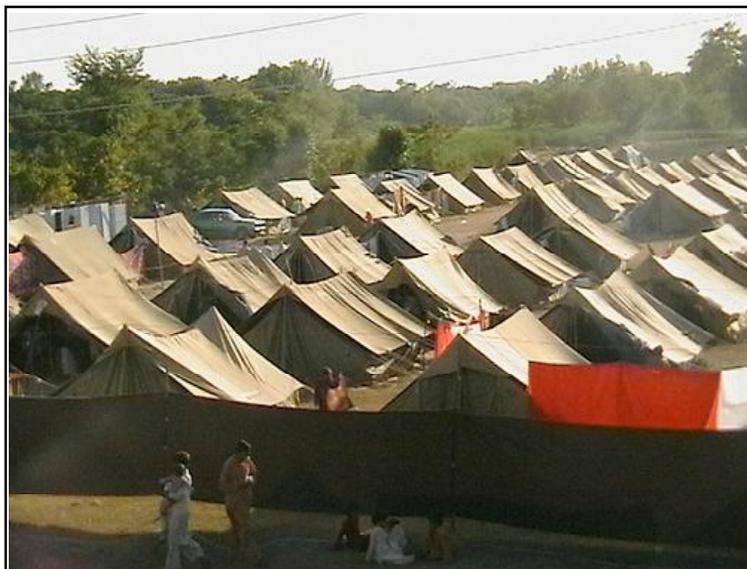
Only 15 percent of the freshly displaced from Swat were sheltering in official camps, while most were living in cramped conditions, squeezed into the houses of friends or relatives, with as many as 85

5 ‘UN: Swat could be worst refugee crisis since Rwanda’, Mail & Guardian Online, May 19 2009, (<http://www.mg.co.za/article/2009-05-19-un-swat-could-be-worst-refugee-crisis-since-rwanda>).

6 *Ibid.*

7 ‘UNICEF: Children and women displaced by conflict in Pakistan need urgent and ongoing support’, July 3, 2009, (http://www.unicef.org/pakistan/media_5245.htm).

people in one house, with limited or negligible access to safe drinking water and sanitation.⁸ In some instances the population of villages and towns doubled within a very short timeframe with the influx of the displaced. High population density, lack of safe drinking water, sanitation and privacy added to the problems of the affected populations. In 2007, reports emerged of difficulties faced by displaced populations from Balochistan's Kohlu and Dera Bugti districts in informal settlements along railway tracks and highways. On account of lack of access to safe drinking water, they were forced to drink water from nearby paddy fields that contained chemical fertilizers and pesticides and many suffered renal damage and hepatitis as a result.⁹



Camps were set up for many of the Swat IDPs in the sweltering heat of Mardan.

There have been reports of the displaced populations in host communities in Mardan and Swabi districts facing health-related problems including diarrhea.¹⁰ Provision of education to the uprooted population outside camps was also generally compromised.

It is obviously easier to assess the needs of the affected people and to assist them in camps rather than those lodged with family and friends among urban populations. The displaced staying out of official camps created logistical hurdles in the delivery of even subsistence assistance to a scattered community, as well as increased demand for healthcare services, sanitation and water, causing additional strain on the local infrastructure, which was often hardly adequate even for the needs of the local population.

Sometimes the affected families choose not to register in camps because of privacy concerns and at other times because they lack the necessary identification documents required for registration. Addressing privacy concerns and making issuance of identification documents easy at camp sites could yield results in this regard.

The communities hosting the displaced during the Swat crisis were often not very rich themselves

8 'UN: Swat could be worst refugee crisis since Rwanda', Mail & Guardian Online, May 19 2009, (<http://www.mg.co.za/article/2009-05-19-un-swat-could-be-worst-refugee-crisis-since-rwanda>).

9 State of Human Rights in 2007, Human Rights Commission of Pakistan, p. 211.

10 'Rapid assessment of IDPs in host communities in Mardan and Swabi Districts', Save the Children Alliance, May 31, 2009, (<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MINE-7SQ4K4?OpenDocument>).

and simply lacked the resources to offer support or shelter for long.

In such situations assistance must not be confined to the internally displaced but must also be extended to host families and the local population in need. The government as well as humanitarian actors need to focus more attention on supporting the host communities through assessing their needs and the capacity of the local infrastructure. A failure to do that could breed resentment among host communities, especially if the perception takes root among the local population that the affected families' presence has diminished their own ability to access services and that they have been excluded from any support or assistance even though their financial circumstances may be as bad as, or even worse than, the displaced persons they support.

Challenges in mobility

Historically, displaced individuals have not been considered right-holders either by the government or by the people in Pakistan and extending any support to them has often been considered a favour, if not downright charity. *Mohajir*, or refugee, is deemed a derogatory term. Denial of many rights to displaced communities has been most apparent in the case of Afghan nationals forced to flee to Pakistan on account of armed conflict in their country. Afghan refugees managed to work and otherwise participate in the economic activity in Pakistan not because they had any claim to enforceable rights but mainly on account of Islamabad's leniency. In recent years Afghan nationals in Pakistan have been hauled up with increasing frequency on suspicion of involvement in illegal activities. Pakistan is not a signatory to the 1951 Refugee Convention. The presence of Afghan refugees in Pakistan was initially regulated through arrangements between Pakistan and the UNHCR and subsequently through trilateral agreements among Kabul, Islamabad and the UNHCR.

In 2009, the majority of the displaced population from the militancy-hit regions of Malakand and FATA found their efforts to seek safety in other parts of the country and their right to freedom of movement and choice of residence curtailed by militants' action as well as government policies.

The idea of rights of the displaced has generally not caught on and even internally displaced persons have at times been seen as outsiders by the local and provincial governments and the people.

In October 2007, a nationalist political party had vowed to oppose "tooth and nail" a reported government plan to settle around 80,000 displaced persons from Bajaur in Balochistan. The party said bringing more 'outsiders' to the province where the presence of a large number of Afghan refugees has "for long been described as the main source of growing religious fundamentalism and suicide bombings" would create a "demographic imbalance in the Baloch-majority province".¹¹

Identity-based violence against 'outsiders' and curbs on the displaced population's mobility have emerged as key recent challenges in Pakistan, especially on the back of military operations in the country's northwestern parts.

In 2009, the majority of the displaced population from the militancy-hit regions of Malakand and

11 State of Human Rights in 2007, p. 203, Human Rights Commission of Pakistan, 2008.

FATA found efforts to seek safety in other parts of the country and their right to freedom of movement and choice of residence curtailed by militants' action as well as government policies.

Their efforts to move to major urban centres in other provinces—motivated as much by a desire to flee violence as for joining extended families or to enhance their chances of finding employment—encountered what was nothing short of organised resistance. The provincial governments of Sindh and Punjab in particular denied the internally displaced persons from the country's northwestern parts the right to liberty of movement and to free choice of their place of residence.

The arbitrary restrictions were a violation of fundamental rights guaranteed by the Constitution of Pakistan, and of Article 12 of the ICCPR, to which Pakistan has now become a party.

The curbs were largely based on speculations that the militants in the northwest were predominantly ethnic Pashtuns, and might be hiding among the massive Pashtun populations uprooted from the conflict-hit areas. Instead of screening the displaced for terrorists, trucks full of displaced families were turned back at the provincial borders. Rights were essentially compared with the need for security and security was seen as the overriding concern.

Even well known cases of denial of the constitutional right to freedom of movement and freedom to choose one's residence were not picked up by a judiciary generally seen to be very enthusiastic about taking *suo motu* notice in matters of ostensible public interest.

Also absent was action at the political level to promote understanding and sympathy with the affected population. In some instances, the opposite was the case, with political leaders whipping up xenophobia against the displaced.

Such attitude towards internally displaced persons effectively discriminated against them as a result of their displacement. Perceptions of guilt by association did nothing to assuage feelings of alienation and disempowerment among the affected population and adversely affected their ability to relocate or freely seek employment and otherwise participate in economic activity.

Forcing the displaced to find shelter only among their own ethnic groups, rather than encouraging integration of those seeking relocation where appropriate, would lead to ghettoization and is bound to have disastrous consequences for nation building.

The overall failure to comprehend and deal with political and economic reasons for the tensions among the local and displaced populations remains an area of grave concern. On top of ethnic tensions and considerable sentiments against settlers in Balochistan, growing ethnic clashes in Karachi, capital of the Sindh province, have particularly heightened the need to identify the causes and flash points of violence against 'outsiders' as well as the urgency of effective prevention measures and responses to xenophobic ploys.

Preventive measures

Pakistan has often been criticised for what has been seen as its failure to take proactive measures to

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A familiar sight in Pakistan in the summer of 2010 as millions were forced from their homes by the floods.

prevent displacement from occurring and, at times, to cushion the displaced from the impact.

Natural disasters may often strike without a warning and individuals and governments have to cope as best they can. However, displacement induced by most other causes is often not quite as unpredictable or inevitable.

The massive wave of displacement from FATA and parts of the Khyber Pakhtunkhwa province following violent actions by militant extremists occurred years after civil society first started expressing concerns over growing religious intolerance, and demanding effective writ of state, political participation, respect for human rights and de-weaponization in those areas. Timely action to counter extremism and intolerance—apprehending the perpetrators and rehabilitating those indoctrinated to pursue violence in the name of religion—could have prevented many of the problems which are now being addressed mainly, and at times exclusively, through military operations.

There are considerable concerns that in its fight against the militants the government is only focusing on symptoms rather than addressing the malady. In the last few years, there have been increasing signs of the government relying solely on its security forces to address frictions, instead of addressing economic and social concerns, including issues of representation or control over resources.

Military means may in some circumstances help as a last resort against extremism and intolerance, particularly through intelligence and more targeted operations, but they must not be the sum of the government's response to such challenges. Declaration of military victories against militants alone is unlikely to achieve much in reducing or preventing extremism and intolerance in the militancy-hit areas.

Furthermore, the government has not only failed in preventing displacement caused by non-state

actors, but indiscriminate use of force by the security forces in operations against insurgents in populated areas has contributed to deaths and displacement of civilians. Specific concerns have converged around reliance on aerial bombardment and artillery shelling in populated areas.

In April 2010, the army chief made a rare public apology over the deaths of civilians during a military airstrike and ordered measures to avoid such incidents in future.¹²

Military and other government officials had initially said that at least 42 militants were killed in a gunfight and airstrike by Pakistani jets in Tirah Valley of the Khyber region in FATA. But tribesmen said that 61 civilians had been killed and 21 wounded. Along with the apology, the Pakistan Army granted Rs 20 million in compensation for the victims and promised to bear the cost of treatment of the injured. The Khyber Agency Political Agent said the federal government would pay a separate compensation package for the victims.¹³

The post-military operation concerns in Swat have also grown to include legality of treatment of individuals suspected of involvement in acts of violence, and their families. There are concerns that actions such as punitive demolition of houses, expulsion of families of suspected militants from towns, unacknowledged detention and extrajudicial and revenge killings would fuel further intolerance and terrorism. Recent experience highlights the need for government forces to be trained to respect human rights in all situations and to be made aware of the significance of distinguishing themselves by showing respect for rights in their actions.

The government has frequently highlighted the people's unanimous backing for the military operations against extremist militants. Though the anti-militant action still enjoys broad public support, continuing civilian casualties, and a further deterioration in the conditions of the displaced or the returning population could erode that support.

The significance of decisive and timely action in preventing displacement cannot be emphasised enough. In January 2010, a massive landslide blocked the Hunza River in Gilgit-Baltistan, burying the village of Atabad, killing 19 people, displacing around 3,000 and stranding another 25,000 people upstream. On January 8, four days after the landslide, the chief secretary of Gilgit-Baltistan had said it would take "about three weeks" to release water from the lake.¹⁴

However, rather than proceeding straight away to clear the blockage at a time when the lake formed by the landslide was only five kilometers long and the cold temperatures meant that glacial melt was

Pakistan needs a conscious focus on preventing displacement by anticipating risks and planning its response accordingly, rather than proceeding in a reactive manner. It must have preventive strategies in place through early identification of threats and close and continued assessment and monitoring of risks. The authorities must also try to mitigate the impact on the affected population in cases where displacement is unavoidable.

12 'General Kayani apologises over civilian deaths', *Dawn*, April 17, 2010.

13 'Army announces compensation for families of air strike victims', *The News*, April 21, 2010, (<http://thenews.com.pk/print3.asp?id=28427>).

14 'Hunza river water rises 4 metres in 24 hours', *Dawn*, January 9, 2010.

some way off from contributing substantially to the lake, the government chose to construct a spillway, which would only become operational when the water level rose to around 360 feet. It was planned that the discharge of water would erode and eventually clear away the blockage, draining all the water in the lake.

As summer peaked and more glaciers melted, water level shot up. Though the lake started discharging water in the last days of May, increased inflow from melting glaciers kept the water level in the lake from falling. By that time, the rising water had inundated several villages and led to displacement or evacuation of the population of around 40 villages.

Also in May, the chairman of National Disaster Management Authority said that flooding from the lake could affect 40,000 people.¹⁵ By mid-June, the Hunza lake had stretched to 25 kilometers and showed few signs of draining anytime soon.¹⁶

On June 18, the government announced curbs on assembly of people as hundreds of local people vowed to widen the spillway in protest against the official “wait-and-see” policy.¹⁷

On July 21, the federal government considered carrying out controlled blasting to lower water level in the area,¹⁸ something it had dismissed several months earlier despite demands by the affected population.

The government also did not agree to the affected population’s demand for rehabilitation by allocating them alternative land.

As the winter approached, the displaced population continued to lead an uncertain life in relief camps and at houses of friends and relatives and the suffering of the stranded population upstream also seemed set to continue at least for the near future. With the considerably large amount of water in the lake at the end of the summer, a breach was likely to cause substantial damage downstream. Such a threat would have been virtually non-existent if the blockage had been opened in the months before high temperatures accelerated glacier melting, increasing inflow in the lake.

The landslide in Attabad had not come without considerable prior warnings. In the first week of February 2003, the inhabitants of the village noticed a ‘crack’ in the ground above their village. “The crack was traced uphill through steep scree slopes and it became progressively larger until reaching the mountain rock face. It then swung back downhill until intersecting with the Hunza gorge cliff edge and where the crack also passed through some houses... [i]t was decided to vacate many houses down slope of the cracked ground, [as] it has all the signs of being an incipient large landslide.”¹⁹

Richard Hughes, a consultant for Aga Khan Cultural Services, wrote after visiting the area in 2003:²⁰

Attabad is in an extremely remote location where incredible dynamic mountain building

15 ‘Hunza flood could affect 40,000 people: official’, *Dawn*, 18 May, 2010.

16 Dawn, ‘Water level in Hunza lake creeping up’, *Dawn*, June 13, 2010.

17 ‘Locals start widening Hunza lake spillway’, *Dawn*, June 18, 2010.

18 ‘Water level to be lowered by controlled blasting’, *The Nation*, July 22, 2010.

19 Attabad Landslide - Hunza Valley, Northern Areas Pakistan, report of Richard Hughes, consultant for Aga Khan Cultural Services, p. 1, (<http://www.istructe.org/EEFIT/files/Attabad%20Landslide.pdf>).

20 *Ibid*, p. 6.

and erosional processes are continuously at play. Life here is, at best, precarious. A small magnitude earthquake a long way off has the capability to further trigger dramatic landscape changes, which further makes life very risky. Living in such hazard-prone environments has increasing risks, as the population expands and good quality/safer agricultural land becomes less available or too expensive to buy.

The cracking [of] the ground running up and around a large scree and boulder debris flow is a real natural landslide phenomena and a major cause for concern. The original crack width is getting locally larger but it appears not to be getting longer. It was a correct decision to move people away from the potential disaster area as there are no ways to stop a rotational landslide of the scale indicated by the crack plan. Monitoring the crack (with instrumentation) and the affected area locally (by observation of the environment) are the best ways forward for predicting a growing problem or noting a new stable situation. Management of the situation now would play a major role in efficient situation/disaster recovery. The first aim is to ensure that people safely live well away from below the area that would be affected, the second is to instigate safety systems for allowing for some continued use of the fields so essential for the well being of the villagers and the third is to have possessions and farming resources stored away from the area so there are minimal losses if the slope was to catastrophically fail.

Several factors are supportive of there being no future slope failure: It is encouraging to note that apparently no slumping or heaving ground movements have taken place at the toe of the slope. The boulder character and rough rock-head surface through which most of the movements have so far occurred could help in resisting a sliding action. The ground would appear to maintain a fairly stable temperature and moisture regime. However, it must be stressed that at the moment there is local dynamic situation, with distant aftershock and potential amplification effects still occurring that may lead to a local disaster.

In Hattiyān district of Azad Kashmir, a breach in Zilzala Lake, a body of water created by the 2005 earthquake in a manner similar to the Hunza lake, washed away 30 houses in February 2010.

In another year and another part of the country, Turbat in Balochistan's Kech district, tens of thousands of persons displaced by floods in 2007 blamed the government for their plight. They claimed that the unprecedented flood devastation was caused by the reverse flow of rivers from the recently constructed Mirani Dam reservoir, as the structure prevented the rivers draining. Many of the victims would have left the area months earlier if they had been compensated for their land in time. The Water and Power Development Authority had decided to pay full compensation for houses, orchards and land in areas up to 264 feet above sea level (ASL) to the affected people through the provincial government. But the provincial finance ministry determined that areas above 244 feet ASL—the level of the dam's spillway—qualified for only partial compensation. The affected population refused to vacate their villages until paid in full. The huge backflow created waves large enough to hit areas up to an elevation of 271 feet ASL, devastating 40 villages and rendering nearly 70,000 people homeless.²¹

Destruction and displacement wrought by floods has become an annual ritual for the people in

21 State of Human Rights in 2007, p. 212, Human Rights Commission of Pakistan, 2008.

scores of districts across the country. In several districts of Balochistan and South Punjab, the destruction caused by the floods is even more disturbing because people in these areas have to contend with a drought for the remainder of the year.

The number of internally displaced persons in the country shot up between July and September 2010 after the worst flooding to hit the country in living memory affected 20 million people. The floods caused large-scale devastation across the country and forced 7 million people to leave their homes.²²



IDPs from Malakand on their way to Swabi.

The impact of the floods was especially devastating in the Swat valley, where residents were still trying to recover from a mass exodus of population the previous spring to escape Taliban atrocities. Rescue and relief were made particularly difficult in northwestern Pakistan where the infrastructure suffered extensive damage and around 300 bridges were washed away, impeding access to the flood-hit zones. In Khyber-Pakhtunkhwa, officials had just a few

hours to act and had little understanding of the damage the unusually strong torrent would cause. Absence of early warning systems to announce flood alerts, and intentional flooding of some areas by government officials breaching river embankments, apparently to protect the lands of powerful landowners at the expense of others, have been blamed for much of the displacement, destruction of property and loss of life in the floods.

For most of the flood displaced, the period of displacement was relatively brief and they returned to their home areas as soon as floodwaters receded, usually in around a month's time. However, tens of thousands were living out in the open as over 1.9 million houses had been damaged or destroyed across the country, more than 1.1 million in the province of Sindh alone. Irrespective of the duration of displacement, many of the flood displaced faced post-return problems similar to conflict IDPs, in particular on account of destruction of houses, and communication, health and education infrastructure as well as diminished livelihood prospects in the short term at least after the floods caused extensive damage to crops and livestock in Pakistan's agricultural heartland.

Many gaps became apparent as relief work for the flood-affected population got under way. Though

²² 'Fresh Pakistan floods displace 1 mln more people', Reuters, August 27, 2010, (<http://www.reuters.com/article/idUSSGE67Q0DB20100827>).

the affected people's problems varied with the area, lack of proper planning and of reliable systems of information gathering for assessing damages and needs, failure to adequately publicise relief plans or to hold wide consultations with the affected population and other relevant actors and the consequent absence of their input in the relief and assistance plans were some of the avoidable effects that HRCP and other NGOs noticed across the country. In September 2010, when the government had started the distribution of financial assistance for the flood-affected people through Watan Cards, a large number of people lacked information on the criteria for receiving the cards, the locations where distribution would take place and even the fact that the cards were to be distributed.

Land rights, especially in the flood-affected parts of rural Pakistan, are likely to be a major area of concern for a considerable period as there has been extensive destruction of official record of land holdings in the 2010 floods, especially in view of rampant corruption by the Revenue Department staff responsible for maintaining, and now, reconstructing the record. Demands of bribe by the Revenue Department staff from the flood-affected people have already been reported.²³ Failure to address the needs and concerns of the flood IDPs in a prompt manner may trigger future waves of displacement and migration from the affected areas, mainly towards major cities, increasing the burden on the urban infrastructure and depriving the uprooted families of family and community support networks.

Governments all over the world would have struggled with the scale of the floods that hit Pakistan in 2010, a calamity acknowledged by the United Nations to be more severe in scale than the 2005 Pakistan earthquake, the 2004 Asian tsunami and the 2010 Haiti earthquake combined.

However, timely warnings, informed decision-making on breaching of embankments, and preventing agricultural activities and at times construction of unauthorised houses close to river banks or in *katcha*, or riverine, areas, could have reduced the extent of damage, casualties and displacement. Adequate focus on disaster mapping, and assessment of vulnerabilities caused or exacerbated by climate change could also play a significant part in preventing the damage.

Furthermore, measures to channel or store the floodwater, even in small dams, may not only prevent displacement by reducing the devastation caused by floods, but also provide water for local needs, including agriculture and power generation. First and foremost, Pakistan needs to have a conscious focus on preventing displacement by anticipating risks and planning its response accordingly, rather than proceeding in a reactive manner. It must have preventive strategies in place through early identification of threats and close and continued assessment and monitoring of risks. It must also try to mitigate the effect on the affected population in cases where displacement is unavoidable.

Timely, open and inclusive discourse with and input from the affected communities and efforts to make the return of displaced populations voluntary and sustainable are also bound to help in preventing

Failure to take decisive and timely action has caused and compounded displacement crises following natural and human-caused disasters.

²³ 'HRCP finds gaps in response in flood-hit areas', HRCP Press Statements, September 23, 2010, (<http://www.hrcp-web.org/showprel.asp?id=169>).

multiple displacements.

Expeditious and appropriate response to a displacement crisis not only alleviates the affected population's suffering, it may also prevent future crisis by denying a foothold to extremist groups seeking to increase their support and further their agenda by filling the vacuum often left by the state in the provision of assistance. There have been numerous reports of such groups providing food and non-food relief items to the displaced people, following the 2005 earthquake as well as other natural disasters before and since.

In addition to fighting against the militants, the military's taking the lead in responding to many of the needs of the affected population has also given rise to concerns about perceptions among the public regarding the role, capacity and engagement of both the elected government and the military, particularly as the country has only just emerged from a long military dictatorship.²⁴

The government can benefit from the Guiding Principles on Internal Displacement in planning to prevent displacement. In particular, it needs to have a deliberate focus at all times "to prevent and avoid conditions that might lead to displacement of persons"²⁵ and must ensure that "[p]rior to any decision requiring the displacement of persons... all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimise displacement and its adverse effects".²⁶

Need for disaggregated data

Accurate data on the number of the displaced population is important but, unlike the prevalent practice, statistics need to be disaggregated on the basis of age and gender to better assess needs. Currently official figures are mainly confined to citing the number of displaced individuals and that of families/households.

There is an urgent need for the government and humanitarian actors to realize that the displaced are seldom a homogeneous group, and to provide for the specific and diverse needs of individuals in the group. Disaggregated data by gender and age is vital to assess specific needs of all segments of the affected population during all phases of displacement, and would have an impact on prioritization in areas such as education, school reconstruction, recruitment of male and female teachers and training requirements, healthcare facilities and number of male and female health service providers, social protection and welfare needs, psychological needs, food security and livelihood rehabilitation, and access to water, sanitation and hygiene.

In June 2009, the United Nations Population Fund (UNFPA) said that 69,000 pregnant women were also among the population displaced as a result of the massive offensive against the militants in Swat and

24 Swat: Paradise Regained? Report of a Fact Finding Mission, p. 24, Human Rights Commission of Pakistan, July 2010, (www.hrcp-web.org/pdf/Swat-Paradise-Regained.pdf); Elizabeth Ferris, "Civilian Humanitarian Action Needed in Pakistan," Brookings Institution-Bern University Project on Internal Displacement, May 15, 2010 (http://www.brookings.edu/opinions/2009/0515_pakistan_ferris.aspx?emc=lm&m=225382&l=9&v=1038814).

25 Principle 5, UN Guiding Principles on Internal Displacement.

26 Principle 7(1), UN Guiding Principles on Internal Displacement.

other areas of Khyber Pakhtunkhwa and were living in camps at increased risk.²⁷ The UNFPA estimated that nearly 6,000 of the pregnant women were expected to give birth during the following month, and over 900 would need surgery to handle pregnancy-related complications. This is just one example of why data that only takes into account individuals and households cannot assess specific needs of the displaced. Similarly, the lack of accurate data disaggregated by age is a major impediment in assessing the needs of children, the elderly and those with physical and mental disabilities and makes efforts to adequately respond to their needs very difficult.

Disaggregated data by gender and age is vital to assess specific needs of all segments of the affected population during all phases of displacement.

Additional vulnerabilities

All individuals who suffer enforced displacement are exposed to a range of vulnerabilities and a sense of disempowerment, but women and children often suffer more than most during and after displacement, particularly in conflict-induced displacement settings. In addition to age and gender, health conditions, physical and mental disabilities and perceptions of affiliation with sectarian, ethnic and religious minority groups have also compounded the problems of the displaced in Pakistan.

Women

It is well established that displaced women may face specific risks and involuntary “displacement can expose women and girls to a range of factors which may put them at risk of further violations of their rights”.²⁸

As the security situation had worsened in Taliban-controlled areas in the northwest in 2008, conditions had become difficult for women even before the actual displacement occurred. The Taliban had effectively banished women from the public sphere, even barring them from leaving their homes. In most of these areas, they could not even venture out for shopping, much less for work. They were only allowed to leave their homes for medical treatment if chaperoned by male relatives.

Women’s access to education suffered disproportionately, as most of the educational institutions bombed by the militants in the Swat region were girls’ schools. Even where the buildings remained intact families barred girls from attending schools for fear of their safety after threats by the Taliban.

Even a cursory analysis of the enforced displacement crises in Pakistan in recent years demonstrates that displaced women have had unequal access to assistance and protection and that the needs of women and girls, especially those living with host communities, have generally not been assessed.

Assistance gaps have been noted in case of unaccompanied women and female-headed families. The situation has been particularly difficult for displaced families headed by women, where male relatives had been killed, accidentally separated, stayed behind to look after the family property or left for urban

27 ‘OCHA says running short of funds for IDPs’, *Dawn*, June 5, 2009, (<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/national/ocha-says-running-short-of-funds-for-idps-569>).

28 Conclusion No. 105, UNHCR Executive Committee, October 6, 2006.

centers to look for employment.

The process of registration of the displaced population has itself been blamed for causing considerable inconvenience, assistance gaps and denial of shelter to women. The conflict-induced displacement from the country's northwestern parts had occurred in many areas where women had not had their national identity cards (NICs) made on account of lack of education or threats by militants. In many tribal areas, families did not allow women to apply for NICs since the cards bear names of the applicant and the families did not want the names of women known outside the household. A much higher ratio of men from those areas got their NICs. Since NICs were a mandatory requirement for registration of the displaced, the lack of NICs meant that women were less likely to be able to exercise their rights or access assistance and protection. Women without NICs were not registered or housed at camps, nor were families headed by such women if all the other members were minor children and therefore not yet eligible to acquire NICs. Women who had misplaced their NICs during their flight were issued copies by mobile teams, but those who had not had their NICs made in their native areas were not entertained.

Such response is contrary to the course suggested by the Guiding Principles on Internal Displacement. Principal 20 (2) states: “[T]he authorities concerned shall issue to them [internally displaced persons] all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents.”

Though at places registration staff at camps included women, female-headed families and women even in camps were not approached separately through female staff either at the registration or assistance stage. Gender stereotypes and conservative cultural norms meant that many women hesitated to contact men to draw attention to assistance or protection needs.

Female-headed families and women even in camps are generally not approached separately through female staff either at the registration or assistance stage. Many women hesitate to contact men to draw attention to assistance or protection needs on account of conservative cultural norms.

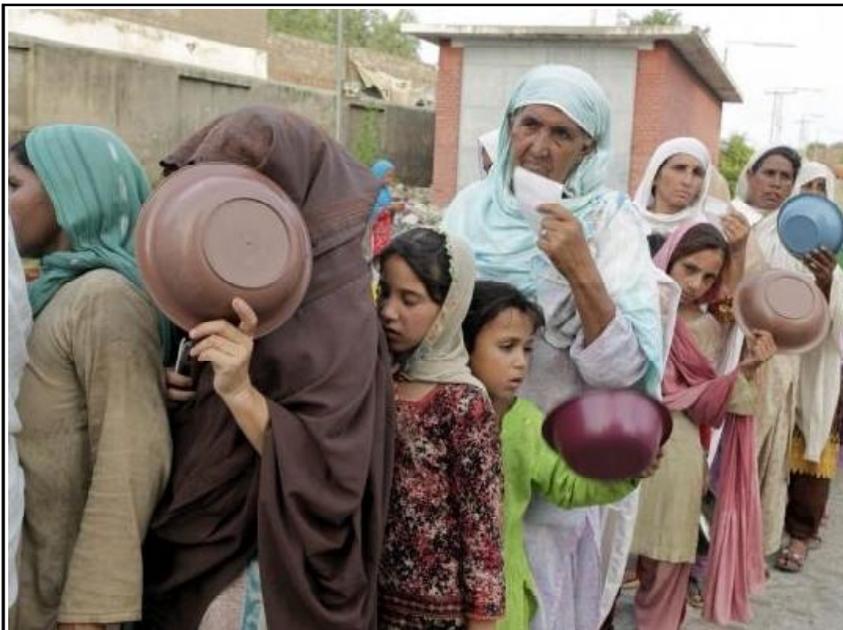
Promotion of and facilitation with regard to livelihood opportunities for displaced or returning women continue to be ignored at the policy and implementation level. There is a need for special emphasis to address livelihood needs of displaced or returning women, especially in instances of female-headed households or where male family members have been killed or gone missing.

Challenges such as those presented by displacement also present opportunities to promote gender equality not merely to the extent of subsistence assistance but also with regard to reiterating their rights through constructive entitlements, and engagement in the decision-making process, facilitation with regard to livelihood opportunities and access to health and education.

International human rights instruments, particularly women-specific instruments such as the Convention on the Elimination of All Forms of Discrimination against Women, can also support measures

for the protection, empowerment and rights of women and girls in situations of displacement.

Humanitarian action in Pakistan in general needs to be more firmly grounded in the principle of gender equality and women need to be equally consulted and engaged in the decision-making process. It is also important to ensure an enabling environment in camps so that women feel able to raise protection and assistance concerns.



Girls and women displaced by the 2010 floods wait in a queue for food in Nowshehra.

Children

Problems in different phases of displacement are extenuated for children who, on account of their young age, are more exposed to the difficulties and risks associated with displacement.

According to UNICEF, nearly 50 percent of the estimated two million displaced in Pakistan in July 2009 were children, many of them in urgent need of health and educational services, nutritional support, access to clean water and sanitation, in addition to protection.²⁹

Children in the country's northwest have been most vulnerable to the effects of the Taliban insurgency, before, during and after their displacement. Loss of family members and exposure to horrific violence has left many struggling with a sense of uncertainty, insecurity and fear.

Rights organisations and relief workers have reported that difficult journeys in search of safety following involuntary displacement from Swat and the tribal areas caused among children an impending fear of being captured or killed by militants.³⁰ The traumatic experiences have left them with severe mental distress. However, measures to address psychological needs of children, or those of the uprooted population at large, remain a neglected area.

Even though Pakistan has not made the Guiding Principles on Internal Displacement part of domestic

²⁹ 'UNICEF: Children and women displaced by conflict in Pakistan need urgent and ongoing support', July 3, 2009, (http://www.unicef.org/pakistan/media_5245.htm).

³⁰ Swat: Paradise Regained?, p. 22, Human Rights Commission of Pakistan, July 2010, (www.hrcp-web.org/pdf/Swat-Paradise-Regained.pdf).



Securing food and other provisions often took up most of the time of displaced children.

legislation, children are guaranteed many rights under the national constitution and under the Convention on the Rights of the Child (CRC), to which Pakistan is a signatory.

Concerns have been raised about children's vulnerability to trafficking and sexual exploitation amid reports of children's separation from their families during the massive flight of the civilian population from

Swat. In the context of involuntary displacement and even otherwise, issues such as the absence of an effective child adoption regime and foster care are yet to get the attention they deserve.

Ensuring implementation of articles 20 and 21 of the CRC would be particularly useful in order to protect displaced children. Article 20 (1) of the CRC states that a child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the State. Article 21 lists the minimum conditions in cases where option of adoption of separated or orphaned children is at issue.

Hundreds of thousands of children had to discontinue education for the duration of their displacement from Malakand and were exposed to bloodshed and loss of family members during the conflict. Militants had bombed the schools in Malakand even before large-scale displacement began.

There is a need to acknowledge the factors that expose some of the already vulnerable segments to even greater difficulties. A girl child is more vulnerable than a boy. Children with disabilities, including those who have lost their limbs during conflict or natural disasters, have further specific needs.

In addition to discontinuation of education, the children also had to live with destruction of their schools, murder of teachers and, in case of displacement, loss of their friends.

Though NGOs offered education to children in many camps for displaced people, there was no official oversight of the curriculum. Little effort was made to ensure that education was directed at development of peace, tolerance and respect for

human rights. Such focus of education assumed increased importance in the context of displacement in Pakistan's northwest, caused by intolerance, militant extremism and denial of basic rights, particularly freedom of belief and expression. Pakistan's obligations under Article 29 of the CRC also make it mandatory for the state to ensure that the education given to children conforms to such minimum standards.

There is a need to acknowledge the factors that expose some of the already vulnerable segments to even more difficulties. A girl child is more vulnerable than a boy. Children with disabilities, including those who have lost their limbs during conflict or natural disasters, have further specific needs. Special measures to assist children with physical and mental disabilities and to alleviate their suffering at the time of flight and during the various phases of displacement have been conspicuous by absence.

Proactive measures to meet special needs of children, shielding them from the impact of displacement and provision of a child-friendly atmosphere in general must form the basis of policies formulated to address internal displacement crises.

Minorities

Non-Muslims and minority Muslim sects faced particular difficulties as forced displacement from conflict areas occurred following violence by militant extremists who claimed to be acting for implementation of their version of *Shariah*. Though members of religious minority communities were often threatened specifically on account of their religious beliefs, specific protection measures, especially to prevent displacement, were not in evidence.

Although religious minority communities often face threats specifically on account of their religious beliefs, specific protection measures, especially to prevent displacement, are seldom in evidence.

In April 2009, the dilemma of Sikh families living in Orakzai Agency, one of the seven tribal agencies of the Federally Administered Tribal Area (FATA), made the headlines when the Taliban ordered them to pay Rs 50 million as *Jaziya*, a tax imposed on non-Muslims who live under Muslim rule. Ten of the 15 Sikh families living in Ferozekhel area of Lower Orakzai left the tribal agency within a week of the Taliban's demand.³¹ Later the same week, the Sikhs reportedly paid Rs 20 million *Jaziya* to Taliban in return for 'protection'.³² Media reports suggested that the Taliban also released a Sikh community leader and vacated the community's houses after the *Jaziya* was paid. The Taliban announced that the Sikhs were now free to live anywhere in the agency and no one would harm them. They said that the Sikhs who had left the agency could return to their houses and resume their businesses in Orakzai. Media reports in June 2009 also suggested that militants had demanded Rs 6 million as *Jaziya* from the Hindu community of Battagram district in Khyber Pakhtunkhwa.³³

In August, 500 Ahmedi families displaced by floods from Dera Ghazi Khan, Muzaffargarh and

31 'Sikh families leave Orakzai after Taliban demand jizia', *Daily Times*, April 15, 2009.

32 'Sikhs in Orakzai pay Rs 20 million jizia to Taliban', *Daily Times*, April 16, 2009.

33 "'Taliban' demand *jizia* from Hindus in Battagram', GEO TV, June 28, 2009.

Rajanpur districts of southern Punjab were denied relief goods and shelter by government officials and local clerics on account of their faith. The displaced families were reportedly expelled from a government school in Dera Ghazi Khan and from rented lodgings elsewhere in southern Punjab following clerics' pressure, who had issued edicts that the affected Ahmedis must not be provided help.³⁴

Particular vulnerabilities faced by minority communities have not elicited any specific response from the state. The only visible official acknowledgement of specific protection needs has been the expression of concern by the National Assembly Standing Committee on Minorities in May 2009, over displacement of families of religious minorities from the troubled areas of Khyber Pakhtunkhwa and FATA.³⁵

Psychological support

Displaced persons of all ages struggle to cope with psychosocial issues associated with displacement, which often aggravates existing physical and psychological problems and almost always prevents the affected population from accessing healthcare services they had traditionally relied upon.

However, the provision of psychosocial services for the affected population, even in conflict-related displacement, remains a dire and largely neglected need in Pakistan.

Even though some UN agencies and local NGOs working in Swat are providing psychological support, sufficient resources have not been dedicated to the issue. Many individuals in Swat mention continuing psychological problems and trauma, either their own or of other family members. Depression, anxiety, nightmares, and suicide ideation have been cited as some of the common symptoms, often following the loss of a home or a family member.³⁶

While feelings of insecurity, helplessness, fear and stress are common among displaced children and adults alike, the impact has been most pronounced on the mental health of children.

A large number of children in Swat witnessed acts of violence by the militants including bombing of their schools and murder of their family members and teachers. Many have developed depression and other psychological conditions, and need counseling.³⁷

According to the mental health programme of the Federal Ministry of Health, a majority of the children displaced in the wake of the military operations in Khyber Pakhtunkhwa was aged between 3 months to 11 years and complained of problems including depression, phobias, acute stress disorder, post-traumatic stress syndrome and sleep disorders.³⁸

Psychological needs of the affected population from FATA largely remain unknown, because of

34 'The politics of relief: Aliens in their own land', *The Express Tribune*, August 18, 2010, (<http://tribune.com.pk/story/40435/the-politics-of-relief-aliens-in-their-own-land/>).

35 'NA body voices concern over minorities' displacement', *Daily Times*, May 5, 2009.

36 Swat: Paradise Regained?, pp. 22-23, Human Rights Commission of Pakistan, July 2010 (www.hrcp-web.org/pdf/Swat-Paradise-Regained.pdf).

37 *Ibid*, p. 23.

38 'Children developing behavioural problems', *The News*, May 20, 2009, (<http://www.thenews.com.pk/print1.asp?id=178516>).

security situation in the area and also because provision of psychological support figures very low on the priority list in situations of internal displacement.

The dire need for systematic psychological assistance during displacement and after the cause for displacement has subsided cannot be met until the overall response to the healthcare needs of the affected population includes mental health in its fold.

Absence of shelter and economic prospects for the returning population are bound to have a bearing on sustainability of returns.

Rehabilitation and livelihood restoration

Availability of economic and livelihood opportunities is often among the biggest concerns of the affected population, second only to issues of personal security. Persistent lack of economic prospects can trigger subsequent waves of involuntary displacement for the affected population.

Recent natural disasters and armed conflicts in Pakistan have largely affected areas where tourism, trade and some degree of agriculture were the mainstay of the local economy.

The displaced population from northern Pakistan largely had to depend on assistance from NGOs or charities or on generosity of host communities for the most basic necessities throughout their displacement. An overwhelming majority returned to their native areas with their life savings lost and opportunities to support themselves almost non-existent. Many returned to destroyed homes or to agricultural land or houses occupied by the security forces. All these factors would have a bearing on sustainability of returns.

The economy of Swat depended almost exclusively on tourism, and tourists have stayed away for years amid violence and human rights violations by militants and during subsequent military operations. Continuing acts of terrorism by militants, and numerous military checkpoints in Swat mean that a tourist-friendly environment is still lacking. Though small businesses have recovered to some extent, mainly on self-help basis, a massive effort is needed to stabilise the region through economic rehabilitation, by creating jobs and rebuilding the infrastructure.

Arbitrary deprivation of property and restrictions on use of their land have emerged as major challenges for the returning populations.

Agriculture has been severely affected in Swat, particularly along main roads where the security forces have banned the cultivation of maize, one of the main crops in the area, and cut down orchards to deny hiding places to militants. No compensation has been given to the farmers and orchard owners, or to owners of houses, hotels and *hujras* occupied by the army across Swat because of their strategic location.³⁹

The use of agriculture fertilizer in bomb-making by the militants in part of FATA led to the security forces imposing curbs on its sale and movement, resulting in additional difficulties for the farming community in the region.

A plan for compensation for damage to houses in the conflict-hit zones of the country is in the

³⁹ Swat: Paradise Regained?, p. 24, Human Rights Commission of Pakistan, July 2010, (www.hrcp-web.org/pdf/Swat-Paradise-Regained.pdf).

works but details have not been made public. By June 2010, damage to totally or partially destroyed houses had been assessed in Buner, Upper Dir and Swat districts of Khyber Pakhtunkhwa and at least estimates of damages calculated in Bajaur and Mohmand regions in FATA. Early payment of compensation to the affected people is crucial for individuals to return to their communities and rebuild their lives. It has been argued that early compensation would also mitigate anger over damage to property in security forces' operations and garner support for government action against militants.⁴⁰ As with all other aspects associated with displacement, consultation with the affected people is vital during the decision-making process to ensure that their concerns are addressed.

Though the January 2010 landslide and blockage of the Hunza river did not cause any damage or displacement upstream of the lake, it blocked the Karakoram Highway, Pakistan's only land link with China, and cut off the areas upstream from the rest of the country. The local economy has lost billions of rupees as trade and tourism activities have come to a halt. There has also been a lack of items of daily sustenance, and prices have skyrocketed.

A determined effort to address the impact on the local economy is vital to ensure sustainable return of the displaced population in Swat and prevention of further displacement in Hunza.

In conflict scenarios, concerns of women, particularly widows, often revolve around income and basic needs as they rely on other family members, usually their fathers or brothers, for housing, food and other basic needs. The situation of those that lack support from other family members is even more dire, as is that of women from religious minority communities. Irrespective of the cause of displacement, there is a need to focus on facilitating not only traditional means of livelihood for women, such as embroidery, sewing, clothes making, etc., but also other income generating activities, for example, training and support for livestock rearing, agricultural farming and exploitation of gemstones, or any other suitable prospects available locally, to sustain their livelihoods.

Inclusion of programmes for livelihood support and training for women as integral components of the overall strategy concerning the return of the displaced and other affected populations is bound to improve sustainability of returns and preempt displacement. Such components must also not lose sight of the fact that not everyone can be an entrepreneur and provisions must be made for those who cannot start their own businesses for any reason.

All these measures have price tags. Amid a global financial crisis, and with its economy beset by terrorism and diversion of considerable resources to take on the militants, Pakistan is in desperate need to raise financial resources to rehabilitate the displaced population. International assistance, both in the form of financial aid and relief goods, proved crucial in the aftermath of the October 2005 earthquake. However, the international financial crisis has caused a reduction in support even for the emergency humanitarian needs of the more recently displaced in Pakistan.

In the short-term—until Pakistan's economy improves sufficiently to afford the cost of reconstruction of basic infrastructure in conflict areas and assist the displaced and the returning populations—international aid has a crucial role to play. That is all the more crucial because of the impending risk that economic

40 'HRCP urges inclusive, transparent compensation plan for conflict-hit areas', HRCP Press Statements, June 24, 2010, (<http://www.hrcp-web.org/showprel.asp?id=138>).

concerns of the returning displaced population may add to perceptions of disempowerment and alienation and offer a foothold to extremist militants who may try to gain support by providing assistance and playing on the population's frustration with the government.

The government has vowed to prevent that and Amir Haider Hoti, chief minister of Khyber Pakhtunkhwa, has called economic rehabilitation "by far the most important drive to keep the Taliban away".⁴¹ But measures for rehabilitating the affected population must go beyond rhetoric. The fact that Pakistan is yet to realize that measures for assistance to the displaced cannot be foreign aid-driven alone seems set to complicate the matters further.

⁴¹ 'Pakistan faces tough task rejuvenating battered Swat', Reuters, March 25, 2010, (<http://www.reuters.com/article/idUSTRE62O18S20100325>).



Conclusion

The magnitude and incidence of involuntary displacement in Pakistan in the recent past has far exceeded worst-case projections and the trend is likely to continue. However, the official response has been largely reactive and characterized by a failure to formulate a comprehensive approach that focuses on preventing internal displacement, including through avoiding conditions that may lead to displacement, and where displacement is inevitable mitigating its effects on the affected population, and finding durable solutions once the cause of displacement subsides.

The cumulative effect of displacement by natural and human-caused disasters in Pakistan is that humanitarian needs are greater than ever. Immediate humanitarian assistance is crucial in internal displacement situations, but the focus needs to move beyond emergency response. The affected populations have specific needs throughout the various phases of displacement and these needs often continue long after the initial displacement has come to an end.

The factors that have caused internal displacement in Pakistan are a complex bunch and cannot be addressed by a one-size-fits-all approach. However, consistent focus on some minimum essentials is imperative. The foremost among them is the urgent need to see internally displaced persons as holders of rights and to understand and publicise that their rights do not disappear when they are displaced and that those rights include the right to receive protection and humanitarian assistance from the authorities.

Displacement gives rise to particular vulnerabilities for those affected, necessitating special measures for assistance and protection that correspond to those vulnerabilities. The impact of involuntary displacement is often most severe on the most vulnerable and marginalised people.

Two of the most neglected and most crucial areas are the need to ensure that women do not face assistance and protection gaps on account of their gender, and that internally displaced persons are consulted and their concerns addressed regarding all aspects of decision-making that affect their lives

and that they have adequate and timely information to make informed and voluntary decisions.

Many of these elements are already covered by international human rights instruments that Pakistan has ratified. However, failure to implement those commitments through domestic legislation has deprived the displaced people of the expected benefit. Factors of additional vulnerability often create further hurdles in meeting basic assistance and protection needs, further exacerbating vulnerabilities and a sense of disempowerment. Ensuring enforcement of human rights instruments specific to women and children can support measures for their protection, empowerment and rights in situations of displacement.

Incorporating Guiding Principles on Internal Displacement in domestic legislation will also enhance the ability of the displaced persons to invoke their rights.

Recommendations

1. Proactive measures must be taken to prevent displacement from occurring in the first place, mainly by early identification of threats, anticipation and close and continued assessment and monitoring of risks and adoption of appropriate responses. Efforts must also be made to mitigate as far as possible the impact on the affected population in cases where displacement is unavoidable. Effective measures must be taken to regularly assess vulnerabilities caused by climate change with a view to preventing displacement.

2. There is an urgent need to develop a template for protection and assistance of internally displaced persons in Pakistan. Provisions must be made for individuals who face additional vulnerabilities, on account of their age, gender, religious belief, health conditions and physical and mental disabilities. Such a template must identify the minimum entitlements relevant to the internally displaced that must be reflected in domestic laws and policies.

3. There must be greater recognition of the importance of assisting the displaced persons beyond the immediate emergency response and of assessing and responding to the needs of the affected populations throughout the various phases of displacement. All policies with regard to any phase of displacement must be rights-centric, respecting human rights and, where applicable, humanitarian law.

4. Implementation and coordination of aid and assistance needs to be as localised as possible to ease administration and improve efficiency.

5. Statistics on internally displaced persons must be disaggregated by gender and age, rather than being compiled in terms of number of families/households, in order to better assess needs of all segments of the affected population during all phases of displacement.

6. The affected population must have a say in all decisions affecting their lives in any manner. Their concerns must be addressed and priorities taken into consideration regarding all aspects of efforts

for their assistance and protection.

7. Displaced women must get equal access to assistance and protection. Their specific needs and risks on account of gender must be met and assistance gaps assessed and addressed. Measures need to be taken to assist female-headed families in particular. An enabling environment must be provided in camps to allow women to raise protection and assistance concerns. There is an urgent need to ensure that humanitarian action in Pakistan is more firmly grounded in the principle of gender equality.

8. Wherever members of minority communities in the affected population face additional threats on account of their religious beliefs, appropriate protection measures must be taken, including those required to prevent displacement.

9. Effective mechanisms must be available to all displaced individuals to highlight their grievances and register complaints.

10. Steps must be taken to adequately meet the special needs of displaced children. They must be shielded from the impact of displacement as much as possible, provided a child-friendly atmosphere and protected from trafficking, sexual exploitation and exploitation in any other manner. Specific measures must be in place to assist children separated from their families during any phase of displacement and mechanisms provided to reunite them with their families. Urgent attention should be given to formulation of effective child adoption and foster care regimes.

11. There must be official oversight of the curriculum taught to displaced children in camps by NGOs or any non-state actor, with a view to ensuring that education is directed at development of peace, tolerance and respect for human rights.

12. Systematic psychological assistance needs to be provided to the affected population, especially during and after conflict-induced displacement. The overall response to the healthcare needs of the affected population must also take into account their mental health needs. Particular attention should be paid to the psychological needs of children.

13. Concerted efforts are required to address disparities in assistance and protection for the affected population in camps and host communities. The needs of internally displaced persons for protection and assistance should be determined by the fact that they are displaced and have special needs. It is immaterial whether they are in camps or elsewhere, or whether they have been formally registered as internally displaced persons or not. Assistance to the affected population sheltering with host communities must be extended to host families and the local population wherever the circumstances of the host communities so warrant.

14. The primary focus of the process of registration of displaced persons must firmly and continuously remain on facilitating and assisting the displaced. Female-headed household must be facilitated in particular. Special measures must be taken to issue to the displaced persons Computerised National Identity Cards (CNICs), to enable them to exercise their rights. Such steps must not only include provision of duplicate CNICs but also issuance of new identity cards to individuals who had not been issued CNICs previously. Presentation of identity cards must not be a mandatory requirement for registration at camp sites and failure to present the CNIC must not lead to denial of registration or

admission to the camp.

15. Where the displaced persons are housed in camps set up for the purpose, efforts should be made, as far as possible, to house people from a community or village together in the same camp to allow them to maintain social bonds and community networks.

16. The uprooted population must only be asked to return to their native places after the situation has sufficiently stabilised there. Internally displaced persons must have access to reliable information to enable them to make informed decisions in a voluntarily manner and they must be free to choose the timing of their return. Women also need to be equally consulted and engaged in making decisions regarding return. Safe, dignified and voluntary return of the displaced and protection of human lives must remain the paramount considerations in all decisions regarding the timing and manner of return.

17. Every possible effort must be made to revive economic prospects for the affected population returning to their native areas in order to prevent recurrence of displacement. Inclusion of programmes for livelihood support, irrespective of gender, must be an integral component of the overall strategy concerning the return of the displaced and must not focus only on the male gender. Provisions must also be made for those who cannot benefit from livelihood support programmes for any reason.

18. There is a need at the political and social level to increase understanding of the circumstances of displaced populations to promote empathy towards them and to prevent ethnic tensions, xenophobic ploys and 'outsider' rhetoric from undermining efforts to help the displaced.

19. Failure to implement the country's human rights obligations under international instruments through domestic legislation has deprived the displaced persons of the resulting benefit. Enforcement of human rights instruments specific to women and children can support measures for their protection, empowerment and rights in situations of displacement. Incorporating Guiding Principles on Internal Displacement in domestic legislation will also enable the displaced persons to invoke their rights. There is an urgent need to ensure implementation of rights of internally displaced persons and to make arrangements for them to have easy and affordable access to justice.



Annexures



Annexure I**Pakistan and key international human rights treaties**

Treaty	Signature	Ratification/ accession(a)
International Convention on the Elimination of All Forms of Racial Discrimination	September 19, 1966	September 21, 1966
International Covenant on Economic, Social and Cultural Rights	November 3, 2004	April 17, 2008
International Covenant on Civil and Political Rights	April 17, 2008	June 23, 2010
Convention on the Elimination of All Forms of Discrimination against Women		March 12, 1996 (a)
Convention on the Rights of Persons with Disabilities	September 25, 2008	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	April 17, 2008	June 23, 2010
Convention on the Rights of the Child	September 20, 1990	November 12, 1990
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	September 26, 2001	
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict	September 26, 2001	



Annexure II**UN Guiding Principles on Internal Displacement⁴²****Introduction - Scope and Purpose**

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.

2. For the purposes of these Principles, internally displaced persons are persons or groups of

42 In view of the upsurge of internal displacement crises in the early 1990s, the United Nations Commission for Human Rights (UNCHR) had requested the UN Secretary-General to appoint his representative on IDPs in 1992. The appointment went to Dr. Francis Deng, a Sudanese Diplomat, who immediately reviewed the scope of the crises and assessed the adequacy of existing mechanisms to address them. Upon the request of the UNCHR, the Representative also studied the extent to which international law provides coverage for the internally displaced people. Based on a detailed legal survey, the Representative compiled the Guiding Principles, which consolidate and restate existing international human rights and humanitarian law relevant to internal displacement. The document reviews the rights of IDPs and the authorities' responsibilities during the various phases of displacement, including prevention from arbitrary displacement, protection during displacement and durable solutions.

The UNCHR welcomed the Guiding Principles as "an important tool for dealing with situations of internal displacement", while an increasing number of agencies, regional and sub-regional organisations, as well as states today use them as a standard.

The distinguishing feature of the Guiding Principles is that they incorporate elements of three branches of public international law in a single document: international humanitarian law, human rights law, and refugee law. These bodies of law can be found in both conventions and treaties ratified by states, as well as international customary law. The governments that have incorporated the Guiding Principles into domestic law or developed national policies based on the principles include Angola, Colombia, Peru, Burundi, the Philippines, Sri Lanka and Uganda. USAID, the US foreign aid agency, issued a policy document in 2004 to guide its assistance to IDPs, referring to the Guiding Principles as a "framework for response".

Please see details of the legal basis for each of the Guiding Principles in 'Guiding Principles on Internal Displacement – Annotations', 2nd Edition, by Walter Kälin, The American Society of International Law and The Brookings Institute, 2008, (<http://www.asil.org/pdfs/stlp.pdf>).

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.

3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:

(a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;

(b) States when faced with the phenomenon of internal displacement;

(c) All other authorities, groups and persons in their relations with internally displaced persons; and

(d) Intergovernmental and non-governmental organizations when addressing internal displacement.

4. These Guiding Principles should be disseminated and applied as widely as possible.

Section I. General Principles

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

2. Certain internally displaced persons, such as children, especially unaccompanied minors,

expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Section II. Principles Relating to Protection From Displacement

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.

2. The prohibition of arbitrary displacement includes displacement:

(a) When it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;

(b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;

(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;

(d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and

(e) When it is used as a collective punishment.

3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

(a) A specific decision shall be taken by a State authority empowered by law to order such measures;

(b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;

(c) The free and informed consent of those to be displaced shall be sought;

(d) The authorities concerned shall endeavour to involve those affected, particularly women, in the

planning and management of their relocation;

(e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and

(f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Section III. Principles Relating to Protection During Displacement

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:

(a) Genocide;

(b) Murder;

(c) Summary or arbitrary executions; and

(d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

(a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;

(b) Starvation as a method of combat;

(c) Their use to shield military objectives from attack or to shield, favour or impede military operations;

(d) Attacks against their camps or settlements; and

(e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other

outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and

(c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

(a) The right to seek safety in another part of the country;

(b) The right to leave their country;

(c) The right to seek asylum in another country; and

(d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally

displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.

4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.

2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

- (a) Essential food and potable water;
- (b) Basic shelter and housing;
- (c) Appropriate clothing; and
- (d) Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases,

including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
 - (b) The right to seek freely opportunities for employment and to participate in economic activities;
 - (c) The right to associate freely and participate equally in community affairs;
 - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
 - (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in

educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Section IV. Principles Relating to Humanitarian Assistance

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

Section V. Principles Relating to Return, Resettlement and Reintegration

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in

the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration



Needed: A long-term strategy

2010 was the second consecutive year since the Afghan refugee crisis began in 1979 that the number of internally displaced persons in Pakistan exceeded that of registered refugees. All indicators suggest that internal displacement will remain a key issue of concern in Pakistan at least in the medium term.

Despite hosting one of the world's largest displaced populations in modern times—the refugees from Afghanistan—Pakistan remains surprisingly ill-equipped to deal with large-scale internal displacement at both the policy and implementation levels.

The strategy for dealing with internal displacement has been piecemeal and largely reactive. The country has neither prepared nor enacted any specific domestic legislation or policies to address internal displacement or put in place a framework for the protection of internally displaced persons. A template for assistance to and protection of the displaced as well as for safeguarding their rights is still not in sight.

Pakistan urgently needs to learn lessons from the recent displacement crises in the country and ensure that they inform responses in similar crises in the future, not only with respect to protection and humanitarian assistance during displacement, but also to advocate a comprehensive approach to preventing and avoiding conditions that might lead to involuntary displacement in the first place.



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