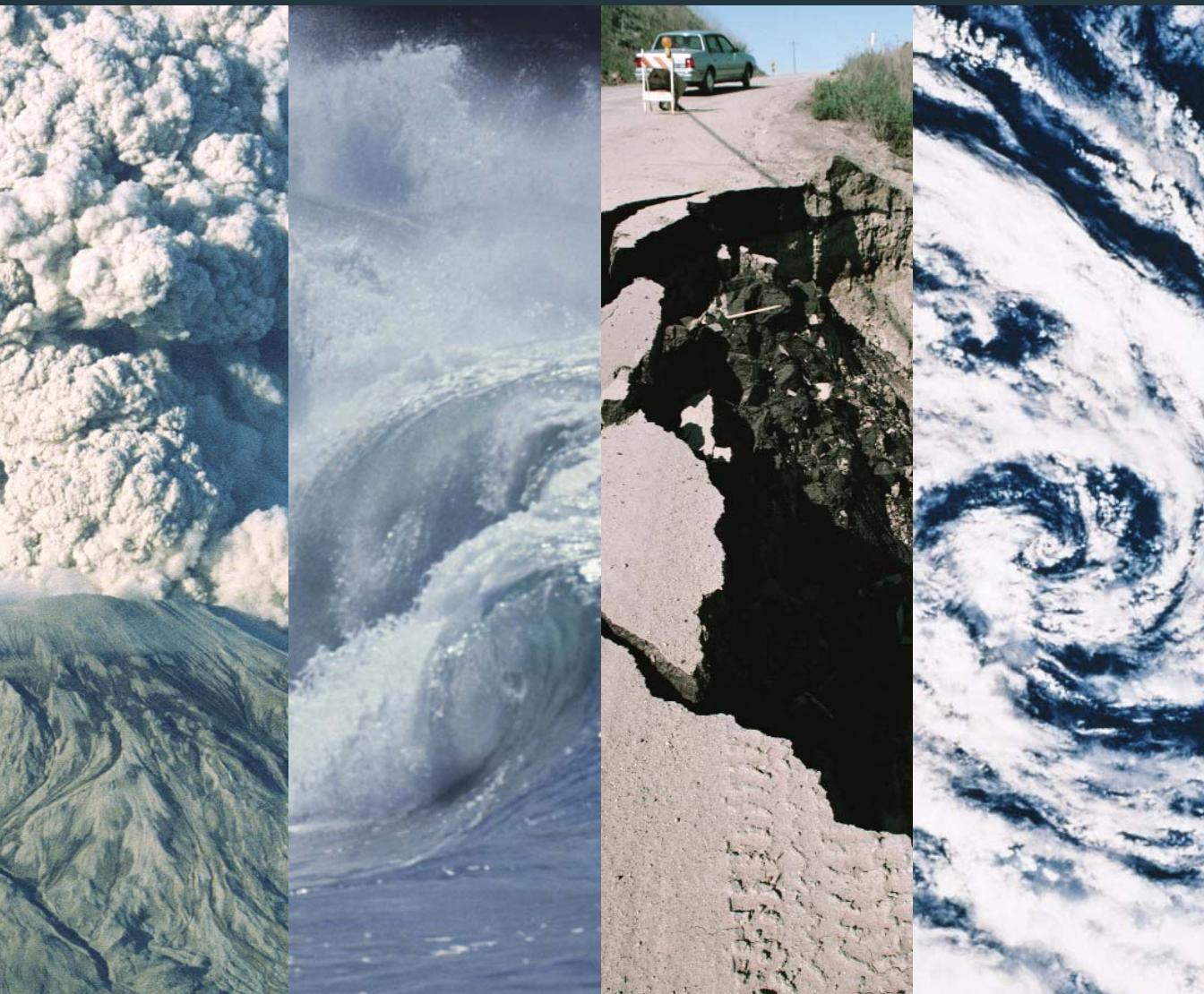


HUMAN RIGHTS AND NATURAL DISASTERS

Operational Guidelines and Field Manual
on Human Rights Protection in Situations
of Natural Disaster



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TABLE OF CONTENTS

ABBREVIATIONS	iii
FOREWORD	iv
INTRODUCTION	
Addressing the Human Rights Gap in Disaster Relief	1
Purpose of the Operational Guidelines and the Manual	3
Content and Structure of the Manual	3
Legal Basis	4
Glossary	5
PART I. A HUMAN RIGHTS-BASED APPROACH TO DISASTER RELIEF	
Protection Framework	7
The Need to Ensure Non-Discriminatory Disaster Relief	10
The Need to Inform and Consult	11
The Need to Monitor	13
Implementation of the Operational Guidelines	15
PART II. PROTECTION OF SPECIFIC HUMAN RIGHTS	
General Principles	17
A. Protection of Life, Security, and Physical, Mental and Moral Integrity	
<i>Relevant Human Rights Principles</i>	19
A.1 Evacuations and other life-saving measures	20
A.2 Protection against the negative impacts of natural hazards	22
A.3 Protection against violence, including gender-based violence	23
A.4 Camp security	26
A.5 Protection against anti-personnel landmines and other explosive devices	28
B. Protection of Rights Related to Basic Necessities of Life	
<i>Relevant Human Rights Principles</i>	29
B.1 Access to goods and services, and humanitarian assistance	29
B.2 Provision of adequate food, water, shelter and housing, clothing, health services and sanitation	32

C. Protection of Other Economic, Social and Cultural Rights	
<i>Relevant Human Rights Principles</i>	40
C.1 Education	40
C.2 Property and possessions	43
C.3 Housing	47
C.4 Livelihood and work	48
D. Protection of Other Civil and Political Rights	
<i>Relevant Human Rights Principles</i>	51
D.1 Documentation	51
D.2 Free movement and return.....	53
D.3 Family life and missing or dead relatives.....	55
D.4 Expression, assembly, association, and religion.....	60
D.5 Electoral rights	62
PART III. PROTECTION OF SPECIFIC GROUPS OF PERSONS	
Internally displaced persons	63
Women	65
Children and adolescents	68
Older persons	70
Persons with disabilities	72
Persons living with HIV/AIDS	73
Single parent households	75
Ethnic and religious minority groups, and indigenous peoples	76
Annex I. References to Codes of Conduct, Guidelines and Manuals	79
Annex II. Compilation of the Operational Guidelines and reference to the Sphere Project	81

ABBREVIATIONS

AMD	Ante-mortem data
CCPR	Covenant on Civil and Political Rights
CESCR	Covenant on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
NGO	Non-governmental organisation
PMD	Post-mortem data
RSG	Representative of the Secretary General
UDHR	Universal Declaration of Human Rights

FOREWORD

Although disasters are quick to strike, their consequences can be long to remedy and can linger on for months and years. The extent to which their effects increase inherent inequalities in life and society is to a significant extent a question of how governments and humanitarian actors integrate human rights into their disaster preparedness and response.

To promote and facilitate a rights-based approach to disaster relief, the Inter-Agency Standing Committee (IASC) adopted Operational Guidelines on Protecting Persons in Natural Disasters in June 2006. This Pilot Manual has been drafted to accompany the Operational Guidelines. It intends to help people in the field to understand the human rights dimensions of their work in disaster response while giving them practical examples and operational steps about how some of these seemingly abstract concepts may be implemented.

This draft has been long in coming. We would particularly like to thank the members and partners of the IASC who helped formulate both the Guidelines and the Manual, as well as the individuals who put so much time and effort into seeing them come alive. We would also like to thank the Brookings-Bern Project on Internal Displacement for the generous support provided to this manual.

The real test for this Pilot Manual will be in the field. We depend on the end-users, the front line service deliverers, to tell us how useful it is and how it is used. Further comments, criticism and suggestions are welcome. This Pilot Manual should be a living document which can be updated and adapted to evolving needs and requests from the field.



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INTRODUCTION

ADDRESSING THE HUMAN RIGHTS GAP IN DISASTER RELIEF

Natural disasters are the consequences of events triggered by natural hazards that overwhelm local response capacity and seriously affect the social and economic development of a region. Traditionally, natural disasters have been seen as situations that create challenges and problems mainly of a humanitarian nature. However, increasingly, it has come to be recognized, that human rights protection also needs to be provided in these contexts.

The tsunamis, hurricanes and earthquakes, which hit parts of Asia and the Americas in 2004/2005, highlighted the need to be attentive to the multiple human rights challenges victims of such disasters may face. All too often the human rights of disaster victims are not sufficiently taken into account. Unequal access to assistance, discrimination in aid provision, enforced relocation, sexual and gender-based violence, loss of documentation, recruitment of children into fighting forces, unsafe or involuntary return or resettlement, and issues of property restitution are just some of the problems that are often encountered by those affected by the consequences of natural disasters.

In addition, a high number of persons also become internally displaced when volcanic eruptions, tsunamis, floods, drought, landslides, or earthquakes destroy houses and shelter, forcing affected populations to leave their homes or places of residence. Experience has shown that the longer the displacement lasts, the greater the risk of human rights violations. In particular, discrimination and violations of economic, social and cultural rights tend to become more systemic over time.

Often the human rights violations are not intended or planned. Sometimes they result from insufficient resources and capacities to prepare and respond to the consequences of the disasters. More often, they are the result of inappropriate policies, neglect or oversight. These violations could be avoided if both national and international actors took the relevant human rights guarantees into account from the beginning. Missions and evaluations by the Representative of the UN Secretary-General (RSG) on the human rights of internally displaced persons show that not only national authorities are often

unaware of the relevance of human rights norms in the context of natural disasters. International agencies and non-governmental organisations (NGOs) are also at a loss as to how to incorporate a human rights-based approach into emergency relief and response, even though many of the laws and codes of conduct applicable in situations of natural disaster include such guarantees.

Human rights have to be the legal underpinning of all humanitarian work pertaining to natural disasters. There is no other legal framework to guide such activities, especially in areas where there is no armed conflict. If humanitarian assistance is not based on a human rights framework, there is a risk that the focus will be too narrow and the basic needs of the victims will not be integrated into a holistic planning process. There is also the risk that factors important for recovery and reconstruction will be overlooked. Furthermore, neglecting the human rights of those affected by natural disasters means overlooking the fact that such people do not live in a legal vacuum, but in countries with laws, rules and institutions that should protect their rights. International human rights principles should guide disaster risk management, including pre-disaster mitigation and preparedness measures, emergency relief and rehabilitation, and reconstruction efforts. Those at risk need to be protected against violence and abuse. Those displaced need to be provided with protection and assistance and need to be able either to return in safety and in dignity to their original lands and property, or to be assisted to integrate locally in the area to which they have fled or to settle elsewhere in the country. Adherence to international human rights standards will help to ensure that the basic needs of victims or beneficiaries are met. The challenge often is how to apply these rules in an operational context.

In order to provide guidance on how to protect the rights of individuals affected by natural disasters, in June 2006, the UN Inter-Agency Standing Committee (IASC) adopted Operational Guidelines on Human Rights and Natural Disasters. These guidelines were needed because already existing guidelines on humanitarian action in emergencies, as well as standards for protecting human rights in armed conflict, did not deal specifically with human rights concerns emanating from natural disasters. The Guidelines are addressed to intergovernmental and non-governmental humanitarian actors. They focus on what humanitarian actors should do in order to implement a human rights-based approach to humanitarian action in the context of natural disasters. Complementing the Guidelines is this Manual, which provides

the human rights background underpinning the Guidelines and lists practical operational steps to provide humanitarian workers with examples of how the Guidelines can best be implemented.

PURPOSE OF THE OPERATIONAL GUIDELINES AND THE MANUAL

The Operational Guidelines and their Manual are intended to ensure that disaster relief and reconstruction efforts are conducted within a framework that protects and furthers human rights.

Specifically, the Operational Guidelines aim to:

- Ensure that human rights principles and protection standards -- including the fundamental principles of non-discrimination and accountability -- are integrated into all disaster response, recovery and reconstruction efforts from the earliest stage possible;
- Identify relevant measures to ensure that affected persons and their communities are fully consulted and can actively participate in all stages of the disaster response in accordance with their human rights;
- Complement existing guidelines on humanitarian standards in situations of natural disaster;
- Provide benchmarks for monitoring and assessing the needs of persons affected by the consequences of natural disasters;
- Provide a basis for humanitarian actors when entering into dialogue with governments about their obligations to the victims of natural disasters under human rights law.

CONTENT AND STRUCTURE OF THE MANUAL

PART I explains the notion and implications of human rights protection in situations of natural disaster and the meaning of a human rights-based approach to disaster relief.

PART II, the core of the Manual, presents the main human rights principles relevant in situations of natural disaster and advice on how to implement them. It is structured into sections that follow the Operational Guidelines grouping of human rights into four categories: (A) rights related to life, physical security and integrity; (B) rights related to the basic necessities of life; (C) other economic, social and cultural rights; and (D) other civil and political rights.

Each section begins with general human rights principles¹ followed by the actual text of the IASC operational guidelines relating these general human rights norms to the specific circumstances following. Finally, *Operational Steps* give practical suggestions on how to implement the operational guidelines.² They reflect a human rights perspective and are addressed primarily to the staff of international agencies and NGOs. They may also be useful for national and local authorities. The Operational Steps are illustrative, not exhaustive.

PART III addresses the special rights and needs of vulnerable groups, in particular internally displaced persons, women, children, the elderly, single-headed households, persons with disabilities or HIV/AIDS, ethnic minorities and indigenous peoples. It also cross-references the rights and concerns of these groups with the Operational Guidelines and the Operational Steps contained in Part II.

ANNEX I contains references to codes of conduct, guidelines and manuals that are relevant in the context of natural disasters.

ANNEX II contains a compilation of the Operational Guidelines with references to the Sphere Project.³

LEGAL BASIS

The Operational Guidelines are informed by and draw on provisions in relevant international human rights law. They also draw on existing standards

¹ The fact that certain human rights are not mentioned should not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or right granted to persons under domestic law.

² The operational steps complement, but do not supplement, other guidelines, handbooks or manuals that already exist in the specific field of concern.

³ The Sphere Project, Humanitarian Charter and Minimum Standards in Disaster Response, 2004 Edition, Geneva 2004.

and policies pertaining to humanitarian action as well as to human rights guidelines on humanitarian standards in situations of natural disaster. They cover civil and political as well as economic, social and cultural rights. While natural disasters may occur in situations of armed conflict, international humanitarian law per se does not regulate the effects of such disasters. However, it may complement human rights law in such situations.

The Operational Guidelines are based on the Universal Declaration of Human Rights, and such relevant human rights instruments as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The Operational Guidelines are also based on relevant regional human rights conventions, as well as such standards as the Guiding Principles on Internal Displacement,⁴ the Sphere Humanitarian Charter and Minimum Standards in Disaster Response, the IFRC Code of Conduct⁵ and the IASC IDP Policy.⁶ The Operational Guidelines should be seen as complementing these standards and interpreted so as to be consistent with them.

GLOSSARY

In these Guidelines:

- “Natural disaster” refers to the consequences of events triggered by such natural hazards as earthquakes, volcanic eruptions, landslides, tsunamis, floods and drought that overwhelm local response capacity. Such disasters seriously disrupt the functioning of a community or a society causing widespread human, material, economic or environmental losses, which exceed the ability of the affected community or society to cope by using its own resources.⁷
- “Protection” encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the let-

4 E.CN.4/1998/53/Add.2.

5 Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, Geneva, ICRC, 1992.

6 Inter-Agency Standing Committee, Implementing the Collaborative Response to Situations of Internal Displacement, Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams, September 2004 (hereinafter IASC IDP Policy).

7 See also the glossary of the International Society for Disaster Reduction; <http://www.unisdr.org/eng/library/lib-terminology-eng%20home.htm> (16 May 2007).

ter and the spirit of the relevant bodies of law (i.e. international human rights law and, where applicable, international humanitarian law).⁸

- “Internally displaced persons” (IDPs) or “persons displaced by the disaster” means persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of natural disasters, and who have not crossed an internationally recognized State border.⁹

⁸ IASC IDP Policy, Annex 3 (referring to Sylvie Giossi Caverzasio (ed), Strengthening Protection in War – A Search for Professional Standards, Geneva, ICRC, 2001).

⁹ Guiding Principles on Internal Displacement, preambular paragraphs.

| PART I |

A HUMAN RIGHTS-BASED APPROACH TO DISASTER RELIEF

PROTECTION FRAMEWORK

These Guidelines are inspired by the following understanding of human rights protection during disaster relief:¹⁰

1. Those affected by natural disasters, including those displaced by such events, remain, as residents and most often citizens of the country in which they are living, entitled to the protection of international human rights law as well as, if applicable, of international humanitarian law subscribed to by the State concerned or applicable as customary international law. They do not lose, as a consequence of their being displaced or otherwise affected by the disaster, the rights of the population at large. At the same time, they have particular needs which call for specific protection and assistance measures that are distinct from those required by individuals who were not adversely affected by the disaster.
2. The primary duty and responsibility to provide such protection and assistance lies with the national authorities of the affected countries. Those affected by natural disasters have the right to request and receive protection and assistance from their governments. The main duty bearers, thus, are the national and local authorities of the countries concerned.
3. Protection is not limited to securing the survival and physical security of those affected by natural disasters. Protection encompasses all relevant guarantees—civil and political as well as economic, social and

¹⁰ See Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, E/CN.4/2006/71, paragraphs 4-8.

cultural rights—attributed to them by international human rights and, where applicable, international humanitarian law. Although all human rights are fundamentally interrelated, for practical reasons, these rights can be divided into four groups, namely: (A) rights related to physical security and integrity (e.g. protection of the right to life and the right to be free from assault, rape, arbitrary detention, kidnapping, and threats concerning the above); (B) rights related to the basic necessities of life (e.g. the rights to food, drinking water, shelter, adequate clothing, adequate health services, and sanitation); (C) rights related to other economic, social and cultural protection needs (e.g. the rights to have access to education and work as well as to receive restitution or compensation for lost property); and (D) rights related to other civil and political protection needs (e.g. the rights to religious freedom and freedom of speech, personal documentation, political participation, access to courts, and freedom from discrimination). The first two groups of rights are most relevant during the emergency, life-saving phase. Only the full respect of all categories of rights, however, can ensure adequate protection of the human rights of those affected by natural disasters, including the displaced.

4. In all cases States have an obligation to respect, protect and fulfil the rights of their citizens and of the people living in their territory. States have also an obligation: (a) to prevent violations of these rights from (re-)occurring; (b) to stop them while they are happening by making sure that its organs and authorities respect the rights concerned or protect victims against violations by third parties; and (c) to ensure reparation and full rehabilitation if violations have occurred.
5. States therefore have an obligation to do everything within their power to prevent and/or mitigate the potential negative consequences that natural hazards may wreak. However, the Operational Guidelines, however, mainly give guidance in situations once the disaster has occurred.
6. UN agencies, international and national NGOs and other relevant international actors have an essential role to play in advocating on behalf of the rights of the victims. In addition, they can assist governments in their efforts and strengthen national capacity to protect

- rights. Such assistance can be undertaken by: (a) working through the government if possible; (b) complementing the government's efforts; or (c) substituting for the government if needed.
7. Where the capacity and/or willingness of the authorities to meet their responsibilities are insufficient, the international community needs to support and supplement the efforts of the government and local authorities. The scope and complexity of many natural disasters call for the active involvement of organisations and groups both within and outside the UN system which have special expertise and resources, including displaced and host communities and civil society. As set out in the introduction, every actor in the disaster context should use a human rights-based approach to disaster relief. Protection activities of international actors must not be limited strictly to securing the basic survival needs of those affected by natural disasters. The activities should cover all guarantees contained in the four groups of rights outlined above. Where international agencies or NGOs substitute for governments or carry out tasks delegated to them by governments, these actors must observe relevant human rights obligations themselves. They must ensure that their activities do not constitute or perpetuate violations of human rights.
8. Protection activities of the international actors can be:
- *Responsive*: aimed at “stopping, preventing or mitigating a pattern of [ongoing] abuse”;
 - *Remedial*: “aimed at restoring people’s dignity and ensuring adequate living conditions subsequent to a pattern of violation, through rehabilitation, restitution, compensation and repair”; or
 - *Environment building*: “aiming to create and/or consolidate an environment – political, social, cultural, institutional, economic and legal – conducive to full respect for the rights of the individual”.¹¹

¹¹ IASC, IDP Policy, at p.44.

THE NEED TO ENSURE NON-DISCRIMINATORY DISASTER RELIEF

From a human rights perspective the right of the affected population to be protected against any kind of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age, disability or other status is of paramount importance. Discrimination includes both intentional discrimination and policies or activities that have a discriminatory impact. Avoiding and preventing inequities and discrimination between people directly affected by the disaster and those only indirectly affected by it, as well as between different groups among the victims, is one of the most complex challenges in disaster relief. Internally displaced persons, women and girls, and other vulnerable groups such as persons with disabilities or HIV/AIDS, single parents, elderly persons without family support, or members of ethnic or religious minorities and indigenous peoples are at a particular risk of being disadvantaged.

The principles of equality and non-discrimination contained in the different human rights instruments¹² are central tenets of international human rights law and humanitarian principles. They should underpin all disaster relief, recovery and reconstruction efforts. Access to humanitarian relief and reconstruction assistance should be provided without any discrimination of any kind. Assistance should be carried out in accordance with the humanitarian principles of humanity, impartiality and neutrality. Disaster relief and recovery efforts should not discriminate between different groups of displaced and affected populations. For example, there should be no discrimination between displaced persons in camps and those staying with host families. Disaster relief and assistance should not create inequities between the standard of services available for populations affected by disaster and for non-affected communities in the surrounding areas. All members of affected communities should have equal access to information regarding disaster relief and recovery strategies. They should be fully consulted and able to participate in all stages of the disaster response.

To calibrate the provision of assistance to the needs of the people affected, however, is not a violation of the principle of non-discrimination; rather, it

¹² Art. 1 and 2 UDHR; Art. 2, para. 2 CESCR; Art. 2, para. 1 and Art. 26 CCPR.

reflects an appropriate human rights-based approach to humanitarian aid delivery. The principle of non-discrimination allows distinctions based on serious and objective reasons and requires the duty-bearers to identify beneficiaries according to the degree and character of their needs. Beneficiaries of humanitarian assistance should not automatically include all the people who have been affected by the disaster. Some people may have second homes or extended families for temporary housing or they may have the financial means to continue self-support.

In order to be able to implement non-discriminatory assistance and protection activities, it is essential to know who the potential beneficiaries are and what their specific needs are. At the outset, any relief programme has to start with a well thought-out beneficiary profile. Without this profile, the programme risks falling short of the beneficiaries' entitlements and becoming (involuntarily) discriminatory. In order to identify the beneficiaries of targeted assistance correctly, it is recommended that, in the initial stages of the emergency, a rapid survey be conducted to identify the gender, demographic, social, economic and political profile of affected communities. Assessments of vulnerability, livelihoods, assets, skills and capacities should also be conducted. Such community profiles should be used as a planning tool throughout each stage of the disaster response to ensure that the response is equitable and addresses the needs of all sectors of the community.

Finally, it is important to provide information and education on equality and non-discrimination to all affected communities to inform them of their rights and encourage them to raise their concerns with the local authorities and humanitarian agencies. Local and national authorities should continue to implement and enforce existing anti-discrimination legislation in the aftermath of a natural disaster or help develop such legislation where it does not yet exist.

THE NEED TO INFORM AND CONSULT

In the interest of efficient management of relief efforts in situations of natural disaster, there can be a tendency to centralize decision-making. Those affected, and in particular those displaced by a disaster, can find themselves excluded from the planning of aid distribution, the type of food and other

items supplied, the location and layout of camps and settlements, and other matters central to their daily lives.

Being excluded from decisions that will have an impact on one's life can heighten the sense of helplessness and disempowerment that already exists following a natural disaster. Such exclusion can also undermine the effectiveness of humanitarian assistance, and even put the physical security of the persons affected at risk. Even where participation is sought, women are too often left out despite the fact that they, along with the children for whom they care, have specific protection, assistance and reintegration needs. In the absence of consultation there is a risk that these needs will not be addressed. Other groups that tend to be marginalised in the consultations are older people, people with disabilities, single heads of households, unaccompanied minors, and members of religious or ethnic minorities.

The rights of affected communities to full, free and impartial information, and to full consultation are part of the right to information and freedom of expression guaranteed by human rights law.¹³ In order to ensure that information is easily accessible and that there is access to different groups within the affected population international actors should use a variety of outreach methods. Particular attention should also be paid to the fact that disaster victims, and particularly those belonging to minority groups, may require information and consultation in a language other than the official languages. Humanitarian actors should therefore take steps to ensure that victims are consulted in a language they understand. For both practical and legal reasons, all affected communities, without discrimination, should have the opportunity to be consulted and to participate in the planning and implementation of the various stages of the disaster response. They should also actively participate in humanitarian relief and assistance efforts to the extent possible. This is critical to ensure that relief and recovery programmes are effective, equitable, and sustainable. To this end, mechanisms should be established to enable communities to provide feedback and to express complaints and grievances regarding the disaster relief, recovery and reconstruction response. Since women often play a critical role in local resource management and family coping strategies, special efforts should be made to ensure that women are fully consulted and can participate in all aspects of the disaster response.

13 E.g. Art. 19 UDHR; Art. 19 CCPR

THE NEED TO MONITOR

It is essential to establish effective monitoring mechanisms, benchmarks and indicators to ensure that the protection of the human rights of those affected by natural disasters, including those who are internally displaced, is effectively implemented. Furthermore, all disaster prevention, relief and recovery should be assessed so as to evaluate whether those activities are being carried out in accordance with international human rights and humanitarian standards as outlined in the Operational Guidelines.

Beyond the oversight that should already be exercised by international and regional human rights bodies and internal oversight processes, national monitoring mechanisms should be encouraged and set up with sufficient and independent resources. National Human Rights Institutions established in accordance with the Paris Principles¹⁴ can play a particularly important role in this regard.

Monitoring mechanisms should be easily accessible to potential complainants. Unless monitoring activities interfere unduly with essential humanitarian work, oversight tasks should be carried out on a regular basis. Monitors should seek and receive pertinent information and not be unreasonably denied access to places where disaster prevention, relief and recovery are being carried out. They should also be allowed to interview humanitarian staff.

The findings and recommendations of monitoring mechanisms should be appropriately integrated into planning and management at both the national and international levels.

The following **practical steps** are recommended:

- Include a special focus on human rights issues and related data in disaster situation reports, databases and information management systems;
- Include focal points for human rights, as well as specialized expertise on gender, children's issues and other at-risk groups, in all disaster management and coordination bodies;

¹⁴ Principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles), UN Doc. A/Res/48/134, 20 December 1993.

- Ensure all domestic and international actors involved in disaster response and recovery planning and operations receive adequate training in human rights standards, particularly as they apply to victims of natural disasters;
- Develop and include indicators to assess the protection of the affected population against all kinds of discrimination in all phases of the disaster relief programming and evaluation;
- Integrate human rights indicators and benchmarks into all government, UN, NGO and civil society disaster relief, recovery and reconstruction programmes; and put in place systems to measure and monitor them regularly;
- Encourage donors to integrate human rights monitoring into assistance and protection programme monitoring and evaluation cycles;
- Encourage National Human Rights Institutions to set up monitoring units to investigate, report on and respond to discrimination and other human rights violations or abuses that occur during the disaster response and to ensure compliance with national, regional and international human rights and humanitarian standards;
- Help publicize the findings resulting from the National Human Rights Institutions' monitoring activities;
- Set up community-based, participatory monitoring models which may include:
 - a) complaint boxes and grievance mechanisms in camps and settlements for displaced and affected communities;
 - b) questionnaires and report cards that displaced and affected communities can complete;
 - c) regular public meetings with local officials, NGOs, international agencies, and representatives from the local community;
 - d) village-based consultations to encourage local communities to voice their concerns and to promote participation;
 - e) separate fora to enable women to voice their opinions and con-

cerns (especially in societies where women are traditionally excluded from participation in public discourse);

- Put in place mechanisms to ensure accountability and an immediate response to allegations of human rights abuses, including appropriate action by law enforcement bodies, protection for witnesses, and remedies for the victims;
- Distribute the Operational Guidelines widely to government officials, UN agencies, international, national and local NGOs and community-based organisations; provide training and awareness raising on how to implement them.

IMPLEMENTATION OF THE OPERATIONAL GUIDELINES*

The Operational Guidelines mainly target activities that need to be undertaken during the emergency phase of humanitarian action. Once the immediate life-saving phase is over, some of the guidelines may be no longer relevant, but others continue to be important.

The operational steps that follow are indications of how the Operational Guidelines could be implemented. It very much depends on the specific context which and how many of these steps should be taken in a given situation.

*As needs in the aftermath of a disaster are often great and resources are usually limited, it is not always possible to implement all of the operational steps to the extent suggested here. However, it is important to include a human rights perspective from the beginning and implement recommended measures step by step and to the extent possible under the circumstances.

| PART II |

IASC OPERATIONAL GUIDELINES ON HUMAN RIGHTS AND NATURAL DISASTERS

GENERAL PRINCIPLES

- I. Persons affected by natural disasters should enjoy the same rights and freedoms under human rights law as others in their country and not be discriminated against. Targeted measures to address assistance and protection needs of specific categories of affected populations do not constitute discrimination if, and to the extent that, they are based on differing needs.
- II. States have the primary duty and responsibility to provide assistance to persons affected by natural disasters and to protect their human rights.
- III. Organisations providing protection and assistance to persons affected by natural disasters accept that human rights underpin all humanitarian action. In situations of natural disaster they should therefore respect the human rights of persons affected by disasters at all times and advocate for the promotion and protection of those rights to the fullest extent. Humanitarian organisations should not promote, actively participate in, or in any other manner contribute to, or endorse policies or activities, which do or can lead to human rights violations by States. They should strive to enable the affected people to exercise their own rights.
- IV. Organisations providing protection and assistance in situations of natural disasters should be guided by these Operational Guidelines in all of their activities, in particular when monitoring and assessing the situation and needs of affected persons, when program-

ming and implementing their own activities as well as when entering into a dialogue with governmental authorities on the State's duties and responsibilities under international human rights and, where applicable, international humanitarian and refugee law. In doing so, they should remain accountable to all of their relevant stakeholders, in particular to the persons affected by the natural disaster.

- V. All communities affected by a natural disaster should be entitled to easy accessible information concerning: (a) the nature and level of disaster they are facing; (b) the possible risk mitigation measures that can be taken; (c) early warning information; and (d) information on ongoing humanitarian assistance, recovery efforts and their respective entitlements. They should be meaningfully consulted and given the opportunity to take charge of their own affairs to the maximum extent possible and to participate in the planning and implementation of the various stages of the disaster response.
- VI. These Operational Guidelines seek to improve the practical implementation of international instruments protecting human rights. They shall not be interpreted as restricting, modifying or impairing the provisions of international human rights or, where applicable, international humanitarian and refugee law. They should be applied together with other relevant Codes of Conduct, Guidelines and Manuals.¹⁵
- VII. Organisations providing protection and assistance in situations of natural disasters shall endeavour to have adequate mechanisms established to ensure that the Operational Guidelines are applied and that the human rights of the affected are protected.

¹⁵ See the detailed references to codes of conduct, guidelines and manuals relevant to natural disasters, in Part IV below.

PROTECTION OF LIFE, SECURITY, AND PHYSICAL, MENTAL AND MORAL INTEGRITY

Relevant Human Rights Principles

- Every human being has the inherent right to life, which shall be protected by law.¹⁶
- Every human being has the right to dignity and physical, mental and moral integrity. Everyone shall be protected, in particular, against torture, cruel and inhuman or degrading treatment or punishment¹⁷; rape and other acts of gender-based and gender-specific violence or indecent assault and domestic violence.¹⁸
- Everyone has the right to be protected against acts of violence threatened or committed by private parties and other non-state actors.¹⁹
- Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.²⁰
- Every human being has the right to liberty of movement and freedom to choose his or her residence.²¹
- Every human being shall be protected against forced or compulsory labour and human trafficking or other contemporary forms of slavery such as sale into marriage, forced prostitution or sexual exploitation. Services exacted in order to deal with the consequences of the disaster and necessary for the life or well-being of the community shall not be regarded as forced or compulsory labour.²²
- Children shall be protected against economic exploitation and hazardous or harmful work, particularly against the worst forms of child labour, including recruitment into armed forces or groups.²³

¹⁶ Art. 3 UDHR; Art. 6 CCPR; Common Article 3 to the 1949 Geneva Conventions.

¹⁷ Art. 5 UDHR; Art. 7 CCPR.

¹⁸ Art. 5 UDHR in conjunction with Art. 1 UDHR; Art. 7 in conjunction with Art. 2, para. 1 CCPR.

¹⁹ See Human Rights Committee, General Comment No. 31, para. 8.

²⁰ Art. 9 UDHR; Art. 9 CCPR.

²¹ Art. 13 UDHR; Art. 12 CCPR.

²² Art. 4 UDHR; Art. 8 CCPR.

²³ Art. 32 CRC; Art. 3 ILO Convention on the Worst Forms of Child Labour, Nr. 182; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

A.1 EVACUATIONS AND OTHER LIFE-SAVING MEASURES

Guidelines

- A.1.1 If an imminent natural disaster creates a serious risk for the life, physical integrity or health of affected individuals and communities, all appropriate measures necessary to protect those in danger, including in particular vulnerable groups, should be taken to the maximum extent possible (e.g. emergency shelter arrangements).
- A.1.2 If such measures would be insufficient, endangered persons should be allowed, and assisted to leave the danger zone. To the extent that they cannot do so on their own, endangered persons should be evacuated from the danger zone by using all available means.
- A.1.3 These evacuations should be carried out in a manner that fully respects the right to life, dignity, liberty and security of all those affected, in particular members of vulnerable groups. Measures should be taken to safeguard homes and common assets left behind. Evacuated persons should be registered and their evacuation monitored.
- A.1.4 When the natural disaster has occurred, persons affected by it should be allowed to move to other parts of the country and to settle there. This right may not be subject to any restrictions except those which are provided by law, and are necessary to protect national security, the safety and security of affected populations, public order (*ordre public*), public health or the rights and freedoms of others.
- A.1.5 Persons—including evacuees—who have been ordered or forced to flee or to leave their homes or places of habitual residences as result of a natural disaster or its effects, or have left in order to avoid them, and have not crossed an internationally recognized State border should be treated as belonging to the category of internally displaced persons covered by the 1998 Guiding Principles on Internal Displacement.
- A.1.6 After the emergency phase, persons displaced by the natural disaster should be granted the opportunity to choose freely whether they want to return to their homes and places of origin, to remain in the area to which they have been displaced, or to resettle to another part of the country. Their right of choice may not be subjected to any restrictions except those which are provided by law, and are necessary to protect national security,

the safety and security of affected populations, public order (ordre public), safety, public health or morals or the rights and freedoms of others. In particular, the return of persons displaced by the disaster to their homes and places of origin should only be prohibited if these homes or places of origin are in zones where there are real dangers to the life or physical integrity and health of the affected persons. Restrictions should only last as long as such dangers exist and only be implemented if other, less intrusive, measures of protection are not available or possible.

- A.1.7 Persons affected by the natural disaster should not, under any circumstances, be forced to return to or resettle in any place where their life, safety, liberty and/or health would be at further risk.
- A.1.8 Unless it is necessary for the protection of affected persons against very serious and imminent threats to their lives, their physical integrity or health, evacuations against their will, or the prohibitions of their return, should not be supported by organisations providing protection and assistance to persons affected by natural disasters, even if they have been ordered by the competent authorities. Such organisations should not become involved in involuntary evacuations in any manner.

Operational Steps

The duty to protect the life and security of human beings may entail the obligation to evacuate those potentially affected by natural disasters. At the same time, there is a risk that involuntary evacuations may be carried out in situations where they are not necessary, and where less intrusive measures may be sufficient to protect persons concerned.

The following operational steps are recommended:

- Identify areas especially endangered in cases of natural disasters; plan and implement measures such as protective shelters that may be sufficient to protect (potential) victims of natural disasters short of evacuations.
- Encourage governmental counterparts to establish criteria, consistent with the principle of proportionality, for deciding when involuntary evacuation may be justified.
- Ensure that evacuation plans are prepared and that local or international actors who could carry out the necessary evacuations are identified.

- Ensure that the target population is informed (in a language and manner people can understand) and consulted ahead of time as well as throughout the evacuation.
- Prepare for the reception of the evacuated or displaced persons and provide protection and assistance to them according to the Guiding Principles on Internal Displacement.

A.2 PROTECTION AGAINST THE NEGATIVE IMPACTS OF NATURAL HAZARDS

Guideline

A.2.1 Persons affected by natural disasters, displaced or not, should be protected against the dangers of potential secondary hazards and other disaster risks.

Operational Steps

- To prevent further damage and to protect persons already affected by the natural disaster, national authorities should be prepared for potential secondary hazards and other disaster risks.
- The potential for secondary hazards and other disaster risks needs to be assessed and updated.
- Persons affected and potentially affected by secondary hazards and other disaster risks should be informed about these risks.
- The return of displaced persons to their homes or places of habitual residence should only be prohibited if these homes or places are in areas where there are real dangers of potential secondary hazards and other disaster risks. Such restrictions should only last as long as such dangers and risks exist and only be implemented if other, less intrusive measures of protection are not available or possible.

A.3 PROTECTION AGAINST VIOLENCE, INCLUDING GENDER-BASED VIOLENCE

Guidelines

- A.3.1 During and after the emergency phase, law enforcement personnel and local authorities should be encouraged to take effective measures to ensure the security of populations affected by the natural disaster.
- A.3.2 Mechanisms which are appropriate to address instances of violence and other violations of human rights, as well as of relevant guarantees under international humanitarian law, should be established without delay. In particular, the deployment of law enforcement personnel to areas at risk of or with a breakdown of law and order—including sexual and gender-based violence, robberies, or looting—should be requested.
- A.3.3 Appropriate measures should be taken as early and as quickly as possible to protect affected populations, in particular women and boy and girl children, against forced or compulsory labour and human trafficking or other contemporary forms of slavery such as sale into marriage, forced prostitution, and sexual exploitation.
- A.3.4 Should the natural disaster occur in a country with an armed conflict, appropriate measures should be taken as soon as possible to ensure that children affected by the natural disaster are protected against being recruited or associated with armed forces or groups.

Operational Steps

The people and communities affected by the natural disaster may be further exposed to violence if law and order break down. With their infrastructure and resources, the military and armed forces can play a useful role in the immediate aftermath of an emergency in helping to set up distribution systems and camps. At the same time, particularly in areas with armed conflicts, the involvement of armed forces and armed groups can be an additional source of tension and potential violence. In such cases, the involvement of these forces and groups should be avoided as much as possible.

The risk of gender-based violence, in particular among displaced populations living in camps, increases over time because of the disruption of family order, protection and coping mechanisms combined with the loss of income and livelihoods.

In the case of IDPs, the planning, layout and design of camps and settlements are key for the protection of their physical security.

Regarding the protection of those affected by natural disasters against violence, whether or not they are displaced, the following operational steps are recommended:

Violence in general:

- Identify and map the potential sources of violence, from outside and within the affected population, and take preventive measures to reduce their potential impact.
- Provide additional protection and assistance to single women and girl-children, single parent households, children who have lost their parents or are temporarily separated from them, elderly persons without family support, persons with disabilities or HIV/AIDS, and members of ethnic or religious minorities or indigenous groups. This additional protection should ensure that these persons can live in safe and secure shelters and be safe from incidents of harassment.
- In the early stages of the emergency response, incorporate strategies to protect children and adolescents against physical, psychological and sexual abuse and exploitation. Set up mechanisms for them and other members of the community to report on incidents of physical and sexual abuse and exploitation of children, trafficking of children, child labour and recruitment of child soldiers. Ensure the confidentiality and protection of victims and witnesses.
- Raise awareness among single parents or people in new parenting roles on how to protect the children in their care against abuse and exploitation.
- Educate police, law enforcement officers and the judiciary on how to investigate and respond to incidents of child abuse, sexual exploitation, trafficking, and child labour.
- Where humanitarian assistance is provided by armed forces or groups, ensure that civilian authorities or humanitarian organisations supervise the provision of such relief.

Gender-based violence:

- In the disaster prevention, response and recovery efforts, in particular in accordance with the IASC Policy on the Prevention of Gender-based

Violence, include strategies to safeguard women's physical and personal security. In particular and in order to maximize the safety and security of women and girls, ensure that temporary camps, transitional settlements and permanent housing schemes for people affected by natural disasters are planned and designed with the full participation of women. Particular attention should be paid to the following:

- housing and shelter design, location and lay-out;
 - lighting, fencing and other security measures;
 - location of and access to water points, bathing and sanitation facilities, sources of fuel, food distribution points, health, education and other community facilities.
- Conduct community-based public information campaigns to educate local communities, government and law enforcement officials and humanitarian workers about the risks and consequences of sexual and gender-based violence, as well as the penalties it can entail.
 - Devise programmes specifically aimed at educating men about sexual and gender-based violence. Target the root causes of increased sexual and domestic violence in the aftermath of a natural disaster, in particular the breakdown of family support structures, and substance abuse.
 - Devise ways to address the problem of substance abuse, including among single parents. Initiatives could include community-based public awareness campaigns on alcoholism, use of other toxic substances, and violence, as well as rehabilitation programmes for those with substance abuse problems.
 - Work with local law enforcement officials, the judiciary and camp management committees to put in place procedures: to enable victims to report incidents of sexual and gender-based violence; to investigate thoroughly and prosecute perpetrators of sexual and gender-based violence; to protect the witnesses. Ensure that strict confidentiality is respected when dealing with sensitive health information.
 - Ensure that sufficient female police, law enforcement and judicial officers are recruited to work with displaced and affected communities to follow up on reports of sexual and gender-based violence; and ensure that these individuals are trained in handling these issues sensitively and confidentially.
 - Strictly enforce codes of conduct for humanitarian workers that prohibit sexual abuse and exploitation of women, as well as boy and girl children.

- Provide appropriate, gender-sensitive and confidential medical, counselling and material support to survivors of sexual and gender-based violence.
- Ensure remedies are available for victims of sexual and gender-based violence.

A.4 CAMP SECURITY

Guidelines

- A.4.1 Persons displaced by the disaster should, to the maximum extent possible, be provided with the means to recover as quickly as possible and become self-sustainable (even in places of temporary displacement) or with fast rehabilitation assistance for return. Camps are a last resort and should only be established as long as the possibility of self-sustainability or fast rehabilitation assistance does not exist.
- A.4.2 The location and lay-out of camps and settlements for persons displaced by the disaster should be situated in areas with a low natural hazard risk. They should be designed so as to maximize the security and protection of displaced persons, including women and others whose physical security is most at risk (e.g. children, older persons, persons with disabilities, single-headed households and members of religious and ethnic minority groups or indigenous peoples).
- A.4.3 Security should be provided in camps, in particular by monitoring, through law enforcement personnel and camp committees drawn from among the displaced communities. Appropriate mechanisms to address instances of violence and other violations of the human rights of camp residents should be established.
- A.4.4 Persons affected by the disaster should be allowed to move freely in and out of camps. Such movement should not be restricted or prohibited unless it is necessary for the protection of the security or health of camp residents, or that of the population in the vicinity. If there are restrictions, they should not remain in force any longer than absolutely necessary.
- A.4.5 In order to maintain the civilian character of camps at all times, appropriate measures should be taken to avoid the presence of uncontrolled armed elements in camps and settlements. Where such elements are

present, they should be separated from the civilian population in the camp. The presence of armed State police or security forces should be limited to the extent strictly necessary to provide security.

- A.4.6 Once the immediate emergency phase is over, camps set up by armed forces or groups should be managed by civilian authorities or organisations. The role of police and security forces should be limited to providing security.

Operational Steps

The planning of transitional settlements for IDPs has to be based on a contextual analysis of their needs if it is to have a significant impact on the physical security and protection of IDPs. Appropriate planning can make a difference between *being* secure and *feeling* secure. The IDPs need not only to be, but also to feel, secure and this relates directly to the general atmosphere of the settlement. Regarding camp security, the following operational steps are recommended:

- Locate washing and communal sanitary facilities, water points, food distribution points, fuel sources, health and education facilities close to living and sleeping quarters and provide secure access, especially at night. This may require that lighting be provided for all walkways and roads within the settlement. Ensure that fuel and water are in places that do not place the people fetching them at additional risk.
- Design shelters and living/sleeping quarters in a way that allows for a maximum degree of privacy and protection against unwanted visitors and intruders.
- Maximize the involvement of displaced persons, in particular women and others in at-risk groups, in the planning and design of camps and settlements to ensure their protection and security.
- Establish, in close coordination with camp residents, including women, a guard or buddy system among the camp population.
- To avoid potential abuses, put in place mechanisms to monitor the activities of the police and military in situations where they are responsible for camp security.

- Ensure that civilian organisations manage camps set up by armed forces or groups as soon as possible, but not later than after the end of the immediate emergency phase.

A.5 PROTECTION AGAINST ANTI-PERSONNEL LANDMINES AND OTHER EXPLOSIVE DEVICES

Guideline

- A.5.1 Access for specialised organisations should be facilitated as soon as possible, so that they can take appropriate measures—including information and awareness campaigns and fencing off and marking relevant areas—to protect persons affected by natural disasters, displaced or not, against the dangers of anti-personnel landmines and other explosive ordnance that may have been dislodged, concealed or obscured in the course of the natural disaster.

Operational Steps

In areas with landmines, natural disasters may destroy fencing and markers around identified mine fields or dislodge mines. This creates particular dangers for the population affected by the disaster as well as for relief personnel.

The following operational steps are recommended:

- Conduct surveys of anti-personnel landmines that have been dislodged in the course of the natural disaster. Immediately deploy quick response teams to fence off and mark areas with such mines. Ensure that mine clearance is carried out as soon as possible.
- Replace fencing and markers around identified mine fields that have been damaged or destroyed during the disaster.
- Initiate public awareness and mine risk education campaigns regarding anti-personnel mines that may have been dislodged during the natural disaster. Include information on the exact location of the mines and how to avoid them.
- Provide mine risk education to displaced and affected communities prior to their return, relocation or resettlement.

PROTECTION OF RIGHTS RELATED TO BASIC NECESSITIES OF LIFE

Relevant Human Rights Principles

- In providing humanitarian assistance as well as access to it, discrimination of any kind on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age, disability or other status is strictly prohibited.²⁴
- Every human being has the right to an adequate standard of living for him- or herself and his or her family. At a minimum, persons affected by disasters have a right to have access to or be provided with (a) essential food and water; (b) basic shelter and housing; and (c) appropriate clothing.²⁵
- Every human being has the right to health. At a minimum, those affected by disasters have the right to receive essential medical services and sanitation.²⁶

B.1 ACCESS TO GOODS AND SERVICES, AND HUMANITARIAN ASSISTANCE

Guidelines

- B.1.1 Measures should be taken to ensure that persons affected by natural disasters, in particular those who are displaced, have unimpeded and non-discriminatory access to goods and services necessary to address their basic needs.
- B.1.2 Humanitarian action should be based on assessed need and provided to all persons affected by the natural disaster without adverse distinction of any kind other than that of differing needs.
- B.1.3 Safe and non-discriminatory access to available humanitarian assistance should be secured for all persons in need. In particular, measures should be taken to grant priority access to such vulnerable groups as minorities, single-headed households, elderly, people with disabilities, and unaccompanied and separated children.

²⁴ Art. 2 in conjunction with Art. 25 UDHR; Art. 2, para. 2 CESCR.

²⁵ Art. 22 and 25 UDHR; Art. 11 CESCR.

²⁶ Art. 25 UDHR; Art. 12 CESCR.

- B.1.4 In particular, when the authorities concerned are unable or unwilling to provide the required humanitarian assistance, international humanitarian organisations and other appropriate actors should offer their services in support of persons affected by natural disasters and in need of humanitarian assistance.
- B.1.5 Humanitarian action should be carried out in accordance with the principles of humanity, impartiality and, particularly in countries with armed conflict, neutrality. Humanitarian assistance should not be diverted.
- B.1.6 International organisations and agencies and other actors providing humanitarian assistance, should ensure coordination of their actions among themselves and with national and local authorities. The responsibilities for certain areas of activities assigned to specific agencies and organisations should be taken into account.

Operational Steps

Access to humanitarian assistance may be jeopardized after a disaster. In certain situations, dominant groups among the affected population or in host/adjacent communities can make access difficult, even dangerous, at night or when service providers are not continuously present within the affected communities. Humanitarian assistance may be further put at risk by such groups through the control of the water supply and other facilities, theft or confiscation of food and non-food items, physical abuse, rape, or subjugation. Such actions may be triggered by feelings of being discriminated against in the provision of aid.

In other situations, administrative hurdles are an additional common problem that makes it difficult for relief workers to reach those in need.

The following operational steps are recommended:

Facilitating humanitarian assistance

- Take the necessary steps to ensure that, during times of disaster, national authorities facilitate the import and transport of humanitarian assistance. To ensure the rapid entry of relief staff and supplies into the country, the authorities should be encouraged to lift or facilitate customs duties, import tariffs, licensing, and registration and visa requirements.

- Encourage the relevant authorities to ease internal travel restrictions and travel clearance requirements – in particular if disaster occurred in military and other sensitive zones – to ensure the rapid and efficient delivery of humanitarian assistance to all affected parts of the country.
- Ensure that the personnel of the humanitarian organisations concerned strictly adhere to the principles of humanity, impartiality and non-discrimination when delivering humanitarian assistance.
- In order to avoid further inequities and conflicts, ensure that humanitarian assistance is distributed to all of the people affected by the disaster who are in need, including to IDPs. Where those affected or uprooted by disasters are residing in the same area as populations affected or uprooted by internal conflict and civil strife, assistance should be provided to both populations, taking into consideration their particular needs.

Humanitarian assistance to women

- Ensure that women have full, free and unimpeded access to all humanitarian assistance and services and are not discriminated against in the distribution of goods and basic services; also ensure that relief is not diverted for other purposes.
- Include women in planning, assistance distribution and decision-making processes to ensure that they have equal access to resources.
- Ensure that deliveries contain non-food items corresponding to the specific needs of women.
- Provide for distribution and assistance in a way that avoids the need for pregnant women or women with infants to stand in line for long periods of time or to carry heavy loads from the distribution point to their dwellings.

Humanitarian assistance to groups with particular needs

- Provide for distribution and assistance in a way that avoids the need for older people, people with disabilities without family support, unaccompanied children to stand in line for long periods of time, or to carry heavy loads from the distribution point to their dwellings. Make sure that non-food items are appropriate for their specific needs.
- Identify and locate persons with physical and mental disabilities and HIV/AIDS as part of emergency registration activities. Ensure that such

- individuals receive the assistance to which they are entitled.
- Strictly enforce non-discrimination codes amongst local government and law enforcement officials and relief workers so that people with disabilities and those with long-term or chronic illnesses such as HIV/AIDS have equal access to emergency relief and recovery assistance without discrimination of any kind. Confidential handling of sensitive data should be included in these codes of conduct.
- Provide additional/specialized assistance to people with disabilities or those with long-term or chronic illnesses such as HIV/AIDS where necessary to meet their basic needs (e.g. extra clothing, blankets, firewood, food and cooking utensils, safe shelter), in particular if their caregivers were injured or killed during the disaster.

B.2 PROVISION OF ADEQUATE FOOD, WATER, SHELTER AND HOUSING, CLOTHING, HEALTH SERVICES AND SANITATION

Guidelines

B.2.1 During and after the emergency phase of the disaster, adequate food, water and sanitation, shelter, clothing, and essential health services should be provided to persons affected by natural disasters who are in need of these goods and services. Provision of goods and services should be without any discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age, disability or other status.

Adequacy of these goods and services means that they are (i) available, (ii) accessible, (iii) acceptable, and (iv) adaptable:

- (i) *Availability* means that these goods and services are made available to the affected population in sufficient quantity and quality;
- (ii) *Accessibility* requires that these goods and services (a) are granted without discrimination to all in need, (b) are within safe and easy reach and can be physically and financially accessed by everyone, including vulnerable and marginalized groups, and (c) are known to the beneficiaries;
- (iii) *Acceptability* refers to the need to provide goods and services that are culturally appropriate and sensitive to gender and age;
- (iv) *Adaptability* entails that these goods and services are provided in

ways flexible enough to adapt to the change of needs in the different phases of emergency relief, reconstruction and, in the case of displaced persons, return.

During the immediate emergency phase, food, water and sanitation, shelter, clothing, and health services are considered adequate if they ensure survival to all in need of them.

- B.2.2 If food, water and sanitation, shelter, clothing, and health services are not available in sufficient quantities, they should be provided first to those most in need. The definition of need should be based and assessed on non-discriminatory and objective criteria.
- B.2.3 If the host population, which has not been directly affected by the natural disaster, suffers from similar shortages of water and sanitation, shelter, clothing, and essential health services as those affected by the natural disaster, relief should also be provided to it on an equitable basis.
- B.2.4 The right to shelter should be understood as the right to live somewhere in security, peace, and dignity. These criteria should be used as benchmarks in planning and implementing shelter programmes, taking into account the different circumstances during and after the emergency phase.
- B.2.5 Those affected by the natural disaster should be given access to psycho-social assistance and social services, when necessary. Special attention should be given to the health needs of women, including provision of appropriate clothing and hygienic supplies, access to female health care providers and such services as reproductive health care.
- B.2.6 Special attention should be given to the provision of psycho-social care for victims of sexual and other abuses.
- B.2.7 Special attention should be given to the prevention of contagious and infectious diseases, including HIV/AIDS, among the affected population, particularly among those displaced by the disaster.

Operational Steps

From a human rights perspective, it is important to note that the duty to provide food, water, shelter, clothing and health services that are necessary for survival after a natural disaster belongs to the minimum core obligations under the Covenant on Economic, Social and Cultural Rights. Thus, "a State

party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant.”²⁷ The State is obliged to seek international assistance if its authorities, due to a lack of available resources, are not in a position to provide victims with the necessary relief for themselves.

In order to ensure the implementation of these rights, the following operational steps are recommended:

Food:

- Ensure that vulnerable groups — e.g. unaccompanied children, elderly people, people with disabilities or with long-term or chronic illnesses such as HIV/AIDS who have lost their caregivers during the disaster — have unimpeded access to food.
- Distribute food directly to women or unaccompanied children if, traditionally, women and children receive less than men in times of scarcity or if there is a risk that food may be diverted for other purposes (e.g. sold or, in situations of armed conflict, provided to troops or irregular armed groups).
- Ensure that the food distributed, whether cooked meals or dry rations, meets international nutritional standards and is culturally acceptable to the population. If it is available, food to which the victims are accustomed should be provided.
- Inform beneficiaries clearly about the frequency and the timing of food distributions and what quantities will be supplied.
- Ensure the maximum participation of affected communities, in particular women, in the planning, design and implementation of food distribution activities.
- Pay special attention to monitoring the nutritional status of children, pregnant and lactating women, the elderly, persons with disabilities and persons living with long-term or chronic illnesses such as HIV/AIDS. Initiate a nutritional survey among displaced and affected communities in the early stages of the emergency. Based on the findings of the survey, establish supplementary feeding programmes for groups particularly at risk.

²⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 3 (1990), para.10

- Ensure that all sectors of affected communities, especially women and children, have access to sufficient food and relief so that they are not forced to exchange sex or other services for assistance.

Non-food items

- Ensure that the provision of non-food items takes into consideration the specific needs of women, children, the elderly, people with disabilities, and members of indigenous, ethnic or religious groups or minorities.
- Make sure that the quantities correspond to people's specific needs.

Water and sanitation

- Provide clean drinking water, adequate sanitation and garbage disposal facilities to affected communities, whether displaced or not.
- Ensure that vector control systems are in place, stagnant water in camp settings is drained and that a clean environment is maintained.
- In temporary camps and permanent settlements, ensure that water and sanitation facilities, including water pumps, toilets and bathing facilities, are accessible to people with disabilities and to the elderly and are easy to use.
- Ensure that women and children have easy access to these facilities, without undue risks. Provide for separate facilities for the men and women and children. Allow for adequate and gender-sensitive facilities for single-parent households.

Shelter and Housing

- Camps should be viewed as a last resort. Give priority to living arrangements with host families (supported by cash for shelter programs, if appropriate), the use of community or unused buildings, or the setting up, by the displaced themselves, of informal but adequate accommodation on public land.
- Provide, to the extent possible, adequate shelter and housing which complies with international standards (See Annex II); avoid over-crowding in temporary camps and settlements by using these standards in the planning and layout of such shelters.
- Provide, to the extent possible, shelters that are culturally acceptable, in particular regarding requirements of privacy for women and children.
- Plan and provide for specific areas where women, single or with chil-

dren, feel safe and secure.

- Ensure that shelter provided to people with disabilities or to the elderly is safe, appropriate and accessible.
- Provide single-parent households, particularly female, elderly, disabled or minors, with additional support to build shelters.
- Ensure that temporary camps, relocation sites and permanent re-housing schemes are located in areas that provide as easy access as possible to employment opportunities (e.g. fishing/ agriculture/ construction work/ markets etc.).
- Make sure that responsibilities for the maintenance of temporary or transitional shelters and abodes are clear to all involved. If the IDPs are responsible, ensure that they are provided with the necessary equipment and means.
- Provide assistance, material and technical support to families who can remain in or return to their damaged houses and repair them.

Health (general)

- In order to avoid the outbreak of infectious diseases, pay attention not only to meeting the immediate needs of the sick and injured, but also to putting in place preventative public health strategies at an early stage in the disaster response. Health strategies should be developed in consultation with members of the affected community.
- Set up basic health facilities to respond immediately to any outbreaks of infectious diseases. These facilities should be accessible to all people, regardless of their financial resources.
- Initiate vaccination campaigns and the distribution of essential nutritional supplements.
- Make sure that community-based psycho-social support is available in the aftermath of a disaster. Provide support and guidance to single parents on how to cope with their new child-caring role and responsibilities. Ensure that all sectors of the community have access to appropriate psycho-social support, counselling and mental health care.
- Plan for easily accessible, gender-sensitive counselling and care services for survivors of sexual and gender-based violence.
- Provide regular testing and gender sensitive treatment for sexually transmitted diseases.
- Ensure that women have full, safe and easy access to reproductive and

- specialized health services, including family planning, pre- and post-natal health care. Establish appropriate and culturally sensitive women's health services in the early stages of the emergency. Ensure that there is sufficient female health staff, including female interpreters.
- Include culturally appropriate, community-based psycho-social support programmes for children and adolescents as part of immediate emergency response and longer-term recovery efforts. Find ways to integrate psycho-social support programmes into existing community services (e.g. school curricula, youth clubs, and health clinics). Encourage recreational facilities as early as possible to provide children and youth with opportunities to meet, socialise, engage in meaningful activities, to play together and to counter feelings of stress and trauma. Ensure access to mental health professionals if the stress symptoms do not diminish.
 - Make sure that there are outreach health services for elderly and both physically and mentally disabled persons who are housebound.
 - Ensure an adequate supply of the medical stocks needed to treat the common causes of morbidity among older people, as well as mobility aids for those who require them. Ensure that there is a continuity of chronic disease treatment courses.
 - Ensure that people with physical disabilities and mental illnesses have access to medication as soon as possible in the aftermath of a disaster. Prevent sudden discontinuation of essential medication. Provide persons with disabilities with the supportive aids they need (e.g. wheel chairs, crutches, prosthetics, hearing aids, eye glasses) to enable them to resume as normal a life as possible.
 - Ensure, where possible, that temporary camps and settlements, as well as relocation and resettlement sites, are located within easy access of all necessary health care facilities.
 - Include the rehabilitation, reconstruction and upgrading of health care facilities in medium- and longer-term disaster recovery and rehabilitation schemes.
 - Take the necessary steps to ensure that all health services comply with the Sphere Minimum Standards in Health Services.
 - When constructing health centres, consider segregation of men and women in waiting areas where this is culturally appropriate.

Depending on the social structures and cultural traditions in the affected community, and particularly the type of health problems it is facing, consider screening and masking patients from open public view.

- Devise ways to address the problem of substance abuse, also among single parents, in the aftermath of disasters. These could include community-based public awareness campaigns on alcoholism or other toxic substances and violence, as well as rehabilitation programmes for those with substance abuse problems.
- Initiate Health Information Teams (teams of 2 persons trained in public health for each 100 families), ideally from among the affected population, to deliver public health messages to people while, at the same time, monitoring health situations and identifying problems early on.

HIV/AIDS

- Integrate HIV/AIDS prevention and response strategies into the early stages of disaster response and fully implement the IASC Guidelines for HIV/AIDS Interventions in Emergency Settings. Put in place public health information and education campaigns to prevent the transmission of HIV/AIDS in the aftermath of a disaster. These campaigns can include broad dissemination of information regarding the transmission, prevention and care of people with HIV/AIDS as well as the distribution of condoms to affected communities and practical information on their use.
- Provide voluntary testing and counselling for HIV/AIDS, as part of basic health services. Treatment for cases that have tested positive should be available and accessible.
- Provide effective pre- and post-natal health care to prevent mother-to-child transmission of HIV/AIDS. Ensure adequate stocks of formula milk for babies whose mothers are HIV positive or have AIDS.
- In order to ensure that the concerns of people living with HIV/AIDS are fully integrated into the disaster response, educate and raise awareness among local government and law enforcement officials and humanitarian workers about HIV/AIDS and the rights and needs of people living with HIV/AIDS.
- Adopt a multi-sectoral approach to HIV/AIDS prevention in the early stages of the emergency to ensure that affected communities have

easy access to information regarding risks and prevention of HIV/AIDS. This should include the following steps

- include information and awareness raising on HIV/AIDS in all public health campaigns in the immediate aftermath of a disaster;
- use schools, community-based organisations and the local press and media to disseminate public health information about HIV/AIDS prevention in the aftermath of a disaster

PROTECTION OF OTHER ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Relevant Human Rights Principles

- Every human being has the right to education. As soon as conditions permit, children affected by disasters, whether displaced or not, have the right to receive education that shall be free and compulsory at the primary level.²⁸
- No one shall be arbitrarily deprived of property and possessions. Everyone has the right to recover, to the extent possible, property and possessions lost in the course of the disaster.²⁹
- Everyone has the right to work and to have access to a livelihood without discrimination.³⁰

C.1 EDUCATION

Guidelines

- C.1.1 The return of children, whether displaced or not, to schooling should be facilitated as early and as quickly as possible after the disaster. Education should respect their cultural identity, language and tradition. Parents should be allowed to participate in decisions about how their children are educated.
- C.1.2 Education should be compulsory and free at the primary level. Measures should be taken to ensure that education is not disrupted at higher levels when students, as a consequence of the disaster, can no longer afford such education.
- C.1.3 Special efforts should be made to ensure the full and equal participation of women and girls, affected by the natural disaster, in educational programmes.

Operational Steps

Facilitating the return of children to school as soon as possible after a natural disaster is critically important to minimize disruption to children's education,

28 Art. 26 UDHR; Art. 13 and 14 CESCR; Art. 28 CRC.

29 Art. 17 UDHR; Art. 1 Protocol 1/ECHR.

30 Art. 23 and 24 UDHR; Art. 6 and 7 CESCR.

to help restore a sense of normalcy to children's lives and to support their psycho-social well-being. Early resumption of schooling can also be an effective protection strategy. Providing children with a meaningful occupation can help to protect them against such risks to their personal and physical security as trafficking or forced recruitment in the areas where there is an armed conflict. Schools can also be an effective channel for imparting important messages for both children and their parents about public health, disaster prevention, safety awareness, land mine risk, protection against sexual violence, and child abuse.

The following operational steps are recommended:

- Carry out an audit of damage and losses in the educational sector in the immediate aftermath of a disaster. Use this audit as a planning tool for further interventions. The audit should include information on the following: (a) damage to school buildings and education facilities; (b) the safety of existing school buildings and facilities; (c) damage to school water and sanitation supplies and other basic facilities; (d) damage to or loss of school equipment, books, supplies and teaching aids; (e) the impact of natural disaster on teaching staff (i.e. number of deaths/injured; damage to homes; loss of property and possessions); (f) the impact of natural disaster on students (i.e. number of deaths/injuries; impact on families – loss of parents/siblings/other family members; loss of property and possessions).
- Based on the needs assessment, integrate plans to re-open schools and education facilities and to resume classes in the early stages of the emergency disaster response.
- To facilitate the re-opening of schools as quickly as possible, and in full consultation with displaced persons, work quickly to identify safe and adequate alternative shelter for displaced families who are staying in school buildings on a temporary basis.
- Provide the necessary support and resources to enable children to return to school as soon as possible. This may include the following: (a) school books, supplies, teaching aids, uniforms and furniture to replace those lost or damaged during the disaster; (b) clothing and support to teachers affected by the disaster; (c) identification of replacement teachers where necessary; (d) school feeding programmes; (e) adequate water and sani-

tation; (f) repair of school buildings damaged during the disaster; (g) provision of alternative premises or construction of temporary shelter for schools to resume in situations where damaged or destroyed school buildings cannot be repaired or reconstructed within a short period of time.

- Encourage local communities, school children and teachers to play an active role in cleaning and rehabilitating school buildings and education facilities so that classes can resume as soon as possible.
- Support emergency school registration or enrolment drives to encourage children to return to school as soon as possible. Encourage school principals and local education authorities to adopt a flexible approach to school registration and not to insist on official documentation (e.g. birth certificates or school reports) that may have been lost during the disaster.
- Support emergency teacher training programmes to replace teachers who died or were injured during the disaster.
- Ensure that schools, to the extent possible, provide a positive, child-friendly learning environment as well as sufficient recreational opportunities to restore a sense of normalcy and balance to children's lives in the aftermath of a disaster.
- Implement internationally recognized education standards, such as the INEE Minimum Standards for Education in Emergencies and other international standards on education in emergencies, at all stages of the disaster response.
- Integrate psycho-social support programmes, disaster prevention awareness raising, public health information (including prevention of HIV/AIDS), landmine awareness, and protection messages into school curricula in the aftermath of a disaster.
- Ensure that displaced and affected communities have easy access to culturally appropriate education and training in their own language and which respects their cultural identity.
- Provide access to further education, vocational and skills training programmes for adolescents and young people at the earliest possible stage.
- Ensure that women and girls have equal access to educational opportunities at all levels. Encourage women to participate in vocational and skills training programmes, including in those that challenge gender stereotypes.

- Ensure that children with disabilities or HIV/AIDS, and others belonging to disadvantaged or marginalized groups, have equal access to education and training opportunities without discrimination of any kind.
- Wherever possible, ensure that temporary camps and settlements, as well as relocation and resettlement sites, are located in close and easy proximity to schools and educational facilities.
- For children displaced by the disaster, follow the national curriculum. If they are surrounded by a community that uses another language, however, and if the displacement may last for a long period of time, that language may need to be added to the curriculum. For this to be effective, teachers from the surrounding communities should be used.
- Include the reconstruction and upgrading of schools and other educational and training facilities in medium- to long-term disaster recovery and rehabilitation programmes.

C.2 PROPERTY AND POSSESSIONS

Guidelines

- C.2.1 Competent authorities should be requested to protect, to the maximum extent possible, against looting, destruction, and arbitrary or illegal appropriation, occupation or use of property and possessions left behind by persons or communities displaced by the natural disaster.
- C.2.2 Unused private property and possessions may be used temporarily, but no longer than absolutely necessary, and only allocated to those displaced by the natural disaster. Competent authorities should be requested to ensure that owners of affected property are adequately compensated for such use. Due process guarantees and access to fair and impartial legal procedures should be assured for all parties.
- C.2.3 The return of persons or communities displaced by the natural disaster to their property and possessions should be facilitated as soon as possible.
- C.2.4 Owners, whose land deeds or property documents have been lost or damaged during the natural disaster or whose land boundaries have been destroyed, should be provided with accessible procedures to reclaim ownership of their original land and property without undue delay.

- C.2.5 Legal procedures should be put in place to consider competing claims to land and property with due process guarantees and without delay. Access to an independent court or tribunal should be guaranteed if the decision is not accepted by both parties.
- C.2.6 Specific arrangements should be made to enable women, particularly widows, as well as orphaned children to (re-)claim housing, land or property and to acquire housing or land title deeds in their own name.
- C.2.7 Specific arrangements should be made to enable and facilitate recognition of claims to land title and ownership based on prolonged possession, in the absence of formal land titles, especially for indigenous peoples.
- C.2.8 Appropriate measures should be taken to protect persons or communities affected by natural disasters—in particular the poor, women, members of minority groups or indigenous peoples, or those displaced—against undue or illegal attempts by landlords, speculators, local authorities and other actors to deprive them of their property and possessions.
- C.2.9 Prohibitions on remaining in or returning to certain areas and/or rebuilding should not be supported unless they are based on law and, in the individual case, necessary for reasons of safety, health, disaster prevention, or the implementation of reconstruction and development schemes. In all cases of prohibitions on remaining, returning and rebuilding measures should be taken to provide owners with due process guarantees, including the right to be heard and the right of access to an independent court or tribunal, as well as just compensation.
- C.2.10 Should evictions become unavoidable in the course of measures mentioned above in A.1.3 and C.2.3, the following guarantees should be put in place: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice prior to the scheduled date of eviction; (c) the timely provision of information on the eviction and future use of the land; (d) the presence of government officials during an eviction; (e) the proper identification of all persons carrying out the eviction; (f) the prohibition of evictions during bad weather or at night; (g) provision of legal remedies; and (h) provision of legal aid, where needed, to seek redress from the courts.
- C.2.11 Evictions—in particular those ordered in the context of evacuations

and of secondary occupants of property and possessions left behind by persons displaced by the natural disaster—should not render individuals homeless or vulnerable to the violation of other human rights. Appropriate measures should be taken to ensure that adequate alternative housing, resettlement and/or access to productive land is made available to those unable to provide for themselves.

Operational Steps

Widespread destruction and loss of property is a common result of natural disasters. Property issues may become a serious obstacle to recovery and to the return of those who were displaced by the disaster. Competing property claims may develop over particular plots, especially where a disaster has eliminated the landmarks used for demarcation. Property records may have been destroyed. Traditional communities or the poor may encounter additional problems because they rented their places of residence or never possessed formal titles. Rules on registration and inheritance may discriminate against women, who then experience particular difficulty regaining their homes and property, especially when their husbands have died. It is important to address property issues as soon as possible as an element of assistance for reconstruction, return or resettlement.

The following operational steps are recommended:

Protection of property left behind:

- Encourage the relevant authorities to take the necessary measures to protect property left behind from looting, arbitrary or illegal occupation, or further destruction.
- Encourage relevant authorities to save and secure land cadastres and other documents relevant for establishing property and ownership rights.

Re-establishment of ownership:

- In situations where housing, land or property deeds have been lost or damaged as a result of the natural disaster, help the authorities, at an early stage, to put in place emergency legal and/or administrative procedures to enable property owners to submit an ownership claim to local or otherwise easily accessible authorities. The authorities should be encouraged to use flexible procedures, such as testimonies from

- credible witnesses (e.g. neighbours or village committees) in order to prove ownership.
- In situations where boundaries and landmarks have been destroyed and documentation has been lost or damaged, advocate, where necessary, for existing land and property laws to be amended so that property owners do not have to prove land boundaries or produce documentation to prove land and property ownership.
 - Provide additional assistance to women in acquiring lost or destroyed housing, land or property documentation and/or to have housing or land title deeds issued in their name. This is particularly needed where land or property deeds were in the name of male heads of household who have died or who are missing following the disaster.
 - Advocate for the amendment of any discriminatory inheritance and property ownership laws if they risk preventing the equitable transfer of property to survivors of disasters, in particular to women and girls.
 - Assist children who have lost both parents in the course of the disaster to re-claim housing, land and property titles and to have the deeds issued in their name, or in the name of their legal guardians.

Establishment of ownership

- Help establish mechanisms to assist individuals and communities who, because of poverty or marginalization, did not have a legal title to their land prior to the natural disaster so that they can return to the land on which they were previously living and be granted legal security of tenure.
- Recognize and respect traditional claims of indigenous peoples and ethnic minority groups to land title and ownership in the absence of land title documents; help them to obtain formal land titles where necessary.

Property disputes:

- Help establish accessible dispute resolution mechanisms to allow competing claims to land and property to be heard by competent local or otherwise easily accessible authorities with full due process guarantees.
- Ensure that the necessary financial, staffing and technical support is provided to local courts and land commissions to conduct property ownership verification and dispute resolution effectively and efficiently.

Return, Rehabilitation and Compensation

- Assist displaced and affected communities to return after a disaster to their original land, homes and property as soon as possible.
- Wherever possible, facilitate the early return of indigenous peoples and ethnic minority groups to their traditional land and property, recognizing their special connection with the land.
- In the planning and rehabilitation of housing and human settlements, devise community-based strategies to maximize the participation of all sectors of affected communities (e.g. community housing teams). Local communities should be involved in decision-making regarding the location, design and infrastructure of housing and settlements to ensure that they are safe, habitable, accessible and culturally appropriate.
- In the planning and rehabilitation of housing and human settlements, respect traditional public access and traditional uses of the land and shoreline by indigenous peoples and ethnic minority groups; protect their religious and cultural sites.
- Ensure that available financial or material aid for repair, reconstruction or construction at relocation sites, or compensation for lost property, is granted without any discrimination. Put in place mechanisms to ensure that individuals, who were renting housing or businesses that were damaged or destroyed during the disaster, have access to assistance and compensation as well as the legal owners of the property.
- In situations where disaster-affected communities are living alongside or in close proximity to communities displaced by conflict, ensure that access to housing, land and property, and associated financial aid or compensation, is provided equitably and does not result in differential treatment between the two groups.

C.3 HOUSING

Guidelines

- C.3.1 As soon as possible, appropriate measures should be taken, without discrimination of any kind, to allow for the speedy transition from temporary or intermediate shelter to temporary or permanent housing, fulfilling the requirements of adequacy in international human rights law.

- C
- C.3.2 The criteria for adequacy are: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education (see [B.2.1](#)). Respect for safety standards aimed at reducing damage in cases of future disasters is also a criterion for adequacy.
 - C.3.3 To ensure sustainable long-term planning of resettlement and reconstruction in the aftermath of a natural disaster, all affected groups and persons, including women, indigenous peoples and persons with disabilities, should be consulted and asked to participate in the planning and implementation of housing programmes. To the maximum extent possible, and provided that necessary safety standards are met, owners of destroyed houses should be allowed to decide on their own how to rebuild them.

C.4 LIVELIHOOD AND WORK

Guidelines

- C.4.1 Projects to restore economic activities, opportunities and livelihoods that are disrupted by the natural disaster should start as soon and as completely as possible. To the maximum extent possible, such measures should already be taken during the emergency phase.
- C.4.2 Where individuals are unable to return to previous sources of livelihood due to the natural disaster, appropriate measures — including provision of re-training opportunities or micro-credits — should be taken. Opportunities created by such measures should be available without any discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age, disability or other status.
- C.4.3 Access to livelihoods and employment opportunities should be ensured when planning temporary camps and relocation sites, as well as permanent re-housing for individuals displaced by the natural disaster.

Operational Steps

Keeping those affected by disasters, in particular if they are displaced, occupied and in income-generating activities empowers them and increases their sense of self-worth. It also enables them to make a quicker transition from

assistance to semi-independent living. Every group of affected people will carry with them skills and abilities that can be used to help people become as self-sufficient as possible. Work possibilities should be offered to those affected by the disaster. Setting up distribution systems, undertaking construction, building and repairing schools, establishing health systems, driving trucks and cars, warehousing goods and so on can often be undertaken by the affected population. This is particularly true for displaced populations. Unlike the non-displaced, who, depending on the character and extent of the disaster, may continue to have access to livelihoods (especially in rural areas), IDPs usually lose their work and livelihoods completely.

The following operational steps are recommended:

- Take active measures to re-build and rehabilitate both formal and non-formal trades and sources of livelihood damaged and disrupted by the disaster; replace lost and damaged assets and equipment.
- Devise community-based strategies to ensure that all sectors of the affected population are fully informed, consulted and can participate in decision-making related to the rehabilitation of disrupted livelihoods and re-training options.
- Ensure that all sectors of the affected population, including women, have access to re-training and skills-development programmes. Take into account the often hidden role of certain groups in the formal and informal economy.
- Provide women, as well as groups of persons with special protection needs, with viable economic opportunities in order to protect them against trafficking, forced prostitution, or other abusive and dangerous sources of income.
- Ensure that persons with disabilities or long-term or chronic illnesses such as HIV/AIDS have full and free access to employment and training opportunities without discrimination of any kind.
- Ensure that training programmes do not reinforce existing social or stereotypical gender divisions of labour which push women and social, economic, ethnic, religious or racial minority groups into the least desirable jobs with the lowest pay and poorest working conditions. Use re-training and skills-development programmes to provide new opportunities to marginalized

and disadvantaged groups by providing them with chances to enter new areas of work (e.g. the construction sector) where there should be good employment opportunities in the aftermath of a disaster.

- Ensure that employment rehabilitation and re-training schemes take into account the special needs of single-parent households, including the need for flexible hours and child care support. Support men and women who have become single parents so that they are able to participate in re-training opportunities if their former employment is incompatible with new child-caring responsibilities.
- Include and target those who did not own assets or property, but whose livelihoods were also affected by the disaster (e.g. tenant farmers, day labourers in the construction, agricultural or fishing industries), in economic re-development programmes.
- Ensure that international standards on health and safety, fair wages and environmental sustainability are applied in all efforts to rebuild and rehabilitate damaged and disrupted sectors of the economy.
- Include community capacity-building as part of the rehabilitation process in order to raise the standard of living and tackle poverty in all disaster affected areas.
- Include communities indirectly affected by the disaster (e.g. whose livelihoods may have been disrupted) in rehabilitation

PROTECTION OF OTHER CIVIL AND POLITICAL RIGHTS

Relevant Human Rights Principles

- Every human being has the right to recognition everywhere as a person before the law,³¹ and to be provided, for this purpose, with the necessary official documents.
- Every human being has the right to liberty of movement and freedom to choose his or her residence.³²
- Every human being has the right to respect of his or her family,³³ including the right to know the fate and whereabouts of missing relatives.
- Every human being has the right to freedom of thought, conscience, religion or belief, of opinion and expression, of assembly, and of association.³⁴
- Every citizen has the right to take part in the conduct of public affairs and to vote and be elected at genuine periodic elections.³⁵
- States may not take measures derogating from these rights unless the disaster creates a public emergency which threatens the life of the nation and the existence of which is officially proclaimed. Such measures must be strictly required by the exigencies of the situation, cannot be inconsistent with the States' other obligations under international law and cannot involve discrimination based on race, colour, sex, language, religion or social origin.³⁶ Derogations from the right to recognition everywhere as a person before the law, to freedom of thought, conscience and religion are never permissible.³⁷

D.1 DOCUMENTATION

Guidelines

- D.1.1 Organisations providing humanitarian assistance to persons affected by natural disasters should grant access to life-saving goods and services even in the absence of relevant documents or should issue such

³¹ Art. 6 UDHR; Art. 16 CCPR.

³² Art. 13 UDHR; Art. 12 CCPR.

³³ Art. 12 UDHR; Art. 17 CCPR.

³⁴ Art. 18 - 20 UDHR; Art. 19 - 22 CCPR.

documents without delay even during the emergency phase of the humanitarian action. Personal data collected, and records established in this context, shall be protected against misuse of any kind.

- D.1.2 Appropriate measures should be taken as early as possible, including during the emergency phase, to restore personal documentation that has been lost or destroyed in a natural disaster, to persons affected by the natural disaster (e.g. birth, marriage and death certificates, insurance certificates, bank records, passports, personal identification and travel documents, education and health certificates).
- D.1.3 Women and men should be treated equally when documents of any kind are issued. Women should be issued documentation in their own names.
- D.1.4 Unaccompanied and orphaned children should be issued documentation in their own names.
- D.1.5 Loss of personal documentation should not be used: (a) to justify the denial of essential food and relief services; (b) to prevent individuals from travelling to safe areas or from returning to their homes; or (c) to impede their access to employment opportunities.
- D.1.6 Loss of documents proving land tenure and ownership should not be used to impede property rights (see C.2).

Operational Steps

Official documents are often destroyed or lost in disasters. This can create great difficulties for individuals and their families in a situation where they depend on contact with and support from authorities much more than usual.

The following Operational Steps are recommended:

- Encourage local authorities (government officials, law enforcement agents, schools and health workers) to adopt a flexible approach to documentation in the immediate aftermath of a disaster before new documents can be issued.
- Ensure that systems to facilitate the speedy replacement or renewal of lost and damaged documentation are put in place and provide additional personnel, equipment, transport and logistical and financial support to competent authorities in this regard.

- Conduct an intensive information campaign to inform affected communities about the procedures for replacement and renewal of personal documentation. Use a variety of methods to disseminate information including loudspeaker announcements, leaflets, posters, TV and radio broadcasts, newspaper advertisements, camp and community meetings, and cultural performances.
- Ensure that women and marginalized communities -- e.g. certain indigenous groups, ethnic or religious minorities -- have full access to information and procedures relating to the replacement of documentation.
- Ensure that replacement documentation, including land and property title deeds, can be issued in women's names.

D.2 FREE MOVEMENT AND RETURN

Guidelines

- D.2.1 In accordance with their right to freedom of movement, persons displaced by natural disaster should be provided with the information necessary to exercise their right to decide freely where they want to live — whether they want to return to their homes, to integrate where they are staying during their displacement or to resettle to another part of the country.
- D.2.2 Appropriate measures should be taken as soon as possible to establish conditions conducive to sustainable return in safety and dignity. Conditions are considered sustainable if:
- (i) people feel safe and secure, free from harassment and intimidation, as well as from unmitigated risks of further calamitous effects produced by natural hazards;
 - (ii) people have been able to repossess their properties or homes, and these have been adequately reconstructed or rehabilitated;
 - (iii) people can return to their lives as normally as possible, with access to services, schools, livelihoods, employment, markets, places of worship etc. without discrimination.
- D.2.3 Appropriate measures should be taken to provide the means to enable persons displaced by the disaster to return to their homes or places of habitual residence, or to remain or to resettle voluntarily in another part of the country.

Operational Steps

Important aspects of the freedom of movement and its possible restrictions — namely camps, evacuations and forced evictions — are discussed above (see Guidelines A.1 and C.2 and accompanying Operational Steps). The following Operational Steps relate primarily to the right of those affected by disasters to decide for themselves whether they want to return to their homes or start a new life in another part of their country:

- Ensure that information is easily accessible to those displaced by disasters about options regarding return, local integration at the place of displacement or settlement in another part of the country. To this end, encourage the establishment of comprehensive public information campaigns on return, local integration elsewhere and available relocation options. Provide communities with full, free and impartial information through a variety of grass roots communication strategies, as well as individual counselling.
- Establish mechanisms (media reports, database, information centres etc.) to provide those displaced by disasters with information about the conditions at the place of their former homes so that they can make informed choices.
- Encourage the authorities to make their zoning and rebuilding plans known, as well as to hold their planning commission meetings publicly.
- Organize “go and see” visits for displaced persons, including those being required to resettle elsewhere.
- Ensure that all government and law enforcement officials at the national, district and village level know that return, local integration and relocation of displaced and affected communities should be voluntary.
- To enable the displaced and affected communities to return, relocate or integrate locally under conditions of sustainability, safety and dignity, ensure that:
 - Sites for return, relocation or local integration are assessed as stable and safe by the competent authorities;
 - New constructions are culturally acceptable and meet building safety codes and international standards on adequate housing;
 - Sites for return, relocation and local integration have safe and ready

- access to all basic services, as well as to employment and appropriate livelihood opportunities and markets;
- Special housing, services and support are provided to groups with particular needs;
 - All sectors of the community—including women, children and youth, the elderly, persons with disabilities, persons living with HIV/ AIDS and social and ethnic minority groups—are fully involved and able to participate in the planning and management of return, resettlement and reintegration operations. This may entail holding separate meetings and discussions with members of these groups.
- Provide displaced persons who want to return to their homes with transportation, if they cannot afford it themselves, and with the necessary material support (food rations, tools, repair kits, etc.) to bridge the period immediately after return.
 - Assist the authorities in removing legal and administrative obstacles that hinder local integration or settlement in other parts of the country.
 - Intervene and engage in advocacy on behalf of the persons concerned if those affected by disasters are forced to return to or settle in any place where their life, safety, liberty and/or health would be at risk.
 - Monitor post-disaster relocation or resettlement schemes closely to ensure that they are not used as an excuse to clear areas of populations in order to further broader political, military or economic ends. Ensure that international standards relating to forced displacement (see Guidelines A.1.2 and A.1.3 above) are closely followed during relocation or integration operations.

D.3 FAMILY LIFE AND MISSING OR DEAD RELATIVES

Guidelines

- D.3.1 Members of displaced families who wish to remain together should be allowed and assisted to do so during the emergency phase and in the context of return or resettlement.
- D.3.2 Appropriate measures should be taken as early and as quickly as possible to re-establish contacts between members of families that have been separated in the course of the disaster, and to reunite them without delay, particularly when children are involved.

- D.3.3 Separated and unaccompanied children should be assisted in accordance with the best interests of the child. The best interest should be interpreted to include taking into account the child's relationship with extended family, including grandparents, aunts, uncles, and cousins, who may not have formal custody of the child. In particular, the placing of children in institutions should be avoided whenever possible.
- D.3.4 Appropriate measures should be taken to establish the fate and whereabouts of missing relatives and to inform the next of kin on the progress of the investigation and results obtained.
- D.3.5 Appropriate measures should be taken to collect and identify the mortal remains of those deceased, to prevent their despoliation or mutilation, and to facilitate the return of the remains to the next of kin. If remains cannot be returned—for example, when the next of kin cannot be identified or contacted—they must be disposed of respectfully and in a manner which will help their future recovery and identification.
- D.3.6 Cremation of unidentified bodies should be avoided. Instead, they should be stored or buried temporarily, pending future identification and return to families.
- D.3.7 All burials should be conducted in a manner that respects the dignity and privacy of the dead and of their living family members. Measures should allow for the possibility of recovery of the human remains for future identification and reburial if required. Local religious and cultural practices and beliefs should be taken into account.
- D.3.8 Measures should be taken to protect funerary sites and monuments from desecration or disturbance.
- D.3.9 Family members should be fully informed about the location of gravesites, and have full access to them. They should be given the opportunity to erect memorials and conduct religious ceremonies as needed.
- D.3.10 Family members should have the opportunity to recover the remains of their dead for further forensic investigations and to dispose of them according to their own religious and cultural beliefs and practices.

Operational Steps

Part of post-disaster stress management is to address the need of affected

families, whether or not displaced, to know about the fate of missing or dead relatives.

The following operational steps are recommended:

Family reunification

- Provide for families who have been separated because of a disaster and subsequent displacement, the possibility to re-establish family links via all available means and as soon as possible.
- Ensure that families can stay together during the transfer of displaced persons into temporary camps, transitional relocation sites or permanent housing.
- Ensure that rapid family tracing and reunification procedures are initiated from the onset of the emergency.
- Ensure that a comprehensive census or registration exercise is conducted to determine the exact numbers, age and gender of missing persons or of persons who are looking for missing relatives or friends in the disaster.
- Collate all available photographic and video records to assist families who are searching for missing relatives. Identify a lead agency or organisation responsible for family tracing and reunification. In most instances this would be the International Committee of the Red Cross (ICRC) or national Red Cross, Red Crescent or Red Crystal societies.
- Promote coordination with the lead agency and devise systems for transmitting copies of registration details and tracing requests to the lead agency or organisation.
- Use a wide variety of public communication strategies to disseminate information about separated family members. These could include: posting photos on bulletin boards; camp and community meetings; TV and radio broadcasts and newspaper advertisements; and preparing tracing bulletins or leaflets with photos of family members for wide circulation.
- Use a wide variety of tracing methods. In addition to the above strategies, these may include: interviewing adults who have lost children; taking children to locations they have described; and organizing family messaging services.
- Once family members have been identified, ensure that the reunification of families occurs as smoothly and efficiently as possible, and if

necessary, provide assistance to ensure reunification to the extent desired by the family. Avoid unnecessary bureaucratic delays and obstacles. In the case of children, ensure that family relationships are valid and that the child and family members have given their consent before proceeding with reunification.

- Provide social work and material support to reunified families as necessary, as well as to family members that are still separated.

Separated or unaccompanied children

- In the immediate aftermath of the disaster, conduct rapid surveys to identify the number of separated and unaccompanied children and to assess existing care arrangements. Include details about unaccompanied and separated children in registration exercises.
- Initiate rapid family tracing and reunification procedures from the onset of the emergency to reunite separated and unaccompanied children with family members.
- Where no surviving family members can be traced, arrangements should be made for separated and unaccompanied children to be cared for by friends or neighbours from their own community.
- Support national legal or administrative procedures to formalize foster care arrangements within the community and to provide additional material, financial and social support to foster care families. All foster care arrangements should be in the child's best interests. Children should be kept fully informed about foster care arrangements and their opinions should be taken into consideration. Every effort should be taken to keep siblings together when arranging for foster care.
- Ensure that the foster care arrangements are closely reviewed and monitored so that separated and unaccompanied children are well cared for and protected from all kinds of physical, psychological and sexual abuse and exploitation. Immediate action should be taken to remove children from abusive or exploitative foster care situations and find alternative solutions.
- The placement of separated or unaccompanied children in orphanages or children's homes should be avoided. If necessary, such placement should only be used as a temporary measure, while more sustainable community-based solutions are sought, or as a matter of

last resort when all other options have been exhausted. Where children are placed in institutional care, the centres should be small and child friendly.

- Provide separated and unaccompanied children with necessary documentation in their names, including registration, personal identity, health, education and land ownership. Help the authorities to establish quick procedures to issue these documents.
- Ensure that separated and unaccompanied children have equal access to the material, financial and legal assistance to which they are entitled in the aftermath of a disaster. In particular, ensure that separated and unaccompanied children, or their legal guardians, can claim government benefits for dead, missing and injured family members; resettlement and housing allowances; land entitlements and compensation

Identification and disposal of the dead

- Ensure that a comprehensive census or registration exercise is conducted to determine the number, age and gender of people who have died in the disaster.
- Ensure that the bodies are numbered and photographed and details of the deceased are identified or recorded before mass burials or other forms of disposal. In addition to photographs, personal effects and documents of the deceased, methods of forensic human identification are based on matching ante-mortem data (AMD) of the missing with post-mortem data (PMD) obtained from the remains (e.g. fingerprints, dental records, unique medical traits, general physical characteristics, DNA, etc.). Careful and adequate recovery of the remains and associated evidence will facilitate the identification process. If mass graves are used, commingling of bodies should be avoided and the position of each body within the grave should be noted, marked and mapped.
- Ensure that the proper collection and management of ante-mortem data (AMD) is incorporated into the identification process, since AMD of the missing is essential for identifying the dead.
- In the aftermath of a disaster, ensure that public statements are made to dispel unfounded beliefs that cadavers spread diseases in order to avoid the hasty disposal of the dead. Ensure that any official responsible for handling or disposing of the dead know and understand that cadavers should not be hastily buried for this reason.

- For all those involved in mass disposals of bodies, ensure that all measures are taken to identify the locations and provide any information possible about the bodies disposed of.
- In the case of mass graves, carry out a mass public information campaign to inform affected communities about their locations and procedures for identifying the bodies. The information provided should include where to view photographic and other documentation of the dead, where personal effects and documents are being kept, and where forensic examinations are being carried out.
- Help the authorities put in place emergency legal and administrative measures to issue certificates expeditiously, if and when required by grieving relatives, to allow families to resolve legal and civil matters related to the disappearance of a relative. This should not undermine the rights of affected families, including the right to dignity, truth and the recovery of the remains of their loved ones if ever found.
- Assist national and local authorities with the technical expertise, personnel, funding, tools and technology required to carry out detailed forensic investigations to recover and identify the dead, including the collection of ante-mortem data (AMD).

D.4 EXPRESSION, ASSEMBLY, ASSOCIATION, AND RELIGION

Guidelines

- D.4.1 Mechanisms should be established to enable communities to give feedback and raise complaints or grievances on the disaster relief, recovery and reconstruction response. Efforts should be made to ensure that women and persons with special needs -- e.g. children, older persons, persons with disabilities, single-headed households, and members of religious and ethnic minority groups or indigenous peoples -- are specially consulted and can participate in all aspects of the disaster response. Persons affected by the natural disaster should be protected against adverse reaction for exchanging information or expressing their opinions and concerns regarding the disaster relief, recovery and reconstruction efforts. Opportunity should be provided for affected persons to conduct peaceful assemblies or to form associations for this purpose.

- D.4.2 Religious traditions should be respected, as appropriate, when plan-

ning and implementing humanitarian assistance, in particular in the context of food assistance, health care services, and living and sanitary arrangements.

- D.4.3 Opportunity should be provided for the exercise of religious faith in a manner that respects the rights and beliefs of others and does not incite discrimination, hostility or violence.

Operational Steps

The freedoms of expression, assembly and association are important aspects of the right of affected populations to be consulted and to participate in decisions vital to them. Freedom of thought, religion and belief may be affected in disaster situations if relief efforts are undertaken without sufficient respect for the religious traditions of affected communities.

The following steps are recommended:

- Devise mechanisms to enable displaced and affected communities to voice their concerns and opinions regarding the relief and recovery effort and make sure that the necessary resources are provided. In particular, ensure that the views of women, children and youth and those of marginalized or minority groups can be expressed and acted upon.
- Ensure that individuals are able to voice their complaints or concerns freely without interference, retribution or punishment.
- Ensure that affected communities enjoy unimpeded rights to form and participate in community organisations (e.g. tenant or trade associations).
- Establish mechanisms to monitor, to report on and to investigate incidents where the rights of individuals to freedom of thought, expression and assembly are curtailed and where individuals are punished or ill-treated for the exercise of these fundamental rights. Ensure appropriate action by law enforcement bodies in such cases.
- Locate temporary camps, relocation sites, and permanent settlements for communities displaced by the disaster within close proximity of existing religious, cultural and community buildings. Where such facilities do not exist, include them in site plans for temporary camps and permanent settlements.
- Ensure the protection of existing religious and cultural sites, especially

- those of indigenous, ethnic or religious minorities.
- In all disaster recovery programmes, include the reconstruction and repair of damaged or destroyed religious, cultural and community facilities.

D.5 ELECTORAL RIGHTS

Guidelines

- D.5.1 Measures should be taken to ensure that persons affected by the natural disaster can exercise their right to vote in elections and to be elected, in particular if they have been displaced. Such measures may include voter registration and arrangements for absentee voting.

Operational Steps

The issue of voting and electoral rights, particularly affecting internally displaced persons, is often neglected. If elections are held in a country or the regions affected by the disaster before reconstruction has been completed, the following steps should be taken:

- Ensure that opportunities for voter registration and voting are provided to those affected by natural disasters, whether or not displaced. This may include the use of mobile registration teams and mobile polling stations.
- Ensure that those displaced by the disaster can participate in elections, either by using procedures for absentee voting or by allowing them to register as voters at the place where they temporarily reside.
- Ensure that the internally displaced who wish to do so can run for office and participate in election campaigns.

| PART III |

PROTECTION OF SPECIFIC GROUPS OF PERSONS

Certain groups of people are particularly vulnerable in the event of a disaster. The specific human rights concerns these groups may face, and some of the practical steps that can be taken to protect them, have been systematically integrated into the Guidelines. This section looks specifically at women, children and adolescents, the elderly, persons with disabilities, persons living with HIV/AIDS, single parent households, ethnic minority groups and indigenous peoples.

Since the human rights protection specific to these categories of people are already dealt with in Part II of this Manual, this section provides, for ease of reference, a checklist of specific issues to look at when working with these groups. It is not intended to be exhaustive. Humanitarian aid agencies should also refer to already existing policies and guidelines when providing disaster relief, in particular to the general guidelines set out in Parts I and II.

In order to be able to meet the needs of these specific groups, it is important to ensure that a detailed census of the affected people is carried out as soon as possible in the relief effort. Only detailed disaggregated data -- providing information on the gender, age, morbidity profile, ethnic composition, and needs profile (including nutrition, health, and the search for missing family members) -- will enable the humanitarian agencies and organisations to respond to the human rights protection challenges of the rights holders. These community profiles can be used subsequently as planning tools during the emergency response and recovery phases. Furthermore, they not only help assess the full impact of the disaster within the community as a whole, but also help to gauge its effects on different sectors of the community.

1. Internally displaced persons

Disasters often force persons to flee or leave their homes either because of the nature of the disasters (e.g. erupting volcanoes, floods), or because the destruction is such that life is no longer possible at the place of habitual res-

idence (e.g. earthquakes). In other situations, humanitarian assistance cannot reach victims, so they have to move to areas where such help is provided or accessible.

The Guiding Principles on Internal Displacement state that internally displaced persons (IDPs) can be “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence [...] as a result of or in order to avoid the effects of [...] natural or human-made disasters, and who have not crossed an internationally recognized State border”. Thus, the Guiding Principles fully apply to IDPs not only in situations of armed conflict but also in cases of disasters. These Principles reflect the fact that IDPs remain residents and citizens of their country and as such are entitled to same rights as the non-displaced part of the population.

Experience shows that among the victims of disasters, the displaced who face particular risks. They may experience such problems as unequal access to assistance, discrimination in aid provision, increased sexual and gender-based violence or loss of documentation and difficulties in replacing them. They are confronted with issues of safe and voluntary return or local integration or settlement to another part of the country, and with difficulties in retrieving property they have left behind. As a consequence, they may need specific protection.

Cross-references:

Introduction:

Glossary

Part I:

- Non-discrimination
- Consultation

Part II:

Guidelines:

A.1.2 – 1.7: Freedom of movement, Evacuation and Return

A.2: Protection against negative impacts of natural hazards

A.4: Camp security

B.1.1: Access to goods and services

- B.2.1: Adequate provision of goods and services without discrimination
- B.2.7: Prevention of contagious and infectious diseases
- C.1.1: Facilitating re-schooling of children
- C.2.1: Protection of property left behind
- C.2.2: Temporary allocation of property to the displaced
- C.2.3: Return of displaced persons to their property and possessions
- C.2.8: Protection against illegal attempts to deprive property and possessions
- C.2.10: Guarantees in cases of evictions
- C.4.3: Need for access to livelihoods when planning temporary or permanent housing
- D.2.1: Information on IDPs' freedom of movement
- D.2.3: Right to return, remain or resettle within the country
- D.3.1: Right to stay together as a family unit
- D.3.2: Right to family reunification
- D.5: Electoral rights

Operational Steps:

A.1; A.4; A.5; B.1; B.2; C.1; C.2; D.2; D.3; D.5

Further resources:

- Guiding Principles on Internal Displacement
- IASC Policy on the Protection of Internally Displaced Persons
- IASC Policy Package on Internal Displacement: Implementing the Collaborative Response to Situations of Internal Displacement

2. Women

Women play an important role in disaster prevention, response and recovery. In some instances, women may be disproportionately affected by the disaster – suffering higher numbers of deaths and injuries than men. This is especially the case where women may not have the physical strength or skills to withstand the force of the disaster. In other instances, women survive the disaster but may lose husbands and male partners and are left as single heads of household.

Women's marginalized status in many societies, coupled with discriminatory laws and policies, can mean that they face particular barriers in obtaining the assistance, support, land, property and assets to which they are entitled. Moreover, in the aftermath of a disaster, the breakdown of family support structures, inadequate housing and a lack of community support may expose women to greater physical insecurity, including rape, sexual and gender-based violence, forced prostitution and trafficking. Ensuring women's equal access to assistance and protecting them against threats to their physical security should be central to the emergency response and recovery efforts. Special efforts need to be made to include women, especially female heads of households, in any registration or census exercise following a disaster. It is also essential to ensure that they receive registration documents in their name, which will entitle them to the assistance they need.

Women have a critical strategic role to play in responding to disasters. In many communities, women are responsible for managing local resources and household coping mechanisms. They are often closely attuned to changes in the environment and natural hazards and have developed a wealth of local knowledge and a diversity of strategies for survival during adverse circumstances.

Similarly, in many societies, women assume primary responsibility for caring for and managing households. Women have responsibility for obtaining fuel and water, feeding their families, caring for them when they are sick and ensuring their general health and well-being. It is critically important, therefore, that women be centrally involved in the planning and implementation of all stages of the disaster emergency response and recovery and that they have a meaningful ability to participate at all stages of planning. Failure to consult fully with or involve women in the established processes can mean that assistance programmes are inappropriate and inefficient and do not adequately meet the needs of the community.

Humanitarian agencies and organisations need to address the specific social, economic and legal protection needs of women, especially those who are single and women heads of household, in all relief, recovery and rehabilitation efforts. If humanitarian agencies are creative in their approach, re-building after a disaster may provide the opportunity to improve women's living conditions and raise their social, economic and legal status in society.

Cross-references:

Part I:

- Non-discrimination
- Consultations

Part II:

Guidelines:

A.3.2: Establishment of mechanisms addressing violence and other human rights violations

A.3.3: Protection against trafficking, forced labour and contemporary forms of slavery

A.4.2: Camp security

B.2.1: Adequate provision of goods and services without discrimination

B.2.5: Special attention to health needs of women

B.2.6: Psycho-social care for victims of sexual abuse

C.1.3: Equal participation in education

C.2.6: Specific arrangements to help women to (re-)claim their property rights

C.2.8: Protection against illegal attempts to deprive property and possessions

C.3.3: Consultation and participation in planning and implementation of housing programmes

D.1.3: Equal treatment in documentation

D.4.1: Consultation and participation in disaster response

Operational Steps:

A.3; A.4; B.1; B.2; C.1; C.2; C.4; D.1 ; D.1; D.2; D.4

Further resources:

- IASC Guidelines for Gender-Based Violence Interventions in Humanitarian Settings
- UNHCR Guidelines on Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response (SGBV guidelines)
- Clinical Management of Rape Survivors: Developing Protocols for Use

- with Refugees and Internally Displaced Persons (Clinical Management of Rape Protocols)
- Guidelines for the Management of Sexually Transmitted Infections

3. Children and adolescents

Children are often more affected by disasters than adults. They suffer higher numbers of deaths and injuries than other sectors of the population, often because of their lack of physical strength and their inability to withstand the force of the disaster.

As with armed conflicts, the impact of disasters on children can be profound and long lasting. Many children experience the trauma of witnessing family members, friends and neighbours injured or killed during the disaster. They may be separated from their parents and other family members as a result. Some children lose one or both parents during disasters and are left with no surviving family members. The psychological scars from surviving disasters can have long-term effects on children.

Creating a positive environment for children makes it easier to restore a sense of normalcy to their lives. It is important to adopt a child-friendly approach to programming in the aftermath of a disaster that promotes children's rights and takes into account their views and concerns. Thus, children's and adolescents' active participation in decisions that affect their lives and in planning and implementing of relevant programmes and activities is to be ensured. Not only will participation have a positive effect on their mental well-being and help them to regain control over their lives, it is also an effective protection strategy.

Rapid surveys in the immediate aftermath of the disaster shall be conducted to identify the number of separated and unaccompanied children and to assess existing care arrangements. In particular, details about unaccompanied and separated children shall be included in registration exercises. Special efforts need to be made to include children who are heads of households in any registration or census exercise following a disaster. This will ensure that these children receive registration documents in their name, which will entitle them to the assistance they and the siblings in their care may need.

Children's health and education can be seriously affected by disasters. They are also more vulnerable to disease, ill-health and malnutrition in the aftermath. Education is frequently disrupted by the disaster as school buildings are destroyed or damaged and schools are unable to re-open.

Children's physical security and well-being may also be threatened in disaster. They may face greater risks of physical and sexual abuse and exploitation, military recruitment, child labour, forced prostitution and trafficking because of their increased vulnerability and the social dislocation that frequently follows a disaster.

It is critically important to respond to the specific physical, psycho-social, material, health, education and protection needs of children and adolescents from the onset of an emergency. The needs of children should be integral to each stage of the disaster response. Every effort should be made to ensure child-friendly approaches to disaster relief and recovery. In accordance with international human rights law, children are entitled to special measures of protection above and beyond those provided to adults until they reach the age of 18. The best interests of children should serve as the guide for humanitarian decisions concerning them. At the same time, children and adolescents should not be viewed as helpless victims, but rather as active participants in the disaster response.

Cross-references:

Part I:

- Consultation

Part II:

Guidelines

A.3.3: Protection against trafficking, forced labour and contemporary forms of slavery

A.3.4: Protection against forced recruitment

A.4.2: Camp security, measures to be taken for location and lay-out

B.1.3: Special attention to access to humanitarian assistance

C.1.1: Return to school as soon as possible

C.1.2: Compulsory and free primary school education

C.1.3: Special efforts for participation of girl children in education

- C.2.6:** Specific arrangements to help orphans to (re-)claim their property rights
- D.1.4:** Documentation in the names of unaccompanied or orphaned children
- D.3.2:** Re-establishment of family ties
- D.3.3:** Assistance for separated or unaccompanied children to find families
- D.4.1:** Consultation and participation in disaster response

Operational Steps

A.3; B.1; B.2; C.1; C.2; D.2; D.3; D.3; D.4.

Further resources:

- Inter-agency Guiding Principles on unaccompanied and separated children

4. Older persons:

The lack of accurate data disaggregated by age is one of the greatest impediments to assessing the needs of older people and ensuring their inclusion in camp management, distributions and daily camp life. The lack of precise analysis of their responsibilities is also an impediment and all too often their social support system is not properly mapped or poorly examined to see if it still functions.

This means that specific targeting and inclusion of older people in aid delivery has been very difficult. Although they are accepted as being a vulnerable group, very little is done to meet their specific needs, or to recognise their unique capacities and contributions. Aid delivery must mainstream older people to ensure their specific needs are addressed in the same way as for women and children. This should be both in the provision of basic services as well as for other camp activities. Efforts must be made to include elderly people in camp management or other activities such as literacy projects, life skills, agriculture, etc.

Separation during displacement leaves older people further disadvantaged. They are often unable to displace themselves over large distances or to move as easily from area to area. This often leads to a double burden on older people. They may lose the normal support structures provided by their own children while, at the same time, given the additional burden of caring for

grandchildren when the middle generation moves to other areas to pursue income-generating opportunities. This not only leaves the older people potentially vulnerable but may also have an impact on the development of the children for whom they are caring.

In the case of displacement, all concerned are affected psychologically. Older people specifically have reported how large-scale population movements and "camp life" have eroded their positions of respect and authority. The destruction of communities and loss of assets can leave older people feeling that they are no longer able to make a contribution to their families and communities both economically and culturally.

Older people are vulnerable, but also have a crucial role to play in aid delivery and camp life. To be able to fulfil this role, however, intervening agencies need to have the knowledge and capacity to locate and target older people. This can be achieved effectively through awareness raising of the basic needs and rights of older people, ensuring representation of older people on all camp committees, and promoting the establishment of committees of older persons.

Cross-references:

Part I:

- Non-discrimination
- Consultations

Part II:

Guidelines

A.4.2: Camp security, measures to be taken for location and lay-out

B.1.3: Special attention to access to humanitarian assistance

Operational Steps:

A.3; B.1; B.2.; D.2.

Further resources:

- United Nations Principles for Older Persons
- UNHCR Policy on Older Refugees
- HelpAge International, <http://www.helpage.org/Resources>

5. Persons with disabilities

People with disabilities are often less able to flee for safety in the event of a disaster. They are therefore likely to be disproportionately represented among the casualties of disasters. Since disasters can result in numerous physical threats to the health of people still occupying a region when they occur, the number of people living with disabilities may rise as a result of the disaster itself. The WHO estimates that following a disaster, five to seven per cent of people in camps or temporary shelters have a disability. As a result of the December 2004 tsunami, for example, the World Bank estimated a 20 per cent increase in the number of people with disabilities. In addition, one third to half of all people affected by disasters suffer from mental distress. Evidence from emergencies shows that people with disabilities suffer particularly high rates of mortality. These can be due to several factors, including that:

- people with physical and mental disabilities are often not included in emergency registration systems and therefore fail to receive their basic entitlements to food, water, shelter and clothing; their specific needs are not met;
- people with physical and mental disabilities are often excluded from the disaster response because of lack of access due to loss of family and community support, and of mobility and supportive aids.

Efforts should be made to integrate the needs, views and perspectives of people with these disabilities into each stage of the emergency relief, recovery and reconstruction phases of the disaster response. Efforts should also be made to protect these people against discrimination, and physical and emotional abuse. The identification and location of people with physical and mental disabilities is part of the emergency registration activity; it also helps verify that these people receive their basic entitlements. It is important to ensure that disability considerations are included in post-disaster reconstruction and rehabilitation and that housing, public buildings and community facilities are accessible to persons with disabilities.

In order to ensure that the concerns of persons with disabilities are fully integrated into the disaster response, it is important to educate and raise awareness among local government and law enforcement officials and humanitarian workers regarding the rights and needs of people with disabilities.

Cross-references:

Part I:

- Non-discrimination
- Consultations

Part II:

Guidelines

- A.4.2:** Camp security, measures to be taken for location and lay-out
B.1.3: Special attention to access to humanitarian assistance
B.2.1: Adequate provision of goods and services without discrimination
C.3.3: Consultation and participation in planning and implementation of housing programmes
C.4.2: Sources of livelihood
D.4.1: Consultation and participation in disaster response

Operational Steps:

- A.3; B.1; B.2; C.1; C.4; D.2**

Further resources:

- Declaration on the Rights of Mentally Retarded Persons
- Declaration on the Rights of Disabled Persons
- Convention on the Rights of Persons with Disabilities

6. Persons living with HIV/AIDS

At the end of 2004, there were an estimated 40 million people living with HIV/AIDS worldwide. Disasters can increase people's vulnerability to HIV/AIDS. On the one hand, the social fragmentation, instability and poverty that accompany a disaster can increase the prevalence of HIV infection within affected communities. A disaster may lead to the breakdown of social norms and social cohesion, increased exposure to sexual violence and exploitation, and severe impoverishment that leads women and children to exchange sex for food and assistance.

On the other hand, people already living with HIV/AIDS may be more vulnerable during times of disaster. Some may lack the physical strength and mobility to survive a disaster, or they may suffer serious injuries. In the aftermath

of a disaster, people living with HIV/AIDS may need access to specialized medical care, nutrition, shelter, social services and community support that is not immediately available. People living with HIV/AIDS are more likely to suffer from disease and death as a result of the emergency if they lack access to adequate food, clean water, good hygiene and medical care. A breakdown in communication systems — e.g. schools and other educational facilities, the media and community-based organisations — following a natural disaster may also impede HIV/AIDS prevention programmes.

If HIV/AIDS is not addressed in the early stages of the emergency there will be serious long-term consequences. Infection rates are likely to increase. Persons living with HIV/AIDS will not receive the care and support they require. An integrated, multi-sectoral approach to HIV/AIDS is required from the onset of an emergency in order to avoid these problems. In registration exercises at the beginning of the emergency, include information about existing HIV/AIDS infection rates. Identify and locate people living with HIV/AIDS during the emergency registration activities. Ensure that people living with HIV/AIDS receive registration cards and their basic entitlements. At the same time, protect their confidentiality and safety.

Cross-references:

Part I:

- Non-discrimination
- Consultations

Part II:

Guidelines

[B.2.7: Prevention of contagious and infectious diseases\)](#)

Operational Steps

[A.3; B.1; B.2; C.1; C.4.; D.2](#)

Further resources

- IASC Guidelines for HIV/AIDS Interventions in Emergency Settings

7. Single parent households

A common phenomenon in the aftermath of a disaster is the large number of both women and men who are left as single parents with responsibility for caring alone for their children and extended families. Single parents may need special support, guidance and assistance in coping with their responsibilities of caring for children and elderly or other dependent family members alongside the grief associated with loss. Men and women may face different difficulties in adjusting to their new roles as family providers and caregivers. Women may be more likely to face considerable bureaucratic and legal obstacles in gaining access to the financial and material assistance, documentation, land title, property and compensation to which they are entitled following the death of their husbands. They may also face obstacles gaining access to employment. Single women heads of household also frequently face threats to their physical security and well-being, including rape, sexual abuse and exploitation. Women who have not previously been primary caregiver may face practical, social and psychological difficulties in adapting to their new role.

Men who have not previously been primary caregivers may also face practical, social and psychological difficulties in adapting to their new role. Men may also need support in finding alternative employment, or re-training opportunities, in order to accommodate their family responsibilities.

A common problem in the aftermath of a disaster is substance abuse, especially among heads of household who are trying to cope on their own and are struggling with the loss of family members and the disintegration of their family and community support structures. Not only can valuable family income and benefits be wasted on the purchase of intoxicating substances; their abuse can also lead to an increase in domestic and sexual violence within the home and community.

It is advisable to give particular support to single parent households or to people with new childcare responsibilities. Monitoring their progress in the aftermath of a disaster will help to ensure that they are coping with and adjusting to their new roles and responsibilities.

Cross-references:

Part I:

- Non-discrimination
- Consultations

Part II:

Guidelines

A.4.2: Camp security, measures to be taken for location and lay-out

B.1.3: Special attention to access to humanitarian assistance

D.4.1: Consultation and participation in disaster response

Operational Steps from Sections:

A.3; B.1; B.2; C.4

8. Ethnic and religious minority groups, and indigenous peoples

The non-discrimination provisions in the Guidelines above will help to ensure that disaster relief, recovery and reconstruction efforts do not discriminate against particular groups on the basis of their race, caste, ethnicity, religion or political opinion. It is equally important to ensure that the specific needs, concerns, knowledge and skills of members of these groups are addressed in the planning and implementation of disaster prevention, relief and recovery programmes. This can be achieved by actively consulting with and including the perspectives of ethnic or religious minorities and indigenous groups in the planning, design and implementation of disaster prevention and risk management schemes. It is important, in this process, to recognize and promote indigenous knowledge and traditional practice to offset the negative effects of natural hazards and to devise methods of early warning and disaster risk management.

Particular attention should be paid to the special relationship that many ethnic or religious minorities and indigenous groups have with the land and environment around them. Indigenous peoples and ethnic minorities may also have traditional ownership claims to the land and seashore. These should be

respected when assessing land rights claims, providing compensation for land and property that has been lost or damaged and when planning the reconstruction and rehabilitation of affected areas. Traditional public access and uses of the land and shoreline should be taken into account.

Attention must also be paid to the right of members of ethnic or religious minorities, and indigenous peoples, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. While disasters may disrupt the traditional lifestyles of these peoples, disaster response measures should be sensitive to their culture, traditions and beliefs. Their religious and cultural sites should be protected.

Cross-references:

Part I:

- Non-discrimination
- Consultations

Part II:

Guidelines

A.4.2: Camp security, measures to be taken for location and lay-out

B.1.3: Special attention to access to humanitarian assistance

C.2.7: Special arrangements to recognize and formalize traditional land claims

C.2.8: Protection against illegal attempts to deprive property and possessions

D.4.1: Consultation and participation in disaster response

Operational Steps from Sections:

A.3; B.2; C.2; D.2; D.4

Further resources:

- Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities
- ILO Convention 169 on Indigenous and Tribal Peoples
- United Nations Declaration on the Rights of Indigenous Peoples

| ANNEX I |

REFERENCES TO CODES OF CONDUCT, GUIDELINES AND MANUALS

- Clinical Management of Rape Survivors: Developing Protocols for Use with Refugees and Internally Displaced Persons. Revised edition, WHO/UNHCHR 2005.
- Declaration on the Rights of Disabled Persons, GA Resolution 3447 (XXX) of 9 December 1975.
- Declaration on the Rights of Indigenous Peoples, GA Resolution 61/295 of 13 September 2009.
- Declaration on the Rights of Mentally Retarded Persons, GA Resolution 2856 (XXVI) of 20 December 1971.
- Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, GA Resolution 47/135 of 18 December 1992.
- Guidelines for the Management of Sexually Transmitted Infections, WHO 2003.
- Guiding Principles on Internal Displacement, 1998, UN Doc. E.CN.4/1998/53/Add.2 of 11 February 1998.
- IASC Guidelines for HIV/AIDS Interventions in Emergency Settings, 2003.
- IASC Guidelines for Gender-Based Violence Intervention in Humanitarian Settings, 2005.
- IASC Policy Package on Internal Displacement: Implementing the Collaborative Response to Situations of Internal Displacement, Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams, 2004.
- IASC Policy on the Protection of Internally Displaced Persons, 2000.
- IFRC Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, 1992.

- ILO Convention 169 on Indigenous and Tribal Peoples, 1989.
- INEE Minimum Standards for Education in Emergencies, 2004.
- Inter-agency Guiding Principles on unaccompanied and separated children, 2004.
- Paris Principles: Principles relating to the status and functioning of national institutions for protection and promotion of human rights, UN Doc. A/Res/48/134 of 20 December 1993.
- Sphere Project – Humanitarian Charter and Minimum Standards in Disaster Response, Geneva 2004.
- UNHCR Guidelines on Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response, 2003.
- UNHCR Policy on Older Refugees.
- United Nations Principles for Older Persons, GA Resolution 46/91 of 16 December 1991.

| ANNEX II |

COMPILED LIST OF THE OPERATIONAL GUIDELINES AND REFERENCE TO THE SPHERE PROJECT³⁸

As the table below shows, there are some discrepancies between the scope of the Operational Guidelines and the Sphere Project. The Sphere Project covers five key sectors, which are water supply and sanitation, nutrition, food aid, shelter, and health services, and provide in these areas detailed minimal standards and key indicators of a rather technical nature. The Operational Guidelines are broader in coverage, but do not provide such detailed technical indicators. The two projects, however, should be seen as complementary and not mutually exclusive. This table is not supposed to be final, but remains a work in progress.

	Operational Guidelines	Sphere Project
Access	A.5.1 B.1.1; B.1.3; B.2.5 C.2.2; C.2.4; C.2.5; C.2.9; C.2.11; C.3.2; C.4.3 D.1.1; D.1.5; D.2.2; D.3.9	Common standard 4 Water supply 1 Excreta disposal 1 Food Security 1, 4 Nutrition support 1, 2 Food aid management 3 Shelter and settlement 1, 2, 4 Non-food item 1, 2, 3, 4, 5 Health systems and infrastructure 1, 3, 4, 5 Control of communicable diseases 1, 3, 6 Control of non-communicable diseases 1,2, 3, 4
Adequacy	B.2.1 C.3.1; C.3.2	Water supply 1, 2 Food Security 1 Food Aid Planning 2, 3 Non-food item 1, 2, 3

³⁸ The Sphere Project, Humanitarian Charter and Minimum Standards in Disaster Response, 2004 Edition, Geneva 2004

	Operational Guidelines	Sphere Project
Assistance	A.4.1 B.1.2; B.1.3; B.1.4; B.1.5; B.1.6 D.3.1; D.3.3; D.4.2	Common standard 3, 4
Camp security/ safety	A.4.2; A.4.5; A.4.6	Shelter and settlement 1, 2
Child recruitment	A.3.4	
Clothing	B.2.1; B.2.2; B.2.3; B.2.5	Non-food item 1
Consultation	C.2.10; C.3.3 D.4.1	Food Security 1 Food Aid Planning 2 Food aid management 3 Control of non-communicable diseases 3
Coordination/ Cooperation	B.1.6	Common standard 3 Food aid management 2 Health systems and infrastructure 1, 2, 3, 6 Control of communicable diseases 1 Control of non-communicable diseases 2
Data-collection		Health systems and infrastructure 6 Control of communicable diseases 5
Diseases (incl. HIV/AIDS)	B.2.7	Hygiene Promotion 1 Water supply 2 Excreta disposal 1, 2 Vector control 1, 2, 3 Drainage 1 Assessment and analysis 2 (nutrition) Malnutrition 1, 2 Food aid management 1 Shelter and settlement 4 Non-food item 5 Health systems and infrastructure 1, 2, 3, 4, 5, 6 Control of communicable diseases 1, 2, 3, 4, 5, 6 Control of non-communicable diseases 1, 2, 4

	Operational Guidelines	Sphere Project
Documentation	C.2.4; C.2.6 D.1.1; D.1.2; D.1.3; D.1.4; D.1.5; D.1.6	
Economic opportunities/ Livelihood	C.4.1; C.4.2; C.4.3 D.1.5; D.2.2	Food Security 1, 3 Shelter and settlement 1, 3
Education	C.1.1; C.1.2; C.1.3; C.2.3 D.2.2	Control of non-communicable diseases 3
Electoral rights	D.5.1	
Evacuation	A.1.2; A.1.3; A.1.8 C.2.11 D.3.1	
Evaluation		Common standard 6 Food Security 1, 2 Food aid management 3
Eviction	C.2.10; C.2.11	
Family life	D.3.1; D.3.2; D.3.3; D.3.4; D.3.5; D.3.6; D.3.7; D.3.8; D.3.9; D.3.10	Shelter and settlement 2 Control of non-communicable diseases 3
Food/Nutrition	B.2.1; B.2.2; B.2.3 D.1.5; D.4.2	Common standard 1, 2 Vector control 1 Assessment and analysis 1, 2 Food Security 1, 2, 3, 4 Nutrition support 1, 2 Malnutrition 1, 2, 3 Food aid planning 1, 2, 3 Food aid management 1, 2, 3 Non-food item 3, 4 Control of communicable diseases 1
Freedom of movement	A.1.2; A.1.4; A.1.6; A.4.4 C.2.9 D.1.5; D.2.1; D.2.2; D.2.3	

	Operational Guidelines	Sphere Project
Freedom of Assembly, Association and Expression	D.4.1	
Health	B.2.1; B.2.2; B.2.3; B.2.5; B.2.6; B.2.7 C.3.2 D.4.2	Hygiene Promotion 1 Water supply 2 Excreta disposal 1, 2 Vector control 1, 2, 3 Solid waste management 1 Drainage 1 Assessment and analysis 2 (nutrition) Nutrition support 1 Malnutrition 1, 2, 3 Food aid planning 3 Food aid management 1 Shelter and settlement 2, 4 Health systems and infrastructure 1, 2, 3, 4, 5, 6 Control of communicable diseases 1, 2, 3, 4, 5, 6 Control of non-communicable diseases 1, 2, 3, 4
Housing	C.2.6; C.2.11; C.3.1; C.3.2; C.3.3; C.4.3 D.2.2	
Humanitarian Actors	A.1.8 B.1.4; B.1.5; B.1.6 D.1.1	Common standard 7,8 Food aid management 2
Hygiene		Hygiene Promotion 1 Water supply 1,2, 3 Excreta disposal 1, 2 Food aid management 1 Non-food items 2

	Operational Guidelines	Sphere Project
IDP/ Displacement	A.1.5; A.1.6; A.4.1; A.4.2; A.4.3; A.4.4 B.1.1; B.2.7 C.2.1; C.2.2; C.2.3; C.2.8; C.2.9; C.2.11; C.4.3 D.2.1; D.2.3; D.3.1; D.5.1	Vector control 2 Food aid planning 1 Control of non-communicable diseases 3
Information	A.5.1 C.2.10 D.2.1; D.3.4; D.3.9	Common standard 1, 5 Vector control 1, 3 Food security 4 Nutrition support 1 Food aid management 1, 2, 3 Health systems and infrastructure 1 Control of communicable diseases 1 Control of non-communicable diseases 3
Landmines	A.5.1	
Monitoring	A.1.3; A.4.3	Common standard 4, 5 Food security 1, 2 Nutrition support 1 Malnutrition 1 Food aid management 2, 3
Needs assessment Non- Discrimination/ Principle of Equality	B.1.1; B.1.2; B.1.3; B.2.1; B.2.2 B.1.1; B.1.2; B.1.3; B.2.1; B.2.2; B.2.3 C.3.1; C.4.2 D.1.3; D.2.2; D.4.3	Common standard 2, 3, 4 Hygiene Promotion 1 Assessment and analysis standard (food) 1, (nutrition) 2 Food security 1 Food aid management 3 Shelter and settlement 1
Participation	A.4.3 C.3.3 D.4.1	Common standard 4 Food security 1 Common standard 1, 4 Hygiene Promotion 1 Water supply 3 Food aid management 3 Shelter and settlement 4, 5

	Operational Guidelines	Sphere Project
Property	A.1.3 C.2.1; C.2.2; C.2.3; C.2.4; C.2.5; C.2.6; C.2.7; C.2.8; C.2.9; C.2.10; C.2.11 D.1.6; D.2.2	Shelter and settlement 1
Protection of life and integrity/ against violence	A.1.1; A.1.3; A.1.7; A.2.1; A.3.1; A.3.2; A.3.3; A.4.2; A.5.1 D.2.2; D.4.1	Common standard 3
Reconstruction, Recovery and Rehabilitation	A.4.1 B.2.1 C.2.9; C.3.3 D.2.2; D.4.1	Common standard 2
Religion	D.3.7; D.3.9; D.3.10; D.4.2; D.4.3	Control of non-communicable diseases 3
Registration	A.1.3 D.5.1	
Reporting and other (legal) mechanisms and procedures/ Remedies	A.3.2; A.4.3 C.2.2; C.2.4; C.2.5; C.2.6; C.2.7; C.2.9; C.2.10 D.4.1	
Return, Resettlement, (Re-)integration	A.1.6; A.1.7; A.1.8 B.2.1 C.2.3; C.2.9; C.3.3 D.1.5; D.2.1; D.2.2; D.2.3; D.3.1	Shelter and settlement 1
Sanitation	B.2.1; B.2.2; B.2.3 D.4.2	Excreta disposal 1, 2 Drainage 1 Shelter and settlement 1, 2, 4 Control of communicable diseases 1
Sexual and Gender-based Violence	A.3.2; A.3.3 B.2.6	Control of non-communicable diseases 2

	Operational Guidelines	Sphere Project
Shelter	B.2.1; B.2.2; B.2.3; B.2.4 C.3.1	Vector control 1 Drainage 1 Shelter and settlement 1, 2, 3, 4, 5, 6 Non food item 5 Control of communicable diseases 1
Vulnerable groups (special needs and special protection)	A.1.1; A.3.3; A.3.4; A.4.2 B.1.3; B.2.1; B.2.2; B.2.6 C.2.6; C.2.7; C.2.8; C.3.3 D.4.1	Common standard 1, 4 Hygiene promotion 1 Water supply 1 Vector control 1 Food security 1 Nutrition support 2 Food aid management 1 Non-food item 1, 2, 5 Health systems and infrastructure 1
Water	B.2.1; B.2.2; B.2.3;	Water supply 1, 2, 3 Solid Waste Management 1 Drainage 1 Shelter and settlement 1, 2, 4 Non-food item 3 Control of communicable diseases 1