

RISK 15

UNLAWFUL IMPEDIMENTS OR RESTRICTIONS TO FREEDOM OF MOVEMENT, SIEGE AND FORCED DISPLACEMENT



WHAT ACTS OR SITUATIONS CONSTITUTE THE PRESENCE OF THE RISK?

This protection risk refers to all restrictions and barriers to freedom of movement, including situations of isolation, siege, forced displacement and any situation when a person does not have free choice related to movements. All **restrictions to freedom of movement** are unlawful, are subject to strict criteria under human rights law and must be provided for by law, be considered necessary and proportionate to achieve a legitimate aim (such as protect national security or public order, health or morals, or the rights or freedoms of others), and be non-discriminatory and consistent with other human rights. Impediments to freedom of movement in a displacement context can take different forms and relate to harmful conditions of safety and dignity of the population that are not properly prevented, responded or redressed by responsible authorities. **Forced displacement** occurs when individuals and communities 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 events or situations such as armed conflict, generalized violence, human rights abuses, natural or man-made disasters, and/or development projects. It both includes situations where people have fled as well as situations where people have been forcibly removed from their homes, evicted or relocated to another place not of their choosing, whether by State or non-State actors. The defining factor is the absence of will or consent. **Siege** can be understood as the military encirclement of an area with the imposition of restrictions on the entry and exit of essential goods with the aim of forcing its surrender.



WHAT FACTORS MUST BE IDENTIFIED FOR MONITORING?

The monitoring of this protection risk must look at all conditions that are forcing the population to make choices on movement (or lack of) that are harmful to them. The monitoring does not only focus on those cases where the restrictions are unlawful but includes as well all situations when the displacement of population is not protected, safe or secure from harm. It includes looking at barriers related to lack of safety and security stemming from crime, armed conflict, generalized violence or the presence of landmines and unexploded ordnance; lack or loss of identity or travel documents; discrimination on the basis of gender, ethnic origin, political opinion, religion or other status, such as that of being displaced; lack of adequate infrastructure, including damaged roads and bridges, lack of safe and affordable transport, and poor physical condition owing to age, ill-health or disability, can also limit people's ability to travel; general travel restrictions, either legal or administrative, which regulate movement within the country, for instance from rural to urban areas or curfews, restricted traveling hours or days, or strict travel criteria, such as need for specific documentation or travel permits; or targeted travel restrictions, e.g., on movement in and out of camps or settlements for displaced persons. These can include curfews, restrictive traveling hours or days, restrictions on travel distances, strict exit/entry criteria, and documentation requirements



WHAT INFORMATION & DATA CAN ILLUSTRATE THE PRESENCE OF THE RISK?

In order to identify the presence of this protection risk, the core information needed relates to movement of the population, including IDPs, refugees, asylum seekers and migration patterns. This information is often tracked and monitored by UNHCR, IOM, through multi-sector assessments, national or regional mechanisms, UN missions, agency and actors such as ILO, World Bank, WHO, FAO, WFP and others tracking migration patterns for specific areas of need. It is important to triangulate population data with information and data illustrating the presence and the impact of specific drivers, along with existing substantive or intangible barriers imposed by State and non-state actors. Existing multi-sector assessments, research and analysis reports, sector specific studies or monitoring mechanisms, protection monitoring, legal analyses, and response monitoring mechanisms can provide an illustration of fundamental aspects related to movement of population. It is often difficult to draw the line on what constitutes will and consent by persons, and thus the presence of major drivers such as conflict, tensions, insecurity, lack of economic opportunities and livelihood, negative coping mechanisms and others, are sufficient information to illustrate the presence of this risk.