



Protection Cluster Operational Guidance

IDP Return and Response

A. Background

More than three million persons have been internally displaced in Ethiopia countrywide. Protection stakeholders are concerned about the voluntariness of return, including both the free and informed choice components. IDPs have expressed concerns regarding their physical and material safety upon return. This note is intended to provide guidance on returns and provision of assistance in less than optimal conditions with a pragmatic yet principled approach.

B. Principles and Doctrine

For the Protection Cluster, some of the returns that are taking place do not meet the voluntariness standard¹ for the below reasons:

1. All decisions on return must be made via a choice which is both free and informed. A free choice is made in the absence of coercion, including in the absence of threats to revoke assistance. An informed choice is made on the basis of relevant and reliable information, specific to the individual involved. The Protection Cluster is not in a position to conclusively verify that both elements are satisfied in all situations.
2. Ethiopia has a positive protection obligation toward its citizens. State authorities cannot forcibly expose individuals to situations, where their basic human rights may be violated. Further, all Ethiopian nationals have the right to freedom of movement, as per Article 32 of the 1995 Constitution. There is as such no obligation for any individual to return.
3. IDPs must be protected from direct coercion through, among others, physical force, harassment or intimidation, and also indirect coercion, including through the provision of erroneous information, inducements, the denial of basic services, or the closure of IDP sites or collective centres without the provision of an acceptable alternative. Returns that occur because an alternative solution is not available are not voluntary, even if IDPs acquiesce.
4. It is essential to, in consultation with IDPs, provide information on conditions in potential areas of return in order for IDPs to make a voluntary and informed decision on the appropriate solution to their displacement. In addition to the option to voluntarily return to the place of origin in safety and dignity, where conditions allow, the prospects of alternative durable solutions of local integration or relocation should be available. A feedback mechanism for IDPs should be established.
5. Adherence to the principle of freedom of movement and choice of residence is imperative in IDP situations. The government returns should be conducted in a planned and coordinated manner. The involvement of humanitarian and development actors in the government return plans should seek to maintain the voluntary nature of return, the safety and dignity of IDPs, and their full involvement in decision-making.
6. The following key considerations are required to guide the return process:
 - Security: IDPs must be provided with security, dignity and with appropriate information and guarantees of safety and support. These include protection from acts of violence and ill-treatment. There are some general security issues which affect IDPs' freedom of movement and which pose humanitarian and protection risks; however, this should be balanced with the right of IDPs to enjoy freedom of movement.
 - Access: Areas of return should be safely accessible to populations of concern, as well as humanitarian and development actors, and the population's access to basic services and livelihoods without limitations and discrimination must be guaranteed.

¹ Guiding Principle 15 (d) emphasizes that internally displaced persons have the "right to be protected against forcible return to or resettlement in any place in which their life, safety, liberty or health would be at risk". This prohibition is echoed in Article 9 (2) (3) of the Kampala Convention, which Ethiopia has signed but not yet ratified.

- **Full participation and involvement:** IDPs must have full access to relevant and reliable information on the general situation in the community of origin, the mechanisms foreseen to ensure reintegration, and those available to ensure continued assistance. Along with other community members, they should be actively involved as equal partners in all planning and decision making, which affects them. Specific measures must systematically be taken to ensure the full and equal participation, including in leadership structures, of women, youth, children, older persons, persons with disabilities and other groups at constant risk of marginalization. Participation includes the ability for community selected individuals from a displaced population to safely visit areas of potential return and report back to their community.
- **Availability of basic socio-economic services:** IDPs should have access to timely, adequate, and appropriate as per the age, sex, gender of the IDP, to life-saving assistance in the early phases of return. The returns should be a starting point to a sustainable reintegration as one of the three durable solutions. The delivery of basic services is the responsibility of the Government, with support from humanitarian and development partners. IDPs should have access to the same standard of services as the host community in the same area.

C. Practical Approach to be taken by the Protection Cluster

At the current moment, it is highly likely that State authorities will continue with returns, without all aspects of the voluntariness of the return decision being respected. In response, a practical approach is suggested, which maximize the likelihood of safe and dignified movements, is sensitive to the age, sex and gender of the IDPs, as well as provide the basis for informed advocacy with the Government, including by partners.

1. The Protection Cluster will undertake advocacy efforts with the government about the principles and standards of voluntariness, safety, dignity, and sustainability, as well as concerns raised by the international community.
2. The Protection Cluster will go along with the IDPs in the areas of return, in order to provide some form of *protection by presence*, and to mitigate the likelihood of any rights violations. This would be accomplished through monitoring in return locations, and at the points of embarkation, and if feasible, disembarkation. At the same time, the Government should be informed of a readiness by the EHCT to formally express concerns about any movement in which certain benchmarks are crossed. These benchmarks can include, but are not limited to, (1) forcible placement of persons on buses or trucks, (2) forced family separations, (3) withdrawal of humanitarian assistance from persons, who refuse to return. It is noted that scope of the intervention will be limited to the resources available.
3. Humanitarian partners will distribute life-saving assistance to returnees to assist with the initial phase of survival following return. The government and humanitarian actors should not reduce services in an area of displacement when there has been no change in the needs of that population, as this can have the effect of acting as a push factor. It is noted that scope of the intervention will be limited to the resources available.
4. The Protection Cluster will request from the donor community relevant political and diplomatic advocacy support, and a readiness to receive bulletins regarding return conditions as received from monitors coordinated via the Protection Cluster.

D. Protection Response Activities

General Protection

Activities

- Protection risks, human rights violations and gaps in available services (including those that are not appropriate for the age, sex, gender and needs of the population), are identified and addressed through protection monitoring and analysis access to basic services is enhanced through strengthened referral pathways, analysis of barriers for safe access for men, women, boys and girls, and advocacy by protection monitors.
- Provision of information, counselling and technical assistance on legal identity documentation.
- Training on IDP rights to local government authorities, including law enforcement and court authorities.



Recommendations

- The above activities can be carried out in locations of displacement or return, depending on the individual needs of the population.
- Protection monitoring is a critical activity to take place during the return monitoring due to the high risk of human rights violations as well as increasing the vulnerability of individuals, families and communities.
- Regular reports will be compiled at the field level and then shared with the National Protection Cluster for comments and circulation.
- Protection Cluster will support government to ascertain whether conditions are conducive for return, to identify barriers to return and recommendations. Barriers such as HLP issues (damage, destruction, secondary occupation, etc); safety/security concerns and lack of access to basic services have been identified in some areas.

Child Protection

Activities

- Children at risk, including unaccompanied and separated children, are identified and provided case management services as required
- Children are provided with psychosocial support services through various mechanisms including Child Friendly Spaces and educational opportunities.
- Children access structured community-based psychosocial support interventions.
- Caregivers are engaged in activities to promote wellbeing and protection of children.

Recommendations

- The above activities should be carried out in locations of displacement, relocation and/or return as per the needs of children with specific needs.

Gender-Based Violence (GBV)

Activities

- Affected populations and women and adolescent girls in particular, are provided with GBV awareness-raising and risk mitigation activities
- Survivors of GBV, including Sexual Exploitation and Abuse (SEA), are identified and referred for multi-sector response services as required.
- Women and adolescent girls are provided with psychosocial support services through Women Friendly Spaces, and community-based interventions,
- Access to GBV response services enhanced through capacity development of response service providers and providers of humanitarian assistance
- Women, adolescent girls and girls with specific needs, of reproductive age provided with dignity kits.
- Psychological first Aid (PFA) and Protection from SEA orientation trainings provided to ensure safe and ethical referrals for survivors and protection from sexual exploitation and abuse

Recommendations

- The above activities should be carried out in locations of displacement, relocation and/or return as per the needs of persons with specific needs.



Housing, Land and Property (HLP)

Activities

- Provision of information, counselling and technical assistance on housing, land and property (HLP) rights.

Recommendation

- Humanitarian actors should conduct due diligence before implementing activities that require assumptions about, or may have future implications on, the ownership of land and property (including the reconstruction and/or rehabilitation of shelter). Due diligence should include, at a minimum, examining any documents that the person claiming ownership may have, as well as social confirmation practices to support or verify claims of ownership. It is essential that individuals of multiple ethnicities and ages participate in any social confirmation practices.
- Humanitarian actors should bear in mind that land use documents were not available to all individuals prior to the conflict, may not reflect unofficial 'sales' transactions, and that many of these documents have been destroyed; social confirmation practices are therefore also important when assessing ownership claims.
- Prior to providing assistance, humanitarian actors should try to understand how housing/land in a particular community has been allocated to IDPs and under what terms. Practices vary widely across Ethiopia and so it is thus important to make this inquiry at the kebele level.

Site Management Support (SMS)

Activities

- Community services to establish and support community governance structures, community awareness campaigns and community complaint and feedback mechanisms.
- Site rehabilitation, improvement and upgrade works such as site decommissioning, communal facilities construction, partitioning and drainage.
- Site operations, through deployment of site management teams and monitoring services provided at the site level; disseminate information to local authorities and partners; and facilitate regular site-level coordination meeting as required.
- Capacity development on SMS and protection for the different actors, as appropriate, given the number of sites in a location or area.

Recommendations

- SMS activities are appropriate in a displacement setting.
- SMS activities may not be appropriate in a return context unless IDP returnees are living in sites that require support and the government has requested the support from SMS.
- To ensure loss of resources are kept to a minimum, dismantling of sites should be in coordination with the partners providing the service, as well as the local government authorities.