

Protection from arbitrary displacement

Objectives

- **Review the standards for protection from displacement in the GP**
- **Define arbitrary displacement**
- **Outline priorities for preventing displacement or minimizing its effects**

Prevention of displacement

How to avoid development of situations conducive to displacement?

→ Compliance with human rights and humanitarian law standards (GP 5)

- **Conflict, violence:**
 - **Protection of minority rights, rule of law, participation, adequate standard of living**
- **Disaster:**
 - **Right to adequate housing, right to health**

Arbitrary displacement

- **Arbitrary displacement is prohibited**
 - **Express prohibition in IHL and law relating to indigenous people**
 - **HR: prohibition derived from**
 - **Right to freedom of movement and choice of residence**
 - **Freedom from arbitrary interference with one's home**
 - **Right to housing**
- **Arbitrary:**
 - **Injustice**
 - **Unpredictability (rule of law)**
 - **Unreasonableness - disproportionality**

Arbitrary displacement

Examples of arbitrary displacement:

- Apartheid/ethnic cleansing
- Situations of armed conflict
- Large-scale development projects
- Disasters
- Collective punishment

Protection from arbitrary displacement

- All alternatives to displacement should be explored
- Special attention to groups with a special dependency to their lands
- People should not be prevented from leaving areas of danger

Should displacement occur...

- It should last no longer than necessary
- Right to life, dignity, liberty and security
- All measures should be taken to minimise displacement and its adverse effects
 - Provision of proper accommodation
 - Conditions of safety, nutrition, health and hygiene
 - Protection from family separation
- “To the greatest possible extent”

Conditions for displacement...

...In situations other than armed conflicts and disasters

- **Decision taken and enforced by competent authorities empowered by law**
- **Information on displacement, compensation, relocation**
- **Free and informed consent of the displaced**
- **Involvement in planning and management of relocation**
- **Right to an effective remedy**

Conclusions

- **Arbitrary displacement is prohibited**
- **The effects of displacement should be minimised**

Questions?