



## Returns of Internally Displaced Persons in Ethiopia

### 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 in less than optimal conditions with a pragmatic yet principled approach.

### B. Principles and Doctrine

For the Protection Cluster ***the returns as currently proposed/taking place do not meet the voluntariness standard***<sup>1</sup> 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-

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<sup>1</sup> 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.

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.
- 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 and adequate 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.

### 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 maximizes the likelihood of safe and dignified movements, 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, but not the government, 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.
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.
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.