



The Law for the Prevention, Care and Protection of Internally Displaced Persons in Honduras and the work of UNHCR

In Honduras, generalized violence has generated multiple forced displacements, mainly in urban environments. Despite the fact that the Government officially recognized forced displacement in 2013, no public policies have been adopted to respond to the persistent protection needs of displaced persons and those at risk of displacement.

Between 2004 and 2018, at least 247,090 people were internally displaced in Honduras, according to a study to profile displaced households carried out in 2018. This figure indicates that approximately 2.7 percent of the Honduran population was displaced by violence. In this scenario, in March 2019, the Inter-Institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV)¹ delivered to the deputies of the Justice and Human Rights Commission of the National Congress the draft Law for the Prevention, Care and Protection of Forcibly Displaced Persons.

Almost three years after its first delivery, on 21 December, 2022, the National Congress of Honduras approved the Law for the Prevention, Care and Protection of Internally Displaced Persons. The process concluded with the presidential sanction and the promulgation of the Law in the Official Gazette "La Gaceta" published on 20 March, 2023. This is the first legal framework adopted by the Honduran State to offer a comprehensive response to internal displacement caused by generalized violence in a context of organized crime.

The Law contemplates a series of comprehensive measures to prevent internal displacement, through early warning systems, prevention and contingency plans; humanitarian assistance and protection of affected rights, such as education, housing, abandoned or dispossessed land and property; as well as seed capital and access to justice to achieve lasting solutions. This legal framework provides for the creation of the National Forced Displacement Response System (SINARDEF) made up of three operating bodies: i) The Inter-Institutional Commission for the Protection of Forcibly Displaced Persons (CIPPDEF) - as the highest decision-making, deliberation and System-policy formulation; ii) The Directorate for the Protection of Internally Displaced Persons (DIPPDIV) - operational area and coordination of prevention and protection measures - and; iii) The Municipal Units for the Protection of Forcibly Displaced Persons (UMAPPDEF) -local offices to comply with the law and respond in emergency phases.

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¹ The CIPPDV, created in 2013 through the decree PCM-053-2013, is a body made up of 11 State institutions, four civil society organizations and the Association of Municipalities of Honduras, in charge of designing and promoting the implementation of policies and response measures to internal displacement.

UNHCR's contribution

From the first drafts of the Law for the Prevention, Care and Protection of Internally Displaced Persons in Honduras, an alliance was established between UNHCR, the International Committee for the Red Cross and the Norwegian Council for Refugees. Together with these actors, UNHCR provided continuous technical advice to the government in four areas:



Strengthening the capacities of the State to respond to forced displacement due to generalized violence

- A preliminary analysis of the national legal framework and its standardisation with international guidelines for the protection of the human rights of internally displaced persons, identification of gaps and required adjustments.
- Exchange of experiences with other governments in the region such as Colombia, Mexico, and El Salvador to deepen knowledge about legal frameworks and other protection mechanisms in the matter.
- Workshops for the establishment of basic principles, concepts, and general structure of the law.
- Legal advice during the drafting and review phase of the document to ensure that the final proposal was in accordance with international standards.
- Strengthening the operational and technical capacities for the comprehensive response to internal displacement of key institutions and spaces such as the Inter-Institutional Commission for the Protection of Persons Displaced by Violence, the Human Rights Secretariat, the National Human Rights Commissioner, the Institute of Property, the National Directorate for Children, Adolescents and the Family, the municipality of San Pedro Sula, among others.



Involvement of the displaced population and civil society organizations in the development of the content of the law and advocacy for its approval

- Direct consultations with internally displaced persons and people at risk of displacement on the contents of the proposed Law. Consultations aimed to guarantee coherence of the norm in the face of the reality of the victims and accountability to affected populations.
- Facilitation of methodologies for multisectoral participation and consultation with representatives of more than 30 public institutions at the central and local level, civil society organizations, and international organizations such as the Inter-American Commission on Human Rights.



Coordination and complementarity between international agencies to promote the positioning of the response to forced displacement on the public agenda

- Permanent advocacy actions and campaigns with international organizations, local civil society organizations, a group of experts on internal displacement (IPEG).

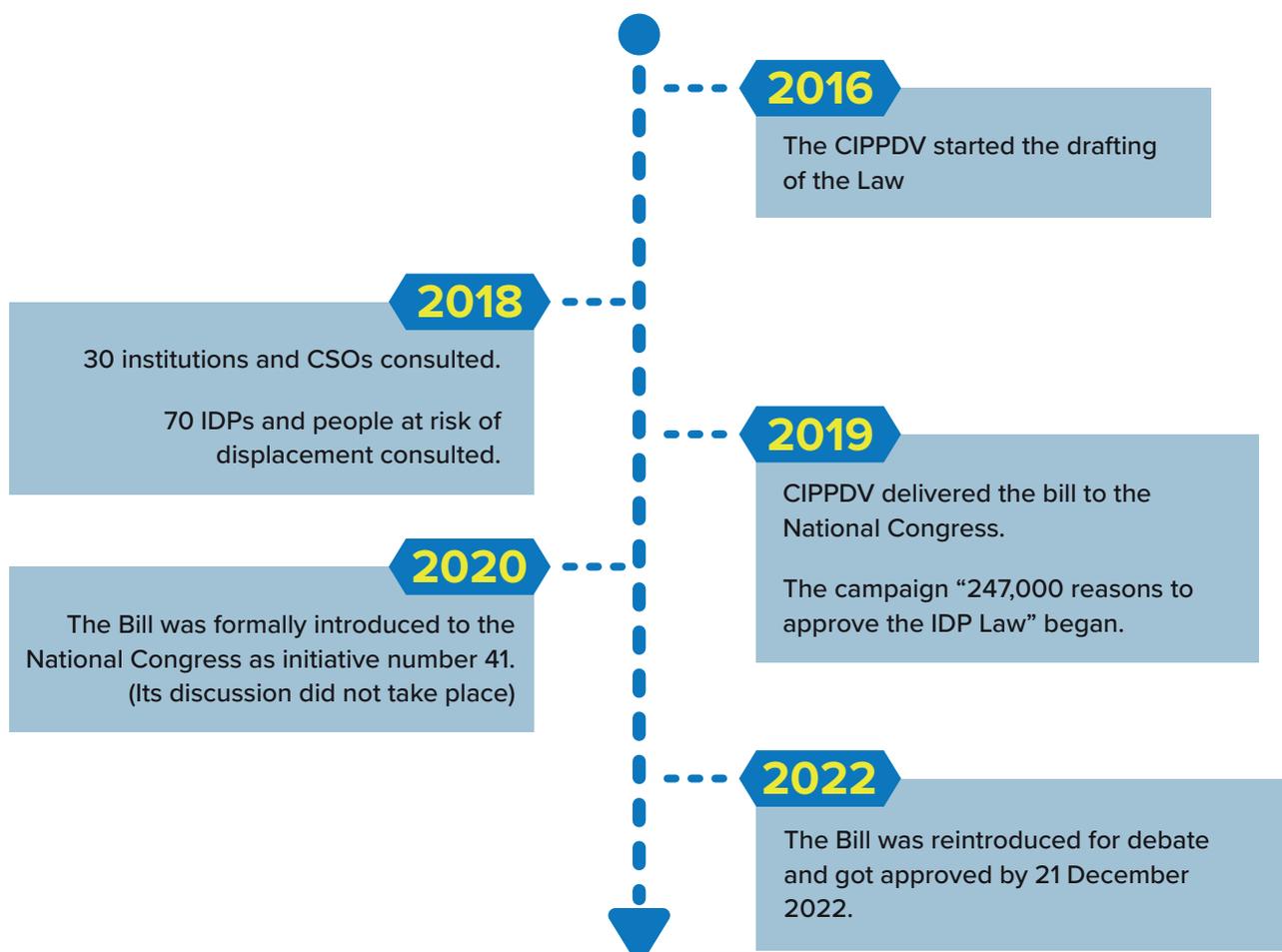


Faced with the postponement of the debate on the Law in Congress, various national and international actors joined forces with the aim of promoting its discussion. As part of its advocacy strategy, UNHCR joined efforts with the International Committee of the Red Cross, the Norwegian Refugee Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR) and with the United Nations Resident Coordinator, to position the urgent adoption of the Law in the legislative agenda. UNHCR also contributed to the organizational processes of civil society groups, especially youth, in carrying out different advocacy strategies to make visible the need and importance of a legal framework of this type, such as the initiatives of the National Youth Movement of Honduras, the Center for Human Development, Youth Against Violence, the Committee of Teachers, Médicos del Mundo, Cáritas and Grupo Sociedad Civil, among others.

Various circumstances contributed to the law being debated and approved in Congress in 2022. In addition to the commitment of key deputies to this purpose and their parties, the mission of the Group of Experts on Internal Displacement (IPEG) led by the previous Special Rapporteur of the United Nations for the Rights

of Internally Displaced Persons, Chaloka Beyani contributed to this end. The IPEG held different meetings with public servants of the highest level, Secretaries of State and the President of the National Congress. Also, within the framework of IPEG, the I Specialized Forum on Internal Forced Displacement was organized; contributing together with the Honduran society and the Congress to generate the commitment to adopt the Law at the highest possible level, both from the Legislative and the Executive Branch respectively.

As a result, in July 2022 the initiative of the Law for the Prevention, Care and Protection of Internally Displaced Persons was reintroduced in the new legislature and approved on 21 December 2022 by the National Congress. It was then sanctioned by the President of the Republic, Xiomara Castro, on 20 March, 2023, entering into force immediately. Relevant actors, such as the United States Embassy in Honduras, the United Nations Resident Coordinator and the ICRC, have congratulated the National Congress for its commitment to adopting a legal framework that comprehensively protects the rights of internally displaced persons by violence in Honduras.





**Construction of
the Law**



**Consultation
with IDPs**



**Socialization of
the Law**



Sites

UNHCR followed and assisted the draft exercise and consultation process for the development of the Law, which was led by the Human Rights Secretariat within the framework of the CIPPDV. Also and as part of the advocacy strategy, UNHCR contributed to civil society organizations such as the National Youth Movement of Honduras, the Center for Human Development, Youth Against Violence, the Committee of Teachers, Médicos del Mundo, Cáritas, in the development of different days of socialization and advocacy for the approval of the Displacement Law.

Consultation process for the construction of the 2015-2018 Law

190 people

public officials and representatives of CSOs, local governments, international organizations, etc.



12 workshops
2 exchanges of experiences

70 people



2 consultation exercises for displaced people and people at risk of displacement.

16 activities and 260 people

Socializations and advocacy events for the approval of the Law -2018-2022

50 socialization and advocacy events

workshops, forums, courses, events, etc.



2,900 participating people

public officials, representatives of civil society organizations and international organizations, community leaders, journalists, the population in general.



Places of socialization



What is the content of the Law?

Based on the Guiding Principles of Internal Displacement, the Law delimits its scope of protection to persons displaced by events associated with generalized violence and human rights violations. **Making it the first of its kind in the region and the world.** This is achieved through:



Establishment of an institutional structure with defined competencies, through the formation of the National System of Response to Forced Displacement, made up of:

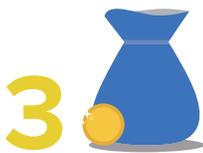
Inter-institutional Commission for the Protection of Forcibly Displaced Persons (CIPPDEF): highest decision-making body in charge of designing policies for the implementation of the Law.

Directorate for the Protection of Persons Internally Displaced by Violence (DIPPDIV): responsible for articulating policies derived from the Law and responding to protection requests.

Municipal Units for the Attention and Protection of Forcibly Displaced Persons (UMAPPDEF).



Prevention measures against forced displacement based on addressing its causes. For this purpose, the bill provides for the need to design a National Policy for the Prevention of Forced Displacement within a period of two years from its entry into force.



Sustainability and budget through the Fund for the Care of Forcibly Displaced Persons, which provides for a minimum amount of HNL 150 million for humanitarian assistance and livelihoods (approximately six million dollars).



Humanitarian assistance in accordance with the principles of impartiality and non-discrimination, which must cover the basic needs of internally displaced people or at-risk of displacement in dignified conditions.



Recognition and protection of rights affected by internal displacement, including the rights to education, family unification, work, land, housing and property, access to justice and reparation measures, among others.



Promote conditions for the achievement of durable solutions, including contributions with seed capital, employability, vocational training, social protection measures, among others.



Recollection of information through the Registry of Forcibly Displaced Persons (RUPPDEF) system, which mainly records information on protected persons, the assistance measures provided to inform the processes of design, adjustment, and implementation of public policy.

Next steps

For the effective implementation of the law, after its promulgation on 20 March, the following will be a priority: a) the elaboration of the Law Regulations (six months after the entry into force); b) organize and strengthen the institutional system responsible for its application and; c) allocation of sufficient resources through the required budget allocation and resource mobilization.

Together with other agencies, UNHCR is working on: i) the formation of inter-agency groups for the provision of technical assistance and mobilization of resources for the benefit of the institutional framework on issues such as: inclusion of a gender approach, protection of the right to education in contexts of violence, prevention of internal displacement, protection of the rights to housing, land and property, lasting solutions, among others; ii) Quantification of the protection programs and services established by law as an input for the allocation of public resources and public policies that guarantee the coherence and sustainability of the actions over time, as well as the efficiency in the investment; iii) strengthening of organizational and technical processes in matters of internal displacement of national civil society organizations, as a contribution to social oversight and accompaniment to institutions and victims and; iv) promote the creation of mechanisms for the effective participation of victims of internal displacement in all processes of design and implementation of public policy established in the Law and those generated from it.

As can be seen for this stage, it is important for the government to advance in the consolidation of a national response system to internal displacement that prevents its occurrence, mitigates the impacts and protects the victims, while guaranteeing access to justice and achieving lasting solutions. The following steps are crucial to this end:

- Advance with the development of training and awareness plans on the Displacement Law for all public bodies involved in identifying and responding to the population.
- Strengthen the inter-institutional and multisectoral coordination mechanisms within the framework of the CIPPDV, which allows them to design and execute a general plan for the implementation of the Law in the short and medium term.
- Include actions to respond to internal displacement within the framework of its powers, through its annual operational plans and institutional strategic plans in line with the powers assigned in the Law.
- Develop information campaigns aimed at the general population so that displaced and at-risk people can learn about their rights and the mechanisms to access them.
- Promote and guarantee the consultation and effective participation of internally displaced persons and persons at risk of displacement at all levels of design and implementation of public policy.
- Foster and strengthen autonomous organizational and advocacy processes in relation to the response to internal displacement. It is essential to strengthen the role of monitoring, follow-up and oversight of civil society organizations for the correct and transparent implementation of the Law.

Annex I – Summary of the Law

Category	Action	Competent body	Description	Arts.
General provisions on the design, implementation, and monitoring of the law	Creation of law enforcement bodies and operation	National System of Response to Forced Displacement (SINADERF)	<p>Orders the creation of SINADERF made up of state institutions of the executive power - National Government and municipalities, legislative power and judicial power. It will also be made up of civil society organizations and international organizations to complement and assist in compliance with the law. CONADEH will have a role of guarantor and observer of the operation of the System.</p> <p>It will work through:</p> <ul style="list-style-type: none"> • Inter-Institutional Commission for the Protection of Forcibly Displaced Persons (CIPPDEF) • SEDH in the Directorate for the Protection of Internally Displaced Persons by Violence (DIPDIV) • Municipal Units for the Attention and Protection of Forcibly Displaced Persons (UMAPPDEF) 	Arts. 9-11

Category	Action	Competent body	Description	Arts.
General provisions on the design, implementation, and monitoring of the law	Design of policies and management of financing for the prevention, care and protection of internally displaced persons (IDPs)	Inter-institutional Commission for the Protection of Forcibly Displaced Persons (CIPPDEF)	<p>It is the highest instance of SINADERF and is chaired by the executive branch. It will have permanent advice from international organizations. It has attributions:</p> <ul style="list-style-type: none"> • Design policies, strategies, processes, programs and projects for the purposes of the Law, including the Comprehensive Policy for the Attention and Protection of the National Internally Displaced Population for the Prevention of Forced Displacement. • Establish public investment criteria for prevention, attention, protection and lasting solutions. • Promote studies and diagnoses on the situation of PDI. • Analyze and issue recommendations for instruments derived from the Law • Advise state bodies for compliance with public policies • Manage financing for attention and protection of PDI • Promote spaces for dialogue and association of displaced persons 	Arts. 12-14

Category	Action	Competent body	Description	Arts.
General provisions on the design, implementation and monitoring of the law	Articulation of the execution of policies, plans, programs, projects and protocols created within the framework of the Law	Directorate for the Protection of Persons Internally Displaced by Violence (DPPDIV), attached to the Secretariat of Human Rights	<p>Functions:</p> <ul style="list-style-type: none"> • Coordinate actions of SINADERF * Process requests for protection and assistance of PDI and determine if the applicants are PDI * Implement assistance and protection measures for PDI in coordination with SINADERF • Prepare protocols, plans and routes applicable to cases of displacement collective and individual • Regulate the operation of the Fund for the Care of Internally Displaced Persons • Support the design, implementation and monitoring of national policies and plans on forced displacement • Provide training on matters related to the Law 	Arts. 17-20

Category	Action	Competent body	Description	Arts.
General provisions on the design, implementation and monitoring of the law	Operation and procedures in charge of the DIPPDIV	Directorate for the Protection of Persons Internally Displaced by Violence (DIPDIV), attached to the Secretariat of Human Rights	Creation and operation of DIPDIV units and processes: *Case reception unit and needs analysis on individual and collective cases and define measures to be adopted *Coordination Unit for the implementation and monitoring of AH and protection measures with people or communities in coordination with entities of the system *Prevention Unit that coordinates with system entities, plans and protocols for early and urgent prevention, risk protection, administration of the Early Warning System, and community protection spaces *Durable Solutions Unit that will articulate offer and social protection programs in housing, employment, among others *Registration and information unit that will be administered by the RUPDEF for the registration of individuals, families and communities for the identification and monitoring of the State's response	Articles 21-26
General provisions on the design, implementation and monitoring of the law	Creation of municipal mechanisms for the implementation of the law - UMAPPDEF	Municipal Units for Care and Protection of Forcibly Displaced Persons (UMAPPDEF)	They will operate in municipalities with the highest number of PDI or at risk, according to diagnoses, characterizations, reports. The municipalities must allocate resources for the operation and comply with the guidelines of the CIPPDEF	Article 28

Category	Action	Competent body	Description	Arts.
General provisions on the design, implementation and monitoring of the law	Financing of the law and creation of the FAPDEF	Fund for the Attention and Protection of Forcibly Displaced Persons (FAPDEF)	<p>Financing with transfers from the Population Protection and Security Fund, National Treasury and External Financing Sources. The amount will not be less than 150 million lempiras per year. The resources will go to AH and 20% will go to durable solutions.</p> <p>The foregoing, without prejudice to the fact that public institutions and entities - involved in the comprehensive care of displaced persons- must manage the necessary resources to carry out the actions that are their responsibility.</p>	Articles 29-30
Identification, care and registration of cases	Creation of the Single Registry of Forcibly Displaced Persons (RUPDEF)	DPPDIV: Registration and Information Unit	<p>Functions:</p> <ul style="list-style-type: none"> • Register individual and collective cases at the national level. *Record of assistance and protection measures *Collect and systematize information from different state entities UMAPPDEF, CENISS, INE, CONADEH, DINAFA, SRECI, IP, INA, in order to systematize information for the design of prevention programs and decision-making . *Disaggregate data by gender, age, ethnicity, geographic location 	Article 33

Category	Action	Competent body	Description	Arts.
Identification, care and registration of cases	Analysis, care and response to cases of forced displacement	Directorate for the Protection of Persons Internally Displaced by Violence (DPPDIV), through: <ul style="list-style-type: none"> • Case reception and needs analysis unit; • Coordination unit for the implementation and monitoring of assistance and protection measures. 	<p>The process can occur in an ordinary and extraordinary way (extreme risk that threatens life, integrity and personal freedom).</p> <p>Thus, it is appropriate to analyze the origin of the case, assess the needs for humanitarian assistance and protection, dictate the measures to be adopted and manage and promote durable solutions.</p>	Arts.21-23 and 62-64

Category	Action	Competent body	Description	Arts.
Identification, care and registration of cases	Identification and referral of cases to the Directorate for the Protection of Persons Internally Displaced by Violence (DPPDIV)	<ul style="list-style-type: none"> • CONADEH • National Police • Ministry of Foreign Affairs and International Cooperation • Presidential Program “Ciudad Mujer” • Other State institutions, civil society and humanitarian agents installed in the country 	<p>The request for attention to cases can be presented by the person or group of people directly displaced; and, on their behalf, by civil society organizations and/or humanitarian agents.</p> <p>The case identification process must be governed by the guidelines designed by the CIPPDEF</p>	Arts. 59 and 50
Stake	PDI participation		Guarantee of participation of IDPs in the design, implementation, execution and evaluation of policies and plans at the national, departmental and municipal levels. Differentiated participation mechanisms must be established.	Article 34
Rights of the displaced population	guarantee of rights		Guarantee of equal rights to citizens and specific rights	Article 35

Category	Action	Competent body	Description	Arts.
Prevention	Adoption of measures to prevent displacement (eliminate/mitigate roots of displacement)	DPPDIV- Prevention Unit (Without prejudice to the transversal prevention component of SINADERF)	<ul style="list-style-type: none"> • Advise on the design and implementation of prevention plans and protocols; • Early prevention + Early Warning System • Urgent prevention • Contingency plans (in coordination with municipalities, COPECO and authorities) • Manage Early Warning System (jointly with CONADEH) 	Art. 24 Arts. 36-42
Prevention	Adoption of measures to prevent displacement (eliminate/mitigate roots of displacement)	CIPPDEF	Design the National Policy for the Prevention of Displacement that must include measures of: *Use, linkage and forced recruitment *Gender violence *Dispossession of lands and territories from indigenous people, Afro-descendants and peasants *Protection of housing and heritage *population groups in situations of higher risk (teachers and transporters)	Article 39
humanitarian assistance	Humanitarian assistance: purpose and components		The purpose is to ensure minimum subsistence based on the analysis of needs, according to the particularities of the people. It includes, among others, food, hygiene, medical and psychological care, emergency transportation and temporary accommodation.	Article 43

Category	Action	Competent body	Description	Arts.
humanitarian assistance	Humanitarian assistance delivery	Directorate for the Protection of Persons Internally Displaced by Violence (DPPDIV), attached to the Secretariat of Human Rights + UMAPPDEF	Delivery is determined by DPPDIV + UMAPPDEF in coordination with SINADERF. Delivery for up to three (3) months, extendable for three (3) more months.	Article 44
humanitarian assistance	Humanitarian assistance in collective displacements	UMAPPDEF (or municipalities) and COPECO	Temporary shelters or camps must be installed in dignified, safe and differentiated conditions.	Article 46
humanitarian assistance	emergency humanitarian assistance	Municipal Units for Attention and Protection of Forcibly Displaced Persons (UMAPPDEF) In places where the UMAPPDEF is not located, it will be the responsibility of the Municipality.	Emergency humanitarian assistance will be provided in directly identified cases, and the DPPDIV must be informed within 72 hours. In the case of municipalities, the provision of aid and assistance corresponds to the first 72 hours; however, the DPPDIV must be informed within a period of no more than 48 hours. In addition, the DPPDIV can refer cases to them so that they can provide humanitarian assistance.	Arts. 60 and 61

Category	Action	Competent body	Description	Arts.
Protection	Coordination of measures to achieve lasting solutions	DPPDIV: Durable Solutions Unit	It will coordinate with SINADERF the offer of social protection programs for internally displaced persons (housing, credits, jobs, etc.)	Article 25
Protection	Protection of the family unit	Directorate for Children, Adolescents and the Family (DINAF) in coordination with the DPPDIV and SINADERF	Prevent family separation and, where appropriate, facilitate reunification, providing advice and particularly protecting children, women, the elderly and people with disabilities.	Article 48
Protection	Protection of the right to education	Ministry of Education in coordination with the DPPDIV and SINADERF	<ul style="list-style-type: none"> • Prevent violence and conflict in educational centers • Guarantee access and/or provide free transfer and educational reintegration documents to displaced people who saw their academic year interrupted . • Protect teachers at risk of displacement • Keep a confidential record of displaced students and teachers . <p>The Vocational Training Institute (INFOP) will facilitate its programmatic offer.</p>	Article 49

Category	Action	Competent body	Description	Arts.
Protection	Protection of the right to identity	<ul style="list-style-type: none"> • National Registry of Persons (RNP) • National Institute of Migration (INM) • Honduran Institute of Social Security (IHSS) 	<p>They will provide displaced persons with identification documents that have been lost, destroyed, or are urgently required.</p> <p>The process will be safe, expeditious and free.</p>	Article 50
Protection	Protection against sexual and gender violence	<p>SINADERF, in particular:</p> <ul style="list-style-type: none"> • Secretary of Health • Secretary of Security • Secretary of Women 	Adopt prevention and protection measures against gender violence and guarantee access to medical and psychosocial assistance	Arts. 51
Protection	Legal and material protection of property and possessions	Property Institute	Creation of the Registry of Abandoned Assets (RBA) for your protection. Prevent the generation of costs: a) adopting measures for the exoneration of the payment of real estate taxes by the municipality in which the assets are located; and b) urging the interruption of public services.	Articles 52-53

Category	Action	Competent body	Description	Arts.
Protection	Facilitation of credit payment extensions	<ul style="list-style-type: none"> • Secretariat of Human Rights • National Banking and Insurance Commission • Private risk centers 	<p>When the displaced person has lost their livelihoods, the creditor entities of credits on their assets must grant an extension of up to 6 months for the payment of the obligations, without interest for late payment. The time will be added to the remaining credit.</p> <p>For the process, the Human Rights Secretariat will issue a certificate that will be forwarded to the corresponding entities.</p>	Article 54
Protection	Guarantee access to justice, guidance and legal assistance	Supreme Court of Justice (Public Defense), UMAPPDEF and CONADEH	<p>The aforementioned entities must have permanent and specialized teams to accompany, advise, assist and legally guide displaced persons, free of charge.</p> <p>The courts will preferentially address the issues of displaced persons, particularly, children and adolescents and indigenous and Afro-Honduran peoples.</p>	Article 55
Protection	Protection of the right to work	Supreme Court of Justice and Secretary of Labor and Social Security	<p>Displaced people who have been absent from their work without prior legal notice and are dismissed will not lose their labor rights.</p> <p>The protection procedure will be observed in the regulation.</p>	Article 56

Category	Action	Competent body	Description	Arts.
Protection	Information on the rights and vulnerability situation of displaced persons	INE SEDH	Annual generation of information through administrative records and statistics on the situation of vulnerability and guarantee of the rights of the displaced population	Article 58
Responsibility of public servants	criminal sanctions	Public ministry	Public servants who, through actions or omissions, deny or hinder compliance with measures to protect the rights of displaced persons, commit the crime of violating the duties of officials.	Article 71
lasting solutions	Right to reach a durable solution		Right to reach solutions and responsibility to cooperate in the search for them. *return and relocation *access to economic and social reintegration programs	Articles 72-75
Regulation and budget: operation of the law	Budget allocation to SINADERF	Finance Secretary	SINADERF financing is also made up of contributions, funds, trusts and grants from institutions; donations, inheritances and legacies, as well as national and international cooperation of legal origin.	Article 76

Category	Action	Competent body	Description	Arts.
Regulation and budget: operation of the law	Preparation of Regulations of the Law	<ul style="list-style-type: none"> • Secretary of Human Rights • Secretary of General Coordination of Government • Secretary of the Presidency • International organizations 	International organizations will participate as advisors. The same institutions will be in charge of preparing protocols for the operation of the DPPDIV Units.	Article 77
Regulation and budget: operation of the law	Election of members of the Inter-Institutional Commission for the Protection of Forcibly Displaced Persons	Human Rights Secretariat	The Secretariat will issue a call, within a period of 30 days after the publication of the law, addressed to civil society organizations.	Article 78