



Returns Working Group
RWG Iraq



Guidance note on safe, voluntary and dignified return in Iraq

A returnee is defined as someone displaced from their area of origin who is returning to their original home or neighborhood in their area of origin¹. If they cannot settle in their original home or neighborhood, they are considered as secondarily displaced and therefore the term 'returnee' should not be applied to those instances where individuals cannot return to their homes or neighborhoods. Even after displaced populations have returned, they may still have urgent humanitarian priorities.

1. Key principles of return response

The HCT/HC position on return is that humanitarian assistance to return can only be considered if conditions of safety and dignity are met in transit and on reaching the location of origin/return area.

Safety and dignity of returnees entails:

- **Physical safety:** return areas are free from military activities, free of mines and unexploded ordnance, physical safety of the IDP is provided by the state security forces;
- **Legal safety:** legal and administrative barriers to return are lifted and returnees can register their return and access civil status and property documentation. This includes no legal or administrative obstacles to obtain birth certificates, ID cards or other relevant personal documents. Mechanisms to obtain documents are accessible and affordable given the local context. Mechanisms to reunite separated family members are available and movement are not restricted and do not prevent reunification. Existence of effective and accessible mechanisms to ensure access to land and/or secure tenure are available. Returnees have access to support programs to secure/improve housing, land or property on the same basis as the resident population;
- **Material safety:** Access in the early phases of return to means of survival and basic services, such as potable water, health services and education. Returnees do not face specific obstacles to access public services, assistance or remittances compared to local residents with comparable needs. Assistance programs can be set up for provisions of essential food, potable water, basic shelter, sanitation and essential health care.

The ultimate responsibility of the return process rests with the **National and Provincial authorities**. Humanitarian organizations may complement the efforts of the authorities and of the State Institutions. Humanitarian interventions in support of return, **supported by the RWG with national and governorate levels authorities**, should be in full accordance with the Guiding Principles on Internal Displacement, supporting returns that are voluntary based on free and informed choice, non-discrimination, and taking place in safety and with dignity.

2. What are the conditions that must be met for returns to be principled and thus supported by humanitarian action/assistance?

The Government is encouraged to provide adequate information to IDPs prior to the return movement to a specific area. Information on the conditions in the return area (e.g: security situation, status of infrastructure and shelter, availability of services), the overall return plan and the process of return should be provided as early as possible prior to an actual return movement. The information should include an explanation of the return procedures, any registration required, assistance provided upon return, as well as an explanation of the rights of IDPs. The provision of information will ensure IDPs are able to make an informed choice and have an opportunity to prepare for the return.

¹ Criteria including lack of access to safety and resources must be factored in, as much as the geographical marking, when looking at achievement of durable solutions with respect to return



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The the following criteria/factors determine whether to returns are safe:

- In the area of return, is the civilian administration present or reestablished at least in its minimal form?
- To what extent is there a presence of armed groups?
- Was the return voluntary; did the people wish to return to their place of origin?
- Has the population been provided with complete, objective, up-to-date, and accurate information, which will allow them to make a free, informed, and individual choice?
- Is the security situation in the area stable?
- What is the proximity to active conflict?
- Does the population have confidence in the security forces controlling the area?
- Are there arbitrary arrest or detentions?
- Are there killing, physical assault, abduction, disappearances taking place?
- Has the area been de-mined/ de-contaminated (contaminated area marked)?
- Is the area accessible to humanitarian actors?
- Are there specific groups being discriminated against, not being allowed to return?
- Does the population wish to remain in their place of origin or do they consider (secondary) displacement as a more secure alternative?
- Do they have freedom of movement on return to their place of origin?
- Are there in place minimum services needed like water and electricity?
- Is there a serious risks or threats of physical harm (post-conflict violence, inter- community tensions)?
- Are returnees able to access humanitarian assistance?

3. Humanitarian engagement:

Humanitarian efforts in returnee locations should be undertaken in a manner that maximizes available support to a given community in a way that does not exacerbate inter-communal tensions but rather promotes tolerance, social cohesion and peaceful coexistence. Complementary interventions in targeted communities will aim to strengthen the resilience of disadvantaged communities, including through community-based approaches, inter-community activities to foster trust and build relations, and advocacy and sensitization initiatives vis-à-vis the authorities, with a view to an eventual handover of responsibility to them.

Pre-return assessments and activities: the following issues and activities should be considered in pre-return planning. The RWG can support the coordination of the following key activities in furtherance of principled humanitarian intervention that serves the best interests of IDPs:

- Engagement, consultation and coordination with relevant local and central authorities
- Communication with communities
- Intention surveys to determine voluntariness of return
- Protection monitoring/Rapid Protection Assessment
- Market assessments in area of return
- Social tension assessments / mapping
- Pre-return contamination assessments of area of return
- Pre-return infrastructure and shelter assessments of area of return
- Social service infrastructure and availability of services in area of return
- Pre-positioning of assistance: shelter, food, WASH, NFI, education, etc.
- Village profiles
- Pre-departure Mine Risk



Benchmarks considering areas safe to return and humanitarian engagement considered	Description
Voluntary and informed choice in choosing to return	National and local authorities, humanitarian and development actors need to provide IDPs with all information they require to choose a durable solution, while also ensuring that IDPs can exercise this choice without coercion.
Participation of IDPs in returning (ex: “go and see” visits)	IDPs must be consulted and participate extensively in the planning and management of the processes supporting a durable solution. All parts of the IDP population, including women, children (according to their age and maturity), persons with special needs and persons who are potentially marginalized, must be fully included. Local communities in the area of return also need to be consulted.
Access to actors supporting intervention in areas of return	National and local authorities should grant and facilitate safe, unimpeded and timely access to non-governmental and international humanitarian and development actors assisting IDPs to return. This entails that the area is physically safe to access (ex: decontamination)
Access to effective monitoring	National and local authorities, humanitarian and development actors should set up effective mechanisms to monitor the process of return and determining what remains to be done to achieve a durable solution for returnee.
Peace processes and peace building involve returnees	Where relevant, returnees should participate in peace processes. Their rights, needs and legitimate interests need to be addressed in peace agreements and peace building strategies emerging from these processes, which often predetermine whether and how durable solutions in return areas will be ensured.