

Human Rights of Hurricane Survivors

Human Right to Participation of Hurricane Katrina Survivors

“All categories of survivors have the right to be consulted and their informed consent obtained for all decisions related to all stages and aspects of the post-disaster response...To fail to do so is not just undemocratic—it also frequently leads to unconscionable waste and possible corruption.”¹

—Organization for Economic Cooperation and Development and Transparency International

People or groups who have been forced to leave their home as a result of natural or man-made disasters but still remain within their own countries, are known as “internally displaced persons” or IDP’s. Because IDP’s face extreme vulnerability, often in similar ways to refugees, human rights principles have been developed as guidelines for governments to ensure adequate protection for the dignity, freedom, and equality of IDPs. These guidelines can be found in the United Nations Guiding Principles on Internal Displacement, and are widely recognized around the world, including by the U.S. government’s agency for carrying out international development policy, USAID. ***The UN Guiding Principles provide a legitimate framework for the U.S., as in any other country.***

“As part of its advocacy role, the United States Agency for International Development promotes wider international recognition of the UN Guiding Principles on Internal Displacement as a useful framework for dealing with internal displacement.”

—USAID Assistance to Internally Displaced Persons Policy [USAID Policy]

Where do the IDPs Guiding Principles Come From?

The Guiding Principles are grounded in multiple international declarations and treaties that reflect basic rights shared by everyone simply because we are human. These declarations and treaties include the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (ratified and adopted into law by the U.S.), International Covenant on Economic, Social, and Cultural Rights (signed but not ratified by the U.S.), International Convention on the Elimination of All Forms of Racial Discrimination (ratified and adopted into law by the U.S.), Declaration on the Right to Development, and the American Declaration of the Rights and Duties of Man. ***All of these documents guarantee hurricane survivors basic freedoms, including the right to participation.***

What does the right to participation mean?

- The government must be transparent and provide all relevant information to survivors so that they may make fully informed decisions about their futures.
- Survivors must have a voice and a say in what occurs in their communities.

Does the United States Guarantee the Rights of IDPs?

Through USAID the U.S. government recognizes that IDPs should be granted the “*full security and protection provided under applicable norms of international human rights laws, international humanitarian law and national law.*” Yet, the United States has not recognized survivors of Hurricane Katrina as IDPs nor respected their rights, including their right to participation, here at home.

The Right to Information and Transparency

At every stage of post-disaster response, officials must provide survivors with all relevant information so that they can make informed decisions about their futures.

Officials must provide information to survivors including:

- Information about the rights of survivors as IDPs;
- Information relating to the safety and accessibility of survivors' communities, including shelter and housing, schools, medical facilities, and essential services such as electricity, water, and sanitation, (this includes information about public health and environmental threats and necessary safety precautions);
- Information on the fates and whereabouts of missing relatives;
- Information on steps taken by the government from the process of disaster response through reconstruction and in the allocation of public resources;
- Information on plans and options for survivors to return to their previous homes or resettle in different areas; and
- Information on ways IDPs can have a say in the future of their communities, and specifically how they can participate in designing, implementing, and assessing rebuilding and resettlement efforts.

The Right to Play a Role in Decision-Making

Human rights standards require the government to ensure the meaningful participation of IDPs in planning and decision-making regarding their futures and the futures of their communities.

Specifically, IDPs have the right to participate in decisions about and the design, implementation, and assessment of:

- Shelters, housing, public buildings (such as schools and hospitals), and infrastructure (including roads, public transportation, and sanitation, water, and electricity systems);
- Plans for returning to their communities or resettling in other areas;
- Plans for rebuilding neighborhoods, demolition of homes, and compensation for damaged property;
- The future of public institutions, such as schools and hospitals; and
- Plans of the government to encourage economic rebuilding and job growth.

The government has an obligation to ensure that minorities, women, the elderly, the infirm, the disabled, and other marginalized communities are able to be active participants in decision making.

Consultation and consent of community leaders does not, in itself, amount to the consent of the entire community.

Method of Participation

The government must guarantee that IDPs can participate through voting and other methods. In order to ensure meaningful participation of survivors, the government must:

- **Adapt voting processes to ensure the right to vote of the displaced.** This requires ensuring that distance, lack of access to technology or information, or other factors related to displacement do not create barriers to survivors exercising their right to vote; and
- **Actively promote more popular forms of participation** by creating mechanisms for survivor decision-making and involvement, such as town hall meetings, monitoring committees, and community organizing.

¹ "Securing Transparency and Rights in Disaster Response" Submitted by Harsh Mander, Transparency International India, (page 4). April 2005.