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Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council*

20/9.

Human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 66/165 of 19 December 2011 and Council resolution 14/6 of 17 June 2010,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles on Internal Displacement annexed thereto,

Recalling further General Assembly resolution 64/290 of 9 July 2010 and Human Rights Council resolution 15/4 of 29 September 2010, in which the Assembly and the Council emphasized the right to education of internally displaced persons and in emergency situations, such as armed conflicts or natural disasters,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twentieth session (A/HRC/20/2), chap. I.

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Welcoming the twentieth anniversary of the mandate of the Special Rapporteur on the human rights of internally displaced persons and the considerable results achieved since its creation,

Welcoming also the continuing cooperation between the Special Rapporteur on the human rights of internally displaced persons and national Governments, and the relevant offices and agencies of the United Nations, as well as with other international and regional organizations, and encouraging the further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change that are expected to exacerbate the impact of natural hazards, and climate-related events,

Calling for national-led disaster risk reduction efforts and the building of resilience to disasters, to be addressed with a renewed sense of urgency in the context of sustainable development and poverty eradication,

Recognizing that internally displaced persons are increasingly situated outside camps, including in urban settings, with unique risks and vulnerabilities that pose specific challenges for the full enjoyment of their human rights, and recognizing further the need to adapt operations with regard to their needs and those of their host communities,

Expressing concern at the increasing number of persons who become disabled during situations of internal displacement in the context of armed conflict or natural disasters, and recognizing the need to provide adequate services and support for their reintegration,

1. *Recognizes* the Guiding Principles on Internal Displacement annexed to General Assembly resolution 46/182 as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies to continue to work together in endeavours to provide a more predictable and targeted response to the needs of internally displaced persons, and, in this regard, calls for international support, upon request, for the capacity-building efforts of States;

2. *Encourages* the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement, the needs and human rights of those displaced, measures of prevention, including early warning, and ways to strengthen protection and assistance, as well as durable solutions for internally displaced persons, and, in the latter regard, to use in his activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee, and also encourages the Special Rapporteur to continue to promote comprehensive strategies,

taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

3. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their national efforts and policies relating to assistance, protection and rehabilitation for internally displaced persons;

4. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

5. *Welcomes* the adoption and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, and encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons;

6. *Takes note* with appreciation of the adoption by the Policy Committee of the Secretary-General of decision No. 2011/10 and its preliminary Framework on Ending Displacement in the Aftermath of Conflict, which establishes priorities and responsibilities to support the delivery of durable solutions for internally displaced persons, and urges relevant United Nations agencies, in cooperation with other stakeholders and in consultation with national authorities and partners, to implement the Framework as a matter of priority;

7. *Recognizes* that the inter-agency cluster system plays a central role in the international community's efforts to protect and assist internally displaced persons, and encourages Governments to work with the cluster system to advance the human rights of internally displaced persons;

8. *Emphasizes the importance* of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

9. *Also emphasizes the importance* of taking the human rights and specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and further emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration, relocation and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

10. *Takes note* with appreciation of the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its nineteenth session¹ and the recommendations contained therein on a more systematized and equitable response to internally displaced persons outside camps, as well as the concerned host communities;

11. *Expresses concern* at the persistent problems of the large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance, vulnerability to human rights violations and difficulties resulting from their specific situation, such as lack of food, medication or shelter, and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

12. *Also expresses concern* at the problem of protracted internal displacement, and recognizes the need to find durable solutions thereto;

13. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant United Nations resolutions;

14. *Condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately victimized, and calls upon authorities and the international community to work together for effective prevention, security, protection of human rights, access to justice and victim assistance, as well as in addressing the causes of violence against women and girls and in fighting impunity across the board;

15. *Calls upon* States, in cooperation with international agencies and other stakeholders, to ensure and support the full and meaningful participation of internally displaced women at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement, regarding promotion and protection of human rights, prevention of human rights violations, implementation of durable solutions, peace processes, peacebuilding, post-conflict reconstruction and development;

16. *Expresses particular concern* that many internally displaced children lack access to education in the immediate aftermath of their displacement and also years afterwards owing to attacks against schools, damaged or destroyed school buildings, insecurity, loss of documentation, language barriers and discrimination;

17. *Recommends* that States ensure through all necessary measures that internally displaced children, including those in conflict and post-conflict phases, have access to education on a par with the rest of the population and without discrimination of any kind;

18. *Urges* States to take into account the specific needs of persons with disabilities when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities have equal access to assistance, protection and rehabilitation services;

¹ A/HRC/19/54.

19. *Notes with concern* the particular human rights challenges for large numbers of internally displaced persons living increasingly outside camps and in urban settings, and the need to better support host communities assisting them in the many countries where internal displacement persists, and recommends effective and appropriate approaches for the specific protection of the human rights and implementation of durable solutions for internally displaced persons that fully take into account their needs and human rights, as well as the needs of host families and communities;

20. *Reaffirms*, in accordance with the Guiding Principles on Internal Displacement annexed to General Assembly resolution 46/182, that States have the primary responsibility to protect the human rights of, and to promote durable solutions for, internally displaced persons within their jurisdiction, including internally displaced persons living outside camps;

21. *Welcomes* ongoing efforts to identify challenges and good practices with a view to strengthening the equitable, effective and systematized response to internally displaced persons living outside camps, and strongly encourages States, national and international humanitarian and development actors, the international community and relevant civil society to undertake further stocktaking processes on current practices relating to the promotion and protection of the human rights and the implementation of durable solutions for internally displaced persons, and to allocate additional resources in this regard;

22. *Stresses the importance* of the participation of internally displaced persons living outside camps and their host families and communities in establishing predictable and systematized support systems that take fully into account their human rights, needs and vulnerabilities;

23. *Supports* the promotion of a better understanding of the role and responsibilities of, and support for and obstacles faced by municipal and provincial authorities in the protection of the human rights of internally displaced persons living outside camps, with a view to develop effective and appropriate approaches that take fully into account their needs and human rights, facilitate durable solutions and include internally displaced persons outside camps in local development plans;

24. *Emphasizes the importance* of the effective collection of data, disaggregated by age, sex, diversity and location, on internally displaced persons for the protection of their human rights, the implementation of durable solutions and the assessment of their specific needs and vulnerabilities, and encourages Governments to use, on a voluntary basis, the services of the Inter-Agency Joint Internally Displaced Person Profiling Service, which has been set up to offer technical support in this regard;

25. *Acknowledges* the important contribution of age, gender and diversity mainstreaming in identifying, through a participatory approach, the protection risks faced by the different members of communities of internally displaced persons, in particular the non-discriminatory treatment and protection of women, children, persons with disabilities and the elderly;

26. *Recognizes* the adverse effects of climate change as contributors to environmental degradation and extreme weather events, which may, among other factors, contribute to human displacement, and invites the Special Rapporteur on the human rights of internally displaced persons, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to explore the human rights implications and dimensions of disaster-induced internal displacement with a view to support Member States in their efforts to build local resilience and capacity to prevent displacement or to provide assistance and protection to those who are forced to flee;

27. *Invites* the Special Rapporteur on the human rights of internally displaced persons, in accordance with his mandate, to continue to analyse the particular human rights challenges faced by internally displaced persons outside camps and in urban settings, while taking into account the situation of the host communities concerned, to identify challenges and good practices and, in close consultation with Member States, to make proposals with a view to developing a more systematic approach to the protection of their human rights and the promotion of durable solutions in the context of his participation in the Inter-Agency Standing Committee and in his regular reporting to the General Assembly and the Human Rights Council.

*31st meeting
5 July 2012*

[Adopted without a vote.]
