Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1631 (2003)[1]

Internal displacement in Europe

Parliamentary Assembly

1. The Parliamentary Assembly is concerned at the high numbers of internally displaced persons (IDPs) resulting from various armed conflicts and human rights abuses which have occurred since the early 1990s in more than ten Council of Europe member states.

2. The precise number of the internally displaced population is difficult to determine as governments often do not keep any record of internal movements of their own populations. However, in 2002, it was estimated at between 3.2 and 3.7 million in Europe. In particular, there were approximately one million IDPs in Turkey, 570 000 in Azerbaijan, between 288 000 and 480 000 in Serbia and Montenegro, approximately 375 000 in Bosnia and Herzegovina and between 300 000 and 500 000 in the Russian Federation.

3. Unfortunately not all the conflicts that have caused internal displacement have been resolved; some of them have been "suspended" but interethnic tensions continue to exist; new flows of internal movements cannot be excluded until lasting political solutions are found.

IDPs constitute a specific category of people in need of assistance, protection and development aid which is not always recognised by the governments concerned. Their legal status is not always clear, their specific rights are often poorly defined, their fundamental freedoms are sometimes violated and their humanitarian situation is mostly precarious. The issue of internally displaced persons has both humanitarian and human rights dimensions.

IDPs as such, contrary to refugees, who are protected by the 1951 Geneva Convention relating to the Status of Refugees, are not protected by any international legally-binding instrument and their fundamental rights are not safeguarded at international level by any specific instrument. The issue of IDPs is often regarded as an internal matter of the country concerned and attracts much less attention from the international community than the issue of refugees.

Although existing international legal instruments afford a broad measure of protection for displaced persons, there are significant gaps when it comes to meeting their specific protection and assistance needs. These gaps exist in a number of areas including legal, social, economic and political rights, access to health care, arbitrary detention and discrimination.

Moreover, the Assembly deplores the fact that the governments concerned sometimes refuse to recognise a problem of displacement existing within their borders. It is essential to recognise the vulnerability and the specific needs of displaced persons and their right to be protected, assisted and receive development aid, and to undertake necessary measures to ease their hardship.

Furthermore, even in cases where a national normative framework concerning displaced persons has been developed, the legislation enacted and in force tends not to be implemented properly. For example, tax benefits and basic social services, such as free access to health and education are not applied in practice to displaced persons in some countries.

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1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2003 (see Doc. 9989, report of the Committee on Migration, Refugees and Population, rapporteur: Ms Stoisits).

Although the primary responsibility for protecting IDPs lies, without doubt, with the governments and local authorities concerned, the international community - particularly the Council of Europe - has an important role to play in this respect.

The Assembly welcomes the commitment of the Representative of the United Nations Secretary- General on Internally Displaced Persons and the UN Office for the Coordination of Humanitarian Affairs (OCHA) Internal Displacement Unit in responding to the specific needs of the internally displaced.

The Assembly expresses its appreciation of the decisive role played by the Representative of the United Nations Secretary-General on Internally Displaced Persons in the development of the Guiding Principles on Internal Displacement. These principles constitute a standard for governments and other responsible authorities and intergovernmental and non-governmental organisations, and are an important tool in their work for displaced persons.

The principles should be widely promoted and disseminated and Council of Europe member states should be urged to observe them and incorporate them into their domestic laws.

The Assembly notes with satisfaction that many national authorities have introduced socioeconomic programmes to rebuild and develop war-torn regions with a view to facilitating the return of displaced persons. The support of the international community is essential for these schemes to succeed.

The Parliamentary Assembly therefore recommends that the Committee of Ministers:

1. instruct the appropriate committee to examine the situation of displaced populations in member countries concerned, paying particular attention to compliance of the national legislation in force with the Guiding Principles on Internal Displacement;

2. contribute to the promotion of the Guiding Principles on Internal Displacement at European level;

3. support the establishment of a worldwide information system on internally displaced persons.

The Assembly also recommends that the Committee of Ministers urge its member states concerned, and in particular Turkey, Azerbaijan, Serbia and Montenegro, Bosnia and Herzegovina, the Russian Federation, Georgia, Cyprus, Armenia, Croatia, Moldova and “the former Yugoslav Republic of Macedonia” to:

1. review their legislation with a view to bringing it in line with the Guiding Principles on Internal Displacement;

2. promote, disseminate and implement the guiding principles at national, regional and local level;

3. ensure that the legislation in force relating to displaced populations is fully implemented, in particular at local level;

4. systematically use the guiding principles as a basis for their present and future policies and programmes in support of internally displaced persons;

5. fully co-operate, if this is not already the case, with the international community, and in particular with the Representative of the United Nations Secretary-General on Internally Displaced Persons and the OCHA Internal Displacement Unit, with a view to improving the situation of the IDPs by recognising the problem and removing any obstacle likely to hinder humanitarian action, such as denying international organisations access to the areas of displacement; cumbersome bureaucratic and administrative procedures; and lack of security.