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Humanitarian needs and rights of internally displaced persons in Europe

Report[1]
Committee on Migration, Refugees and Displaced Persons
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Summary

The deportation or forcible transfer of civilian population is a crime against humanity. Therefore, the humanitarian needs and rights of the four million internally displaced persons (IDPs) in Europe need greater attention and concerted efforts to reduce their suffering.

In this respect, member States should recognise and enforce the human rights of IDPs in accordance with the European Convention on Human Rights and other international treaties, while responding to their humanitarian and social needs. Judgments by the European Court of Human Rights concerning IDPs should be implemented fully and without delay, and national policies should be carried out to protect those forced to live, sometimes for long periods, in another part of the country than where their homes are.

1. Reference to committee: Doc. 13973, Reference 4195 of 22 April 2016.

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A. Draft resolution[2]

1. On the occasion of the 20th anniversary of the adoption by the United Nations of the Guiding Principles on Internal Displacement, the Parliamentary Assembly is alarmed by the fact that, within Europe, more than four million people are displaced inside their own country due to armed conflicts and violence. Through the massive displacement caused by the war in eastern Ukraine and the annexation of the Crimean Peninsula of Ukraine by the Russian Federation, the suffering of some 1.7 million internally displaced persons (IDPs) has been added to the long-standing suffering of the IDPs affected by earlier conflicts in Europe, in particular in Azerbaijan, Cyprus and Georgia.

2. The Assembly recalls that, under the Statute of the International Criminal Court, it constitutes a war crime for an occupying power to transfer, directly or indirectly, parts of its own civilian population into the territory it occupies, or to deport or transfer all or parts of the population of the occupied territory within or outside this territory. Any displacement of persons must not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected. Regardless of ethnicity, IDPs and their families must be able to fully enjoy their human rights, including also fundamental social, cultural and economic rights as enshrined in international law. While IDPs have the right to voluntarily resettle in another part of their country, this does not affect their rights as IDPs.

3. Welcoming the enormous efforts in favour of IDPs undertaken by the member States affected by armed conflicts or other causes of forced displacement, the Assembly invites those States to regularly assess and publish the humanitarian needs of their IDPs, possibly together with the United Nations, the European Union and the International Committee of the Red Cross (ICRC), in particular regarding the needs of IDPs in terms of housing, education, health care, employment and financial assistance. Member States must respect the rights enshrined in the European Social Charter (revised) (ETS No. 163) which, in accordance with the jurisprudence of the European Court of Human Rights on extra-territorial obligations, binds also member States which exercise control outside their own territory.

4. The Assembly deplores the fact that the humanitarian situation of most IDPs in Europe has been negatively affected for an excessively long time by the fact that underlying conflicts are protracted and forced displacements, which were often perpetrated on ethnic grounds, have been thus maintained by the *de facto* authorities controlling the territories of the former homes and places of habitual residence of IDPs. It is therefore important that the human rights and humanitarian needs of IDPs are made a central point in all international efforts to monitor and mediate those conflicts.

5. Referring to United Nations Security Council Resolutions 193 (1964) and 360 (1974) and its Resolution 1628 (2008), the Assembly welcomes the important progress made in the humanitarian situation of IDPs in Cyprus over the past decades and invites the authorities of Cyprus and Turkey to:

5.1. continue supporting the work of the Committee on Missing Persons in Cyprus, which serves essential humanitarian needs of IDPs, and provide all possible information on the fate of the missing persons who disappeared either in Cyprus or were transferred to Turkey as prisoners of war;

5.2. encourage the parties to the Cyprus problem to return to the negotiating table with the aim of reaching a final settlement to the protracted Cyprus problem that would of course include all property issues and remedies for the benefit of all Cypriots;

5.3. continue the demining work of the United Nations Peacekeeping Force in Cyprus, in accordance with United Nations Security Council Resolution 2398 (2018), and provide access to the remaining minefields in the buffer zone, hence ensuring that IDPs and others are not exposed to life-threatening risks;

5.4. open more crossing points for Cypriots at the buffer zone, and promote intercommunal contacts and projects on both sides of the buffer zone, such as the good example of the restoration of the Monastery of Apostolos Andreas from 2013 to 2016, and ensure that all the religious and cultural rights of IDPs are fully respected and protected, notwithstanding that all these confidence-building measures are conducive to creating a climate of good will but cannot contribute substantially to addressing the problems of IDPs in Cyprus;

2. Draft resolution adopted unanimously by the committee on 21 March 2018.

6. The Assembly deplores the fact that the Nagorno-Karabakh conflict remains protracted since 1994, commends the immense humanitarian efforts in favour of IDPs and invites the authorities of Armenia and Azerbaijan to:

6.1. give priority to the humanitarian needs and rights of IDPs in their actions and bilateral negotiations facilitated by the Minsk Group of the Organization for Security and Co-operation in Europe (OSCE), and fully implement without further delay the relevant decisions of the European Court of Human Rights;

6.2. enable the ICRC to enter the area of Nagorno-Karabakh and its surrounding districts to pursue forensic work on cases of missing persons, in particular in mass graves at Heyvali/Drmbon, Khojaly/Ivanyan, Qazançı/Kazanchi and Karakend/Berdashen, and analyse and publish the data found, in close co-operation with the Azerbaijan Red Crescent Society and the Armenian Red Cross Society;

6.3. establish, in accordance with the relevant judgments of the European Court of Human Rights, national commissions for the compensation or return of IDPs' possessions and property which have been destroyed or whose use has been made impossible by the forced displacement, and accept and process individual or collective claims;

6.4. mandate the OSCE to conduct a detailed assessment mission following up the 2010 assessment mission to the territories affected by the conflict, and to continue and support demining projects in the conflict area, such as the work financed since 2000 by the HALO Trust and private Armenian-American donors;

6.5. restore people-to-people contacts between Armenians and Azerbaijanis, as recommended by the OSCE Minsk Group Co-Chairs on 7 December 2017, including Armenians originating from the area of Nagorno-Karabakh and its surrounding districts, as well as IDPs within Azerbaijan;

6.6. welcoming reports about the restoration of the Upper Govhar Agha Mosque in Shusha/Shushi, extend such restoration to other sites of cultural importance to IDPs.

7. Referring to United Nations Security Council Resolutions 849 (1993) and 1808 (2008) as well as its Resolution 1683 (2009), the Assembly deplores the violent displacement of people from Abkhazia and South Ossetia in the 1990s and again in 2008 and the fact that this conflict remains protracted, commends the immense efforts provided in favour of IDPs in Georgia and invites the authorities of Georgia and the Russian Federation to:

7.1. continue supporting the work of the Coordination Mechanism on Missing Persons created in 2010 with the help of the ICRC;

7.2. establish a commission for the compensation or return of IDPs' possessions and property, following an initiative of the Russian Federation and the *de facto* authorities in Sukhumi in 2010 to return property to Russian citizens who had been displaced;

7.3. welcoming the demining of Abkhazia by the HALO Trust from 1997 to 2011 and the demining action in South Ossetia by the Ministry of Emergency Situations of the Russian Federation in 2016, ensure also the withdrawal of ammunition and weapons from the conflict areas, which pose a serious risk to IDPs and others and have the potential to cause further displacements;

7.4. open more crossing points for Georgians at the lines of contact guarded by Russian military;

7.5. support the use of the Georgian language and alphabet in schools in the conflict area, in order to avoid further ethnic discrimination and displacement.

8. Recalling its Resolution 2198 (2018) on the humanitarian consequences of the war in Ukraine, the Assembly further invites the authorities of the Russian Federation and Ukraine to:

8.1. support Restoring Family Links projects by the Ukrainian Red Cross Society and the Russian Red Cross Society and to enable the ICRC to enter, with due protection and safety, the areas affected by the conflict in order to pursue forensic work on cases of missing persons;

8.2. establish a commission for the compensation or return of IDPs' possessions and property, in accordance with the jurisprudence of the European Court of Human Rights under Article 1 of the Protocol to the European Convention on Human Rights (ETS No. 9);

8.3. support and assist demining action in all areas affected by the conflict, such as the action of the Danish Demining Group of the Danish Refugee Council, the Government of Japan and the United Nations Office for Project Services, the Science for Peace and Security project on Humanitarian Demining in Ukraine of the North Atlantic Treaty Organization (NATO), the Geneva International Centre for Humanitarian Demining as well as the HALO Trust;

8.4. abstain from any action that will prolong or cause further internal displacement of persons and aggravate the humanitarian situation of IDPs, in violation of international humanitarian law.

9. Deploring the fact that the Southern Military District of the Armed Forces of the Russian Federation extends beyond its borders, the Assembly calls on the Russian Government to respect the rights of IDPs, in particular by:

9.1. refraining from supplying weapons, ammunition and military personnel, which leads to continued violations of international humanitarian law and human rights of IDPs in the respective conflict areas;

9.2. allowing international humanitarian observer missions to enter the respective conflict areas in order to analyse the humanitarian needs of IDPs and provide humanitarian assistance.

10. Referring to the report on the human rights situation in south-east Turkey prepared by the United Nations High Commissioner for Human Rights in February 2017, the Assembly invites the Turkish authorities to organise an international humanitarian assessment mission to the areas affected by anti-terrorist operations in Turkey.

11. Recalling the judgments of the European Court of Human Rights on the human rights of IDPs, the Assembly calls on all member States to ensure that those judgments are executed fully and without delay and to act appropriately in cases where a respondent State refuses to execute a judgment and pay financial compensation to IDPs or their surviving family members.

12. Recalling its Resolution 1613 (2008) on the use of experience of the “truth commissions”, the Assembly recommends that member States establish national, bilateral or international commissions which record and display publicly the stories and suffering of IDPs, analyse inter-ethnic life before internal displacement and promote future inter-ethnic co-operation projects, in order to achieve sustainable reconciliation.

13. The Assembly invites the Commissioner for Human Rights to co-operate with member States and the Committee of Ministers in their work for IDPs and to follow up on the Human Rights Comment “Internally displaced persons in Europe: Another lost generation?” of 2012.

B. Draft recommendation[3]

1. Recalling Committee of Ministers Recommendation Rec(2006)6 on internally displaced persons and the judgments of the European Court of Human Rights concerning the human rights of internally displaced persons (IDPs), the Parliamentary Assembly refers to its Resolution … (2018) on the humanitarian needs and rights of internally displaced persons in Europe and recommends that the Committee of Ministers ensure that such judgments of the Court be executed as a matter of priority and urgency, using Article 46.4 of the European Convention on Human Rights (ETS No. 5) in cases where a respondent State refuses to execute a judgment.

2. The Assembly recommends that the Committee of Ministers step up its efforts and practical action to ensure that all respondent States abide by the decisions of the European Court of Human Rights regarding compensation awarded in respect of the denial of the use and ownership of IDPs' property and other non-pecuniary losses.

3. Recalling Articles 7 and 8 (2.b.xiii) of the Rome Statute of the International Criminal Court, the Assembly recommends that the Committee of Ministers ask the Committee of Legal Advisers on Public International Law (CAHDI) to establish, in accordance with Article 12 of the United Nations Convention on Jurisdictional Immunities of States and Their Property and the general principles of international law, guidelines for the recognition and enforcement by domestic courts in other member States of judgments of the European Court of Human Rights awarding financial compensation to IDPs, if a respondent State refuses to execute such a judgment.

3. Draft recommendation adopted unanimously by the committee on 21 March 2018.

C. Explanatory memorandum[4] by Mr Killion Munyama, rapporteur

1. Introduction

1. In September 2012, the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, published his Human Rights Comment about internally displaced persons (IDPs) in Europe, in which he spoke of another lost generation of IDPs struggling to cope in many European countries with the consequences of past military-political crises – often for decades. More than five years later, the situation has dramatically worsened through the war in eastern Ukraine, pushing the number of IDPs in member States to more than four million people. Faced with such immense human tragedy, it is high time for European governments, parliaments and civil society to address the humanitarian needs of IDPs resolutely and comprehensively at national and international levels.

2. Twenty years ago, the United Nations Commission on Human Rights adopted the Guiding Principles on Internal Displacement (1998). They define IDPs as persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border. In contrast, refugees and migrants have left their home country. These Guiding Principles contain a number of basic standards which must be respected globally and are referred to in this report.

3. Under the Statute of the International Criminal Court, the deportation or forcible transfer of civilian population is a crime against humanity, and it constitutes a war crime for an occupying power to transfer, directly or indirectly, parts of its own civilian population into the territory it occupies, or to deport or transfer all or parts of the population of the occupied territory within or outside this territory, as well as to intentionally direct attacks against buildings dedicated to religion, education, art, science or charity work, historic monuments, hospitals and places where the sick and wounded are assembled, provided they are not military objectives.

4. The Internal Displacement Monitoring Centre in Geneva found that there were 31.1 million new internal displacements by conflict, violence and disasters globally in 2016, which meant that every second, one new person was forced to flee within his or her country, amounting to a total number of 40.3 million people internally displaced as a result of conflict and violence in the world, plus more than 20 million due to natural disasters such as flooding and drought.

5. The motion for a resolution (Doc. 13973) at the origin of this report expressly states that the United Nations Guiding Principles on Internal Displacement are the primary general reference on how to respond to the humanitarian needs of IDPs. Hence, this report looks at the concrete situation of IDPs in member States, identifies positive examples and points to ways of assisting member States in addressing shortcomings.

6. The focus of this report is on Europe and internal displacements which fall within the human rights protection afforded by the European Convention on Human Rights (ETS No. 5, “the Convention”), in particular the right to life (Article 2), the prohibition of torture (Article 3), the right to liberty and security (Article 5), the right to respect for private and family life (Article 8) and the protection of property (Article 1 of the Protocol to the Convention (ETS No. 9)). Past displacements dating from before the adoption of the Convention are therefore outside the scope of this report. This does not mean that humanitarian problems of others are forgotten; IDPs continue to reside in their home country and have the same rights and obligations as other citizens. Asylum seekers, refugees and migrants have a different legal status with different rights.

7. This report would be overburdened if it attempted to resolve the various causes of internal displacement in Europe, which are mostly armed conflicts. This would also go beyond its mandate. Therefore, I will focus on the humanitarian needs of IDPs, which comprise the respect of human rights and social rights of IDPs, as well as international humanitarian law.

8. In 2009, the African Union adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which contains a number of legal obligations for its signatory States. It is unfortunate that a comparable legal instrument or treaty does not exist in Europe and

4. Any references in this report to regions and other locations shall be understood in full compliance with relevant United Nations Security Council resolutions and international law, respecting the territorial integrity of the States concerned. Footnotes are mere references, remain under the responsibility of their respective authors and do not necessarily reflect the position of the Council of Europe.

that the Kampala Convention was drafted for member States of the African Union only. Nevertheless, my report is guided by the spirit of the Kampala Convention in its analysis of the humanitarian needs of IDPs in Europe.

9. Beyond a narrow definition of these needs, it is also important to look at related issues, such as the human suffering from missing family members or from being separated from family members. If lessons are to be learned and future challenges to be met, Europe must pay much greater attention to ending the violent causes and tragic humanitarian consequences of internal displacement, while building up resilience against such displacement.

2. Relevant work by the Council of Europe

10. The Parliamentary Assembly has previously addressed the humanitarian situation of IDPs in Europe in reports focused on a country, a region or a conflict. This report is the first to seek a comprehensive approach. This being said, it is important to follow up the earlier resolutions and recommendations adopted by the Assembly.

11. I therefore wish to recall Resolution 2133 (2016) on legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities, Resolution 1648 (2009) on the humanitarian consequences of the war between Georgia and Russia, Resolution 1628 (2008) on the situation in Cyprus, Resolution 1416 (2005) on the conflict over the Nagorno-Karabakh region dealt with by the Minsk Conference of the Organization for Security and Co-operation in Europe (OSCE) as well as Resolution 1879 (2012) on the situation of IDPs and returnees in the North Caucasus region and Resolution 1240 (2001) on the humanitarian situation of refugees and internally displaced persons from Chechnya. Particular references shall be made below in the chapters dealing with the respective countries.

12. The Committee of Ministers adopted on 5 April 2006 its Recommendation Rec(2006)6 on internally displaced persons. Whereas this recommendation lists a number of basic principles, its final principle 13 states: “In order to address existing gaps in international law as far as the treatment of internally displaced persons is concerned, member States should consider the elaboration of additional international instruments.” It is clear that gaps must not exist regarding the humanitarian situation of IDPs in Europe.

13. Following the decisions in the case of *Loizidou v. Turkey* since 1995, the European Court of Human Rights (“the Court”) has established through several judgments clear case law on the human rights of IDPs regarding property rights and other rights. However, the execution of the respective judgments is often delayed or lacking. Justice delayed is justice denied. The humanitarian needs of IDPs cannot be put on hold. Therefore, it is an important challenge for all member States to ensure that judgments regarding the humanitarian needs of IDPs be implemented rapidly and effectively.

14. The European Social Charter (revised) (ETS No. 163) of 1996 contains, *inter alia,* the right to housing (Article 32) and family housing (Article 16), which is a vital right regarding the humanitarian needs of IDPs. In its Resolution CM/ResChS(2011)6 of 5 May 2011, regarding the Collective Complaint No. 52/2008 by the Centre on Housing Rights and Evictions (COHRE) against Croatia, the Committee of Ministers found that Article 16 of the Charter imposed obligations upon the Government of Croatia in respect of those families who had expressed their clear wish to return to Croatia, or those for whom the lack of an effective and meaningful offer of housing and other forms of economic, legal or social protection had constituted an obstacle to return, in particular for ethnic Serb families who comprised the bulk of the families affected by non-satisfaction of their housing needs and who constituted a particularly vulnerable group on account of their ethnicity. While the latter case concerned returning refugees who had left Croatia, the findings can also be applied to IDPs who wish to return to their homes within their country or who cannot return due to forced internal displacement.

15. Most internal displacements of people in Europe are due to armed conflicts, which involve armed groups and trafficking of heavy weaponry to these groups. The latter obviously perpetuates the (human) suffering of IDPs and seriously threatens their security and their humanitarian situation. Therefore, all member States should fully apply the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005 (CETS No. 198) as well as the Convention on the Prevention of Terrorism (CETS No. 196) and its Additional Protocol of 2015 (CETS No. 217).

16. Besides this standard-setting work, the Council of Europe also supports member States in practical terms. Through its Migrant and Refugee Fund, for instance, the Council of Europe Development Bank supports projects aimed at shelter, food, medical aid and personal security of migrants and refugees. Since 2015, approximately €24 million have been allocated. Projects for IDPs could be supported by the Bank. 41 States have joined the Bank as shareholders and are thus eligible for funding; they include Bosnia and

Herzegovina, Cyprus, Georgia and Turkey. Among the other countries with high numbers of IDPs, Azerbaijan and Ukraine are unfortunately not members. Membership with the Bank is open to Council of Europe member States and observers.

17. The EUR-OPA Major Hazards Agreement is a partial agreement with 25 States dealing with co-operation in the field of major natural and technological disasters through exchange of knowledge, development of prevention strategies, risk management, post-crisis analysis and rehabilitation co-operation. It is open to membership for Council of Europe member States and non-member States. Therefore, Algeria, Lebanon and Morocco were able to join EUR-OPA. Among its activities, action by member States may for instance be supported through its Virtual Library on psychosocial assistance after disasters as well as its policies for reducing the vulnerability of migrants, refugees and IDPs after and during disasters.

3. Relevant action by other international bodies

3.1. European Union

18. The European Union is a major donor for humanitarian projects for IDPs within and outside Europe. The Directorate-General for International Cooperation and Development of the European Commission has financially supported humanitarian projects for IDPs in Ukraine. Under the mandate of the European Commissioner for Humanitarian Aid and Crisis Management, the European Civil Protection and Humanitarian Aid Operations department contributed to the Disaster Relief Emergency Fund of the International Federation of Red Cross and Red Crescent Societies for the victims of flooding in southern Albania in 2017. 87% of the annual EU Civil Protection and Humanitarian Aid budget, €1 972 million, were donated to projects for forcibly displaced persons in 56 countries globally.[5]

19. Although the overall figures of EU funding are very high, specific projects for IDPs in member States might not receive the financial support necessary, given the often difficult budgetary situation of countries affected by armed conflict or disasters which have led to massive internal displacement of persons. It is, therefore, necessary to maintain a focus on the current humanitarian needs of IDPs in Europe.

20. On a normative level, all EU members are Parties to the European Convention on Human Rights. In addition, the Charter of Fundamental Rights of the European Union contains a number of rights which may be invoked by IDPs within the European Union, such as the right to property (Article 17) and the right to health care (Article 35).

3.2. Organisation for Security and Co-operation in Europe

21. The OSCE Parliamentary Assembly has established an Ad Hoc Committee on Migration which may also look at IDP issues. In addition, specific action is pursued by its Special Representative on the South Caucasus who regularly visits IDPs. Regarding the situation of IDPs in Ukraine, the OSCE Parliamentary Assembly adopted in Helsinki (at its annual session from 5 to 9 July 2015) its Resolution on the Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Federation.

22. Through the OSCE Minsk Group, France, the Russian Federation and the United States have been assisting Armenia and Azerbaijan since 1995 in working towards a peaceful solution to the conflict over Nagorno-Karabakh and the surrounding districts. A Special Representative of the OSCE Chairperson-in-Office has been monitoring the military situation along the line of contact.

23. Following a request by the Russian Government, the OSCE provides an Observer Mission at the Russian checkpoints in Gukovo and Donetsk in eastern Ukraine. Such checkpoints and their regular reports are also relevant for evaluating the humanitarian situation of IDPs.

24. The OSCE Mission in Georgia existed from 1992 until 2008, when its mandate expired and could not be extended due to the veto by the Russian Federation in the wake of its second war with Georgia. Together with the United Nations, it had monitored the situation in South Ossetia and Abkhazia.

5. http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/refugees_en.pdf.

25. The OSCE also set up a Court of Conciliation and Arbitration in Geneva, which is a non-permanent body that can create conciliation commissions and arbitral tribunals on an ad hoc basis for the settlement of conflicts among OSCE participating States. Its Convention has been ratified by 34 States, but not by Azerbaijan, Georgia, the Russian Federation and Turkey, for instance.

3.3. United Nations

26. Following an initiative by the United Nations Commission on Human Rights in 1992, the United Nations created the position of Special Rapporteur on the Human Rights of Internally Displaced Persons in 1994 and has since renewed its mandate. The current Special Rapporteur, Ms Cecilia Jimenez-Damary, had an exchange of views with our committee in Paris on 20 September 2017.

27. Several resolutions by the United Nations Security Council as well as by the United Nations General Assembly are relevant for the humanitarian situation of IDPs during specific conflicts and in general, such as the Resolution on protection of and assistance to internally displaced persons. All United Nations member States are obliged under Article 25 of the Charter of the United Nations to accept and carry out the Security Council's decisions, but the functioning of the UN Security Council is hampered whenever a permanent member is directly involved in a conflict and does not abstain from voting. The UN Human Rights Council adopted in 2012 its Resolution on human rights of internally displaced persons.[6] Already in 1998, the United Nations prepared its Guiding Principles on Internal Displacement.[7] The Office of the United Nations High Commissioner for Refugees (UNHCR) has published an extensive Handbook for the Protection of Internally Displaced Persons.[8]

28. The International Court of Justice of the United Nations in The Hague can be asked by a State to rule, for instance, on the application of the International Convention on the Elimination of All Forms of Racial Discrimination in a territory where another State exercises *de facto* authority. On 19 April 2017, following legal proceedings by Ukraine against the Russian Federation,[9] the International Court of Justice found that the Russian Federation must refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language.[10] Similar proceedings are pending before the International Court of Justice in the case of Georgia against the Russian Federation.[11]

29. Under the Rome Statute of the International Criminal Court, it is considered a crime against humanity to forcibly displace persons by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law (Article 7). Article 8 of the Rome Statute considers a war crime "the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" (Article 8.2.b.xiii) as well as "intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives" (Article 8.2.b.ix). These provisions protect the humanitarian situation of IDPs during armed conflicts.

3.4. African Union

30. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) of 2009 establishes a legal framework for preventing internal displacement and for protecting and assisting internally displaced persons in member States of the African Union. Only member States of the African Union can accede to this convention, but member States of the Council of Europe should adhere to the same fundamental principles enshrined in the Kampala Convention.

31. For Europe, Articles 3 (1.g, h and i) and 7 (4 and 5) of the Kampala Convention seem particularly relevant by requiring individual responsibility for acts of forced internal displacement, including criminal responsibility of members of armed groups for violating the rights of IDPs, accountability of non-State actors,

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6. http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/20/9.
7. www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx.
8. www.unhcr.org/protection/idps/50f94dcc9/handbook-protection-internally-displaced-persons-global-protection-cluster.html.
9. www.icj-cij.org/en/case/166.
10. www.icj-cij.org/files/case-related/166/19412.pdf.
11. www.icj-cij.org/en/case/140 and www.icj-cij.org/files/case-related/140/16426.pdf.

including multinational companies and private military and security companies, as well as the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement.

32. While countries have tried to shed light on the exploitation of natural resources in Africa in the wake of conflicts[12] and indigenous people are displaced globally for natural resources,[13] media reports can also be found about the exploitation of natural resources in the territories affected by conflicts leading to internal displacement in Europe.[14]

4. The situation of IDPs in Europe

33. The number of IDPs in a country mirrors the magnitude of the humanitarian needs. The figures estimated for 2016 by the Internal Displacement Monitoring Centre in Geneva differ partly from the figures provided to me by the respective Assembly delegations. These differences could be explained by different ways of calculation based on IDP registrations as well as different recognitions as IDPs.

Country	*Estimated figures by the Internal Displacement Monitoring Centre*	*Figures provided by the country's delegation to the Assembly*
Azerbaijan	582 000	789 000
Bosnia and Herzegovina	98 000	No reply
Cyprus	272 000	228 125
Georgia	208 000	275 000
Turkey	1 312 000	0
Ukraine	1 762 000	1 582 565
TOTAL	4 234 000	

34. In addition, the Internal Displacement Monitoring Centre estimates that there are 31 000 IDPs in Italy due to disasters, 22 600 IDPs in the Russian Federation (19 000 due to conflicts and 3 600 due to disasters) as well as 17 000 IDPs in Kosovo*[15] due to conflict. The numbers of IDPs are considerably smaller for other countries in Europe and mostly related to natural disasters. In accordance with this numerical importance of the situation of IDPs, national situations shall be analysed below.

35. Ms Angela Cotroneo, Advisor on internal displacement of the International Committee of the Red Cross (ICRC) in Geneva, explained to the committee in Paris on 20 September 2017 that IDPs have specific needs and vulnerabilities during armed conflicts, ranging from life-threatening circumstances to the need for shelter, food, water, medicines and clothing. After this emergency phase, access to housing, to livelihood opportunities and to basic services is important. In protracted conflict situations, IDPs often settle in disadvantaged urban areas, which create new vulnerabilities. They often suffer from loss of family members and therefore need also psychological help and assistance in tracing their family. The primary responsibility for protecting IDPs rests with their State authorities or the authorities controlling their territory. States should have legislation guaranteeing the rights of IDPs in accordance with international standards such as the UN Guiding Principles on Internal Displacement. Parliaments are in a unique position to pass national laws and keep the situation of IDPs high on the international agenda, but also to ensure the respect of international humanitarian law in armed conflicts, for instance by the criminalisation of serious violations.

12. www.wri.org/blog/2009/08/stopping-resource-wars-africa.
13. http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1114-Natural-resource-development-and-the-rights-of-minorities-and-indigenous-peoples.pdf.
14. See for example reports about eastern Ukraine and the seashore of the Crimean Peninsula, https://sputniknews.com/europe/201506101023168203/ and https://empr.media/business/russian-drilling-platforms-stealing/, exploration on the Gudauta shelf in the Black Sea at the seashore of Abkhazia, www.interfax.com/newsinf.asp?id=599728, exploitation of natural resources in Nagorno-Karabakh and its surrounding districts, http://en.karabakh.today/news/opinion/9125-who-supports-exploitation-of-azerbaijani-natural-resources-by-armenia and the oil and gas exploration along the shores of Cyprus, www.newgreektv.com/news-in-english-for-greeks/world/item/24398-turkey-denies-cyprus-rights-to-exploit-its-natural-resources and www.consilium.europa.eu/press-releases/2018/02/23/.
15. * Any references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

4.1. Ukraine

36. With more than 1.7 million IDPs, Ukraine has the largest number of IDPs in Europe at present due to the armed conflict in eastern Ukraine and the annexation of the Crimean Peninsula by the Russian Federation in 2014. The Assembly addressed the situation in several reports leading to Resolution 2028 (2015) on the humanitarian situation of Ukrainian refugees and displaced persons, Resolution 2067 (2015) on missing persons during the conflict in Ukraine, Resolution 2112 (2016) on the humanitarian concerns with regard to people captured during the war in Ukraine, Resolution 2132 (2016) on political consequences of the Russian aggression in Ukraine, and Resolution 2133 (2016) on legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities. The latest report on the humanitarian consequences of the war in Ukraine (Doc. 14463) and Resolution 2198 (2018) again address in detail the humanitarian situation of IDPs in Ukraine. It is therefore possible to focus in the present report on only a few aspects.

37. The Advisory Committee of the Framework Convention for the Protection of National Minorities found already in 2014 that people belonging to the Crimean Tatar minority have been exposed to particular risks following the Russian annexation of the Crimean Peninsula. The European Court of Human Rights has been seized by Ukraine regarding the rights of IDPs in the cases *Ukraine v. Russia* (Application No. 20958/14), *Ukraine v. Russia (II)* (Application No. 43800/14) and *Ukraine v. Russia (IV)* (Application No. 42410/15).

38. In order to support Ukraine and its IDPs in this difficult situation, EU member States and the European Commission have contributed around €751.5 million in humanitarian aid.[16] The United Nations Development Programme is co-ordinating national and international action in Ukraine aimed at humanitarian demining, mine risk education and victim assistance.[17] According to declarations in the Russian media by the First Deputy Permanent Representative of the Russian Federation to the United Nations, the Russian Government opposed such humanitarian demining until the conflict is over.[18]

39. During our committee hearing in Paris on 2 June 2017, we heard that access to health care was very poor in the conflict areas in eastern Ukraine. Often, male adults were captured or forced to leave their homes, while their elderly parents and children remained in the conflict area, either in their own homes or alternative accommodation if their own homes had been destroyed or were in the combat zone. These elderly or very young people depended on health care through mobile units, because they often could not walk long distances to the few existing health-care facilities further away in the conflict areas. The ongoing combat in eastern Ukraine exposed humanitarian staff to serious threats.

40. As the conflict is relatively new and ongoing, the humanitarian needs of IDPs include basic social needs such as housing, welfare, health care and schooling for children. In addition, the registration process of IDPs is ongoing, in order to determine who is entitled to the various social programmes.

41. In the annexed Crimean Peninsula, Crimean Tatars have been deprived of their cultural rights, as found by the International Court of Justice in 2017.[19] This has contributed to new internal displacement of Crimean Tatars.

4.2. Turkey

42. Since 1994, the Turkish Government has provided the Return to Village and Rehabilitation Project for IDPs in Turkey. A survey by Hacettepe University in Ankara found between 950 000 and 1.2 million IDPs in Turkey in December 2006.[20] Today, the Internal Displacement Monitoring Centre in Geneva still counts some 1.3 million IDPs in Turkey.

43. Under Law No. 5233 on the Compensation of Losses Resulting from Terrorist Acts and the Measures Taken Against Terrorism of 27 July 2004, 105 regional Damage Assessment and Compensation Commissions were established and approximately €731 million was awarded as compensation by 2010.[21]

16. http://ec.europa.eu/echo/where/europe/ukraine_en.
17. www.ua.undp.org/content/ukraine/en/home/ourperspective/ourperspectivearticles/2017/04/04/mine-awareness-day.html.
18. https://sputniknews.com/politics/201706141054604470-ukraine-osce-mine-grounless-accusations/.
19. www.icj-cij.org/files/case-related/166/19412.pdf.
20. www.hips.hacettepe.edu.tr/tgyona/4maytgyona(eng).PDF.
21. https://rm.coe.int/16806db7d7.

44. While it is difficult to evaluate the effectiveness of the compensation programme and the current humanitarian situation of IDPs in Turkey, it must be noted that the Committee of Ministers closed the supervision of the execution of the judgment *Doğan and Others v. Turkey* (Application No. 8803/02) because it was satisfied with the compensation awarded to IDPs. In 2011, the European Court of Human Rights declared inadmissible several hundred similar applications by IDPs in the cases *Akbayir and Others v. Turkey*, *Fidanten and Others v. Turkey*, *Bingölbali and Others v. Turkey* and *Boğus and Others v. Turkey*. However, the group of cases *Erdoğan and Others v. Turkey* (Application No. 19807/92) is still before the Committee of Ministers, which in March 2016 urged the Turkish authorities to intensify their efforts to ensure that effective investigations are conducted in compliance with the standards of the European Convention on Human Rights so that all those responsible for the violations which occurred in these groups of cases are held accountable.

45. Following new anti-terrorist operations by the Turkish military in south-eastern Turkey, the Commissioner for Human Rights published in December 2016 a memorandum on his visit to this region[22] as well as a summary of his third party interventions before the European Court of Human Rights.[23] In addition, the UN High Commissioner for Human Rights published in 2017 a report on south-eastern Turkey, where most internal displacement originated.[24] Both reports attest the massive destruction of housing through air raids and other military action as well as the human suffering from this action. Of course, one has to bear in mind the politically difficult situation in Turkey after the failed coup d'état of 2016[25] and the humanitarian situation in Syria as expressed in UN Security Council Resolution 2393 (2017).[26]

4.3. Azerbaijan

46. The armed conflict over Nagorno-Karabakh and its surrounding regions started in 1992[27] and is still going one, despite a ceasefire in 1994.[28] The Assembly addressed the humanitarian aspects of the conflict in Resolution 1416 (2005) as well as in Resolution 2085 (2016) "Inhabitants of frontier regions of Azerbaijan are deliberately deprived of water".

47. The Internal Displacement Monitoring Centre estimates that there are 582 000 IDPs in Azerbaijan, while the parliamentary delegation of Azerbaijan to the Assembly comes to the higher number of 789 000 in accordance with official IDP records. The delegation informed our committee that approximately 50 000 families or 250 000 IDPs had received new housing, with 151 schools, 58 cultural centres, 59 health-care facilities and 60 childcare facilities. However, many IDPs still live in public buildings, dormitories and other temporary residential facilities with poor infrastructure.

48. During its meeting in Baku on 15 and 16 March 2017, the committee held a hearing with Mr Furio De Angelis, Representative of the UNHCR in Azerbaijan, and Ms Amanda Paul, Senior Policy Analyst, Turkey and the Eurasia Region, European Policy Centre. Ms Paul informed the committee that, besides the persistent lack of a political settlement of the conflict, the return of IDPs was made difficult by the destruction of their homes. Mr De Angelis stated that the Law of Azerbaijan of 1999 on IDPs and refugees was in line with UNHCR standards and more than US$6 billion had been allocated to IDPs in Azerbaijan, ranging from lifesaving aid to integration assistance. According to Mr De Angelis, there are approximately 630 000 IDPs in Azerbaijan in addition to the more than 300 000 refugees from Armenia who received Azerbaijani citizenship.

49. The committee also visited an IDP settlement in the Mushvigabad District of Baku for 761 families, more than 3 400 people. It held an exchange of views with Mr Ali Hasanov, Deputy Prime Minister, Chairperson of the State Committee for Affairs of Refugees and Internally Displaced Persons. Despite the funds provided by Azerbaijan's petroleum resources, the financial burden was very high to provide housing and welfare for the huge number of IDPs. Therefore, international humanitarian support was also needed.

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22. https://rm.coe.int/16806db68f.
23. https://www.coe.int/en/web/commissioner/-/the-commissioner-intervenes-before-the-european-court-of-human-rights-in-a-group-of-cases-concerning-anti-terrorism-operations-in-south-eastern-turkey.
24. www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf.
25. See for example the memorandum by the Commissioner for Human Rights, https://www.coe.int/en/web/commissioner/-/the-commissioner-publishes-a-memorandum-on-the-human-rights-implications-of-the-emergency-measures-in-turkey, and the legal opinion by the Venice Commission, www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)037-e.
26. See the UNHCR map of Syrian refugee camps in south-eastern Turkey, https://data2.unhcr.org/en/documents/download/61193.
27. www.osce.org/mg.
28. See, for example, http://oc-media.org/no-political-will-in-armenia-to-find-the-missing-persons-of-the-karabakh-conflict./

50. This view was shared by Ms Cecilia Jimenez-Damary, United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, during her report to the committee in Paris on 20 September 2017, stating that good housing arrangements had been offered in Azerbaijan, but ownership rights of IDPs were still problematic.

51. The European Court of Human Rights established in its judgment *Chiragov and Others v. Armenia* (Application No. 13216/05) that Armenia exercises effective control over Nagorno-Karabakh and the surrounding territories, that the denial of access of the applicants to their property and the lack of compensation for this interference are unjustified, that the denial of access to their homes violates their right to respect for their private and family lives and that the applicants do not have access to any remedy capable of providing redress in this respect, amounting to continuing violations of Article 1 of the Protocol to the European Convention on Human Rights, Article 8 and Article 13 of the Convention. The Committee of Ministers has been considering this judgment and repeatedly invited Armenia to provide information on the planned execution of it.

52. The Armenian Community Council of the United Kingdom in London reported recently that "a growing number of Syrian-Armenians are fleeing the escalating violence in their native land and resettling in Nagorno-Karabakh", where "29 refugee families, roughly 90 people overall, have found new homes" in the area around Lachin/Berdzor.[29] If people under international protection in Armenia are in fact transferred to Nagorno-Karabakh, the rights to return and compensation of IDPs will become more complicated and international humanitarian law will be violated. It is therefore a positive step that Armenia and Azerbaijan consider mandating the monitoring mission of the OSCE Minsk Group to conduct a follow-up to its 2010 assessment mission to the territories affected by the conflict.

4.4. Cyprus

53. Cyprus has a large number of IDPs since the armed conflict with Turkey in 1974.[30] The UN Secretary-General reported on 9 January 2018 to the UN Security Council about the situation in Cyprus, and especially its buffer zone.[31] The United Nations Security Council subsequently prolonged the mandate of the UN Peacekeeping Force in Cyprus through its Resolution 2398 (2018).

54. The Assembly last dealt with this conflict in Resolution 1628 (2008) on the situation in Cyprus. The Internal Displacement Monitoring Centre in Geneva estimates that there are 272 000 IDPs in Cyprus. I am grateful to the Assembly delegation of Cyprus for their response to my questionnaire and oral presentations during committee meetings, where also representatives of the Turkish Cypriot community participated.

55. The European Court of Human Rights has dealt with applications by Cypriot IDPs since the landmark judgment in the case of *Loizidou v. Turkey* of 1998. In 2005, the Turkish authorities created the Immovable Property Commission for the restitution, exchange of property or compensation for displaced Greek Cypriots who have lost their immovable property in the northern part of Cyprus. However, in its judgment *Cyprus v. Turkey* (just satisfaction) of 12 May 2014 (Application No. 25781/94), the Court found a violation because of the Turkish authority's complicity in unlawful sale or exploitation of Greek Cypriot homes and property in the northern part of Cyprus. In addition, information is still lacking about the payment of just satisfaction awarded by the Court for non-pecuniary damages suffered by relatives of missing persons.[32]

4.5. Georgia

56. Internal displacement in Georgia occurred during the armed conflicts in South Ossetia and Abkhazia in 1991-1992 as well as in 2008.[33] The Assembly addressed this conflict and the humanitarian situation in its Resolutions 1633 (2008), 1647 (2009), 1648 (2009), 1664 (2009) and 1683 (2009). The European Court of Human Rights has been seized and is dealing with humanitarian consequences of the war in the case of *Georgia v. Russia (II)* (Application No. 38263/08), which is still pending.

57. The UN General Assembly has adopted resolutions regarding Georgia, in particular on the right of return of all internally displaced persons and refugees in Georgia and their descendants, regardless of ethnicity.[34] In the same vein, Resolution 1808 (2008) of the UN Security Council reaffirms the right of return

29. www.accc.org.uk/syrian-refugees-resettling-in-nagorno-karabakh/.
30. https://digitallibrary.un.org/record/93476.
31. www.un.org/ga/search/view_doc.asp?symbol=S/2018/25.
32. See also the Committee on Missing Persons in Cyprus, www.cmp-cyprus.org/.
33. For a description of events, see the Repertoire of the Practice of the UN Security Council on the situation in Georgia of 2008-2009, www.un.org/en/sc/repertoire/2008-2009/Part%20I/Europe/08-09_Georgia.pdf.

for all the refugees and internally displaced persons to Abkhazia, Georgia, and reaffirms that individual property rights have not been affected by the fact that owners had to flee during the conflict.[35] The UN Special Rapporteur on the Human Rights of Internally Displaced Persons presented a report on his mission to Georgia from 24 to 29 September 2016.

58. I am grateful to the Georgian delegation to the Assembly for having enabled me to carry out a fact-finding visit to Tbilisi on 27 November 2017, when I met with Mr Sozar Subari, Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, and other Georgian authorities and parliamentarians as well as the EU Monitoring Mission and the UN Country Team. I learned that some of the more than 200 000 IDPs in Georgia had been able to return to their homes in South Ossetia. However, the recent closure of crossing points on the administrative boundary lines to South Ossetia and the suppression of the Georgian language in schools are likely to cause new internal displacement. The situation for IDPs from Abkhazia and South Ossetia became worse after the Russian Federation signed treaties with both *de facto* entities in 2009, under which Russian military guards the administrative lines of Abkhazia and South Ossetia, including in maritime waters.

59. The Georgian delegation to the Assembly stated that 59% of IDPs are not accommodated under the durable housing programme and therefore needed humanitarian support. In addition, they depended to a higher degree on welfare.

60. Georgia also introduced legal proceedings against the Russian Federation in 2008 before the International Court of Justice,[36] which has been asked to rule on the application of the International Convention on the Elimination of All Forms of Racial Discrimination in South-Ossetia and Abkhazia.[37] In a similar case concerning the annexed Crimean Peninsula, the International Court of Justice found in 2017 that Crimean Tatars have been deprived of their cultural rights under the International Convention on the Elimination of All Forms of Racial Discrimination.

4.6. Other countries

61. Article 5 of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) defines as crimes against humanity the deportation of civilian population and persecutions on political, racial and religious grounds. The ICTY has developed jurisprudence on forced displacement in this respect.[38]

62. According to the Internal Displacement Monitoring Centre in Geneva, there are still 98 000 people displaced by conflict within Bosnia and Herzegovina.[39] Unfortunately, I did not receive a response to my written questions from the national delegation to the Assembly. Nevertheless, one can conclude that the humanitarian situation of IDPs still requires huge efforts by the national authorities and the international community. Through the Regional Housing Programme in Bosnia and Herzegovina,[40] 435 housing units have been built for IDPs and a further 1 200 units are planned for 2018.[41] In addition to the IDPs displaced by conflict, some 90 000 persons were displaced by extreme rainfall and flooding in Bosnia and Herzegovina in May 2014.[42] Several EU programmes have helped the persons affected.[43]

63. The number of persons displaced by the armed conflict in the eastern part of the Republic of Moldova from November 1990 to July 1992 was estimated at around 130 000 from the region of Transnistria.[44] The UNCHR estimated that there were 2 300 IDPs in the Republic of Moldova in 2016.[45] While there is no

34. https://www.un.org/press/en/2008/ga10708.doc.htm. See also the subsequent resolutions of 2016, https://www.un.org/press/en/2016/ga11785.doc.htm, and 2017, https://www.un.org/press/en/2017/ga11919.doc.htm.
35. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Georgia%20SRES1808.pdf.
36. www.icj-cij.org/en/case/140.
37. www.icj-cij.org/files/case-related/140/16426.pdf.
38. http://cld.unmict.org/notions/show/369/forcible-displacement.
39. www.internal-displacement.org/assets/country-profiles/BIH-Bosnia-Herzegovina-Figures-Analysis.pdf.
40. http://regionalhousingprogramme.org/bosnia-and-herzegovina/.
41. https://eeas.europa.eu/headquarters/headquarters-homepage/37284/voices-field-reunited-after-25-years-thanks-eu-assistance-bosnia-and-herzegovina_en.
42. http://ipafloods.ipacivilprotection.eu/wp-content/uploads/2016/05/LL_Bih_HR_RS.pdf.
43. www.ba.undp.org/content/bosnia_and_herzegovina/en/home/ourwork/response-to-floods/response-to-floods.html.
44. https://reliefweb.int/sites/reliefweb.int/files/resources/A6B552C590FE0C6CC1256F2D00484BC8-unhcr_mda300603.pdf.
45. www.internal-displacement.org/countries/moldova/.

information on how the large number of IDPs received compensation and voluntarily settled elsewhere, it is important to recall that the European Court of Human Rights found in its judgment *Ilaşcu and Others v. Moldova and Russia* (Application No. 48787/99) that the Russian Federation exercises jurisdiction in the region of Transnistria for the purposes of Article 1 of the Convention. As recently as 2017, the Government of the Republic of Moldova referred a demand to the UN General Assembly for the withdrawal of Russian troops from the Transnistrian region.[46] In the judgment *Catan and Others v. Moldova and Russia* (Applications Nos. 43370/04, 8252/05 and 18454/06), the European Court found a violation of the right to education by prohibiting the use of the Latin alphabet at school in the region of Transnistria, which has the effect of further displacement of persons within the Republic of Moldova on cultural grounds.

64. The Russian Federation has been found responsible for human rights violations of IDPs within its borders by the European Court of Human Rights in the cases of *Khamidov v. Russia* (Application No. 72118/01) and *Aslakhanova and Others v. Russia* (Application No. 2944/06). Other cases against the Russian Federation concern its control over territory outside the Russian Federation, which reflect the fact that the Southern Military District of the Armed Forces of the Russian Federation extends beyond its borders to include Armenia, Abkhazia and South Ossetia of Georgia and the Crimean Peninsula of Ukraine.[47]

65. Italy has approximately 31 000 IDPs due to natural disasters,[48] many of whom have been affected by serious earthquakes. A report to the European Parliament found in 2013 that financial resources by the European Union, which had been used for the humanitarian needs of IDPs after the devastating earthquake in Aquila in 2009, had been spent poorly and gone partially to organised crime.[49] Nearly a decade after this earthquake, only half of Aquila's centre seems to be rebuilt.[50] Among the 80 000 original IDPs from Aquila, many were moved to newly built housing facilities, but they are dissatisfied with the conditions there.[51] Italy's IDPs need continued international support as well as strategies for resilience against future natural disasters.

5. Lessons to be learnt

66. The very high numbers of IDPs in Europe require huge humanitarian and financial efforts by the countries concerned. The conflicts which led to such numbers of IDPs have caused enormous humanitarian hardship, which persists as long as the conflicts have not been resolved. IDPs in conflict areas as well as IDPs' family members left behind in conflict areas are particularly vulnerable and need special humanitarian assistance.

67. In order to avoid further destabilisation of these countries, member States of the Council of Europe should continue co-ordinated humanitarian assistance for IDPs. The relevant Assembly resolutions and judgments by the European Court of Human Rights must be implemented fully and without delay by all member States. The Committee of Ministers should ensure that undue delays in the execution of judgments do not occur.

68. Decisions and action by the United Nations regarding IDPs in Europe should be supported by all member States. The 1998 United Nations Guiding Principles on Internal Displacement must be respected. The general principles of the Kampala Convention of the African Union should be incorporated into domestic and international law in Europe.

69. The work of humanitarian non governmental organisations (NGOs) as well as of the International Committee of the Red Cross should be facilitated and supported. Member States should co-ordinate their bi- or multilateral humanitarian assistance to IDPs at European level and monitor its effectiveness.

70. While the economic self-sustainability of IDPs should be a fundamental objective of humanitarian assistance, the enforcement of their human rights must be observed by all member States. Commissions or other national bodies for the compensation of lost possessions should be created as well as for damages for non-pecuniary losses for victims and their surviving family members.

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46. www.mfa.gov.md/comunicate-presa-md/509109/.
47. See the report prepared by the DG External Policies of the Secretariat of the European Parliament in 2016 on Russian military presence in the Eastern Partnership Countries, www.europarl.europa.eu/RegData/etudes/IDAN/2016/578021/EXPO_IDAN(2016)578021_EN.pdf.
48. www.internal-displacement.org/countries/italy/.
49. www.europarl.europa.eu/meetdocs/2009_2014/documents/cont/dt/1007/1007699/1007699en.pdf.
50. https://www.apollo-magazine.com/can-town-laquila-rise-rubble-2009-earthquake/.
51. https://www.reuters.com/article/us-italy-quake-reconstruction/laquila-is-grim-reminder-of-struggle-facing-italys-quake-hit-towns-idUSKCN1130AO.

71. IDPs should be assisted and included in the decision processes affecting their humanitarian situation, either before the courts or during local, regional and national democratic processes. Political representation of IDPs should also be maintained in their internal exile.

72. Social and cultural rights of IDPs must be respected in accordance with the European Social Charter or other conventions and the respective bodies of the Council of Europe should pay particular attention to the situation of IDPs.

6. Future challenges

73. Remembering the numerous cases of forced internal displacements of people in the history of Europe, one has to note that international agreements which settled conflicts have become the foundation for reconciliation, the recognition of the rights of IDPs and due compensation. Without such agreements, the human rights of IDPs continue to be at stake. Therefore, future agreements should duly address the rights of IDPs.

74. International law must become the preeminent yardstick for assessing the humanitarian situation of IDPs. In this respect, the following rights of IDPs must be respected and enforced:

– the right to the protection of life, liberty and security under Articles 2 and 5 of the European Convention on Human Rights;

– the right to respect for family life under Article 8 of the Convention, which includes the right to receive information about the whereabouts of missing family members and the right to family reunification;

– the right to the protection of their possessions and property under Article 1 of the Protocol to the Convention;

– the right to housing, health care and other social rights under the European Social Charter (revised) which, in accordance with the jurisprudence of the European Court of Human Rights on extra-territorial obligations, binds also member States which exercise control outside their own territory;

– the right to education under Article 2 of the Protocol to the Convention and the right to the preservation of their cultural identity and other cultural rights under Article 27 of the International Covenant on Civil and Political Rights as well as the International Convention on the Elimination of All Forms of Racial Discrimination;

– the protection of their cultural property under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, as well as the Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221);

– the right to maintain their nationality, in accordance with the European Convention on Nationality (ETS No. 166), which also applies to IDPs and their families and descendants who are in conflict areas;

– the right to free elections without discrimination based on displacement under Article 3 of the Protocol to the Convention and Article 14 of the Convention, which also requires that local and regional political bodies, which were elected by the population before its internal displacement, be maintained in their internal exile;

– the right to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of their country, as well as the right not to be expelled from the territory of their country under Article 3 of Protocol No. 4 to the European Convention on Human Rights (ETS No. 46).

75. Member States should regularly assess, together with the United Nations, the European Union and the ICRC, the humanitarian needs of their IDPs and publish those assessments, which should allow the international community to provide assistance to the countries and persons concerned.

76. Any financial exploitation of the homes and territory of IDPs by armed groups, *de facto* authorities and private companies must be prohibited and prosecuted in accordance with the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198). Where States or non-State actors profit financially from such exploitation, they should be held liable.

77. Member States should assist IDPs in obtaining restitution of, or compensation for, their lost or looted property. In this respect, a historical example can be found in the Terezín Declaration on Holocaust Era Assets and Related Issues of 30 June 2009 as well as the Holocaust Era Asset Restitution Taskforce (HEART) established by Israel.

78. As the forced internal displacement of persons constitutes a grave violation of international humanitarian law or even a crime against humanity, other member States should permit under their domestic law procedures for the recognition and enforcement of relevant judgments by the European Court of Human Rights and the seizure of assets of a respondent State held in another State, if the respondent State refuses to pay the financial compensation awarded by the Court.[52]

79. Through modern high-resolution satellite images, military aggressions can be made visible, including the displacement or persons by the destruction of their houses, medical buildings, schools, religious sites and other civilian infrastructure.[53] Such satellite images are an increasingly important tool for assessing the humanitarian situation and establishing the ensuing rights of IDPs.[54]

80. Besides the assessment of the humanitarian needs and rights of IDPs after their forced displacement, it is extremely important to prevent future forced displacements and build up the resilience of the population. In this regard, member States should combat any propaganda aimed at the dehumanisation of populations. Such propaganda against a group of people typically serves the purpose to seemingly justify violence against them, the violation of their rights, their forced displacement or ethnic cleansing, and even their killing.

81. Member States should react reasonably to well-calculated provocations aimed at escalating the situation in a region in order to have a pretext for a premeditated military intervention by another State and the forced displacement of people from that region. This requires attention from the State concerned as well as from the international community, in particular through international organisations such as the United Nations, the OSCE, the Council of Europe and the European Union. Otherwise, further internal displacement and human suffering might be inflicted upon more Europeans for the unlawful purpose of conquering territory and pursuing ethnic tensions.

82. Finally, humanitarian needs of IDPs can only be addressed in a sustainable way by reducing the tensions underlying their forced displacement. For this purpose, member States should establish scientific commissions for the analysis of the humanitarian suffering and the individual stories of IDPs. Assembly Resolution 1613 (2008) "Use of experience of the 'truth commissions'" can be of guidance in this respect.

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52. See for example the recognition and enforcement in the United Kingdom of a decision by a court in Cyprus in conformity with the case law of the European Court of Human Rights, www.telegraph.co.uk/expat/expatnews/7027869/British-couple-lose-north-Cyprus-land-fight.html.

53. See for example the Satellite Imagery Assessment of the Crisis in Crimea by the Geospatial Technologies and Human Rights Project of the American Association for the Advancement of Science, https://www.aaas.org/geotech/sevastopol.

54. The UN High Commissioner for Human Rights used satellite images for his report on Turkey of 2017, www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf.