Parliamentary Assembly
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COUNCIL OF EUROPE
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Resolution 2214 (2018)[1]

Humanitarian needs and rights of internally displaced persons in Europe

Parliamentary Assembly

1. On the occasion of the 20th anniversary of the United Nations Guiding Principles on Internal Displacement, the Parliamentary Assembly is alarmed by the fact that, within Europe, more than 4 million people are displaced inside their own country due to armed conflicts and violence. As a result of the massive population 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 underlines 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 relocation of persons must be carried out in a manner that does not violate 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 fundamental social, cultural and economic rights as enshrined in international law. The fact that IDPs have the right to voluntarily resettle in another part of their country 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 make public 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 revised European Social Charter (ETS No. 163), which, in accordance with the jurisprudence of the European Court of Human Rights on extra-territorial obligations, also binds member States that 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 because the 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 at the centre of all international efforts to monitor and mediate those conflicts.

1. *Assembly debate* on 25 April 2018 (15th Sitting) (see Doc. 14527, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Killion Munyama). *Text adopted by the Assembly* on 25 April 2018 (15th Sitting).
See also Recommendation 2126 (2018).

5. Referring to United Nations Security Council Resolutions 193 (1964) and 360 (1974) and its Resolution 1628 (2008) on the situation in Cyprus, 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 supplies essential humanitarian services to IDPs, and to provide all possible information on the fate of people who either disappeared 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 this protracted problem that would 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, promote inter-community 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, bearing in mind that 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.

6. Referring to United Nations Security Council Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), as well as its Resolution 1416 (2005), the Assembly deplores the fact that the Nagorno-Karabakh conflict has remained protracted since 1994, commends the immense humanitarian efforts in favour of IDPs in Azerbaijan 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 for or return of IDPs' possessions and property which have been destroyed or the enjoyment of which has been rendered 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 on the 2010 assessment mission, including a humanitarian component, to the territories affected by the conflict, and to continue and support demining projects in the conflict area;

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

6.6. extend restoration projects to other sites of cultural importance to IDPs, welcoming reports about the restoration of the Yukhari Govhar Agha Mosque in Shusha.

7. Referring to United Nations Security Council Resolutions 849 (1993) and 1808 (2008), the Final Declarations of the OSCE Heads of States Summits in 1994, 1996 and 1999, as well as to Parliamentary Assembly Resolutions 1633 (2008), 1647 (2009), 1664 (2009), 1683 (2009) and 1916 (2013), the Assembly deplores the forcible expulsion of people from Abkhazia, Georgia, and the Tskhinvali region (South Ossetia) in Georgia in the 1990s and again in 2008. It regrets the fact that this conflict in Georgia remains unresolved, and commends the immense efforts provided in favour of IDPs in Georgia. In this regard, the Assembly:

7.1. underlines the importance of the Co-ordination Mechanism on Missing Persons, created in 2010 with the help of the ICRC, and encourages the participants to engage in it constructively;

7.2. calls on the Russian Federation as the *de facto* authority exercising effective control over Abkhazia, Georgia, and the Tskhinvali region (South Ossetia) in Georgia to:

7.2.1. recognise formally and effectively the right of safe and dignified return of all IDPs, including those from the 2008 war, to their original places of residence in Abkhazia, Georgia, and the Tskhinvali region (South Ossetia) in Georgia, in line with paragraphs 9.9 and 9.11 of Resolution 1647 (2009);

7.2.2. welcoming the demining of Abkhazia, Georgia, by the HALO Trust from 1997 to 2011 and taking note of the demining operations in the Tskhinvali region (South Ossetia) in Georgia in 2016 by the Ministry of Emergency Situations of the Russian Federation as the *de facto* authority exercising effective control, ensure also the withdrawal from the conflict areas of ammunition and weapons which pose a serious risk to IDPs and others and have the potential to cause further displacements;

7.2.3. open more so-called crossing points and cease the practice of installing barbed-wire fences and other artificial barriers that are guarded by the Russian military along the occupation line, so as not to hinder freedom of movement;

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

7.2.5. fully implement the European Union-mediated ceasefire agreement, and in particular to grant the European Union Monitoring Mission (EUMM) full access to the entire internationally recognised territory of Georgia and work towards a new internationalised peacekeeping format;

7.2.6. initiate credible investigations into acts of ethnic cleansing of Georgians from these regions and implement measures to reverse it, including taking measures to effectively protect the property left behind by IDPs from both recent and previous conflicts with a view to securing restitution of this property.

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

8.1. support the 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 operations 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 make public 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 of the Council of Europe to co-operate with member States and the Committee of Ministers in their work for IDPs and to follow up on the 2012 Human Rights Comment "Internally displaced persons in Europe: another lost generation?"