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Humanitarian needs and rights of internally displaced persons in Europe

Reply to Recommendation¹: Recommendation 2126 (2018)
Committee of Ministers

1. The Committee of Ministers has examined Parliamentary Assembly [Recommendation 2126 \(2018\)](#) on “Humanitarian needs and rights of internally displaced persons in Europe” and has brought it to the attention of the member States. It has also transmitted it to the Steering Committee for Human Rights (CDDH) and to the Committee of Legal Advisers on Public International Law (CAHDI), for information and possible comments.
2. The Committee of Ministers recalls that notwithstanding the rights and obligations of other States or appropriate international organisations under international law, the primary responsibility for protecting internally displaced persons and their rights, as well as for providing them with humanitarian assistance, lies with the State concerned, as stated in its Recommendation [Rec\(2006\)6](#) on internally displaced persons. The same Recommendation also provides, inter alia, that internally displaced persons have the right to return voluntarily, in safety and in dignity, to their homes or places of habitual residence, or to resettle in another part of the country in accordance with the European Convention on Human Rights. In addition, internally displaced persons are entitled to the enjoyment of their property and possessions in accordance with human rights law.
3. The Committee of Ministers underlines the need to apply all relevant obligations under international humanitarian law in situations of armed conflict as well as international human rights law, including the European Convention on Human Rights (“the Convention”) as interpreted by the European Court of Human Rights (“the Court”), to internally displaced persons in the member States. Moreover, it recalls that the Court has recognised that the arbitrary displacement of persons from their habitual place of residence is in breach of the Convention, and that it is crucial to guarantee their human rights and to execute judgments regarding them.
4. The Committee of Ministers fully recognises the importance of ensuring the execution of the Court’s judgments on internally displaced persons as a matter of priority and urgency. There are a number of pending cases concerning internally displaced persons, revealing important and complex structural problems, many of them related to protracted conflicts and situations in post-conflict regions. The Committee of Ministers will continue to use all the tools at its disposal, including the procedures under Article 46 paragraphs 3 and 4 of the Convention, when performing the important task of supervising the execution of judgments. The Committee of Ministers also recognises the importance of providing support to States in addressing complex execution processes, in particular in situations relating to unresolved conflict zones.
5. In the light of these considerations, the Committee of Ministers does not consider it opportune to follow up on the measures proposed in paragraph 3 of the Recommendation.

1. Adopted at the 1333rd meeting of the Ministers’ Deputies (9 January 2019).

