



Doc. 12533

07 March 2011

Europe's forgotten people: protecting the human rights of long-term displaced persons

Reply to Recommendation¹: Recommendation 1877 (2009)
Committee of Ministers

1. The Committee of Ministers has given close consideration to Parliamentary Assembly Recommendation 1877 (2009) on "Europe's forgotten people: protecting the human rights of long-term displaced persons", which it has drawn to the attention of member states' governments and the European Union. The Committee has also forwarded it to the European Committee on Legal Co-operation (CDCJ), the Steering Committee for Human Rights (CDDH) and the European Committee on Migration (CDMG) for information and possible comments.

2. Like the Parliamentary Assembly, the Committee of Ministers believes that particular attention should be paid to the situation of internally displaced persons (IDPs), to ensure that their human rights are fully respected and to guarantee stability and peace on the European continent.

3. In connection with paragraph 15.1, and in accordance with the concerns expressed by the Council of Europe's Heads of State and Government at their Warsaw Summit in 2005, subsequently reaffirmed at various ministerial sessions, the Committee is convinced of the need to achieve a peaceful settlement of all the protracted conflicts in Europe, with a view to securing the voluntary, safe, dignified and informed return of IDPs to their place of origin. Subject to the constraints it faces, and while ensuring that it does not interfere in negotiations that are already the subject of international mediation accepted by the various parties to the conflicts, the Council of Europe conducts numerous activities aimed at creating suitable conditions for the peaceful settlement of such conflicts. Naturally, the Committee is guided in these activities by the general principles of public international law. The Committee of Ministers also ensures that it is regularly informed about progress in the different negotiation procedures.

4. Regarding the observance of international protection standards referred to in paragraph 15.2, the Committee of Ministers once again emphasises its commitment to the spirit and provisions of the United Nations Guiding Principles on Internal Displacement (the UN Guiding Principles) and to the application of these principles, which enjoy international recognition and authority in member states' national legislation and policies. It recalls that its Recommendation Rec(2006)6 on internally displaced persons, adopted on 5 April 2006, was particularly concerned to place the UN Guiding Principles in a European context and to develop some of these principles further on the basis of existing Council of Europe standards. It strongly encourages member states affected by unresolved conflicts to formulate internal legislation and practice in accordance with all these standards.

5. Regarding the Assembly's recommendation that a new permanent committee be established to replace the Ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR), and that it be responsible for the activities set out in paragraph 15.2, the Committee of Ministers considers that the current financial situation does not permit the establishment of such a committee. It will nevertheless continue to monitor the situation of IDPs in the member states and consider other options and means of strengthening its activities in this field. Such new activities might include exchanges of information

1. adopted at the 1107th meeting of the Ministers' Deputies (2 March 2011)



and experience between IDP representatives, as envisaged in paragraph 15.4 of the recommendation. They might also be concerned with increasing awareness of the positive impact that existing Council of Europe conventions can have on the situation of IDPs.

6. In this context, the Committee recalls that, drawing on existing Council of Europe standards, Recommendation Rec(2006)6 stresses the importance, regarding IDPs, of certain obligations entered into by Council of Europe member states and that it includes several references to the European Convention on Human Rights, which is an extremely effective tool for protecting displaced persons in Europe.

7. With reference to the 15 recommendations in paragraph 15.3 for protecting the rights of IDPs, the Committee of Ministers notes that, subject to differences of language and a greater degree of detail, these essentially reflect the same principles as those set out in Recommendation Rec(2006)6. It therefore encourages member states affected by issues relating to internal displacement to use these recommendations as a source of inspiration in their implementation of Recommendation Rec(2006)6.

8. The Committee also wishes to draw attention to certain projects concerned specifically with IDPs that have been implemented with the financial support of member states. One example is a project to protect the human rights and dignity of vulnerable migrants, which aims to strengthen regional and bilateral co-operation in south-eastern and eastern Europe, particularly through activities concerned with advice on and assistance with improving the socio-economic integration of IDPs, both those who remain in their new locations and those who have returned home. Assistance, including training, is offered, at the request of the member states concerned, throughout the period of the project (2009-2012).

9. The Council of Europe has also launched a project in Georgia to improve the integration of IDPs by developing cohesion at local level and establishing lasting co-operation with the inhabitants of the places where they have settled. The project includes a series of training modules focussing on practical issues such as access to employment, which will provide indications on how these matters can be dealt with at local level.

10. As noted earlier, the Committee has forwarded the Parliamentary Assembly recommendation to the European Union, in the firm belief that the latter will give full attention to the recommendations in paragraph 16, in the context of its relations with member states affected by internal displacements.