



Resolution 1863 (2012)¹

Final version

Enforced population transfer as a human rights violation

Parliamentary Assembly

1. Population transfer is a practice or policy having the purpose or effect of moving persons into or out of an area, either within or across an international border, or within, into or out of an occupied territory, without the free and informed consent of the transferred population and any receiving population. It involves collective expulsions or deportations and often ethnic cleansing.
2. Enforced population transfers have not only occurred in history, this practice and its consequences still affect present conflicts such as those in the Western Balkans, Cyprus and the Caucasus region.
3. Enforced population transfer traumatises the populations concerned, causes much individual suffering and leads to political instability.
4. Acts of enforced population transfer have been declared illegal several times since the Inter-Allied Resolution on German War Crimes (1942). The strongest and most recent condemnation is found in the Rome Statute of the International Criminal Court (2002), which clearly defines deportation, forcible transfer of population and implantation of settlers as war crimes.
5. Deportation on political and ethnic grounds of groups of populations occurred before, during and after the Second World War, and their consequences still remain today.
6. There is currently no single legal principle applicable to population transfers, which take many forms. However, enforced population transfers violate international human rights law (in particular the European Convention on Human Rights (ETS No. 5) and its protocols), international criminal law and international humanitarian law, as well as public international law principles such as the principle of self-determination.
7. The Parliamentary Assembly:
 - 7.1. expressly condemns any form of enforced population transfer, in Europe and elsewhere in the world;
 - 7.2. invites the member States of the Council of Europe to condemn any such practice, including in their international relations with States outside Europe;
 - 7.3. invites the member States of the Council of Europe to properly investigate their own past with regard to enforced population transfers and to promote knowledge thereof among their populations;
 - 7.4. calls on the member States of the Council of Europe to promote, in international fora, the adoption of an international, legally binding instrument which consolidates the existing standards set out in different international law instruments and defines and outlaws all forms of enforced population transfers.
8. The Assembly recalls its Resolution 1522 (2006) on the establishment of a European remembrance centre for victims of forced population movements and ethnic cleansing.

1. Assembly debate on 27 January 2012 (9th Sitting) (see [Doc. 12819](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Vareikis; [Doc. 12853](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Türkeş). Text adopted by the Assembly on 27 January 2012 (9th Sitting).



9. In the case of a conflict between two countries regarding the existence of enforced population transfer or its consequences, both countries should open their archives and form a committee that consists of academics or history professors from both countries. If needed, they should be provided full access to the archives of third-party countries. This matter should be investigated scientifically and a consensus should be reached in a more objective way by historians rather than politicians. The political exploitation of history is by no means acceptable.