



Resolution 2367 (2021)¹

The protection of victims of arbitrary displacement

Parliamentary Assembly

1. The Parliamentary Assembly is deeply alarmed by estimations of the United Nations High Commissioner for Refugees that nearly 80 million persons globally have been displaced by force, most of them being displaced inside their country. Africa, in particular, suffers due to armed conflicts, terrorism and general violence, causing extremely high numbers of victims of arbitrary displacement, many of whom seek refuge in other countries in Africa and sometimes in Europe.

2. Arbitrary displacement occurs where the civilian population is targeted intentionally in armed conflicts and where homes and civilian infrastructure are destroyed. In its most heinous form, such displacement is perpetrated for the political purpose of displacing an ethnic group from a conflict area, which is euphemistically referred to as “ethnic cleansing”. Arbitrary displacement often also enables the aggressor to expropriate and exploit natural resources in the wake of an armed conflict or to pursue criminal activities to generate financial benefits, such as through the smuggling of drugs, oil, weapons or stolen cultural goods.

3. Recalling its [Resolution 2214 \(2018\)](#) “Humanitarian needs and rights of internally displaced persons in Europe”, the Assembly strongly regrets that nearly 2.8 million Europeans are internally displaced persons according to estimates by the Internal Displacement Monitoring Centre in Geneva. In addition, many Europeans are refugees in other countries, in particular Ukrainians who fled the war in eastern Ukraine and Crimea. More recently, the conflict over the Nagorno-Karabakh region has brought new waves of displaced persons.

4. The Assembly welcomes the fact that many European countries have granted asylum to millions of persons forcibly displaced from their home country, primarily from outside of Europe. Turkey, for example, received approximately 3.5 million Syrians and Germany hosts more than one million refugees from Syria and other countries.

5. Recalling that Nadia Murad, a Yazidi woman kept in slavery and a victim of inhuman and degrading treatment by Daesh in northern Iraq, received the Assembly’s Václav Havel Human Rights Prize in 2016, the Assembly strongly condemns the use of all forms of sexual violence as a weapon in armed conflicts. Sexual violence must never be a weapon of warfare and has to be punished severely by law.

6. In this context, the Assembly reminds member States of the Council of Europe of the relevant legal standards and obligations protecting civilian populations against arbitrary displacement, which have been recognised as general principles of public international law in the statutes of the International Military Tribunal at Nuremberg, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. In addition, the Statute of the International Criminal Court (ICC) spells out the prohibition to arbitrarily displace civilian populations and qualifies such acts as war crimes and crimes against humanity. Therefore, the Assembly calls on member States to:

6.1. sign and ratify the Statute of the ICC, if they have not yet done so, and closely co-operate with the ICC in prosecuting and punishing arbitrary displacement of civilian populations;

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 19 March 2021 (see [Doc. 15219](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Fabien Gouttefarde).

See also [Recommendation 2197 \(2021\)](#).



- 6.2. consider creating specific international criminal tribunals for prosecuting and punishing arbitrary displacement where action by the ICC cannot be pursued;
 - 6.3. introduce in their national law the principle of universal jurisdiction of national courts regarding war crimes and crimes against humanity involving forms of arbitrary displacement;
 - 6.4. establish truth commissions in accordance with [Resolution 1613 \(2008\)](#) “Use of experience of the ‘truth commissions’”.
7. Recalling the United Nations Guiding Principles on Internal Displacement of 1998 and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), the Assembly calls on member States to:
- 7.1. co-operate closely with the African Union in the framework of the Kampala Convention in the prosecution and punishment of arbitrary displacement of civilian populations in Africa;
 - 7.2. implement the United Nations Guiding Principles on Internal Displacement in their national law.
8. Recalling the European Convention on Human Rights (ETS No. 5, the Convention), the Assembly calls on each member State to prosecute and punish, using all avenues available under national and international law, any violations of human rights committed by third parties abroad against persons who have subsequently received international protection status in the respective member State. Member States should also assist victims in seeking legal redress where violations have occurred. Arbitrary displacement and other related war crimes and crimes against humanity could typically violate:
- 8.1. the right to life under Article 2 of the Convention;
 - 8.2. the prohibition of torture under Article 3 of the Convention;
 - 8.3. the right to liberty and security under Article 5 of the Convention;
 - 8.4. the protection of private and family life under Article 8 of the Convention;
 - 8.5. the protection of property under Article 1 of the first Protocol to the Convention (ETS No. 9).
9. Aware that arbitrary displacement has the objective of generating financial benefits for those perpetrating such displacement, the Assembly calls on member States to increase their efforts in the search and seizure of proceeds from crimes committed in the wake of armed conflicts, in accordance with:
- 9.1. the United Nations Convention against Transnational Organized Crime;
 - 9.2. the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141) and 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);
 - 9.3. the Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221).
10. Given that the prosecution and punishment of arbitrary displacement requires effective law-enforcement co-operation at international level, the Assembly calls on member States to:
- 10.1. respect their obligations under the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30);
 - 10.2. respond to requests for extradition under the European Convention on Extradition (ETS No. 24);
 - 10.3. closely co-operate with other member States in identifying and combating terrorist organisations which commit arbitrary displacement.
11. Aware of the serious personal impact of arbitrary displacement upon victims, the Assembly calls on member States to provide assistance to victims of such displacement through:
- 11.1. accelerated asylum procedures in accordance with its [Resolution 1471 \(2005\)](#) “Accelerated asylum procedures in Council of Europe member States”;
 - 11.2. special medical and psychological care;
 - 11.3. action for family tracing and the enabling of family reunification;
 - 11.4. the prosecution of crimes committed against victims.

12. An effective protection of civilian populations against arbitrary displacement through an armed conflict may require the multilateral provision of security through the deployment of police or military forces. Therefore, the Assembly invites member States to contribute to such deployment through:

12.1. a mandate of the United Nations Security Council;

12.2. co-operation with the internationally recognised government of a State affected by an armed conflict;

12.3. bilateral or multilateral co-operation agreements, such as the North Atlantic Treaty or the Common Foreign and Security Policy of the European Union.