

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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### **COMMITTEE OF MINISTERS**

#### ***Recommendation Rec(2006)6 of the Committee of Ministers to member states on internally displaced persons***

*(Adopted by the Committee of Ministers on 5 April 2006  
at the 961st meeting of the Ministers' Deputies)*

*The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,*

*Recalling that one of the core objectives of the Council of Europe is to preserve and to promote human rights to the benefit of everyone in Europe;*

*Considering that a large number of citizens of the Council of Europe member states can not fully benefit from their human rights as a consequence of the fact that they have been forced or obliged to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or man-made disasters, without crossing an internationally recognised state border;*

*Recalling the existence of the United Nations Guiding Principles on Internal Displacement (hereinafter the "UN guiding principles"), which address all phases of internal displacement and which have gained international recognition and authority;*

*Stressing its commitment to the spirit and provisions of the United Nations guiding principles and its willingness to implement them in the member states' national legislation and policy;*

*Anxious to promote the United Nations guiding principles in a European context and to develop some of these principles further on the basis of the existing standards of the Council of Europe;*

*Recognising that internally displaced persons have specific needs by virtue of their displacement;*

*Bearing in mind that, while internally displaced persons, despite being displaced, remain citizens of their country entitled to the full enjoyment of human rights and guarantees of international humanitarian law, international law does not provide for any specific binding instrument defining their rights;*

*Considering that the national authorities of the member states on the territory of which internal displacement is taking place are primarily responsible for the protection and assistance of the internally displaced persons, notwithstanding the rights and obligations of other states or appropriate international organisations under international law;*

*Affirming that member states affected by internal displacement should refrain from instrumental use of displaced persons for political aims;*

*Recalling that the arbitrary displacement of persons from their homes or place of habitual residence is prohibited, as can be inferred from the European Convention on Human Rights, which is an integral part of member states' domestic law;*

*Aware that mismanagement of internal displacement may not only lead to human rights violations but also feed into international migration and refugee movements across the continent;*

*Considering that neither this recommendation nor the United Nations guiding principles should prevent Council of Europe member states from introducing or maintaining more favourable standards for internally displaced persons,*

*Recommends that governments of member states be guided, when formulating their internal legislation and practice, and when faced with internal displacement, by the following principles:*

*1. The United Nations guiding principles and other relevant international instruments of human rights or humanitarian law apply to all internally displaced persons, including persons displaced from their homes or places of habitual residence due to natural or man-made disasters;*

*2. Internally displaced persons shall not be discriminated against because of their displacement. Member states should take adequate and effective measures to ensure equal treatment among internally displaced persons and between them and other citizens. This may entail the obligation to consider specific treatment tailored to meet internally displaced persons' needs;*

*3. Particular attention shall be paid to the protection of persons belonging to national minorities and to the protection and assistance requirements of the most vulnerable groups in accordance with relevant international law standards;*

*4. Protecting internally displaced persons and their rights as well as providing humanitarian assistance to them is a primary responsibility of the state concerned;*

*Such responsibility entails requesting aid from other states or international organisations if the state concerned is not in a position to provide protection and assistance to its internally displaced persons;*

*This responsibility also entails not to arbitrarily refuse offers from other states or international organisations to provide such aid;*

*5. Member states shall, in accordance with their obligations under Articles 2, 3 and 5 of the European Convention on Human Rights, take appropriate measures, on the one hand, to prevent acts that may violate internally displaced persons' right to life, to physical integrity and to liberty and security and, on the other, to effectively investigate alleged violations of these rights. This is of particular relevance in the organisation and maintenance of camps for internally displaced persons: in this regard, appropriate measures include those safeguarding the civilian nature of camps;*

*Internally displaced persons shall not be sent back to areas where they would face a real risk of being subjected to treatment contrary to Articles 2 and 3 of the European Convention on Human Rights;*

*6. Member states shall, in accordance with Article 8 of the European Convention on Human Rights, take appropriate measures to facilitate the reunification of families which are separated by internal displacement. Such measures may include locating missing family members, notably those that have been taken hostage. Competent authorities should convey to relatives of an internally displaced person, upon their request, any information they may have on his/her whereabouts;*

*7. Internally displaced persons shall be provided with all documents necessary for the effective exercise of their rights as soon as possible following their displacement and without unreasonable conditions being imposed;*

8. Internally displaced persons are entitled to the enjoyment of their property and possessions in accordance with human rights law. In particular, internally displaced persons have the right to repossess the property left behind following their displacement. If internally displaced persons are deprived of their property, such deprivation should give rise to adequate compensation;

9. Member states should take appropriate legal and practical measures to enable internally displaced persons to effectively exercise their right to vote in national, regional or local elections and to ensure that this right is not infringed by obstacles of a practical nature;

10. With a view to limiting the adverse consequences of internal displacement, member states should develop preventive measures such as strategic action plans, to be implemented in the event of crises which could lead to internal displacement;

11. Internally displaced persons should be properly informed, but also consulted to the extent possible, in respect of any decision affecting their situation prior to, during or after their displacement;

12. 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;

Conditions for proper and sustainable integration of internally displaced persons following their displacement should be ensured;

13. In order to address existing gaps in international law as far as the treatment of internally displaced persons is concerned, member states should consider the elaboration of additional international instruments.