

37th SESSION

The role of local and regional governments in protecting internally displaced persons (IDPs)

Resolution 448 (2019)¹

1. The issue of displacement is a global phenomenon which has reached an unprecedented scale in recent years. In 2018 alone, 28 million people from 148 countries were internally displaced. However, despite the ever-growing number of internally displaced persons ((hereafter “IDPs”) in the world, their plight sometimes tends to be overshadowed by the refugee and migration crisis.

2. An internally displaced person is, according to the 1998 UN Guiding Principles on Internal Displacement, someone who has been “forced or obliged to flee or to leave his/her home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, without crossing an internationally recognized State border”. They have the right to seek safety in another part of their country, to leave their country, to seek asylum in another country, the right to recognition everywhere as a person before the law, the right to healthcare, to education, to employment, to security, to liberty of movement, and the right to be protected against forcible return to, or resettlement in, any place where their life, safety, liberty and/or health would be at risk.

3. In Europe, over decades, more than 4 million people have been displaced inside their own countries due to armed conflicts and violence. Added onto the IDPs affected by earlier conflicts in Europe which include Azerbaijan, Armenia, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo*, North Macedonia, Russia and Turkey, more recently there have been 1.7 million IDPs in Ukraine due to the situation that arose following the illegal annexation of the Crimean Peninsula of Ukraine by the Russian Federation and the areas affected by foreign military intervention in the Eastern part of the country.

4. Alongside armed conflicts, heightened vulnerability and exposure to sudden-onset hazards are a real risk. Wildfires were a particularly visible expression of this (Greece) and as was the risk of being displaced by floods, particularly in cities (France). Globally, there have been 17.2 million new disaster displacements in 146 countries. In Europe, three quarters of the population are estimated to live in urban areas vulnerable to natural hazards. Consequently, for local and national governments in Europe, disaster displacement needs to be a component of risk reduction and response strategies. This is also in line with the United Nations Sustainable Development Goal 13 which calls for urgent action to combat climate change and its impacts.

5. Internal displacements are, first and foremost, a human rights issue. They should be addressed as such. IDPs are currently facing administrative obstacles preventing their full inclusion. They also encounter issues regarding employment, housing, education, and health – to only cite a few. The authorities have a primary duty and responsibility to provide protection and humanitarian assistance to

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* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo

IDPs within their jurisdiction, and IDPs have the right to request and receive protection and assistance from these authorities.

6. In its Recommendation Rec(2006)6, the Committee of Ministers of the Council of Europe asked member States to make sure that IDPs are provided with the necessary documents to exercise their rights, and are properly informed. Even though they have been displaced, IDPs remain nationals of the State in which they live. Hence, they are entitled to the same human rights as other citizens, as enshrined in national, regional and international legislations.

7. A 2018 report adopted by the Parliamentary Assembly of the Council of Europe (PACE), reminded member States that the fundamental human rights of IDPs and their families should be kept in mind when relocating persons. PACE deplored the fact that the humanitarian situation of most IDPs in Europe had been negatively affected by the fact that underlying conflicts are protracted and by forced displacements, and underlined that the human rights and humanitarian needs of IDPs should be a central point in all international efforts to monitor and mediate those conflicts.

8. The Congress of Local and Regional Authorities of the Council of Europe (hereafter the "Congress") issued a Human Rights Handbook for local and regional authorities in 2018, which sets out the rights of IDPs and the obligations of local and regional authorities to ensure these rights. The Congress acknowledged the crucial role of local and regional authorities in facilitating IDPs' integration and participation in public and political life. More specifically, in its Recommendation 419, the Congress considered voting rights as an efficient tool for the integration of IDPs.

9. In the light of the above, and with a view to protecting IDPs' rights and addressing their precarious situation, the Congress invites local and regional authorities of the member States of the Council of Europe and their national associations, to:

a. promote the welfare of internally displaced persons and protect their freedoms and rights, providing them with equal access to basic services and infrastructure as local residents on the one hand and recognise their right to return to their places of origin and to their homes or places of habitual residence, in safety and with dignity on the other;

b. acknowledge that IDPs form a heterogeneous group with varying needs and adapt their approach depending on the target group, keeping such needs in mind when developing policies and initiatives, with particular emphasis on women and vulnerable groups such as unaccompanied minors and the elderly;

c. raise awareness among the host populations regarding the plight of IDPs and draw attention to the fact that even if the arrival of IDPs might put a burden on local resources in the short-term, their presence can also be an opportunity for host communities;

d. take appropriate action to fight prejudice against IDPs, prevent violence, promote inter-cultural understanding and ensure social cohesion and provide psychological assistance to IDPs when necessary;

e. co-operate with civil society organisations, academics and the private sector, in order to come up with innovative solutions to forced displacement and the needs it engenders in areas such as housing, education, health care, employment and financial assistance, and in particular co-operate with private owners and housing associations to tackle the housing issue, providing solutions such as integrating reception centres into already existing residential areas, thereby facilitating IDPs' access to social services and accelerating their inclusion;

f. foster and facilitate IDPs' participation in public and political life by establishing consultative bodies and/or by creating spaces for associations of IDPs to communicate with councilors, NGOs etc. and by protecting them from intimidation and violence which would impede their voting rights;

g. create mechanisms of consultation so that IDPs can share their experience and invest in the establishment of a pan-European network of local and/or regional authorities in order to deal with protracted displacements;

h. co-operate with other levels of governance in the organisation of initiatives, from the planning phase to implementation and evaluation;

i. keep track of new displacements in order to know exactly how many IDPs live in a given area and adapt policies in consequence, creating a check-list in order to create an evidence base including different categories such as data and analysis, capacity and participation, and incentives and political will.