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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Argentina, Australia,* Austria,* Belgium,* Bulgaria,* Canada,* Costa Rica,* Croatia,* Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Fiji,* Finland, France, Georgia,* Germany, Greece,* Honduras, Hungary,* Iceland,* Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania, Luxembourg, Malawi, Malta,* Marshall Islands, Mexico, Monaco,* Montenegro, Netherlands, North Macedonia,* Norway,* Paraguay, Peru,* Poland, Portugal,* Romania,* Slovakia,* Slovenia,* Sweden,* Switzerland,* Tunisia,* Uganda,* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay*¹: draft resolution

50/... Mandate of Special Rapporteur on the human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including General Assembly resolution 76/167 of 16 December 2021 and Council resolution 41/15 of 11 July 2019,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles annexed thereto,

Recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,¹

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Deeply disturbed by the alarmingly large number of internally displaced persons throughout the world for reasons including violations and abuses of human rights, violations of international humanitarian law, armed conflict, persecution, violence and terrorism, as well as disasters and the adverse effects of climate change, and increasingly in situations where those elements interact, who receive inadequate protection and assistance and have no access to durable solutions, and conscious of the serious challenges that this is creating for

* State not a member of the Human Rights Council.

¹ E/CN.4/1998/53/Add.2, annex.



the people affected, including the host communities, for States and for the international community,

Recognizing that violations of international humanitarian law can cause displacement, and recalling that displacement could be reduced if international humanitarian law were respected by all parties to armed conflict, in particular the fundamental principles of distinction, proportionality and precaution, as well as the prohibition of forced displacement of the civilian population, unless the security of the civilians involved or imperative military reasons so demand;

Recognizing also the increase in the number and scale of natural disasters and climate change as one of the drivers of disaster risk, and that the adverse effects of climate change, as contributors to environmental degradation and extreme weather events, already contribute, among other factors, to internal displacement and additional pressure on host communities, and noting that the vulnerability of displaced persons may increase when their host communities are affected by disasters,

Conscious of the human rights, humanitarian, development and peacebuilding and transitional justice dimensions of internal displacement, including in situations of protracted displacement, the often heightened vulnerability of women, children, older persons, persons with disabilities, persons belonging to minorities and indigenous peoples, and the responsibilities of States and the international community to further strengthen their protection and assistance, including by respecting and protecting the human rights and fundamental freedoms of all internally displaced persons, with a view to finding durable solutions,

Deeply concerned that gender inequalities limit the control that women and girls have over decisions governing their lives and their access to resources such as food, water, agricultural input, land, credit, energy, technology, justice, education, health-care services, adequate housing, social protection and employment, resulting in increased exposure to disaster-induced risks and losses relating to their livelihoods, and that failure to address the structural barriers faced by women and girls in realizing their rights will exacerbate sexual and gender-based violence and inequalities and compound intersecting forms of discrimination in situations of crisis,

Noting the need for greater mainstreaming of the human rights of internally displaced persons across the United Nations system in order to address the challenges they face more effectively, including by giving due consideration to the implementation of the Secretary-General's Call to Action for Human Rights, and welcoming the recommendations of the Special Rapporteur on the human rights of internally displaced persons in this regard,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, without discrimination, including through the facilitation of durable solutions, to prevent arbitrary displacement in accordance with international law, including to prevent forced displacement in violation of international humanitarian law, and to address the root causes of displacement through evidence-based action and in appropriate cooperation with the international community,

1. *Commends* the Special Rapporteur on the human rights of internally displaced persons for the activities undertaken to date, the catalytic role that she has played in raising the level of awareness of the plight of internally displaced persons, and her ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its present session² and the conclusions and recommendations contained therein, and recognizes the critical importance of enabling the participation of internally displaced persons as citizens and rights holders in decision-making processes affecting them, including their participation in electoral

² A/HRC/50/24.

processes, and of addressing obstacles to their political participation in support of their full enjoyment of rights and of their achievement of durable solutions;

3. *Recalls* the resolve expressed at the World Humanitarian Summit, held in Istanbul, Türkiye in May 2016, to pursue a new approach to internal displacement that would meet immediate humanitarian and longer-term development needs through collective outcomes for internally displaced persons and host communities, and that the Secretary-General has urged all stakeholders to commit to a comprehensive global plan to reduce internal displacement, in a dignified and safe manner, by at least 50 per cent by 2030;³

4. *Also recalls* the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development in 2016, and recognizes that internal displacement is an increasingly urban phenomenon, and in that regard the importance of addressing the particular needs and vulnerabilities of internally displaced persons in urban settings and of supporting host communities and local governments;

5. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons, particularly through the facilitation of durable solutions and the inclusion of internally displaced persons within their national development plans, and have supported and facilitated the work of the Special Rapporteur;

6. *Recognizes* the important role of national human rights institutions in all phases of displacement to ensure that all human rights issues are appropriately addressed;

7. *Expresses deep concern* at the persistent problems of the large number of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance and long-term development efforts and assistance, their heightened risk of exposure to violations of international law, in particular human rights law and international humanitarian law, the heightened risk of internally displaced persons, in particular women and girls, of being subjected to sexual and gender-based violence, and difficulties resulting from their specific situation, such as lack of protection, food, shelter, access to justice, access to health-care services and psychosocial support, access to education, disruption to family links and loss of essential documents, which may result in a violation of their human rights, and issues pertinent to their reintegration, including obstacles to the exercise of housing, land and property rights;

8. *Expresses concern* at the problem of protracted internal displacement, and recognizes the need for the integration of the rights and needs of internally displaced persons, particularly displaced women and girls, into national and local development strategies, both rural and urban, and for their participation in the design and implementation of these strategies, as well as the need to secure durable solutions, including voluntary return and reintegration, local integration or settlement elsewhere in the country, in a dignified and safe manner;

9. *Expresses particular concern* at the full range of threats, violations and abuses of human rights and violations of international humanitarian law experienced by many internally displaced persons, including women and children, who are particularly vulnerable or specifically targeted, especially for sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance and protection needs, and calls upon States, in cooperation with international agencies and other stakeholders, to provide protection and assistance to internally displaced persons who are victims of the above-mentioned violations and abuses, as well as other groups of internally displaced persons with special needs, such as those with mental health and psychosocial support needs, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

³ See A/71/353.

10. *Expresses concern* at the internal displacement caused by sudden and slow-onset disasters, which has a disproportionate impact on low- and middle-income countries with high exposure to natural hazards, high population density in areas with non-resilient infrastructure and limited capacity to reduce disaster risk, exacerbated by the adverse effects of climate change, poverty and other factors that are expected to continue to increase displacement, undermine development and affect the enjoyment of human rights owing to more frequent and severe disasters;

11. *Recognizes* the need for a human rights-based and gender-responsive approach to disaster risk reduction, early warning, disaster contingency planning, disaster management, mitigation and adaptation, and recovery efforts, to prevent, reduce and address disaster displacement, to better protect and meet the needs of affected persons, and to find durable solutions, and recalls the relevant provisions of the Sendai Framework for Disaster Risk Reduction 2015–2030,⁴ the United Nations Framework Convention on Climate Change and the Paris Agreement⁵ in this regard, in particular the recommendations of the task force on displacement of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts;⁶

12. *Recalls* that the 2030 Agenda for Sustainable Development seeks to address the needs of the most vulnerable, including internally displaced persons, and that failing to address the needs of internally displaced persons can undermine efforts by countries to achieve their overall development goals, and notes in this regard that risk-informed sustainable development is essential for reducing displacement risk, facilitating durable solutions, and ensuring that no one is left behind, in accordance with the 2030 Agenda;

13. *Calls upon* all parties to armed conflict to comply with their obligations under international humanitarian and human rights law, as applicable, with a view to preventing forced displacement and promoting the protection of civilians, including by ensuring their safe passage, and to provide safe and unhindered humanitarian access for relevant United Nations agencies and humanitarian organizations to internally displaced persons, including those residing in conflict areas, and calls upon Governments to take measures to respect, protect and fulfil the human rights of all internally displaced persons, including the freedom of movement and residence within the borders of each State, without distinction of any kind, in accordance with their applicable obligations under international law;

14. *Strongly urges* States and all parties to armed conflict to take effective measures to prevent and address acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively assigned to medical duties, their means of transport and equipment, as well as hospitals and other medical facilities in armed conflict, including through the development of domestic legal frameworks to ensure respect for their relevant international legal obligations;

15. *Strongly condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately targeted, while men and boys are also affected, and urges authorities and the international community to work together for the effective prevention and response, security, protection of human rights, access to justice and victim assistance, and in addressing the root causes of sexual and gender-based violence and fighting impunity across the board;

16. *Reaffirms* the recognition of the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies, as well as development donors and other providers of development assistance to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, including their need for long-term development assistance for the implementation of durable solutions, and in this regard calls for international support, upon request, for the capacity-building efforts of States;

⁴ General Assembly resolution 69/283, annex II.

⁵ FCCC/CP/2015/10/Add.1.

⁶ See <https://unfccc.int/documents/193360>.

17. *Welcomes* the successful implementation of the multi-stakeholder Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced Persons 2018–2020 marking the twentieth anniversary of the Guiding Principles on Internal Displacement in supporting State-led responses with regard to laws and policies, durable solutions, data and analysis, and the participation of internally displaced persons and strengthening collaboration among relevant stakeholders, which concluded with the holding of an intersessional seminar by the Office of the United Nations High Commissioner for Human Rights in October 2020, as requested by the Human Rights Council in its resolution 41/15, and encourages States to continue to engage in its follow-up initiative (GP 2.0), including by sharing effective practices and ongoing challenges in prevention, protection and solutions for internally displaced persons;

18. *Also welcomes* the report of the Secretary-General's High-level Panel on Internal Displacement and the Secretary-General's Action Agenda on Internal Displacement, acknowledges that increased efforts to address the root causes as well as prevention, protection and improved assistance to internally displaced persons and durable solutions for internal displacement are critically important, and encourages the Secretary-General to work with Member States, the United Nations system, including the Special Rapporteur and other relevant actors in these efforts;

19. *Calls upon* States:

(a) To provide durable solutions in accordance with the Framework on Durable Solutions for Internally Displaced Persons and by giving due consideration to the recommendations contained in the report of the Secretary-General's High-level Panel on Internal Displacement, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their efforts and policies relating to prevention, assistance, protection, rehabilitation, durable solutions, including disaster risk reduction, climate change mitigation and adaptation, and development assistance for internally displaced persons and their host communities;

(b) To integrate the 2030 Agenda for Sustainable Development into their respective national policies and development frameworks and, as appropriate, to integrate internal displacement in their development strategies, and to include it in reporting on relevant Sustainable Development Goals;

(c) To prevent arbitrary displacement in accordance with international law, including by fostering respect for international humanitarian law and preventing forced displacement in violation of international humanitarian law, and by aligning domestic legislation with relevant international obligations, such as those regarding the prohibition of arbitrary displacement and the criminalization of acts of arbitrary displacement;

(d) To continue to develop and implement domestic legislation and policies with the goal of realizing the human rights of internally displaced persons, dealing with all stages of displacement in an inclusive and non-discriminatory way, including through the adoption of a whole-of-society and whole-of-government approach, the identification of a national focal point within the Government for issues concerning internal displacement, and the allocation of adequate budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

(e) To acknowledge that affected persons are rights holders who must be at the centre of decision-making, planning and implementation relating to internal displacement, and therefore to ensure and support the full and meaningful participation of and consultation with internally displaced persons, including women, children and persons in vulnerable situations, at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement regarding the promotion and protection of human rights, the prevention of human rights violations and abuses, inclusion in local and national development plans and activities, the design and implementation of durable solutions, including by fostering safe, voluntary, dignified and sustainable return, local integration or settlement elsewhere in the country in a dignified and safe manner, as well as peace processes, peacebuilding, transitional justice and post-conflict reconstruction;

(f) To pay special attention to the specific situation and needs of displaced women and girls and to take action to effectively address pre-existing patterns and structures of gender-based discrimination and inequalities, such as lack of access to education and information, lack of access to legal aid, laws and practices that discriminate against women's and girls' claims to housing, land and property, nationality laws that discriminate against women in their ability to confer nationality on their children on an equal basis with men, lack of access to livelihoods, income, decent work and equal pay, lack of access to social protection and to available, accessible, acceptable and good quality health-care services, including sexual and reproductive health-care services, harmful practices, including child, early and forced marriage and female genital mutilation, and the barriers that socioeconomic and security concerns may present to women's and girls' enjoyment of their right to full, effective and meaningful participation in decisions that affect them;

(g) To take into account the specific needs of persons with disabilities and of older persons when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities and older persons have timely, inclusive, appropriate, equal and gender- and age-responsive access to assistance, protection, accessible information and rehabilitation services, including health-care services, sexual and reproductive health-care services, psychosocial support and educational programmes, while respecting and promoting their individual autonomy and independence;

(h) To assist internally displaced persons to recover, to the extent possible, their housing, land and property that they have left behind or of which they were dispossessed upon their displacement, or to obtain appropriate compensation or another form of reparation when recovery of such housing, land or property is not possible;

20. *Decides* to extend the mandate of Special Rapporteur on the human rights of internally displaced persons for a period of three years:

(a) To address the complex problem of internal displacement, in particular by mainstreaming the human rights of internally displaced persons into all relevant parts of the United Nations system;

(b) To work towards strengthening the international response to the complex problem of internal displacement due to reasons including armed conflict, generalized violence, human rights violations, the adverse effects of climate change and disasters, and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of internally displaced persons, while continuing and enhancing inclusive dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors;

21. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out the mandate, and through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations, national human rights institutions and other relevant actors:

(a) To continue to analyse the root causes and drivers of internal displacement, the needs and human rights of all those displaced, measures of prevention, including measures relating to the protection of and assistance to persons at risk of displacement, and ways to strengthen protection, as well as assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, statistics and data disaggregated by age, sex, diversity and location, and to include reliable information thereon in his or her reports submitted to the Human Rights Council;

(b) To continue his or her efforts to promote comprehensive and inclusive strategies and support that focus on the prevention of displacement, better protection and assistance, durable solutions and the integration of internally displaced persons into national development plans and budgets, as well as in peace processes, peace agreements and reintegration and rehabilitation processes, as appropriate, taking into account the primary responsibility of States within their jurisdiction in this regard;

(c) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, States in post-conflict or other situations, intergovernmental,

regional and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development and implementation of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and of other groups with specific needs, such as children, particularly girls, especially if unaccompanied or separated, and older persons, persons with disabilities and those with mental health and psychosocial support needs, and their particular assistance, protection and development needs;

(e) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries and, in particular, to continue cooperation with development donors and other providers of development assistance, including United Nations agencies and other relevant actors, such as the World Bank, to further strengthen international assistance efforts in support of prevention, protection and durable solutions;

(f) In the context of the ongoing reform of the United Nations development system, to strengthen further the cooperation established between the Special Rapporteur and the United Nations, including with the follow-up mechanisms of the Secretary-General's Action Agenda on Internal Displacement, such as the time-bound Special Adviser on Solutions to Internal Displacement and the Steering Group on Solutions to Internal Displacement, and United Nations Resident Coordinators, in the framework of the Peacebuilding Commission and with other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies, as well as the Joint Steering Committee to Advance Humanitarian and Development Collaboration;

(g) To continue to use and promote in his or her activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee and related tools developed under the leadership of the Special Rapporteur to support Governments and humanitarian and development partners to implement the Framework through comprehensive analysis, prioritization and action;

22. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe, and subregional organizations to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages such organizations to strengthen their activities and their cooperation with the Special Rapporteur;

23. *Strongly welcomes* the adoption, entry into force and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, and encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons;

24. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate the activities of the United Nations and other relevant actors addressing the protection, assistance and development needs of internally displaced persons and to respond favourably and expeditiously to requests by the Special Rapporteur for visits and information, stresses the need for unimpeded access by the Special Rapporteur in accordance with the mandate, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where

appropriate, on the recommendations of the mandate holder and to make available information on measures taken in that regard;

25. *Urges* Governments, members of the Inter-Agency Standing Committee, United Nations Resident and Humanitarian Coordinators and country teams to ensure the provision of relevant, reliable, timely, disaggregated and interoperable data on situations of internal displacement, including on the characteristics of internally displaced persons and host communities, in order to improve policies, programming and preventative measures on and inform an effective and rights-based response to internal displacement, and to support the achievement of durable solutions, and in this regard to engage with the work of the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics of the Statistical Commission, to share data with the Internal Displacement Monitoring Centre for incorporation into global estimates and analysis, to request the support and guidance of the Joint Internally Displaced Persons Profiling Service as needed to help to improve the availability of actionable and agreed-upon data, and to provide financial resources, as appropriate, in these respects;

26. *Encourages* the United Nations, including its specialized agencies, the Special Adviser on Solutions to Internal Displacement, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop and maintain regular dialogue and cooperation with the Special Rapporteur in the fulfilment of the mandate;

27. *Encourages* all relevant United Nations organizations and humanitarian, human rights and development organizations to enhance their collaboration and coordination, including through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

28. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mechanism works in close cooperation with the Emergency Relief Coordinator, with the continued support of the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies;

29. *Requests* the Special Rapporteur to continue to submit an annual report on the implementation of the mandate to the Human Rights Council and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

30. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with its programme of work.
