

**Sixth Annual Meeting on the Role of the Asia Pacific Forum  
In the Protection and Promotion of Human Rights  
Colombo, Sri Lanka, 24-27 September 2001**

**Oral Intervention of the Pre-Forum NGO Consultation  
on Internally Displaced Persons<sup>1</sup>**

The Pre Forum NGO consultation welcomes the discussion on Internally Displaced Persons (IDPs) at this Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions<sup>2</sup>.

Persons displaced by conflict are vulnerable to a wide range of human rights abuses, including violations of their economic, social, cultural, civil and political rights. International agencies that work with IDPs such as the International Commission of Red Cross (ICRC), consider the “problems resulting from internal displacement [to be] first and foremost the responsibility of national authorities, who bear the main obligation to ensure that the protection and assistance needs of internally displaced persons are being met”. Given the human rights vulnerabilities of IDPs, and the responsibilities placed upon national authorities, National Human Rights Institutions (NHRIs) have a great responsibility to monitor the situation of IDPs in their countries and ensure that the rights of IDPs are protected and respected.<sup>3</sup>

It is particularly appropriate that the members of the Asia Pacific Forum address themselves to protecting the rights of IDPs, as internally displaced populations are present in a significant number of Asian countries, and as internal displacement impacts on the lives of millions of men, women and particularly children in Asia. For example, significant numbers of internally displaced peoples are found in Afghanistan, Bangladesh, Nepal, India, Indonesia, the Philippines and Sri Lanka.

Displacement affects the lives of people in many significant ways. It jeopardizes their physical security and impacts negatively on their quality of life and potential for physical and emotional growth. Family and community life may be damaged or destroyed, opportunities for cultural activity may be restricted, and their identity as a people may be put at risk. Displaced persons suffer loss of privacy, limitations on their capacity or ability to work, and

---

<sup>1</sup>Facilitated by: Asia Pacific Human Rights Network (APHRN). Secretariat: South Asia Human Rights Documentation Centre (SAHRDC), B-6/6, Safdarjung Enclave Extension, New Delhi - 110029, India. Phone: +91-11-619 2717, 619 2706, 619 1120. Fax: +91-11-6191120. Email: hrdc\_online@hotmail.com. Home page: <http://www.hrdc.net/sahrdc>

<sup>2</sup>This oral intervention draws on a paper entitled “Internally Displaced Persons: A Case For the NHRIs” prepared by the Asia Pacific Human Rights Network, which provides the basis for a dialogue between NHRIs and NGOs on the formulation of programs of action to address and alleviate the suffering of IDPs.

<sup>3</sup>Francis M. Deng, Special Representative of the UN Secretary General on Internally Displaced Persons prepared and presented the Guiding Principles to the UN Commission on Human Rights in 1998. The Principles outline the rights of IDPs and the obligations of governments and insurgent forces in all phases of displacement, and define the minimum standards of protection to which IDPs are entitled, including protection against arbitrary displacement, during situations of displacement, and with regard to post-conflict return and reintegration. The Deng Principles reflect and are consistent with international human rights and humanitarian law. They are not, however, a binding instrument.

restrictions on their access to basic health and education services. They often do not enjoy full civil and political rights, including the right to participate fully and equally in public life, and may be particularly vulnerable to gross human rights violations, including torture, disappearances, extrajudicial killings and gender based violence. IDPs are also vulnerable to forced recruitment by parties to the conflict in contravention of international humanitarian law.

In undertaking to ensure that the rights of IDPs are fully protected and respected, the Pre-Forum NGO consultation recommends that NHRIs specifically address the following issues:

1. IDPs who are citizens of the country in which they are displaced are entitled to full civil, political, economic, social and cultural rights; any abridgement of their rights as citizens, which is based solely on their IDP status is therefore discriminatory.
2. All IDPs as a consequence of their displacement confront particular problems in the fulfillment of their basic needs for food, safe drinking water, shelter, health services, education and safety. Mitigation of the consequences of displacement, including provision of basic needs during periods of displacement and resettlement, is a state responsibility.
3. IDPs have the right to settle voluntarily in the location of their choice; this includes the right to return to their original place of residence, to resettle temporarily until such time as they are able to exercise their right to return, or to resettle permanently, should they so prefer.

Specific measures that should be taken by NHRIs in order to protect the rights of IDPs include:

1. Establish a permanent presence close to internally displaced populations, and provide an adequate number of appropriately trained staff to monitor the situation of IDPs, in order to ensure their rights are respected, and facilitate and encourage IDP access to NHRI complaint procedures and mechanisms for seeking redress and compensation.
2. Report to the concerned authorities on the situation of IDPs in order to prevent possible human rights violations and make proposals to put an end to such violations, where they occur. Ensure that government assistance is given to all IDPs uniformly and without discrimination, and that resettlement where it occurs is voluntary and directed towards appropriate, suitable and safe locations, with the provision of appropriate resources and infrastructure.
3. Examine legislation and administrative provisions impacting on IDPs to ensure provisions conform to fundamental human rights principles, and are in harmony with the Deng Guiding Principles on Internal Displacement, and where necessary, recommend the adoption of new legislation or amendment of existing legislation or administrative measures, and ensure their full implementation.
4. Undertake and facilitate others in undertaking education campaigns to inform the general public and IDPs about the rights of the internally displaced as fellow citizens, their situation as IDPs and the responsibilities of local and national authorities, including law enforcement agencies to protect the rights of IDPs. Particular attention

should be paid to the existence of tensions between IDPs and the surrounding host communities and to encouraging governmental and non-governmental efforts to facilitate dialogue, social and cultural exchanges and trust building between IDPs and host communities.

5. Where this is not already the case, encourage governments to consider enlisting the aid and expertise of international organizations such as the ICRC, UNHCR and other nongovernmental organizations to assist in upgrading government services to IDPs. Such organizations have extensive experience in addressing the needs of IDPs and a well-development commitment to promoting and protecting the human rights of internally displaced populations. NHRIs should also ensure that IDPs are able to effectively access the services provided by local and international relief agencies.
6. NHRIs should encourage national governments to ratify Protocols I and II of the Geneva Conventions and monitor and ensure effective compliance. NHRIs should also ensure compliance with the provisions of international humanitarian law in situations where IDPs may be subject to threat of recruitment or forced labor by State and non-State actor parties to an internal conflict.

International and domestic law is generally deficient in addressing the specific needs and conditions of internally displaced populations. The Pre Forum NGO consultation recognizes the work of the National Human Rights Institutions of Indonesia, Nepal, and India in addressing the problems of IDPs within their jurisdictions. NHRIs in the Asia Pacific region, by ensuring that national authorities set appropriate policies and respect fundamental human rights principles in their treatment of IDPs, can help promote international standards and best practices to improve the living conditions of millions of conflict-induced internally displaced persons around the world.

I thank you for your kind attention.