

ENNHRI Statement on the Role of NHRIs to Promote and Protect the Human Rights of Internally Displaced Persons (IDPs) in (Post) Conflict

Reaffirming

- The Universal Declaration of Human Rights, marking its 70th anniversary, and all international and regional human rights standards; and recalling that human rights are universal, indivisible and interdependent and mutually reinforcing;
- The UN Guiding Principles on Internal Displacement, marking their 20th anniversary;
- The Paris Principles Relating to the Status of National Institutions (A/RES/ 48/134), marking their 25th anniversary, and providing recognition for the independence, pluralism, effectiveness and accountability of Paris Principles- compliant NHRIs;

Recalling

- The 2015 Kyiv Declaration on the Role of NHRIs in Conflict and Post-Conflict Situations; and the opportunities, responsibilities, challenges and limitations in such contexts;
- The 2015 Merida Declaration on the Role of NHRIs in Implementing the 2030 Agenda for Sustainable Development; and in particular Sustainable Development Goal 16 on promoting peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels;
- The 2012 Amman Declaration and Programme of Action and the Role of NHRIs in Promoting and Protecting the Human Rights of Women and Girls and Gender Equality; and recognising the particular impacts of conflict on the human rights of women and girls, including gender-based violence;

Recognising

- The multiple violations of IDPs' civil, political, economic, social and cultural rights, including discrimination, and the challenges faced in accessing and enforcing their rights as a result of displacement; and the importance of IDPs' participation in all decisions affecting them at a local, national and international level, including work towards effective and timely durable solutions;
- The crucial role of NHRIs to promote and protect in their jurisdiction all human rights, including for IDPs, using any additional mandates to support this role; and that their functions are multi-faceted and mutually reinforcing, and can therefore have multiplier effects in supporting the promotion and protection of the human rights of IDPs;
- The role of NHRIs as interlocutors between diverse actors and their bridging role between national and international arenas, as well as between the state and civil society; and their role in facilitating coordination between actors; including, when relevant, their role as a mediator;

European NHRIs emphasise that their role includes:

Advising governments, parliaments and other state authorities on human rights:

- Advocating for the ratification and promotion of international human rights instruments; and their integration to national law, including the UN Guiding Principles on Internal Displacement; as well as their effective implementation at national level;

- Advocating against disproportionate derogations to international human rights standards, as well as emergency measures adopted at the national level, which must be limited in time and scope;
- Providing expertise and recommendations on the content and implementation of legislation and strategic policies on IDPs, including on a human rights-based approach; and ensure regular review and follow-up on these recommendations;

Monitoring the human rights of IDPs:

- Monitoring legal, administrative and policy frameworks impacting on IDPs' human rights;
- Fact-finding and data collection on the situation of IDPs with particular attention to individuals who are particularly vulnerable in (post) conflict contexts, including: women and girls; children; older persons; persons with disabilities; ethnic, linguistic, religious and national minorities; and LGBTI persons;
- Monitoring housing facilities, collective centres and places where IDPs may be deprived of their liberty (including public and private facilities), as well as their access to and enjoyment of property rights;
- Observing elections and monitor the access of IDPs to their active and passive electoral rights, as well as their public participation at all levels;
- Monitoring IDPs' access to and enjoyment of all other civil, political, economic, social and cultural rights, in full equality with other persons in the state;
- When required, based on findings from their monitoring activities, taking urgent measures.

Reporting on the situation of IDPs to national, regional and international actors:

- Reporting to national authorities on the human rights situation of IDPs, including recommendations and reports to Parliaments and other state bodies, and take relevant follow-up actions;
- Reporting to regional and international human rights mechanisms and relevant mandate holders on national implementation of human rights standards, as well as the UN Guiding Principles on Internal Displacement, and take relevant follow-up actions relating to communications, recommendations, and judgements emanating from these mechanisms;
- Reporting to the public on the human rights situation of IDPs in the state, including through media.

Where within the NHRI's mandate, provide legal assistance and act upon complaints:

- Providing legal assistance to IDPs on their rights, and facilitate their access to justice, remedies and reparations;
- Acting upon complaints of IDPs' human rights in line with regional and international standards, as well as the UN Guiding Principles on Internal Displacement;
- Initiating court proceedings, submit amicus curiae, engaging in and supporting strategic litigation and addressing the Constitutional Court and any other competent courts or complaints-handling bodies at national and international level in order to assist in the fulfilment of IDPs' human rights.

Promoting and conducting human rights education and raising public awareness:

- Informing IDPs on their human rights and facilitating their access to information, including multidisciplinary and psychological support;
- Raising public awareness on the human rights of IDPs and their situation in the national context;

- Promoting, engaging into and conducting training activities on the human rights of IDPs to all relevant national stakeholders: including civil servants; law enforcement professionals; the judiciary and other legal professionals; civil society; human rights defenders; media actors; and the general public.

Cooperating with relevant actors:

- Cooperating with national and local state authorities, IDPs and host communities; civil society, and human rights defenders;
- Cooperating with regional and international stakeholders, including international organisations; and NHRIs in other jurisdictions, including through NHRI networks, such as ENNHRI and GANHRI;
- Developing joint actions aimed at promotion and protection of IDPs' human rights;
- When helpful to facilitate access to territory outside of state control, cooperating with civil society, international organisations and/or NHRIs in other jurisdictions.

This Statement was initially formulated by ENNHRI members working on the human rights of IDPs and participating at ENNHRI events in Kyiv, Ukraine, on the role of NHRIs in promoting and protecting the human rights of IDPs in (post) conflict (April 2018). It will contribute to the effective implementation of the multi-stakeholder Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020, launched for the 20th anniversary of the UN Guiding Principles on Internal Displacement.

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