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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Internal displacement and the role of national human rights  
institutions****Report of the Special Rapporteur on the rights of internally displaced  
persons***Summary*

In her report, the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, examines the role of national human rights institutions in the protection of the human rights of internally displaced persons. She considers obstacles to their engagement on internal displacement as well as their activities and positive practices at all phases of displacement, from prevention of the conditions leading to internal displacement to their roles in responding when displacement occurs and in processes to achieve durable solutions. Human rights violations are both a cause and a consequence of internal displacement, and the risk of human rights violations is heightened during displacement. Consequently, she highlights the critical role of national human rights institutions and provides recommendations to ensure their effectiveness in protecting human rights alongside and in collaboration with other national and international partners.



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## I. Introduction

1. The report of the Special Rapporteur on the human rights of internally displaced persons is submitted in accordance with Human Rights Council resolution 32/11. In it she provides an overview of activities undertaken since her previous report (A/HRC/38/39). The present report focuses on the role of national human rights institutions (NHRIs) in preventing and responding to internal displacement due to all causes, the challenges facing them, their current practices, and the opportunities to enhance their role as key human rights partners of Governments and other national and international stakeholders.

## II. Activities of the Special Rapporteur

2. The year 2018 marked the twentieth anniversary of the Guiding Principles on Internal Displacement (GP20) and an important opportunity to raise awareness of them, the ongoing and evolving challenges globally and nationally relating to internally displaced persons (IDPs) and the urgent need to prevent and reduce internal displacement. The Special Rapporteur organized and participated in numerous activities over the reporting period. Central to these was the development and launch of the multi-stakeholder GP20 Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020 (see para. 18), including four priority issues: participation of IDPs; national law and policy on internal displacement; data and analysis; and addressing protracted displacement and securing durable solutions for IDPs.

3. The Plan of Action was launched during a stakeholder meeting held in Geneva on 17 April 2018, sponsored by the Governments of Austria, Honduras and Uganda. It was drafted under the leadership of the Special Rapporteur, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs in consultation with various agencies and partners. A mapping of planned activities and initiatives supporting the priority areas at the local, national, regional and international levels was undertaken, while a steering group was created to oversee the implementation and monitor the progress of the three-year Plan of Action. A full account of activities is provided in addendum 1 to the present report.

4. The Special Rapporteur continued to support the mainstreaming of the human rights of IDPs within the United Nations system and the wider humanitarian community, including through her participation in the Inter-Agency Standing Committee at the Principal level. She participated in the Principals' meetings held in May 2018, during which the GP20 Plan of Action was endorsed, and in December 2018.

5. Pursuant to Human Rights Council decision 35/101 to commemorate the twentieth anniversary of the Guiding Principles, the first panel discussion on the achievements, best practices, challenges and recommendations with regard to applying the Guiding Principles was held on 26 June at the thirty-eighth session of the Council. The panel was organized and moderated by the Special Rapporteur, who highlighted the importance of the anniversary to galvanize efforts to protect and promote the rights of IDPs and promote national responsibility for them.

6. Continuing work to strengthen regional mechanisms and regional law- and policymaking processes, the Special Rapporteur supported the African Union in promoting ratification and implementation of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). On 9 February 2019 she participated in a round table on addressing root causes of forced displacement and achieving durable solutions in Africa, held in Addis Ababa as part of the African Union year of "Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa". In December 2018, she provided written evidence to the United Kingdom of Great Britain and Northern Ireland Parliamentary Inquiry on forced displacement in Africa.

7. On 27 June 2018, during the thirty-eighth session of the Human Rights Council, the Special Rapporteur organized a side event, "In their own words", to bring forward the

voices of IDPs themselves through a panel of IDPs from Japan, Mexico, Nigeria and South Sudan. The event was co-hosted by the Permanent Missions of Austria, Honduras and Uganda to the United Nations Office at Geneva, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNHCR, Christian Aid and Greenpeace.

8. The Special Rapporteur contributed to ongoing discourse on humanitarian developments, including a panel discussion organized by the German Federal Ministry for Economic Cooperation and Development (BMZ) on “invisible displacement”, held in Berlin in October 2018, and an event on transitional justice and durable solutions for peace organized by the German Agency for International Cooperation (GIZ) and the International Organization for Migration in Berlin in February 2019. In October 2018, she was lead discussant in a series of events on women, transitional justice and displacement organized by the International Development Law Organization in The Hague. She also participated in a summit on forcible displacement and gender in South Asia organized by the Women’s Regional Network in Kuala Lumpur in February 2019; a workshop of the Advisory Committee of the Platform on Disaster Displacement, held in Switzerland in February 2019; and the sixteenth Dubai International Humanitarian Aid and Development Conference, dedicated to the theme “People on the move: causes, consequences and the way forward”, held in March 2019.

9. In August 2018, the Special Rapporteur joined a forum in the context of the GP20 convened by the Governor of the State of Chihuahua, Mexico. She conducted a field visit with state officials to meet IDPs and discussed ways to improve their protection. She spoke at a seminar on judicial access by IDPs. In February 2019, at the invitation of the Mexican Commission for the Defense and Promotion of Human Right, she attended an “international encounter with human rights defenders” and IDPs and the launch of the Commission’s report on IDPs.

10. On 6 March 2019, she convened an expert meeting in Geneva on improving protection of internally displaced children to inform her report to the General Assembly in 2019. Experts on child rights in humanitarian contexts discussed critical human rights and protection challenges and considered how to strengthen prevention and responses. Attendees included the Special Representatives of the Secretary General for Children and Armed Conflict and on Violence against Children and the Chair of the Committee on the Rights of the Child.

11. In June and December 2018, the Rapporteur co-organized and participated in two sessions of the course on internal displacement at the Institute for International Humanitarian Law in San Remo, Italy, supported by UNHCR and donors. She attaches great importance to the role of academic institutions in research, teaching and analysis on internal displacement. She provided presentations to various universities, including a special workshop convened by the Refugee Law Initiative of the University of London, and seminars organized by Georgetown University, Windesheim Honours College, Fordham University, Humboldt University of Berlin and the European University.

### **III. Enhancing the role of national human rights institutions in the protection of the human rights of internally displaced persons**

#### **A. Introduction**

12. As of December 2018, 41.4 million people remained uprooted within their own countries by conflict, and 28 million new internal displacements were recorded in 2018 alone (10.8 million due to conflict and 17.2 million due to disasters).<sup>1</sup> Many remain displaced for years or even decades, and the trends are unlikely to reverse soon given

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<sup>1</sup> See [www.internal-displacement.org/](http://www.internal-displacement.org/).

numerous ongoing conflicts and the continuing adverse effects of climate change. Human rights violations frequently precede or trigger internal displacement and occur during or after displacement, and are both a cause and a consequence of internal displacement.

13. Internally displaced persons may experience increased risks of numerous grave human rights and protection challenges during all phases of displacement. Even after displacement has occurred human rights concerns continue, including security and safety of returnees; access to food, water and livelihoods; restitution of property; and the availability of durable solutions. Human rights issues have an impact on all communities affected by displacement, including those hosting IDPs. National human rights institutions have a critical role in promoting and protecting the human rights of IDPs and other displacement-affected communities, raising the alarm for possible displacement and monitoring the rights of IDPs throughout their displacement.

14. National human rights institutions are State-mandated bodies, independent of Government, with broad constitutional or legal mandates to protect and promote all human rights. The principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) set out minimum standards required for NHRIs to be considered credible and operate effectively, including establishment under primary law or the Constitution; a broad mandate to promote and protect human rights; formal and functional independence; pluralism; adequate resources and financial autonomy; freedom to address any human rights issue; annual reporting on the national human rights situation; and cooperation with national and international actors.

15. As of March 2019, 122 of the 197 States Members of the United Nations had established a national human rights institution.<sup>2</sup> However, only 78 of them are fully compliant with the Paris Principles and further efforts are required to increase the number of fully compliant NHRIs. OHCHR, the Global Alliance of National Human Rights Institutions (GANHRI)<sup>3</sup> and regional networks of NHRIs play a major role in promoting the establishment and strengthening of the institutions.

16. National human rights institutions undertake a variety of roles, including monitoring and investigating the national human rights situation; reporting to national, regional and international monitoring bodies including the United Nations; supporting individuals to enforce their rights by handling complaints or providing legal assistance; advising Government, parliament and other public bodies; eradicating discrimination; ensuring the compliance of national laws and practices with international and regional human rights norms and standards; publishing research, recommendations and opinions; promoting a culture of rights through training and awareness-raising; supporting human rights defenders; and cooperating with non-governmental organizations (NGOs), civil society and regional bodies.

17. Numerous NHRIs have attuned their functions to become more aware of the protection concerns of IDPs and operational in their activities on their behalf. In several countries, including Colombia, Kenya, Mexico, Nigeria, the Philippines, Uganda and Ukraine, NHRIs play prominent roles in addressing internal displacement, sometimes in partnership with humanitarian organizations. Some have created focal points or units on IDPs, become active in protection clusters, developed internal guidance tools and expanded their presence in locations requiring protection monitoring of displacement situations. They gather data that influence the actions of governmental and non-government actors. With enhanced operational and advocacy roles, NHRIs are key stakeholders in the development and implementation of legislation and policy on internal displacement.

18. The year 2018 marked the twentieth anniversary of the Guiding Principles on Internal Displacement. As part of the commemorative initiatives, the Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–

<sup>2</sup> See <https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20%2804%20March%202019.pdf>.

<sup>3</sup> See <https://nhri.ohchr.org/EN/Pages/default.aspx>.

2020<sup>4</sup> was launched by the Special Rapporteur and partners, with the objective to galvanize and reinforce multi-stakeholder engagement towards reducing and resolving internal displacement. The Plan of Action explicitly recognizes the role of NHRIs as key stakeholders with the mandates and potential to advance national action on internal displacement issues. Nevertheless, NHRIs acknowledged that their role could be enhanced to increase their effectiveness for IDPs.

19. Internal displacement can affect any country, even those with little or no previous experience of it. Consequently, preparedness for internal displacement is key for all Governments and NHRIs, to allow them to take effective action to prevent the conditions leading to displacement or to respond rapidly to displacement in accordance with international standards. NHRIs have a vital role in national efforts to assist national authorities to meet their human rights commitments, to monitor progress and to hold them to account.

20. National human rights institutions have special responsibilities to support specific vulnerable groups and to empower them to claim their rights, including those made vulnerable because of internal displacement. The 2030 Agenda for Sustainable Development establishes that States and development partners should leave no one behind in efforts to achieve the Sustainable Development Goals for all, and explicitly mentions IDPs among the groups that are among the most vulnerable, the poorest and the least able to claim their rights. NHRIs are among the national partners that can help to promote sustainable development alongside dedicated development actors working collectively for and with them to achieve the goals.

21. The Special Rapporteur conducted a consultative process to examine how NHRIs and their regional networks<sup>5</sup> currently work with and on behalf of IDPs to identify positive practices and seek their views on how to enhance their work to ensure that the Guiding Principles and other relevant national, regional and international standards are implemented in practice. In December 2017, in collaboration with GANHRI, she sent a questionnaire to all NHRIs to map their ongoing work on internal displacement. She thanks those that responded.

22. In February 2018, preceding the GANHRI annual meeting, the Special Rapporteur organized a one-day consultative workshop in collaboration with UNHCR and OHCHR. The workshop attracted 36 participants representing 22 individual NHRIs<sup>6</sup> and networks.<sup>7</sup> They explored the institutions' modalities of engagement in policy and operational responses to displacement; exchanged experiences and strategies; discussed challenges; identified key lessons and emerging good practices; and provided recommendations to strengthen their role in preventing and responding to internal displacement.<sup>8</sup> During the annual meeting of GANHRI, the Special Rapporteur organized a public side event, co-sponsored by the Governments of Austria, Honduras and Uganda, to examine national institutions' use of the Guiding Principles and to propose ideas to expand the scope of these efforts.

23. The Special Rapporteur spoke at the biannual meeting of the Asia Pacific Forum, held in Bangkok in November 2017. She participated in a public hearing on internal displacement and human rights in the Americas organized by the Inter-American

<sup>4</sup> Available at <http://www.globalprotectioncluster.org/2018/05/23/gp20-plan-of-action/>.

<sup>5</sup> The Asia Pacific Forum of National Human Rights Institutions, the European Network of National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas and the Network of African National Human Rights Institutions.

<sup>6</sup> In Afghanistan, Armenia, Bosnia and Herzegovina, Colombia, the Democratic Republic of the Congo, El Salvador, Georgia, Guatemala, Honduras, Iraq, Kenya, Mexico, Niger, Nigeria, the Philippines, Peru, the Sudan, Uganda, Ukraine, Zambia and Zimbabwe and in Kosovo (all references to Kosovo in the present document should be understood to be in the context of Security Council resolution 1244 (1999)).

<sup>7</sup> Asia Pacific Forum, European Network of National Human Rights Institutions and GANHRI.

<sup>8</sup> See the workshop summary report, available at [www.ohchr.org/Documents/Issues/IDPersons/SummaryReport\\_NHRI\\_DP%20Workshop20Feb2018.pdf](http://www.ohchr.org/Documents/Issues/IDPersons/SummaryReport_NHRI_DP%20Workshop20Feb2018.pdf).

Commission on Human Rights during its sixty-third session, held in Bogotá in February 2018 at the request of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas. In April 2018, she participated in a meeting organized by the European Network on human rights issues of IDPs, held in Kyiv. Participants discussed the crucial role of NHRIs in internal displacement situations and in advocating for the integration of the Guiding Principles into national law and policy. The European Network issued a statement,<sup>9</sup> which was endorsed by the Council of Europe Commissioner for Human Rights.<sup>10</sup>

24. On 4 March 2019, she organized a follow-up workshop in Geneva in collaboration with GANHRI on the role of NHRIs in preventing conditions leading to internal displacement. National institutions from Colombia, Honduras and Kenya presented concrete examples of their activities, strategies, tools and mechanisms to minimize and avoid the risk of internal displacement, including monitoring and risk assessment and the establishment of early warning mechanisms.

25. The following discussion is based on the consultative process and additional research by the Special Rapporteur.

## **B. Obstacles to engagement by national human rights institutions on internal displacement**

26. The challenges to fully addressing the human rights of IDPs facing NHRIs include funding and resources, capacity, access and security, and the political will of national authorities. Some institutions emphasized that at every phase of displacement, the issues of IDPs must be more clearly recognized by all stakeholders as human rights concerns, requiring consistent engagement by human rights actors alongside humanitarian and development counterparts to ensure protection, rapid resolution and remedy in accordance with human rights laws and standards. Recognizing the human rights causes, dimensions and implications of humanitarian crises is essential to effective and appropriate action, ensuring that responses recognize IDPs as rights holders rather than only beneficiaries of humanitarian assistance, and States as duty bearers with the primary responsibility for protecting their human rights.

27. The human rights issues of IDPs may be part of the immediate core human rights functions and priorities of NHRIs, particularly in the field of civil and political rights. However, other human rights concerns of IDPs, including those relating to housing, land and property and the achievement of durable solutions, may be complex, long-term, and require specialist technical or legal interventions to ensure protection, resolution and justice. They place new and substantial burdens on authorities and NHRIs, sometimes over months or years if displacement becomes protracted. The national institutions are essential to addressing such critical human rights issues, including through persistent engagement with Government to encourage effective responses for the duration of displacement.

28. Where conflict or disaster results in internal displacement, NHRIs face potentially huge and complex new caseloads of human rights issues in addition to their core human rights work, which should not decline in terms of attention and resources. Institutions raised concerns about their capacities to respond in the emergency phases of displacement, when human rights monitoring is crucial. Recognizing that human rights violations occur and can be prevented prior to and during displacement, NHRIs must be engaged at all phases of displacement. Preventing and responding to internal displacement will generally require significant increases in funding, capacity, staffing and resources for NHRIs to respond effectively and sustainably in the short, medium and long term.

29. Working with inadequate funds and inconsistent funding were commonly cited obstacles to the work of NHRIs, hindering their capacity to address the human rights of IDPs. Institutions emphasized the need for specific funding for IDPs in their core budgets

<sup>9</sup> See [http://ennhri.org/IMG/pdf/ennhri\\_statement\\_on\\_nhris\\_role\\_on\\_idps\\_protection-2.pdf](http://ennhri.org/IMG/pdf/ennhri_statement_on_nhris_role_on_idps_protection-2.pdf).

<sup>10</sup> See [www.coe.int/en/web/commissioner/-/europe-s-duty-to-internally-displaced-persons](http://www.coe.int/en/web/commissioner/-/europe-s-duty-to-internally-displaced-persons).

rather than temporary, project-based or one-off grants, to enable them to include internal displacement in their core and long-term activities. While Governments should legally ensure adequate funding while guaranteeing their ability to work independently, NHRIs must often expand their work within existing resources, with obvious consequences. Their ability to receive external funding, in line with the Paris Principles,<sup>11</sup> was highlighted, as was the need to work with donors to enhance their understanding of the critical role and value of NHRIs.

30. In conflict situations, UNHCR has consistently supported and funded NHRIs to enhance their work on issues affecting IDPs, while conscious that its funding not jeopardize perceptions of the institutions' autonomy.<sup>12</sup> Nevertheless, funding shortfalls are common. In Nigeria, despite funding and support from UNHCR, the national human rights institution had to focus its work on creating a protection framework with community-based monitors in three states rather than seven in which needs had been identified. In Afghanistan, a programme launched in 2004, supported by UNHCR, allowed the national institution to extend its work on IDPs throughout the country but, despite massive ongoing and new displacement, this ended in 2010 due to funding shortfalls. Damage to relations between populations and NHRIs can result when programmes begin and then cease as funds are exhausted.

31. In countries which have experienced internal displacement, NHRIs may have built internal capacity, a strong skills base and staff equipped to quickly address new displacement situations. In others, internal displacement is a new or rare phenomenon and national authorities and NHRIs must quickly adapt and establish capacity to meet the needs of IDPs. The need for long-term, dedicated staffing was identified, as was the requirement for training across the institution to build institutional knowledge rather than relying on short-term consultants. NHRIs stressed that, to fulfil their potential, allocation of resources and staffing must be sufficient to deal with new and challenging human rights situations often involving thousands of people, many of whom may be hard to reach.

32. Preparation and contingency planning for possible displacement scenarios is key to rapid and effective responses. Indeed, the extent of internal displacement caused by such factors as development projects, unregulated business activities, generalized violence, forced evictions, climate change and slow-onset disasters means that Governments and NHRIs should enhance their institutional capacity and readiness to respond to displacement events that are often predictable. Some NHRIs noted that greater attention is given by Governments to internal displacement caused by conflict or political violence than displacement caused by other factors that can be predicted or is the consequence of government action or development priorities, despite the huge numbers displaced by such causes.

33. Despite grave rights violations against IDPs, too often specialist human rights actors are absent or prevented from deploying in humanitarian and displacement crises and such violations, including by armed non-State or State actors and civilian authorities, take place with impunity. Access for national institution monitors to areas of conflict or affected populations remains a significant challenge, both during and in the aftermath of conflict. Internally displaced persons may be in areas outside government control and in difficult-to-reach areas. NHRIs may have greater possibilities of access to them that do not exist for national authorities or international actors and no restrictions should be imposed on their access to areas outside government control.

34. National human rights institutions may operate under conditions of ongoing conflict and/or political or social volatility. Their independent status and non-alignment with any political party or faction is critical to their role among all stakeholders, including IDPs, who rely on them to represent their interests. According to their mandates, NHRIs are impartial

<sup>11</sup> GANHRI, general observations on the Paris Principles, general observation 1.10. Available at [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/EN\\_GeneralObservations\\_Revisions\\_adopted\\_21.02.2018\\_vf.pdf](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/EN_GeneralObservations_Revisions_adopted_21.02.2018_vf.pdf).

<sup>12</sup> *UNHCR Engagement with National Human Rights Institutions for IDP Protection: Stocktaking Exercise*, 2016 (complemented by a checklist for field offices to engage with NHRIs).

and function in the fundamental role of safeguarding people from violations by any party. They may need to play a role that is highly critical of Government and national policy, for example where the Government may be, or perceived to be, responsible for internal displacement. NHRIs emphasized that the political will of Government to address internal displacement is paramount but often lacking, and efforts by national and international partners are essential to enhancing political will.

35. The Guiding Principles recognize that internal displacement may be a deliberate violation of human rights law and/or humanitarian law and an act of discrimination and violence perpetrated against part of the population by another group or by the Government. The prohibition of arbitrary displacement includes displacement based on policies of apartheid, ethnic cleansing or similar practices aimed at or resulting in altering the ethnic, religious or racial composition of the affected population, and displacement used as a collective punishment. Some Governments fail to recognize internal displacement or the human rights issues causing or associated with it. In such cases, NHRIs conduct their activities under conditions of extreme political difficulty and opposition; nevertheless, their ability to function freely must be protected.

36. While it is essential to acknowledge the challenges, constraints and competing priorities experienced by NHRIs, their unique position as respected human rights actors in relation to Government, civil society and national and international partners, and displacement-affected communities provides valuable opportunities, even in challenging environments. The following discussion highlights ways that NHRIs prevent conditions leading to internal displacement and work to respond to human rights challenges and support solutions for IDPs.

### **C. Role of national human rights institutions in prevention, preparedness and early warning**

37. The role of NHRIs in preventing internal displacement and preparedness is significant. Their core work of promoting and protecting all human rights is an important element of peace and stability and the prevention of conflict, a main driver of internal displacement. NHRIs highlighted the need to put specific systems for prevention and preparedness in place long before displacement occurs and that legislation and policy are most effective if adopted in peacetime, well before displacement occurs. Recognizing that displacement can happen multiple times, NHRIs emphasized that preventing it, and the associated human rights violations, must be a continuous effort to ensure that, should displacement occur, those affected do not face secondary displacement or ongoing or recurring human rights issues.

38. National human rights institutions take important measures to overcome the consequences of conflict in society, address past human rights violations and contribute to the fight against impunity. They frequently promote or lead transitional justice processes; support processes that ensure accountability; facilitate access to justice, including through investigations and reparations; and contribute to peacebuilding processes, reconciliation and strengthening of social cohesion. In her report to the General Assembly on inclusion of IDPs in transitional justice processes (A/73/173), the Special Rapporteur highlighted the role of human rights actors, including NHRIs, in ensuring that IDPs are included in such processes as a key component of prevention initiatives. This has been a focus of the NHRIs in Bosnia and Herzegovina and Colombia, for example.

39. Goal 16 of the Sustainable Development Goals calls for the promotion of just, peaceful and inclusive societies and acknowledges the importance of strong and accountable institutions, good governance, participation, access to justice and information and fundamental freedoms. It prominently recognizes civil and political rights as crucial elements of peace and sustainable development, and offers significant transformative potential to improve human rights through institutional, justice and security reform. GANHRI has highlighted the importance of NHRIs as guarantors of and catalysts for sustainable development, and indeed one of the global indicators for the goal is the

existence of independent national human rights institutions in compliance with the Paris Principles.<sup>13</sup>

40. In conflict situations, NHRIs have advocated for and monitored compliance with international humanitarian law, an activity vital to mitigate the impacts of conflict on civilians. NHRIs are increasingly incorporating international humanitarian law monitoring into their work. In conflict situations, civilian victims of violence and subsequent internal displacement often belong to national, ethnic or religious minorities. Institutions must be sensitive to such ethnic or religious dimensions of conflict and humanitarian crisis and possible internal displacement situations and respond accordingly, including by exercising their preventive and early warning capacities and identifying at-risk communities early. Their work to promote minority rights, ensure equality and non-discrimination and promote dialogue between and with conflicting parties and majority populations are vital conflict- and displacement-prevention measures as well as peacebuilding measures.

41. National human rights institutions have played leadership roles in the prevention of arbitrary displacement caused by factors such as development projects, business activities or forced evictions that are not regulated or conducted according to national law and international standards. The Guiding Principles prohibit displacement in cases of large-scale development projects not justified by compelling and overriding public interests. Numerous cases globally demonstrate that millions are displaced by projects that do not meet this standard; indigenous peoples or minorities are often affected. National human rights institutions, including those in Kazakhstan, Kenya, the United Republic of Tanzania and Zimbabwe, discussed the displacement impact of forced evictions, noting the institutions' role in prevention by drawing attention to the human rights implications and making preventive legal interventions on behalf of affected communities.

42. Early warning is essential to enable all actors to take preventive action or respond quickly and effectively to crises and displacement events. In countries with a high risk or history of conflict, violence or disasters leading to displacement, NHRIs have established or contributed to early warning initiatives, including locating monitors at high-risk locations; maintaining regular contact with at-risk communities; contributing to inter-agency risk analysis efforts to identify early on evolving conditions or societal and political developments that could lead to violence or conflict; and engaging proactively with government bodies, including those responsible for disaster response, so that they are fully aware of potential displacement events.

43. In Colombia, early warning in the context of risks of violence and internal displacement is a core function of the national human rights institution, the Ombudsman's Office of Colombia. About 250 "community defenders" are present in all 36 regions. They collect information relating to risks of displacement facing individuals and communities, allowing for contextual analysis and early-warning reports for relevant government bodies, which must act swiftly to employ protection measures. Early warning mechanisms supported by or within NHRIs are operational in such countries as Afghanistan, Kenya, Nepal and the Philippines. National human rights institutions suggested undertaking a comparative study to identify and share positive practices.

44. The institutions highlighted that funding must be more flexible to allow innovative prevention projects. For example, statistical and research developments have improved the ability to predict or forecast possible displacement events perhaps related to seasonal weather or disaster events, or even ethnic or political violence. Moves towards forecast-based financing have consequently been encouraged.

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<sup>13</sup> GANHRI, *National Human Rights Institutions Engaging with the Sustainable Development Goals* (2017).

## D. Responding to internal displacement

### 1. Human rights monitoring, data gathering and analysis

45. The lack of quality data hampers humanitarian assistance and protection of human rights. Where NHRIs have the capacity, they play a full role in data gathering and human rights protection monitoring, with particular attention to vulnerable groups. Often working alongside national and international partners, they help to complete the picture of internal displacement, undertaking joint monitoring missions with partners or acting separately with distinct human rights and protection objectives. For example, following earthquakes in Ecuador and Nepal, the NHRIs in both countries immediately deployed monitors to assess the human rights situation of IDPs. Monitoring and data gathering on internal displacement has been an important function of NHRIs, including in Afghanistan, the Democratic Republic of the Congo, El Salvador, Georgia, Guatemala, Honduras, Iraq, Mexico, the Philippines, Timor-Leste and Ukraine.

46. The role of NHRIs in monitoring and data gathering is based on criteria that include their capacity, the availability of trained staff and their access to affected regions and displaced populations. National human rights institutions highlighted the value of disaggregated and detailed data to help reveal the human rights challenges facing IDPs and their multisectoral dimensions. The institutions' human rights, local and political knowledge can be essential, and they play an important role in ensuring that key principles of data gathering and use are respected, including participation, disaggregation, non-discrimination, self-identification, transparency, privacy and accountability. Coordinated approaches to monitoring operations are usefully facilitated under the humanitarian cluster system and NHRIs have been effective participants in protection clusters, which they sometimes co-lead.<sup>14</sup>

47. Accurate and disaggregated data inform government, humanitarian and other responders of immediate and longer-term needs and are an essential evidence base for human rights actors and service providers, notably the Government as primary duty bearer. National human rights institutions promote and implement human rights-based approaches to data that may differ from data gathered and methodologies employed by other partners or purely for humanitarian purposes. Disaggregation of data and human rights-focused data collection systems allow more detailed data analysis to identify hidden human rights issues and inequalities that needs assessments might not always reveal. For example, the Nepal national institution closely monitored national post-earthquake relief distribution programmes to ensure that all vulnerable groups were addressed without discrimination.

48. National human rights institutions have provided expertise on the shaping of national indicators relevant to the human rights of IDPs that may not feature in humanitarian data-gathering efforts. This may require adapted methodologies and tools, and the Philippines national institution has developed such a specific tool. National human rights institutions should monitor all aspects of internal displacement, particularly where the State concerned does not recognize internal displacement or where other human rights and humanitarian partners are absent. Building a detailed picture of human rights concerns, including those of women and girls and other vulnerable groups, allows them to advise authorities and other stakeholders, for example regarding the human rights implications of camp administration by security personnel and the need for them to be civilian in character.

49. The institutions may need to conduct detailed human rights investigations into incidents involving IDPs, including grave human rights violations. Where possible, NHRIs have undertaken investigations at local and national levels and/or collaborated with other independent bodies, including United Nations commissions of inquiry. Where they lack capacity or opportunity to do so, including due to security factors, at a minimum they should seek victim and witness testimonies and gather and securely store evidence for future use in judicial or other appropriate proceedings, including subsequent transitional justice processes.

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<sup>14</sup> For example, in Kenya, a protection working group on internal displacement was co-led by the national human rights institution and the Ministry of Justice.

## 2. Establishing internal expertise and capacity

50. The establishment of institutional focal points or units on internal displacement within NHRIs constitutes a good practice. These units should be established early as part of preventive and early warning measures and not only be triggered by displacement incidents. National human rights institutions emphasized the value of institutionalizing knowledge on internal displacement standards and issues. Even in States with little or no experience of displacement due to conflict or disaster, establishing such institutional expertise is recommended as a preventive and preparedness measure, including to address displacement that occurs due to development or infrastructure projects or incidents of ethnic, religious or political violence.

51. National human rights institutions decide on the appropriate solutions for establishing institutional knowledge of internal displacement within their organizational and operational structures. Whichever solution is favoured, building institutional resources and capacity, including through the training of existing staff, is essential. Where lack of technical knowledge is identified, NHRIs have been proactive in seeking support to meet the needs of IDPs. Several avenues of international support exist, including technical capacity tools and guidelines provided by OHCHR, UNHCR, the Special Rapporteur and other international human rights and humanitarian bodies and agencies.<sup>15</sup>

## 3. National human rights institutions as part of multi-institutional approaches

52. Multi-institutional approaches to the support and protection of IDPs have proven effective, with institutions working with well-defined and complementary roles towards collective outcomes. UNHCR has highlighted<sup>16</sup> that working in partnership with NHRIs on protection monitoring enhanced their access to vulnerable people, to those in difficult security situations and to insecure regions. Close working partnerships and financial and technical support to NHRIs by international partners have increased their operational capacity and effectiveness. In Afghanistan and Nigeria, UNHCR noted that, due partly to its own reputation and status, its decision to partner with NHRIs further enhanced the reputation of those institution with government actors, with benefits in terms of access, influence and standing.

53. Working in partnership with humanitarian agencies has enhanced the capacity, skills and expertise of sometimes less experienced, poorly resourced NHRIs. Including NHRIs systematically in protection and other relevant clusters, including the humanitarian cluster system, or national working groups has benefited bodies working to ensure effective, efficient and collaborative action across priority sectors and national and international stakeholders.

54. A natural international partner for NHRIs is OHCHR which, through its National Institutions and Regional Mechanisms Section, supports the establishment and strengthening of NHRIs and works to support them in the implementation of their broad human rights mandates.<sup>17</sup> OHCHR establishes guidance notes, methodological tools, best practices and lessons learned on issues related to IDPs, recognizing that the presence of strong NHRIs conducting human rights monitoring is particularly critical and essential to ensuring that there is no human rights and protection vacuum. OHCHR also provides support to NHRIs by, for example, deploying Human Rights Officers to crisis situations. Previous collaboration and joint activities help to ensure that NHRIs are well prepared for and capable of continuing and enhancing their essential roles with IDPs in the absence of international partners.

55. While it is a core activity of humanitarian bodies, human rights and protection monitoring is frequently more narrowly defined in the context of national institutions' humanitarian mandates and priorities. Strategically, it may be beneficial to address some sensitive human rights issues through interventions that go beyond the scope of existing

<sup>15</sup> See, for example, UNHCR, *Handbook for the Protection of Internally Displaced Persons* (n.d.).

<sup>16</sup> See UNHCR, *Stocktaking Exercise*.

<sup>17</sup> See [www.ohchr.org/en/countries/nhri/pages/nhrimain.aspx](http://www.ohchr.org/en/countries/nhri/pages/nhrimain.aspx).

humanitarian operations,<sup>18</sup> for example, where issues such as detention or violence by security forces are raised with authorities may affect relations and hinder humanitarian access and delivery. As dedicated human rights partners, NHRIs are well placed to contribute and, indeed, required to raise sensitive issues in such circumstances.

56. Humanitarian partners may need to draw back from ongoing displacement situations or downscale once the crisis phase has ended and before durable solutions have been achieved for IDPs, who may remain highly vulnerable. National human rights institutions must remain fully engaged to ensure that no protection gaps exist. Consequently, forward planning for humanitarian withdrawal strategies should be undertaken in consultation with NHRIs. Indeed, as humanitarian partners disengage, joint projects and collaboration between development partners and NHRIs should be actively encouraged to maintain their presence and activities as well as to ensure new and ongoing funding possibilities. As a key development partner, the United Nations Development Programme (UNDP) has worked to strengthen engagement with and support to NHRIs and developed the *UNDP-OHCHR Toolkit for Collaboration with National Human Rights Institutions*. A tripartite partnership was formalized in 2017 and seeks a collaborative and coherent framework to strengthen support to NHRIs.<sup>19</sup>

57. National human rights institutions play an important liaison role, linking national and international institutions and providing a platform for exchange. NGOs frequently support IDPs and provide a range of services and advocate for their rights. However, they may lack in-depth human rights knowledge, and NHRIs can be an essential human rights resource for them. The national institution of Ukraine noted its engagement with NGOs and organizations of IDPs active in displacement-affected communities through advice, support for their activities, lobbying and campaigns, providing human rights information and resources about the rights of IDPs and information on what national or international mechanisms to utilize. Establishing strong connections and joint activities with NGOs also expands the ability of underresourced institutions to reach out to IDPs.

#### 4. Developing and promoting national law and policy

58. National human rights institutions have a potentially powerful role in advocating for and advancing the rule of law. Those established in conformity with the Paris Principles are empowered to examine any legislation and administrative provisions in force, as well as bills and proposals, and to make recommendations to ensure that they conform to the fundamental principles of human rights. They can recommend the adoption of new legislation, the amendment of legislation and the adoption or amendment of administrative measures at local and national levels. As emphasized by OHCHR, NHRIs contribute to effective parliaments (which ideally have a human rights body), strong and dynamic civil society organizations, alert and responsive media and societies that encourage the objective of a universal culture of human rights.<sup>20</sup>

59. Many NHRIs conduct advocacy to encourage the development of national laws and policies on internal displacement based on the Guiding Principles. They have frequently been involved in the drafting of such frameworks (sometimes even leading processes), as occurred in Georgia, Kenya, Mexico, the Philippines, Sri Lanka and Uganda. Their work is vital to ensuring that appropriate legal and policy measures exist, and this function has been among the highest priority of advocacy by NHRIs in countries experiencing internal displacement. Their unique position among national bodies and their authority on issues related to human rights have allowed NHRIs to initiate and take leadership roles in drafting national law and policy in collaboration with other national bodies, civil society and, importantly, IDPs themselves.

<sup>18</sup> See Inter-Agency Standing Committee Policy on Protection in Humanitarian Action, 2016. Available at <https://interagencystandingcommittee.org/protection-priority-global-protection-cluster/documents/iasc-policy-protection-humanitarian-action>.

<sup>19</sup> See [https://nhri.ohchr.org/EN/IHRS/tripartite/Documents/TPP%20Flyer%20Feb2018\\_FINAL.pdf](https://nhri.ohchr.org/EN/IHRS/tripartite/Documents/TPP%20Flyer%20Feb2018_FINAL.pdf).

<sup>20</sup> See [www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx](http://www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx).

60. National human rights institutions have been key stakeholders in institution-building and have contributed to the establishment of human rights bodies, committees and other expert technical and implementation bodies addressing internal displacement and drafting law and policy. They have facilitated the engagement of other stakeholders in such bodies and forums, including representatives of IDPs. They often act in facilitation and mediation roles, conducting consultations and acting as a platform or bridge between civil society and Government. Some have strongly advocated increased attention to internal displacement by Governments that do not recognize the problem and their human rights obligations. In El Salvador and Mexico, the national human rights institutions have called for recognition of internal displacement caused by gang violence and for government action, including law and policy measures.

61. In the African context, the Kampala Convention is the only legally binding regional standard on IDPs. A key advocacy objective identified by African NHRIs is ratification of the Convention and its incorporation into domestic law. Even for States that have ratified, implementation remains poor and significant advocacy efforts are being undertaken by some NHRIs to promote implementation. African NHRIs, including through their regional network, work at the regional and national levels to advocate for a broadly mandated and effective conference of States parties to the Convention as an important regional monitoring and compliance mechanism, ideally with a reporting function to which they can contribute national-level information. The Harare plan of action for the implementation of the Kampala Convention,<sup>21</sup> adopted during the first Conference of States Parties to the Convention, explicitly mentions the role of NHRIs, steps they can take, and the need for them to be supported in these functions.

62. Once laws and policies are adopted, NHRIs have adapted their roles to be lead actors in promoting implementation through such activities as human rights monitoring, coordination, information and awareness-raising and provision of legal assistance. Implementation in practice of existing law and policy on internal displacement remains a major challenge. Some States have national action plans on the promotion and protection of human rights and NHRIs are key stakeholders in such plans. Having advocated for such plans with national authorities, NHRIs should lobby for the inclusion of specific attention to internal displacement within them.

## **5. Legal assistance and supporting complaints**

63. Providing support and legal assistance is a core function of NHRIs. Their free legal services facilitate access to justice, remedies and reparations for IDPs. Where laws on internal displacement exist, these traditional activities become attuned to situations specific to IDPs, including expanding complaints mechanisms to incorporate protection of IDPs; providing legal services and assistance; and training the judiciary and other public institutions to understand the law and its application. This has been the case in Colombia, Georgia, Kenya and Ukraine. The importance of developing national jurisprudence on internal displacement, even without a specific law, was highlighted by NHRIs, as was establishing legal precedence through court cases on behalf of IDPs, which improves the legal remedies available to them.

64. National human rights institutions provide essential information to government bodies that reveals challenges that can be quickly overcome, particularly where law on internal displacement brings legal guarantees and clarity. However, where no such law exists or where barriers persist to resolving problems affecting IDPs, for example legal requirements relating to service provision, documentation and access to documents, these problems have become priority advocacy objectives for some NHRIs, which quickly seek legal remedies in existing law and in administrative measures. In Afghanistan, the institution has engaged municipal authorities on behalf of IDPs in matters relating to the issuance of national identity cards and registration of displaced children in schools, access to water and disputes over land and property.

<sup>21</sup> See <https://au.int/en/pressreleases/20170406/plan-action-implementation-kampala-convention-adopted-conference-states>.

65. National human rights institutions pursue legal remedies for IDPs through all available channels, including by submitting amicus briefs, engaging in strategic litigation and addressing constitutional or other courts or complaints-handling bodies at the national and/or international level. They have also advocated for the application of certain legislation favourable to the rights of IDPs. In the Philippines, its institution issued legal advisories interpreting existing legislation to protect the rights of IDPs and conducted round tables with municipal governments to enable them to understand and implement such laws and measures.

66. The legal assistance needs of IDPs can be diverse and complex and evolve through the course of displacement. They may require specialist interventions to protect their human rights. For example, displacement often causes the loss of essential documents or documents become invalid in displacement locations, which can exclude IDPs from access to services, social assistance and the right to vote. Land, housing and property rights are also frequently areas of considerable concern for IDPs. National human rights institutions emphasized the need to assist IDPs in relation to such specialist needs and those NHRIs working with IDPs have built capacity, expertise and processes to respond.

## **6. Awareness-raising, education and human rights training**

67. National human rights institutions disseminate information about human rights and provide education and training to diverse stakeholders, including on the Guiding Principles. Informing IDPs of their rights is vital to empowering them to claim their rights and ensure that Government is held to account. For example, in Georgia, the limited awareness among IDPs of their rights was identified by the Public Defender's Office as a challenge to achieving durable solutions. Outreach and operational activities of NHRIs, including human rights monitoring, may usefully include human rights awareness-raising components, appropriate and tailored to IDPs. National institutions emphasized the need to reach community leaders but also others, including the most vulnerable groups among the displaced population.

68. Even where NHRIs have limited capacity or IDPs are difficult to reach, they can still provide information and advisory services, for example by establishing dedicated helplines, information points, gender desks and drop-in centres to enable IDPs to obtain information, ideally in local languages, and be guided towards service providers. NGOs often provide essential services to IDPs as front-line responders; however, they may lack expertise on human rights. National institutions have worked in close partnership with them to ensure accuracy of information and advice. Engagement with NHRIs enhances the human rights knowledge of NGOs and enables them to improve their human rights information-gathering and to share data with NHRIs that they may be lacking.

69. National human rights institutions undertake specific awareness-raising and training activities with military, police and civilian authorities that are in contact with IDPs, including those with responsibilities for security, service provision and camp management. This has been the case, for example, in Afghanistan, Niger, Nigeria, the Philippines and Sri Lanka. Training of staff within appropriate courts and public offices, including complaints-handling bodies, may be required to provide expertise on the content of international, regional and national laws and standards relevant to internal displacement and their interpretation and implementation at the national level.

70. The media are critical in shaping public opinion and setting social, political and economic agendas. Accurate, informed and sustained media coverage of human rights helps shape community attitudes and contributes to genuine changes in law, policy and practice.<sup>22</sup> National human rights institutions suggested undertaking media engagement strategies on internal displacement and monitoring and engaging the media systematically, including by providing information packages, to address stigmatization in media coverage of IDPs and to sensitize the media to internal displacement issues. Equally, social media may be increasingly employed by NHRIs to reach wider audiences, including in hard-to-reach locations, and to gather and disseminate information.

<sup>22</sup> Asia Pacific Forum, *Media Handbook for National Human Rights Institutions* (2014).

## **7. Promoting and facilitating the participation of internally displaced persons**

71. The Guiding Principles restate the right of IDPs to participate in programmes and decision-making processes affecting them. However, experience shows that IDPs are frequently not fully consulted and their participation is minimal. As the Special Rapporteur has highlighted in her report on the participation of IDPs (A/72/202), the principle of “nothing about us without us” applies equally to IDPs, who should be consulted at all stages of displacement. National human rights institutions have facilitated such participation, and their unique position among national and international actors means that they are well placed not only to represent the concerns of IDPs at different forums, but to facilitate the representation of community members where appropriate.

72. National human rights institutions can assist IDPs to organize and mobilize to build or strengthen their ability to determine and realize their own priorities and gain access to relevant forums to shape and inform programme design and strategy rather than being passive recipients. They can promote transparent and inclusive processes for participation to ensure the inclusion of women and young people and vulnerable IDPs, including older persons, those with disabilities or members of the lesbian, gay, bisexual, transsexual or intersex community, who face particular human rights concerns and have different needs, views and perspectives. In Colombia, the institution supports the strengthening of communities displaced or at risk of displacement and their organizations, with specific courses in public policy to promote the enforceability of the rights of IDPs and their participation in public policy processes.

73. The GP20 Plan of Action, with its focus on participation, highlights activities that NHRIs could contribute to, including facilitating and supporting participation of IDPs in key processes for development and peacebuilding. Ensuring that IDPs can participate in political processes at their displacement locations is another key function of NHRIs. Internally displaced persons may face barriers to their political participation at displacement locations, including lack of access to documentation allowing them to vote or stand for office. National human rights institutions have lobbied for solutions to secure the right of IDPs to political participation, including undertaking registration initiatives and assisting electoral bodies to set up mobile voting places.

## **8. Working in proximity to internally displaced persons**

74. Recognizing the often grave human rights threats and challenges associated with internal displacement, some NHRIs have sought to be close to IDPs and the host communities that frequently absorb them in order to be able to respond rapidly and effectively when necessary. Proximity to communities and strong community engagement are essential to monitoring and the establishment of early warning mechanisms, as previously noted. The establishment of regional or local satellite offices of NHRIs to localities with IDPs or the deployment by NHRIs of human rights monitors with local knowledge to affected regions has been effective in Colombia, the Democratic Republic of the Congo, Georgia, Kenya, Niger and Ukraine.

75. Developing close working relationships with local and municipal authorities is essential and requires a consistent local presence. Local authorities are at the forefront of support and protection efforts and bear the burden of large caseloads of IDPs, often without adequate resources or experience. By establishing regional or local presences, NHRIs can forge collaborations with local authorities, advising them and positively influencing their activities and programmes to help ensure that they conform to national and/or international standards. Such close engagement is essential for protection, and the presence of monitors from NHRIs is a prevention and protection measure and promotes concrete action.

76. The Honduras national human rights institution highlighted its localized human rights protection mechanisms in addressing displacement caused by gang-related violence. It created a unit for forced displacement, making forecasts of risks based on research and statistics to guide prevention efforts based on 33 staff present in more than 30 municipalities. They conducted activities including monitoring local situations, gathering data and building awareness on internal displacement. In the Philippines, the national human rights institution established the Assistance and Visitorial Office to mobilize

resources and services for those affected by human rights violations, including community assistance for families that had been forcibly displaced, and now has a centre for crisis, conflict and humanitarian protection.

## 9. Reporting and public information

77. National human rights institutions are empowered to provide opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights, and may decide to publicize them. Comprehensive public reporting on the human rights situation of IDPs, including recommendations and reports to parliaments and other State bodies, helps to influence government policy and decision-making and encourages relevant follow-up actions. The public nature of reporting by NHRIs provides an essential evidence base and holds government bodies to account. Among others, the NHRIs in El Salvador, Georgia, Honduras, Iraq, Nepal, the Philippines and Ukraine regularly produce reports on the human rights situation of IDPs based on their monitoring and make recommendations.

78. Some Governments do not officially recognize internal displacement resulting from certain causes, including generalized violence, and hence the human rights implications for those displaced. National human rights institutions, including those in El Salvador and Mexico, have spearheaded studies on internal displacement that provide essential data revealing the displacement impact of gang violence and the human rights issues affecting IDPs. Such baseline data raise awareness among government officials and the general population and provide a key tool for advocating for protection and solutions for vulnerable IDPs who receive little or no government assistance. Institutions highlighted the need for proactive outreach to IDPs in order to record cases and provide assistance, including for those who are difficult to reach, as well as to fully reflect the extent of the problem. They recognized that, for some highly vulnerable IDPs, invisibility is a coping and survival strategy, for example where they may be at risk of further violence and there is a lack of protection measures.

79. National human rights institutions utilize the reporting, monitoring and information-gathering mechanisms of regional and international human rights bodies and mechanisms monitoring national implementation of human rights standards. They provide reports to United Nations human rights treaty bodies, including the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the universal periodic review mechanism and special procedures, among others. Such reports should reflect internal displacement issues. They can utilize the relevant recommendations and outputs of such mechanisms to assist their national advocacy efforts. Because most international mechanisms lack enforcement powers at the national level, NHRIs can help to make their recommendations a reality.

## 10. National human rights institutions in protracted displacement and achieving durable solutions

80. Internal displacement frequently continues once the immediate humanitarian crisis ends, and there is often a major gap in protection and achieving durable solutions that still requires the engagement of NHRIs. Indeed, NHRIs contribute to ensuring that displacement does not become protracted through their sustained advocacy for rapid and appropriate solutions. However, when displacement does become protracted, the role of NHRIs is critical in keeping attention fixed on the human rights of IDPs as key humanitarian partners reduce their presence and activities. The important role of NHRIs in advocating for durable solutions for IDPs is vital when attention to their concerns and rights has waned over time, including on the part of Government.

81. National human rights institutions must ensure that measures to reduce internal displacement conform to international standards, including the *IASC Framework on Durable Solutions for Internally Displaced Persons*, which are based on international human rights standards. The nature of protracted displacement means that NHRIs may need to be closely engaged with IDPs for months or even years, until no human rights concerns related to their displacement remain and durable solutions are achieved. Just as national Governments have a responsibility to provide specific support to IDPs until durable

solutions have been achieved, NHRIs have an equal responsibility to continue their engagement and to pressure Government where necessary to fulfil its human rights obligations.

82. Internally displaced persons are sometimes encouraged or pushed to return to insecure or unreconstructed locations following conflict or disaster. National human rights institutions should emphasize the right to freedom of movement of IDPs and that return must be informed, voluntary and safe, as well as verifying governmental assessments that return is safe and without risk of human rights concerns. Some NHRIs noted the need to develop capacity to support the reintegration of IDPs into society, whichever durable solution they choose (return, local integration or settlement in another location), recognizing that new human rights concerns can emerge, for example relating to possible tensions with existing communities in areas of integration and economic, social and cultural rights.

83. Finding solutions to complex rights issues such as housing, land and property rights is key to unlocking protracted displacement. National human rights institutions play a role in advocating for return, restitution or adequate compensation for loss where possible, which may require capacity-building and specialist expertise to enable them to adequately represent IDPs. Institutions have drawn the attention of Government to violations of housing, land and property rights. The Philippine national institution, for example, through its advisories, worked with local government to ensure that return and relocation were in accordance with the rights of those displaced. National human rights institutions may need to advocate for the development of additional national legal frameworks and can draw on international human rights standards in this regard, including the principles on housing and property restitution for refugees and displaced persons developed by Paulo Sérgio Pinheiro.<sup>23</sup>

84. National human rights institutions are promoting rights-based approaches to development in the context of the 2030 Agenda for Sustainable Development, which offers NHRIs a valuable global framework within which to pursue national-level objectives on behalf of IDPs, particularly through the integration of internal displacement issues in national and local development plans. A key objective of the Goals is to “seek to realize the human rights of all”,<sup>24</sup> and NHRIs should be at the core of the “web of accountability” for their realization. Given the significant convergence between the Sustainable Development Goals and human rights standards and their mutually reinforcing connection, some NHRIs are building strategies to translate the Goals into reality, including for IDPs and in the context of processes leading towards durable solutions.

## IV. Conclusions

85. The Special Rapporteur recognizes the breadth of activities undertaken by NHRIs relating to IDPs. Their access to different actors, ability to mediate between Government, communities and NGOs, and their mandate and ability to intervene where violations of human rights occur, as well as their unique understanding of local situations, make NHRIs essential in preventing conditions leading to internal displacement and protecting and supporting IDPs. She acknowledges limitations, including of resources, funding and capacity, and lack of access and political will as constraints on the work on internal displacement undertaken by NHRIs. While expectations must be managed, NHRIs have demonstrated that much can be achieved, and they are finding new and strategic ways to work effectively on internal displacement, including in collaboration with national and international partners, in all phases of displacement.

86. Essential work to increase and strengthen NHRIs and their global and regional networks must continue, with IDPs systematically included in their mandates and priorities.

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<sup>23</sup> Food and Agriculture Organization of the United Nations and others, *Housing and Property Restitution for Refugee and Displaced Persons: Implementing the “Pinheiro Principles”* (2007).

<sup>24</sup> General Assembly resolution 70/1.

National human rights institutions should not be a substitute for State actors in the protection of human rights nor fulfil essential functions of government responsibility. They should constantly and publicly remind Government of its primary responsibility for the protection of all human rights, including those of IDPs. They are an essential safeguard and voice for IDPs, raising awareness of their civil and political rights and ensuring attention to critical economic, social and cultural rights, including the rights to food, shelter, health, education, housing, land and property, and progress towards durable solutions.

87. Human rights monitoring and intervention in displacement situations can be life-saving. Internal displacement must be better understood as a human rights issue as well as a humanitarian priority. The application of rights-based approaches offers strong pathways for protection and solutions for IDPs across a wide variety of issues, based on the international normative framework of rights that States have voluntarily agreed to be bound by. Articulating more clearly the importance of human rights actors in humanitarian and displacement emergencies demands and justifies a clearer presence and stronger role for NHRIs, working alongside government, humanitarian and development counterparts as constant partners throughout all phases of displacement. Even when humanitarian partners withdraw, critical human rights issues remain and the presence of NHRIs should be ensured.

88. The interconnection between human rights, humanitarian action and sustainable development, as well as peace and security, and the desire for convergence from the earliest opportunity towards collective outcomes means that NHRIs are developing institutional expertise that is cross-cutting and assists them in establishing effective collaborations. Equally, institutions with humanitarian and development mandates will benefit from bringing human rights understanding and approaches more clearly into their work and operational activities. They can achieve this by strengthening their working relationships and collaboration with NHRIs prior to and during internal displacement situations.

## V. Recommendations

89. **The Special Rapporteur makes the following recommendations.**

90. **National human rights institutions should:**

(a) **Undertake studies and collect detailed human rights-focused information about IDPs and all causes of their displacement to fully inform their work;**

(b) **Play a leadership role in advocating for and supporting the development of national laws, policies and practices based on the Guiding Principles on Internal Displacement. Such laws and policies could refer explicitly to the roles of NHRIs;**

(c) **Undertake consistent law and policy implementation and enforcement efforts, including by monitoring, public reporting, providing legal assistance to victims and advocating with national and local authorities;**

(d) **Remain engaged in all phases of displacement, from prevention through response, to the achievement of durable solutions, and establish systematic and long-term relationships with affected communities;**

(e) **Establish internal expertise and capacity to respond effectively to internal displacement, including by establishing focal points and units at the central and local levels and increasing capacity in financing, logistics, technical issues and human resources;**

(f) **Establish and strengthen partnerships with national, regional and international actors, including humanitarian and development partners, to build their human rights capacity, help make protection central to humanitarian action and enhance collaboration towards collective outcomes around internal displacement;**

(g) **Establish and/or contribute to early warning systems and tools and prevention and preparedness mechanisms on internal displacement. A comparative study of existing mechanisms of NHRIs could be conducted to identify positive practices;**

- (h) **Lead and/or contribute to human rights monitoring presences from the earliest phases and throughout displacement, including as part of protection clusters or working groups where they are initiated;**
- (i) **Conduct investigations into violations of the human rights of IDPs and work to achieve effective responses by national authorities; at a minimum, seek testimonies and evidence for future use in judicial or other proceedings, including transitional justice processes;**
- (j) **Undertake education activities and training on legal standards relating to internal displacement for government officials, military and law enforcement institutions, IDPs, civil society, public opinion leaders and humanitarian and development partners;**
- (k) **Conduct awareness raising-activities for IDPs on their rights, hold regular and meaningful consultations and ensure that materials on internal displacement are available to IDPs in local languages;**
- (l) **Ensure engagement with internally displaced women, older persons, persons with disabilities, children and youth, and other groups requiring special attention to address their particular human rights concerns;**
- (m) **Organize public awareness-raising campaigns on internal displacement and work with the media to ensure accurate and non-discriminatory media coverage;**
- (n) **Promote the participation of IDPs in decisions affecting them, including by facilitating their participation in conferences, consultations, expert bodies and decision-making forums, including humanitarian planning;**
- (o) **Monitor progress towards durable solutions to ensure that measures taken protect the human rights of IDPs and are fully compliant with the Guiding Principles and the *IASC Framework for Durable Solutions for Internally Displaced Persons*;**
- (p) **Contribute to area-based approaches with a focus on displacement-specific vulnerabilities and the human rights implications of displacement on host and other displacement-affected communities;**
- (q) **Proactively promote a human rights-based approach to social cohesion, peacebuilding initiatives and dialogue between and with conflicting parties and engage in transitional justice and reconciliation efforts with and on behalf of IDPs;**
- (r) **Encourage Governments to invite the Special Rapporteur to visit and follow up with national authorities on the implementation of recommendations of the Special Rapporteur and other regional and international human rights bodies;**
- (s) **In collaboration with GANHRI and regional networks of NHRIs, establish an online platform for sharing information, tools and guidelines on internal displacement. An exchange programme between NHRIs to share experiences and expertise should be considered;**
- (t) **In the light of the goals of the GP20 Plan of Action, share information, positive practices, response strategies and initiatives, including through regional and international meetings of NHRIs;**
- (u) **In the context of African States, lobby for ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and its adoption into domestic legislation and work with Governments to ensure its full implementation in practice;**
- (v) **In collaboration with their regional networks, explore the development of similar conventions in other regions (in line with General Assembly resolution 72/182);**
- (w) **Participate fully in national processes to achieve the Sustainable Development Goals and promote specific measures to address the situation of IDPs in national action plans.**

91. **National Governments should:**

(a) **Establish NHRIs in line with the Paris Principles where they do not yet exist or strengthen NHRIs in line with the Principles and create an enabling environment for them to effectively implement their mandates;**

(b) **Ensure adequate funding to NHRIs while guaranteeing their independence, to enable them to build capacity prior to internal displacement and rapidly step up their operational response to displacement;**

(c) **Guarantee free and unfettered access for NHRIs to all locations and communities affected by internal displacement, including conflict-affected regions and territories under the control of non-State actors, with no restrictions on their role and functions;**

(d) **Enhance appropriate security measures to ensure the safety of institution staff while not hindering or compromising their ability to access victims and maintain confidentiality.**

92. **International human rights, humanitarian, and development partners and donors should:**

(a) **Work collaboratively with NHRIs at all phases of displacement and with long-term perspectives to ensure that all human rights issues are appropriately addressed;**

(b) **Assist in building the technical and operational capacity of NHRIs and plan prevention and response strategies with them, including with regard to durable solutions;**

(c) **Plan strategies for downscaling or withdrawal of operations and funding in close collaboration with NHRIs to ensure that no protection gaps exist;**

(d) **Ensure adequate regular budget funding and support for the work of NHRIs on internal displacement sufficient to continue long-term engagement until durable solutions are achieved.**

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