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Agenda item 3

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

Resolution adopted by the Human Rights Council**

23/8.

**Mandate of the Special Rapporteur on the human rights of internally
displaced persons**

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 66/165 of 19 December 2011 and Council resolutions 14/6 of 17 June 2010 and 20/9 of 5 July 2012,

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

Recalling further Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, including through the facilitation of durable solutions, and to address the root causes of the displacement problem in appropriate cooperation with the international community,

Deeply disturbed by the alarmingly high number of internally displaced persons throughout the world, for reasons including armed conflict, generalized violence, violations of international law, in particular human rights law, and natural or human-made disasters,

* Reissued for technical reasons on 2 July 2013.

** The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-third session (A/HRC/23/2), chap. I.

who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

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

2. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its twenty-third session;¹

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

4. *Expresses concern* at the persistent problems of the large number of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance and long-term development efforts and assistance, vulnerability to violations of international law, in particular human rights law, and difficulties resulting from their specific situation, such as lack of food, shelter, health services and education, and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

5. *Also expresses concern* at the problem of protracted internal displacement, and recognizes the need to find durable solutions and for the integration of the rights and needs of internally displaced persons into both rural and urban development strategies, and for their participation in the design and implementation of these strategies;

6. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual and labour exploitation, trafficking in persons, forced recruitment and abduction, and notes the need to continue to pay more systematic and in-depth attention to their special assistance, protection and development needs, as well as those of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, taking into account the relevant resolutions of the General Assembly and the Human Rights Council;

7. *Strongly condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately victimized, and urges authorities and the international community to work together for effective prevention, security, protection of human rights, access to justice and victim assistance, as well as in addressing the causes of violence against women and girls and in fighting impunity across the board;

8. *Calls upon* States to provide, as set forth in the Guiding Principles on Internal Displacement and with the support of international and national stakeholders, for national laws and policies that comprehensively protect the human rights of internally displaced

¹ A/HRC/23/44.

persons and adequately address the specific needs of internally displaced women and girls, including:

(a) By means of gender-sensitive policies, durable solutions strategies, and planning and budgeting processes that ensure the allocation of adequate resources to the needs of internally displaced women and girls, and by making special efforts to ensure the full participation of women in the planning and allocation of these resources;

(b) By providing gender-sensitive training for police, military personnel, the judiciary, social workers and other officials, including on preventing and addressing sexual and gender-based violence in displacement situations;

(c) By strengthening efforts to prevent and respond effectively to, at all stages of displacement, sexual and gender-based violence, and harmful practices such as female genital mutilation, including outlining specific measures which States and the international community should take to ensure greater accountability for sexual and gender-based violence, and paying special attention to the health needs of women, including access to female health-care providers and services, as well as appropriate counselling for victims and survivors of sexual and other abuses;

(d) By recruiting, training and deploying greater numbers of female police and military personnel at the national level, as well as in United Nations peacekeeping operations;

(e) By strengthening efforts to collect, analyse and disseminate quantitative and qualitative data on internally displaced women and girls;

(f) By ensuring the prompt and non-discriminatory provision of all necessary documentation to internally displaced women and girls, including having such documentation issued in their own name;

(g) By establishing a coordination mechanism for the protection of the human rights of internally displaced persons that involves relevant ministries and government bodies with mandates and responsibilities to work on issues affecting women and children;

9. *Urges* States and other relevant actors to take into account the specific needs of persons with disabilities and of the elderly when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities and the elderly have equal access to assistance, protection and rehabilitation services;

10. *Calls upon* States, in cooperation with international agencies and other stakeholders, to ensure and support the full and meaningful participation of internally displaced persons, including women, at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement, regarding the promotion and protection of human rights, the prevention of human rights violations and the design and implementation of durable solutions, including voluntary return, peace processes, peacebuilding, transitional justice, post-conflict reconstruction and development;

11. *Expresses concern* at the internal displacement caused by natural disasters, exacerbated by the expected effects of climate change and by poverty, and recognizes the need for a human rights-based approach to disaster risk reduction, early warning, disaster contingency planning, disaster management and mitigation, as well as recovery efforts, to find durable solutions;

12. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies, as well as development donors and other

providers of development assistance, to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, including their need for long-term development assistance for the implementation of durable solutions, and, in this regard, calls for international support, upon request, for the capacity-building efforts of States;

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

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

(b) To work towards strengthening the international response to the complex problem of situations of internal displacement, and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors;

14. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out his or her mandate:

(a) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, the analysis of the reasons for internal displacement, the needs and human rights of those displaced, measures of prevention, including measures relating to the protection of and assistance to persons at risk of displacement, and ways to strengthen protection, as well as assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, statistics and data disaggregated by age, sex, diversity and location, and to include information thereon in his or her reports submitted to the Human Rights Council;

(b) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote comprehensive strategies and support that focus on the prevention of displacement, better protection and assistance, durable solutions and the integration of internally displaced persons into national development plans, taking into account the primary responsibility of States within their jurisdiction in this regard;

(c) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, States in post-conflict or other situations, intergovernmental, regional and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and children, as well as of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs;

(e) To continue his or her efforts to promote, where appropriate, the consideration of the human rights and the specific protection and assistance needs of internally displaced persons in peace processes and peace agreements, and in reintegration and rehabilitation processes;

(f) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries;

(g) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote the protection of the human rights of internally displaced persons in the context of natural disasters;

(h) To strengthen further the cooperation established between the Special Rapporteur and the United Nations, including in the framework of the Peacebuilding Commission, as well as other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

(i) To continue to use in his or her activities the Framework on Durable Solutions for Internally Displaced Persons² of the Inter-Agency Standing Committee;

(j) To continue cooperation with development donors and other providers of development assistance, including United Nations agencies and other relevant actors, to further strengthen international assistance efforts in support of durable solutions;

15. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their efforts and policies relating to assistance, protection rehabilitation, durable solutions and development assistance for internally displaced persons and their host communities;

16. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues concerning internal displacement, and through the allocation of budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

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

18. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate the activities of the United Nations and other relevant actors addressing the protection, assistance and development needs of internally displaced persons and to respond favourably to requests by the Special Rapporteur for visits and information, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on the recommendations of the mandate holder and to make available information on the measures taken in this regard;

² A/HRC/13/21/Add.4.

19. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his or her mandate;

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

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

22. *Invites* the Special Rapporteur to continue to submit annual reports on the implementation of his or her mandate to the Human Rights Council and the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

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

*38th meeting
13 June 2013*

[Adopted without a vote.]
