

Principles of Protection for Internally Displaced Persons

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ABSTRACT

For forced migrants who have not left their country but are internally displaced persons, human rights law provides an important framework through which to analyse and address their plight. Two principal reasons underpin this assertion.

First, owing to the compelling need: human rights violations cut across all phases of internal displacement, causing its occurrence, characterizing the conditions of physical insecurity and material deprivation in which the internally displaced often find themselves, and impeding equitable and lasting solutions.

Second, as internally displaced persons remain within the territory of their state, refugee law does not apply and, instead, human rights law provides the fundamental basis for addressing their plight.

In addition to human rights law, other standards of international law are also relevant, namely international humanitarian law when displacement occurs in situations of armed conflict and refugee law by analogy.

Drawing on these three standards of international law, Guiding Principles on Internal Displacement have been developed which set out what protection should mean for internally displaced persons in all phases of displacement. This article traces the origins and provides an overview of the content of the Guiding Principles, the text of which is reproduced in full in the Appendix.

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INTRODUCTION

Among the many persons “on the move” in the world today, internally displaced persons are in particular need of greater human rights protection. Worldwide, some 22 to 25 million persons have been displaced within their own country by armed conflict, internal strife and communal tensions – circumstances which are commonly characterized by serious violations of human rights. Displacement, by its very nature, generally exposes its victims to still further violations of human rights. Uprooted from their homes and property, separated from their community and often even family support networks, and cut off from their resource base, displaced persons frequently become even more vulnerable upon flight. Many do not manage to escape the violent circumstances uprooting them and remain caught in the midst of armed conflict and at serious risk, for instance to armed attack, physical assault, sexual violence and forced conscription. Those who do escape the hostilities may find areas of refuge to nonetheless be hostile environments of a different sort, where they are suspected of association with the “enemy” and targeted on that basis, or suffer other stigmatization and discrimination. In many cases, internally displaced persons are deprived of adequate shelter, food and medical care as well as denied equal access to education and opportunities for income generation. Moreover, the persistence of human rights problems in areas of potential return or resettlement will obstruct equitable and lasting solutions to their plight.

With human rights concerns cutting across all phases of internal displacement – from its cause, to the conditions of displacement, to the search for solutions – international human rights law naturally provides an appropriate and useful framework through which to analyse and address the plight of the internally displaced. Even more compelling than the circumstantial basis for taking such an approach, however, are the conceptual grounds for doing so. Unlike refugees who, by definition, have fled across a border and have an established international legal and institutional regime to turn to for protection and assistance, internally displaced persons remain within national territory and consequently it is their own government that bears primary responsibility for meeting their protection and assistance needs. Human rights law sets out the obligations of states to ensure the survival, well-being and dignity of all persons subject to their territorial jurisdiction. Its coverage thus necessarily encompasses the internally displaced. The rights and guarantees to which internally displaced persons were entitled before they fled, by virtue of being human beings and citizens or habitual residents of a particular state, remain intact and are simply carried over – in essence carried *with* them – when they are compelled to flee.

While international human rights law is of fundamental importance for the protection of internally displaced persons, other bodies of international law also have much to offer. When internal displacement occurs in situations of

armed conflict, whether inter-state or non-international in character, international humanitarian law also comes into effect. Though many provisions of international humanitarian law reflect and reinforce protection provided for under human rights law, because a number of human rights guarantees may be significantly limited or even derogated in situations of armed conflict, the protection provided for by humanitarian law in these circumstances is particularly important. Moreover, whereas human rights law is generally binding only on state agents, international humanitarian law applies not only to states but also to insurgent groups and other non-state authorities engaged in conflict. In addition, though refugee law is not applicable to the situation of internally displaced persons, it nonetheless is instructive in pointing to principles pertinent to the protection needs of uprooted persons, which are not specifically addressed by human rights law. A particularly important example of this is the principle of *non-refoulement*, providing protection against forced return to a situation where the individual's physical security is at risk.

The legal basis for the protection of internally displaced persons thus extends beyond the relevance and reach of international human rights law to also draw upon international humanitarian law and refugee law. Accordingly, when the Representative of the Secretary-General on Internally Displaced Persons was requested by the Commission on Human Rights in 1992 to study the extent to which international law met the basic needs of the internally displaced, he adopted a holistic approach that took into account not only international human rights law but also international humanitarian law as well as refugee law by analogy. Several years of study working with a team of international legal experts in these three branches of law, together with representatives of the United Nations Centre for Human Rights (now Office of the High Commissioner for Human Rights), the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees, culminated in an elaborate two-part *Compilation and Analysis of Legal Norms* pertaining to internally displaced persons (United Nations, 1995 and 1998).

This study determined that while existing law provides substantial coverage for the internally displaced, there nonetheless are significant areas in which it fails to provide sufficient legal protection on account of a number of gaps and grey areas in the law. The areas of insufficient legal protection for the internally displaced fall into two categories. The first concerns gaps that arise out of a lack of explicit norms addressing identifiable needs. Such normative gaps arise in the absence, for instance, of an express right not to be arbitrarily displaced, as well as of a right to restitution of or compensation for property lost as a consequence of displacement during situations of armed conflict, and of a right to personal documentation (which, like property, also often is lost or confiscated during displacement). The second category of insufficient coverage concerns those cases where a general norm exists but a corollary provision addressing specifically a need of the internally displaced has not been articulated

which would ensure application of the general norm so as to address this need. For example, while there is a general human right guaranteeing freedom of movement, for internally displaced there is no express guarantee against forcible return to dangerous areas within their own countries comparable with the principle in refugee law of *non-refoulement*. In addition, there were found to be applicability gaps where a legal norm is not applicable in all circumstances. Such serious gaps could arise in situations falling below the threshold of application of humanitarian law and when restriction or even derogation of a number of human rights may be allowed. Finally, what were termed “ratification gaps” in the legal protection of the internally displaced arise in states that have not ratified key human rights treaties and/or humanitarian law instruments.

The study concluded that “[w]here the analysis shows that the needs of internally displaced persons are insufficiently protected by existing international law, it is important to restate general principles of protection in more specific detail and to address clear protection gaps in a future international instrument” (United Nations, 1995, para. 413). Its findings and recommendations proved sufficiently compelling to lead the Commission on Human Rights as well as the General Assembly to request the Representative to develop an appropriate normative framework for the internally displaced. The *Guiding Principles on Internal Displacement* (text reproduced in Appendix, page 89) were drafted to fill this lacuna.

The Principles bring together in one document the many norms applicable to the internally displaced, which heretofore were dispersed and diffused in a panoply of different instruments and therefore not easily accessible nor sufficiently understood. The thirty principles consolidate in one concise document the key rights and guarantees relevant to all phases of internal displacement; providing protection from arbitrary displacement, protection and assistance during displacement, and during return or resettlement and reintegration.

For the purposes of the Principles, internally displaced persons are:

persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

The term “internally displaced person” does not confer any special legal status in the same way as does determination as a “refugee” (Kälin, 2000: 2). This is not necessary after all, as unlike refugees, internally displaced persons are still able, at least in principle, to avail themselves of the protection of their own country. Principle 1 affirms that they are to “enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country” and “shall not be discriminated against in the enjoyment of

any rights and freedoms on the ground that they are displaced". At the same time, it must be stated that the principle of equality does not preclude the undertaking of special measures to ensure implementation of general norms in a way so as to address the particular needs of internally displaced persons.

Indeed, the Principles provide for special measures to be taken to address the particular needs and vulnerabilities of certain groups of persons among them, especially internally displaced women and children, who in any given situation typically constitute the vast majority of internally displaced persons. As a general principle, Principle 4 provides that "[c]ertain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs". A number of principles elaborate on protection for these special needs. For instance, the Principles call for the involvement of women in the planning and management of relocation (Principle 7) and in the planning and distribution of humanitarian supplies (Principle 18). They provide for protection from gender-specific violence, forced prostitution, sale into marriage, sexual exploitation, and forced labour of children or their military recruitment (Principles 11 and 13). Furthermore, they require special efforts to be made to ensure the full and equal participation of women and girls in educational and training programmes (Principle 23).

Although not a binding document like a treaty, the Guiding Principles reflect and are consistent with international human rights law and international humanitarian law which *is* binding. The legal basis of each of the Principles is detailed in the *Compilation and Analysis* and clearly summarized in the *Annotations* to them (Kälin, 2000). It also finds clear reflection in the formulation of the Principles themselves, which are modelled on, and in some cases cite verbatim, the text of the provisions from human rights and humanitarian law treaties from which they are drawn. This is especially the case where the Principles expressly restate, and thereby reinforce, general norms before tailoring application of these to the specific needs and circumstances of the internally displaced. For example, after recalling that every human being has the right to liberty and security of person and that no one shall be subjected to arbitrary detention, Principle 12 specifies that to give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp unless, in exceptional circumstances, this is absolutely necessary and lasts no longer than required. Similarly, Principle 14 affirming the right to liberty of movement and freedom to choose his or her residence, specifies that for internally displaced persons this entails a right to move freely in and out of camps and settlements. Regarding the right to respect of family life, Principle 17 provides that in situations of internal displacement, family members who wish to remain together shall be allowed to do so and that families separated by

displacement should be reunited as quickly as possible. Principle 20, after setting forth that every human being has the right to recognition before the law, states that internally displaced persons must be issued documents necessary to enjoy their rights.

This last example also shows how the Principles address very practical needs of displaced persons, such as to replace documentation lost or confiscated during displacement, in terms of rights. The rights-based approach of the Principles is of particular significance in relation to the provisions regarding basic humanitarian assistance. Principles 18 and 19 refer to the needs of internally displaced persons for food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation as essential elements of the right to an adequate standard of living. This represents an innovative and necessary shift in perspective. Too often, internally displaced persons and other populations under threat are regarded by humanitarian organizations simply as objects of charity rather than rights-holders. Principle 27 expressly states that international humanitarian organizations and other actors providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard.

At the same time, the Principles expressly recognize that the primary duty and responsibility for ensuring protection and assistance for the internally displaced rests with national authorities. Indeed, this general principle (Principle 3) is reiterated several times throughout the text, for instance, in relation to the provision of assistance (Principle 25), the establishment of conditions and provision of means to enable internally displaced persons to return voluntarily, in safety and dignity, to their homes or places of habitual residence (Principle 28), and assistance for internally displaced persons in the recovery of or compensation for property and possessions lost as a result of displacement (Principle 29). The use of the term “competent authorities” can be explained by the broad coverage of the Principles, which are intended to provide guidance not only to states but also to insurgent forces and “all other authorities, groups and persons in their relations with internally displaced persons”.

Since their formulation in 1998, the Guiding Principles have gained significant international standing and recognition as a valuable tool for furthering protection for internally displaced persons. All the international humanitarian, human rights and development organizations and umbrella groups of non-governmental organizations (NGOs) comprising the United Nations’ Inter-Agency Standing Committee endorsed the Principles and decided to integrate them into their work. The Commission on Human Rights and the General Assembly have encouraged these efforts. These intergovernmental bodies also have called for the widespread dissemination of the Principles and for the Representative to use them in his dialogue with governments. In different parts of the world,

governments of countries with situations of internal displacement have responded by using the Principles – in public awareness campaigns (often involving the translation of the Principles into local languages) – in the development of laws and policies, and even to justify their own actions in situations of displacement.

There are now examples of Constitutional Court decisions to protect internally displaced persons. National human rights institutions in a number of countries also have begun to use the Principles. Regional inter-governmental organizations such as the Organization of African Unity (OAU), the Organization for Security and Cooperation in Europe (OSCE) and the Organization of American States (OAS), have circulated the Principles, held seminars on them and used them as a reference tool when monitoring the conditions of internally displaced persons. NGOs have been especially active and effective in promoting the Principles, providing training on them, and using them as a tool for advocating the rights of the displaced with governments and non-state actors, for monitoring conditions of displacement and for pointing to required changes in national legislation and policy.¹

Internally displaced persons have also begun to use the Principles to enhance protection for their own communities. The Principles support such efforts by internally displaced persons to articulate their rights. Principle 3 affirms their right not simply to receive but indeed *to request* protection and humanitarian assistance from the authorities and providing that they shall not be persecuted or punished for making such a request. Of the various initiatives underway with the Principles, their use by internally displaced persons themselves is surely the greatest testament to the Principles' utility and relevance to addressing the critical protection and assistance needs of the internally displaced.

Continued usage of and reference to the Principles at the national, regional and international levels is the best way to support local efforts around them. It is also essential to furthering the very purpose for which the Principles were formulated: to reinforce and, in so doing, help to realize the rights of the millions of internally displaced persons worldwide.

NOTE

1. Responses to the Principles are discussed in greater detail in the annual reports presented to the Commission on Human Rights by the Representative of the Secretary-General on Internally Displaced Persons. For the most recent developments, see the Representative's report to the Commission at its fifty-seventh session, United Nations, E/CN.4/2001/5. See also United Nations documents E/CN.4/2000/83 and E/CN.4/1999/79. These documents are available on the website of the Office of the United Nations High Commissioner for Human Rights: www.unhchr.ch.

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APPENDIX

THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT INTRODUCTION: SCOPE AND PURPOSE

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
 - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
 - (b) States when faced with the phenomenon of internal displacement;
 - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
 - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

SECTION I - GENERAL PRINCIPLES

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

**SECTION II - PRINCIPLES RELATING
TO PROTECTION FROM DISPLACEMENT****Principle 5**

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian

law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (a) When it is 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;
 - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
 - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
 - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
 - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;

- (c) The free and informed consent of those to be displaced shall be sought;
- (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
- (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
- (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

SECTION III - PRINCIPLES RELATING TO PROTECTION DURING DISPLACEMENT

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - (a) Genocide;
 - (b) Murder;
 - (c) Summary or arbitrary executions; and
 - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
 - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
 - (b) Starvation as a method of combat;

- (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
- (d) Attacks against their camps or settlements; and
- (e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
 - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
 - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
 - (c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their

displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.

2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
 - (b) The right to seek freely opportunities for employment and to participate in economic activities;

- (c) The right to associate freely and participate equally in community affairs;
- (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
- (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
3. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

SECTION IV - PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.
2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

SECTION V - PRINCIPLES RELATING TO RETURN, RESETTLEMENT AND REINTEGRATION

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They

shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

PRINCIPES DE PROTECTION POUR LES PERSONNES DEPLACEES A L'INTERIEUR DE LEUR PROPRE PAYS

A l'intention des migrants forcés qui n'ont pas quitté leur pays mais qui ont été déplacés à l'intérieur des frontières, les droits de l'homme offrent un cadre important pour l'analyse de leur situation et les moyens d'y remédier. Il y a à cela deux raisons principales.

Premièrement le caractère impérieux du besoin: les violations des droits de l'homme sont présentes à tous les stades des déplacements internes puisqu'elles les provoquent directement, caractérisent les conditions d'insécurité physique et de privation dans lesquelles les déplacés internes se retrouvent fréquemment, et font obstacle à des solutions équitables et durables.

Deuxièmement, comme les déplacés internes restent sur le territoire de l'Etat dont ils sont ressortissants, le droit d'asile ne leur est pas applicable, alors que les droits de l'homme contiennent les dispositions fondamentales justifiant une démarche pour tenter d'alléger leurs épreuves.

En plus des droits de l'homme, d'autres normes du droit international sont également pertinentes, à savoir le droit humanitaire international lorsque les déplacements s'effectuent dans des situations de conflits armés, et le droit d'asile par analogie.

En se fondant sur ces trois piliers du droit international, on a pu mettre au point des principes directeurs applicables aux déplacements internes qui précisent ce qu'il faut entendre par protection des personnes déplacées à l'intérieur de leur propre pays à tous les stades du déplacement. Le présent article retrace les origines et donne un aperçu du contenu de ces principes directeurs, dont le texte intégral est reproduit en annexe.

PRINCIPIOS DE PROTECCIÓN DE LAS PERSONAS DESPLAZADAS INTERNAMENTE

Para los migrantes forzados que no han abandonado su país pero que son personas desplazadas internamente, la ley de derechos humanos provee un importante marco para analizar y encarar su sufrimiento. Hay dos razones principales subyacentes en esta afirmación.

Primero, en razón de la necesidad apremiante: las violaciones de los derechos humanos abarcan todas las etapas del desplazamiento interno, permitiendo que ocurra, caracterizando las condiciones de inseguridad física y de privaciones

materiales en las que a menudo se encuentran los desplazados internos e impidiendo que se encuentren soluciones equitativas y duraderas.

Segundo, habida cuenta de que las personas desplazadas internamente permanecen en el territorio de su país, no se aplica la ley de refugiados y, en su lugar, la ley de derechos humanos ofrece una base fundamental para encarar su sufrimiento.

A parte de la ley de derechos humanos, hay otras normas de derecho internacional que son pertinentes, a saber, el derecho humanitario internacional cuando se produce el desplazamiento en situaciones de conflicto armado o, por analogía, la ley de refugiados.

Sobre la base de estas tres normas de derecho internacional, se han establecido los principios rectores sobre desplazamiento interno que estipulan lo que ha de ser la protección de personas desplazadas internamente en todas las etapas de su desplazamiento. Este artículo retraza los orígenes y ofrece un panorama sobre el contenido de los principios rectores, cuyo texto se reproduce íntegramente en el apéndice.