

# Protocol on the Protection and Assistance to Internally Displaced Persons

Rev.2

## Preamble

We, the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region;

***Considering* the Declaration on Peace, Security, Democracy and Development in the Great Lakes Region adopted on 20<sup>th</sup> November 2004 in Dar-es-salaam;**

***Reaffirming* our commitment to the implementation of the terms of the said Dar-es-salaam Declaration on behalf of our peoples;**

***Recalling*** specifically Article 58 of the Dar-es-salaam Declaration under which we committed ourselves to ‘respect and use the Guiding Principles on Internal Displacement as proposed by the UN Secretariat, harmonise all the relevant pieces of legislation and define a national and regional framework for the monitoring and follow-up of the standards contained therein and which relate to the access and protection of disaster victims, internally displaced persons, women and children who are victims of conflicts’;

***Conscious*** of the United Nations Secretary General’s “In larger Freedom: Towards Security, Development and Human Rights for All (2005) in which he urged the Member States of the United Nations to accept the Guiding Principles on Internal Displacement as the basic international norm for protecting **internally displaced** persons, and to commit themselves to promote the adoption of these principles through national legislation;

***Deeply concerned*** that **the phenomenon of internal displacement continues to grow at such a rate that when this Protocol was adopted**, there were between 10 to 12 million internally displaced persons in the Great Lakes region alone;

***Mindful*** that there is no specific coherent international or regional legal regime and institution mandated to provide protection and assistance to internally displaced persons;

***Solemnly* agree as follows:**

## **CHAPTER ONE**

### **Definitions**

#### **Article 1**

In this Protocol, the term:

- 1. ‘Authorities’ in the Guiding Principles shall refer to National and Government Authorities in the Great Lakes Region.**
- 2. ‘Groups’ in the Guiding Principles shall refer to armed groups in the Great Lakes Region.**
3. ‘Guiding Principles’ shall mean ‘The Guiding Principles on Internal Displacement’ as elaborated officially by the Special Representative of the Secretary General on Internally Displaced Persons **E/CN.4/1998/53/Add.2, 11<sup>th</sup> February 1998.**
4. ‘Internally Displaced Persons’ shall mean ‘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’.
- 5. ‘Internally Displaced Persons’ shall also mean ‘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 large scale development projects, and who have not crossed an internationally recognized State border’.**
6. ‘Member States’ shall mean Member States of the International Conference on the Great Lakes and who are the State Parties to this Protocol.

## **CHAPTER TWO**

### **Objectives**

#### **Article 2**

The objectives of this Protocol are to:

1. Establish a legal framework in the Great Lakes region for ensuring the **adoption by Member States of** the Guiding Principles on Internal Displacement.
2. Ensure legal protection by Member States of the physical safety and material needs of internally displaced persons in accordance with the Guiding Principles.
3. Provide a legal basis for the domestication of the Guiding Principles into national legislation by Member States.

## **CHAPTER THREE**

### **Responsibility for Protecting Internally Displaced Persons**

#### **Article 3**

1. Member States undertake to prevent **arbitrary** displacement and to eliminate the root causes of displacement.
2. **Member States shall, to the extent possible, mitigate the consequences of displacement caused by natural disasters and natural causes.**
3. Member States accept that they bear the primary responsibility for the protection of the physical and material safety of internally displaced persons during flight, in places of displacement, and upon return, or resettlement elsewhere within the territory of the State.
4. Member States shall be responsible for **determining the identity** of internally displaced persons **and shall, to the extent necessary, assist them with registration. Member States shall** maintain a national data base for the registration of all **internally displaced** persons.
5. Member States shall establish and designate organs of Government responsible for disaster emergency preparedness, coordinating protection and assistance to internally displaced persons, as well as the focal structures responsible for cooperating with international agencies and civil society responsible for internally displaced persons.

6. Member States shall facilitate rapid and unimpeded humanitarian access and assistance to internally displaced persons.
7. Member States shall also ensure the **safety and security** of humanitarian **personnel** in areas of displacement.
- 8. Member States accept the obligation of humanitarian personnel to observe and respect the laws of the country in which they are operating.**
9. Member States shall safeguard and maintain the civilian and humanitarian character of the protection and location of internally displaced persons in accordance with international guidelines on the separation of armed elements.
- 10. Where Governments of Member States lack the capacity to protect and assist internally displaced persons, such Governments shall accept and respect the obligation of the organs of the international community to provide protection and assistance to internally displaced persons.**

## **CHAPTER FOUR**

### **Scope of Protection**

#### **Article 4**

1. Member undertake to:
  - a. Adhere to the principles of International Humanitarian Law and Human Rights applicable to the protection of internally displaced persons in general and as reflected in the Guiding Principles in particular.
  - b. Respect and uphold Security Council Resolution 1296 applicable to the protection of the civilian population during armed conflict as well as Security Council Resolution **1325** applicable to the protection of women and their role during armed conflict, including their participation in decision making and administration, with respect to their safety, welfare, health needs, sanitary care, reproductive rights, food distribution, and the process of return.
  - c. Provide **special protection** for displaced **minority communities** and indigenous **peoples** consistently with the provisions of the International Covenant on Civil and Political Rights 1966, the African Charter on Human and Peoples' Rights 1981, **and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992.**

- d. **Consider ratifying the 1989 Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries.**
  - e. **Provide special protection for women, children, vulnerable and handicapped persons.**
  - f. **Extend protection and assistance to communities residing in areas hosting internally displaced persons.**
  - g. Ensure the safe location of internally displaced persons, in satisfactory conditions of dignity, hygiene, water, food and shelter, away from areas of armed conflict and danger, and having regard to the special needs of women **and children.**
  - h. Ensure freedom of movement and choice of residence within designated areas of location, except when restrictions on such movement and residence are necessary, justified, and proportionate to the requirements of maintaining public security, public order and public health.
  - i. Facilitate family reunification, and to provide, if necessary, **special** protection for families of mixed ethnic identity.
  - j. **Observe** humanitarian principles and ethical standards relating to the provision of assistance to displaced persons in need of such assistance.
  - k. Establish a regional mechanism in the Great Lakes for monitoring the protection of internally displaced persons under this Protocol, provided that such a mechanism shall not affect the supervisory role of the United Nations Commission on Human Rights and treaty bodies, and the African Commission and Court on Human and Peoples' Rights, and the right of internally displaced persons to bring complaints before these bodies.
  - l. Guarantee that this Protocol shall neither, abrogate the right of internally displaced persons to seek and enjoy asylum in other States in accordance with the Universal Declaration of Human Rights 1948 and the African Charter on Human and Peoples' Rights 1981, nor derogate upon the fundamental principle of non-refoulement, as contained in the United Nations Convention Relating to the Status of Refugees 1951 and the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa 1969.
2. **These provisions are without prejudice to the holistic application of the Guiding Principles under this Protocol.**

## **CHAPTER FIVE**

### **Development Induced Displacement**

#### **Article Five**

- 1. Member States shall ensure that displacement owing to large scale development projects shall be justified by compelling and overriding interests of national development. Member States shall therefore ensure that all feasible alternatives of development are explored in order to avoid development induced displacement altogether.**
  
- 2. Where no alternatives exist, Member States undertake to avoid arbitrary displacement and shall take all measures necessary to mitigate the adverse effects of development induced displacement.**
  
- 3. In such cases, Member States shall obtain, as far as possible, the free and informed consent of those to be displaced prior to undertaking displacement justified by compelling and overriding interests of national development.**
  
- 4. Member States shall guarantee to provide full information on the reasons and procedures concerning development induced displacement.**
  
- 5. Member States shall provide adequate and habitable sites of relocation and shall ensure, to the greatest practicable extent, that proper accommodation is provided to persons displaced by large scale development projects and that their displacement is effected in satisfactory conditions of safety, nutrition, health and hygiene.**
  
- 6. Member States shall ensure the effective participation of such persons, particularly women, in the planning and management of their relocation**

## CHAPTER SIX

### Adoption of the Guiding Principles

#### Article Six

1. Member States undertake to **adopt** the Guiding Principles as a regional framework for providing protection and assistance to internally displaced persons in the Great Lakes region.
2. Member States accept to use the **Annotations of** the Guiding Principles as an authoritative source for interpreting the application of the Guiding Principles.
3. Member States shall **ratify the present Protocol and shall also** enact national legislation to domesticate the Guiding Principles fully and to provide a legal **framework** for their implementation within national legal systems.
4. Member States undertake to ensure that such legislation shall:
  - a. Define internally displaced persons according to **Article 1(4)(5)** of this Protocol.
  - b. Prescribe the procedures for undertaking development induced displacement.**
  - c. Specify the organs of Government responsible for providing protection and assistance to internally displaced persons, disaster preparedness and the implementation of the legislation incorporating the Guiding Principles.
  - d. Provide for the channels of engagement **and cooperation** between the organs of Government, organs of the United Nations, the African Union, and civil society.
  - e. **Enable the holistic incorporation of the Guiding Principles.**
5. **Member States shall ensure the effective participation of internally displaced persons in the preparation and design of the said legislation.**

## **CHAPTER SIX**

### **Final Provisions**

#### **Article 6**

1. The obligations of the Member States under this Protocol arise from Article 82 of the Dar-es-Salaam Declaration on Peace, Security, Democracy and Development 2004 under which the Member States '**Declare** that the present Declaration takes effect immediately and undertake to respect and implement its provisions'.
2. . Reservations to this Protocol are not permitted.
3. The Guiding Principles on Internal Displacement shall be annexed to this Protocol and shall constitute an integral component of the text of this Protocol.
4. This Protocol shall be drawn up in the official languages of the Member States, namely, English, French, Portuguese, and Swahili, all of which are equally authoritative of the text of the Pact.
5. Done in the good faith of the Member States at..... ....this .....day of ..... in the year Two Thousand and Five.

## ANNEX TO THE PROTOCOL

# *Guiding Principles on Internal Displacement*

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### **Foreword to the Guiding Principles**

**by Under-Secretary-General for Humanitarian Affairs, the late Mr. Sergio Vieira de Mello**

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the UN system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Special Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles, in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

### **Introductory Note by the Representative of the Secretary-General on Internally Displaced Persons Mr. Francis M. Deng**

The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.

The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangements, and ways to improve protection and assistance for them.

Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare an appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.

After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with

Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.

The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.

## **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.
4. 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.

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