



u<sup>b</sup>

UNIVERSITÄT  
BERN



**THE ASIA PACIFIC FORUM**  
OF NATIONAL HUMAN RIGHTS INSTITUTIONS

... a partnership for human rights in our region

**The Brookings Institution – University of Bern  
Project on Internal Displacement**

## **CONCLUDING STATEMENT AND RECOMMENDATIONS**

### **Regional Workshop on National Human Rights Institutions and Internally Displaced Persons**

Colombo, Sri Lanka, 26 – 28 October 2005

Hosted by the Human Rights Commission of Sri Lanka

#### **Introduction**

1. National human rights institutions ('**NHRIs**') of Afghanistan, India, Indonesia, the Maldives, Nepal, the Philippines, Thailand and Sri Lanka met in Colombo, Sri Lanka, from 26 to 28 October 2005 to hold a regional workshop on NHRIs and internally displaced persons ('**Workshop**').
2. The Workshop was attended by civil society organisations from India, the Philippines, Sri Lanka, and international and regional non-governmental organisations ('**NGOs**') and research institutions from Thailand, Norway and the United States. The Government of Sri Lanka was also represented.
3. Also participating were representatives from the United Nations ('**United Nations**') High Commissioner for Refugees ('**UNHCR**'), UN High Commissioner for Human Rights ('**OHCHR**'), UN Office for the Coordination of Humanitarian Affairs ('**OCHA**'), UN Country Team (Sri Lanka), the Asia Pacific Forum of National Human Rights Institutions ('**APF**') and the Brookings Institution – University of Bern Project on Internal Displacement ('**Brookings-Bern Project**').
4. Participants thanked the Special Adviser to the UN Emergency Relief Coordinator and Director of the Inter-Agency Division on Displacement, OCHA, Mr Dennis McNamara, for his keynote address delivered at the Workshop inauguration and expressed their gratitude to the Guest of Honour, Presidential Spokesperson and Director General, Ministry of Relief, Rehabilitation and Reconciliation, Sri Lanka, Mr Harim Peiris.

5. Participants expressed their appreciation to the host, the Human Rights Commission of Sri Lanka, and to the organising partners: the APF and the Brookings – Bern Project, and the New Zealand Agency for International Development and the Ford Foundation for their financial support.

### **Participants of the Workshop**

6. **Recognise** the three primary causes of internal displacement in the Asian region: conflict, natural disaster and development projects.
7. **Recognise** the special needs of vulnerable groups such as indigenous people, ethnic and religious minorities, children, women, disabled groups, the elderly and other disadvantaged groups.
8. **Reaffirm** that the primary focus for the protection of internally displaced persons ('IDPs') is at the national level and that therefore it is the primary responsibility of States to ensure that the human rights of IDPs are respected, promoted, protected and fulfilled.
9. **Reaffirm** the important role of NHRIs in working with governments as well as IDPs, civil society and local communities to promote the establishment and execution of a rights-based approach to internal displacement.
10. **Emphasise** the importance of maintaining the independence of NHRIs and the need to ensure that NHRIs can work in safety.
11. **Welcome** the decision of APF members taken at the APF Annual Meeting held in Ulaanbaatar, Mongolia, from 26 to 28 August 2005 to 'take effective steps to protect and promote the rights of IDPs in line with the UN Guiding Principles on Internal Displacement.'
12. **Recognise** the need of NHRIs to build their capacity to address the human rights needs of IDPs.
13. **Welcome** the endorsement by APF members of the Guidelines on Internally Displaced Persons in the Context of Natural Disasters: a Common Methodology for National Human Rights Institutions ('**Guidelines**') at the Annual Meeting of the APF held in Ulaanbaatar, Mongolia from 26 to 28 August 2005.
14. **Urge** NHRIs to use the Guidelines and the UN Guiding Principles on Internal Displacement as tools to assist them undertake their roles in the protection of the human rights of IDPs, including such tasks as monitoring situations of displacement, conducting studies and encouraging independent research into the causes, effects and means of preventing displacement, identifying the human rights aspects of all forms of displacement, receiving and acting on complaints, and advocating with local and national authorities to enhance protection for IDPs.
15. **Recognise** the importance of governments developing and implementing laws, programmes and policies on displacement in line with international standards,

including international human rights standards, and the role that NHRIs can play in advising governments about the application and implementation of these standards.

16. **Express** their appreciation of the work of the APF/Brookings-Bern Project and request that the APF continue its efforts, in connection with the Brookings-Bern Project and the Norwegian Refugee Council, to build the capacity of NHRIs to address the human rights aspects of internal displacement.
17. **Welcome** the initiative of the NHRIs of Indonesia, Malaysia, the Philippines and Thailand to raise the issue of IDPs at their sub-regional meeting scheduled for January 2006.
18. **Emphasise** the importance of working closely with international organisations in the protection of the human rights of IDPs, including the Representative of the UN Secretary-General on the Human Rights of IDPs and other special procedures of the Commission on Human Rights, the Emergency Relief Coordinator, the UN Special Envoy on Tsunami Recovery, OCHA and UNHCR, as well as UNICEF, the World Food Programme, the UN Development Programme and other agencies involved with IDPs.
19. **Welcome** the decision by the international community to designate UNHCR as the agency with responsibility for addressing IDP protection, emergency shelter and camp management within the UN collaborative approach.
20. **Reaffirm** that giving international organisations unimpeded access to disaster areas and conflict zones should be considered as a sign of responsible sovereignty and must reinforce rather than substitute for national efforts.
21. **Emphasise** that non-state actors, such as militant groups, transnational corporations and international financial institutions, should abide by international human rights law, international humanitarian law and the UN Guiding Principles on Internal Displacement.

### **Recommendations for Governments**

22. **Urge** Governments to note, and address positively, the full range of civil, political, economic, social and cultural rights concerns raised during this Workshop.
23. **Urge** Governments to acknowledge the different types of displacement, whether by conflict, communal strife, natural disaster or development projects, and take steps to address the human rights dimension of the problem without discrimination of any kind, including on the basis of ethnic origin, caste, gender, religion, legal status, political or other persuasion or between those displaced by conflict and natural disaster. It is important to recognise such peoples as IDPs entitled to the rights contained in the UN Guiding Principles on Internal Displacement.

24. **Encourage** Governments to look into situations of displacement by reason of development projects and to adopt measures that would arrest, if not eradicate, violations of IDPs.
25. **Urge** Governments to address the root causes of displacement, especially in the context of conflict and to move toward a peaceful resolution of underlying issues.
26. **Urge** Governments to recognise the UN Guiding Principles on Internal Displacement as an important international framework for the protection of IDPs and to disseminate and promote the Principles and use them as a basis for the development of laws, policies and programmes on internal displacement.
27. **Urge** Governments to pay particular attention to Principle 25 of the UN Guiding Principles on Internal Displacement and recognise that international humanitarian organisations and other appropriate actors have the right to offer their services in support of the internally displaced. Consent thereto shall not be arbitrarily withheld particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
28. **Urge** Governments to ratify the core international human rights and humanitarian treaties without reservation, and, where appropriate, to remove reservations and to seek technical assistance in the implementation of their treaty obligations.
29. **Urge** Governments, even where they have not ratified international human rights treaties, to strive to protect basic human rights of IDPs through incorporation of human rights guarantees in constitutions or appropriate legislation, through the implementation of relevant programmes and policies and through the undertaking of education and training.
30. **Propose** that Governments take a rights-based approach to the prevention of displacement and the protection and rehabilitation of IDPs based on human rights standards.
31. **Encourage** Governments to set up complaints mechanisms and other procedures to increase accountability and transparency for public and private aid providers.
32. **Encourage** Governments to provide counseling for IDPs, especially women and children, suffering from trauma caused by displacement.
33. **Request** Governments to work in close consultation and cooperation with IDPs, civil society, local communities and NHRIs, and in collaboration with the APF, UN bodies and all other appropriate and effective organisations in the promotion and protection of the human rights of IDPs.
34. **Urge** Governments to formulate reconstruction programmes based on needs assessments that have been finalised in consultation with IDP representatives and civil society organisations.
35. **Encourage** Governments to cooperate with the work of the Representative of the UN Secretary-General on the Human Rights of IDPs, the UN Special Envoy on

Tsunami Recovery and international humanitarian, human rights and development organisations.

36. **Encourage** Governments to adopt an open, transparent and accountable process in the use of funds with regard to relief and reconstruction relating to IDPs.
37. **Encourage** Governments to implement the recommendations of NHRIs.

### **Recommendations for NHRIs**

38. **Urge** NHRIs participating in the APF/Brookings-Bern Project to review and take steps to implement the recommendations made in the reports arising from the needs assessment missions conducted by the APF/Brookings-Bern Project.
39. **Encourage** NHRIs participating in the APF/Brookings-Bern Project to submit to the APF, if they have not already done so, capacity-building proposals in relation to IDPs.
40. **Encourage** NHRIs to engage with non-state actors, as appropriate, in order to promote access and attention to IDPs in areas controlled by these groups.
41. **Encourage** NHRIs that have not already done so to appoint an IDP Focal Point to develop and coordinate NHRI programmes in relation to IDPs.
42. **Request** NHRIs to encourage the development of national laws and policies based on the UN Guiding Principles on Internal Displacement.
43. **Call on** the members of the APF to implement and disseminate the Guidelines and apply or expand them as appropriate to situations of conflict, development or massive human rights violations.
44. **Request** NHRIs to continue working with governments as well as IDPs and their representatives, civil society and local communities to promote the establishment and execution of a rights-based approach to internal displacement.
45. **Encourage** dialogue and collaboration with additional international actors, including international financial institutions.
46. **Urge** NHRIs to provide to the APF Secretariat on a regular basis information and documentation about their IDP activities, as well as an update at APF Annual Meetings.
47. **Recognise** that displacement is often a result of state-sponsored violence, and therefore NHRIs have a special role to place in bringing an end to impunity.

48. *Encourage* the South Asian Association for Regional Cooperation ('SAARC') and the Association of South East Asian Nations ('ASEAN') to consider addressing internal displacement as an issue of concern for the region.
49. *Call on* the international community and donors to strengthen support for the promotion and protection of the human rights of IDPs and development programmes to reinforce the work of NHRIs on behalf of IDPs.
50. *Urge* NHRIs to recommend to Governments with significant IDP populations to invite the Representative of the UN Secretary-General on the Human Rights of IDPs to visit their country.
51. *Urge* NHRIs to proactively engage with all UN human rights procedures and to monitor the implementation of the country-specific recommendations of UN special procedures, in particular the Representative of the UN Secretary-General on the Human Rights of IDPs.

#### **Recommendations for international NGOs and inter-governmental organisations**

52. *Urge* international NGOs and inter-governmental organisations to work constructively with governments to ensure that relief is speedy and effective, consistent with the relevant international standards of care and to ensure that they meet their commitments set out in reconstruction programmes in a timely fashion.
53. *Urge* international NGOs and inter-governmental organisations to set up mechanisms for transparency and accountability in service delivery, including complaints procedures, to ensure redress to IDPs whose rights have been violated.
54. *Urge* the international community to set up an early-warning system with capacity to alert Indian Ocean countries in situations of natural disaster.
55. *Call on* international NGOs and inter-governmental organisations to develop their projects and programmes of reconstruction in consultation with affected populations and their representatives.
56. *Urge* the international community to commemorate the tragedy of the tsunami of 26 December 2004 in Aceh on 26 December 2005 by supporting the participation of representatives from the countries affected by the tsunami at a special event.

#### **Recommendations for APF**

57. *Encourage* the APF to approach the OHCHR on the development of a manual on engagement of NHRIs on IDP issues.
58. *Encourage* the APF to become more involved with ASEAN and SAARC, including inviting them to future APF activities relating to IDPs.
59. *Explore* the potential for staff exchanges between NHRIs to further expand their capacity and cooperation in protecting the human rights of IDPs.

60. *Call on* the APF to facilitate an IDP Focal Point Network drawn from NHRIs.

61. *Call on* the international community and donors to strengthen support for the continued regional promotion and protection of the human rights of IDPs and development of programmes to reinforce the work of the APF in this area.

**Adopted 28 October 2005**