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The protection of the rights of Internally Displaced Persons
should be priority duties of international organizations

Mr. Moderator
Ladies and Gentlemen,

The humanitarian community is increasingly aware of the crisis of refuge and internal displace persons which affects over dozens of 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 promotes the protection of IDPs.

Forced displacement has grown in size and became more complex in recent years. During the last dozen years the outbreak, renewal and prolongation of armed conflicts had an adverse impact on peace, stability and security in many regions of the world. This has resulted in the renewed displacement of people within and outside their home countries. Patterns of conflict became more complex, as did contemporary forms of displacement. Climate change, extreme poverty and conflict are becoming more and more interrelated and increasing forced displacement.

International human rights law, including international refugee law, provides the framework for the protection of refugees and other persons of concern, which aims to secure non-discriminatory enjoyment of their rights, including, notably, the right to seek and enjoy asylum, the principle of *non-refoulement*, and the right to a nationality and to return to one's country. *OSCE's Human Dimension commitments on "Refugees, Displaced Persons, Returnees, and Stateless Persons"* reinforce these obligations contained in international law, and strive towards their implementation.

International humanitarian law (IHL) seeks to limit the influence of on armed conflict and to protect persons who are not or are no longer participating in the hostilities. IHL violations –such as attacks against civilians and ill-treatment of them, destruction of property, sexual violence and restricted access to health care and other essential services – are some of the main causes triggering displacement. While displaced, these communities struggle to meet essential needs amid aggravated deprivation hardship and they may face particular threats, such as tensions between them and host communities, settlement in unsafe or unfit locations, and forced return to unsafe areas. IHL contains important provisions to prevent the displacement of people and the suffering that follows and for the protection of persons forced to flee.

In 1998 the UN General Assembly and the UN Commission on Human Rights took note of the Guiding Principles on Internal Displacement. While these Guiding Principles do not constitute a binding instrument, they have received large support from the international community. More recently, in 2009, the African Union adopted the Kampala Convention on IDPs. This regional instrument is an important step forward in the protection of and assistance to IDPs in one of the continents most affected by displacement.

IHL contains many provisions concerning the prevention of displacement and the protection of IDPs - mainly in Geneva Convention IV (GC IV) and Additional Protocols I and II (AP I and APII), as well as in customary international law. States have the responsibility to implement these protections in their internal legal framework. In general terms, the prevention of violations of IHL would lead to a reduction of IDPs as a result of armed conflict. Forcible displacement is prohibited, whether within the borders of a country or across international borders.

The Guiding Principles on Internal Displacement, 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 organizations, humanitarian and development agencies in providing assistance and protection to IDPs.

The Guiding Principles on IDPs cover four main protection directions. Protection before displacement (Article 5-9), protection and assistance during displacement (Article 10-23), protection relating to humanitarian assistance (Article 24-27) and principles relating to return, resettlement and reintegration (Article 28-30).

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.

I would like to note that problems concerning the refugees and internally displaced persons (IDPs) remain as issue of priority and concern for the government of Azerbaijan.

Azerbaijan is one of the countries mostly suffered from severe consequences caused by the problem of refugees and IDPs. The world's forcibly displaced population is approximately 1% as result of persecution, conflict, violence or human rights violations, while over 10% of the population of Azerbaijan, subjected to ethnic cleansing, remains forcefully displaced from their native lands, which in per capita terms makes it one of the highest numbers of IDPs and refugees in the world with a population of 10 million.

As a consequence of long-lasting aggression started and regularly continued by Armenia since 1988, the Nagorno-Karabakh territories of Azerbaijan and adjacent seven districts, totally 20 percent of the native territories of the country were occupied; more than one million our nationals were forcibly expelled from their native lands and homes, lost family members, health also suffered from gross violation of their fundamental human rights, material losses and psychological stresses.

Correspondingly, the fundamental rights and freedoms of those Azerbaijani IDPs such as the right to life, freedom, property, intellectual property, personal immunity, property immunity, rest and leisure, work, healthy environment, culture, health, education, dignity, conscience, restitution and others were violated.

Their rights are still being violated; sufferings of war are still continued. Armenia, blatantly violating international humanitarian law, as well as its commitments under the Geneva Conventions, continues the illegal actions in the occupied territories of Azerbaijan, geographic names of the region are changed, natural resources are exploited, illegal infrastructural changes are carried out, deliberate resettlement policy with the aim altering the region's demographic situation is implemented.

Displacement of civilians can be considered, exceptionally and temporarily, when justified by considerations of their security or imperative military necessity. IDPs shall be allowed to return to their place of origin as soon as the security concerns have ceased to exist in the affected area. GC IV Art. 49 and 147, AP I Art. 51(7), 78(1) and 85(4)(a) AP II Art. 4(3)(e) and 17, International Customary Humanitarian Law (ICHL)³ Rules 129 and 132.

At the global level, the topic of displacement and refugee protection will remain one of the most urgent issues for the international community.

According to the UN Guiding Principles on IDPs protection after displacement means safe return, resettlement and reintegration to the habitual residents.

Durable solutions of these problems can be achieved when resolutions of the UN Security Council and international agreements are taken into consideration.

For example, The UN Security Council resolutions 853, 874 and 884 in 1993 on the Armenia-Azerbaijan Nagorno-Karabakh conflict affirmed the rights of the Azerbaijani refugees and internally displaced persons to return their homes.

For another example the Sub-Commission on Prevention of Discrimination and Protection of Minorities affirmed “the rights of refugees and displaced persons to return, in safety and dignity their country of origin and/or within it, to their place of origin or choice”.

Taking into consideration of these obligations international organizations should assist in setting forth guarantees for safe return, resettlement and reintegration.

Azerbaijan is recognized and respected worldwide as a sample of tolerant and multicultural friendly coexistence of people of different national belonging and religious belief during centuries and as the country dedicated to universally adopt human values and peace.

We make a decisive call to OSCE member states and international organizations and community to consolidate and carry out joint efforts and actions aimed at ending the long-lasting Armenian aggression against Azerbaijan, liberate the occupied territories of our country in compliance with the universal, international norms, withdraw the occupant armed forces from these territories, restore the recognized by UN borders and the territorial integrity of the Azerbaijani state, to return hundred thousand internally displaced persons to their lands and homes with fully enjoying all their human rights.

As known, adopting the Resolution on the Right to the Truth, Human Rights Council invites Member States, United Nations bodies, intergovernmental organizations, national human rights institutions and non-governmental organizations to fully implement the demands of this resolution.

The right to the truth is often invoked in the context of gross violations of human rights and grave breaches of humanitarian law. The right to the truth implies knowing the full and complete truth as to the events that took place, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for them.

The Azerbaijani Ombudsman as a National Human Rights Institution guiding with the requirements of the respective Resolution of the UN Human Rights Council adopted statements and appeals addressed to world community, respective international organizations and colleagues for putting an end to long lasting mass violation of human rights.

Today, the OSCE should strengthen its activities in achieving the Sustainable Development Goals (SDGs), which are the main instrument for all countries, including the 16th goal of Peace, Justice, and Strong Institutions.

The peaceful resolution of conflicts with justice, in accordance with the norms of international law, is important not only for Azerbaijan but also for the whole region and Europe.

Therefore, believing that the justice and peace will be established soon, these violent crimes committed against humanity will receive their international legal assessment, I call the OSCE, its member states, as well as my colleagues to make decisive efforts and to take actions for restoration of the state borders and territorial integrity of Azerbaijan recognized by UN and for ensuring return of hundred thousand internally displaced persons to their lands.

Otherwise Azerbaijan, in accordance with the UN Charter, can use its right to protection from aggression and can restore the rights and freedoms of its citizens.

Thanks for your attention!