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

**Internally displaced persons and international humanitarian
law**

**Report of the Special Rapporteur on the human rights of internally
displaced persons, Paula Gaviria Betancur***

Summary

In the present report, the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, provides an update on the activities carried out since her last report to the Human Rights Council, in July 2025. In the thematic section of the report, she examines, through the lens of international humanitarian law, challenges that affect internally displaced persons. She calls for strengthened respect for international law, greater accountability and coordinated, inclusive efforts to ensure protection and durable solutions for internally displaced persons.

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I. Introduction

1. In today's armed conflicts, internally displaced persons stand at the front line of civilian suffering. In 2025, 82.2 million people were living in situations of internal displacement, including 68.6 million people displaced by conflict and other situations of violence, more than double the number recorded only seven years ago.¹ Such figures point to a profound gap between the protections guaranteed under international law and the reality faced by civilians on the ground, who are compelled to flee reactively, in response to an attack, or preventively, in anticipation of abuses.

2. International humanitarian law and international human rights law prohibit forced displacement. Under international humanitarian law, indiscriminate attacks, collective punishment, the destruction of civilian infrastructure and the obstruction of humanitarian assistance are also prohibited. Yet, international humanitarian law rules are too often ignored, circumvented or violated by many States. The result is repeated and protracted displacement that erodes civilian protection and resilience and undermines prospects for durable solutions and sustainable peace.

3. The Special Rapporteur on the human rights of internally displaced persons is seriously concerned about the erosion of respect for and compliance with international humanitarian law, alongside limited accountability for violations disproportionately affecting civilians. Internally displaced persons depend on their own States for protection and assistance. Yet, in many contexts, authorities and non-State armed groups are perpetrators of displacement. Ensuring consistent compliance with applicable international law by all parties to conflict is therefore essential to protect populations before, during and after displacement.

4. Modern conflicts are increasingly fought in densely populated urban areas and involve fragmented command structures and the proliferation of non-State armed groups. Violations of the principles of distinction, proportionality and precaution place civilians and displaced populations at acute risk. Attacks on homes, hospitals, water systems and energy networks render entire neighbourhoods uninhabitable, forcing civilians to flee and making safe return impossible. Emerging patterns of violence, including those involving organized criminal groups, can raise challenges for conflict classifications and the applicable legal framework. In practice, legal frameworks can lead to protection gaps, exposing communities to harm and forcing them to flee.²

5. The report examines how international humanitarian law and international human rights law apply to situations of internal displacement in armed conflict, including those reflected in the Guiding Principles on Internal Displacement. It recalls the notion of the prohibition of arbitrary displacement and obligations to protect civilians and civilian infrastructure and ensure humanitarian access and assistance. It highlights recurring patterns of violations that continue to harm internally displaced persons, and the heightened risks faced by women, children and older persons.

6. The report concludes with practical recommendations to strengthen compliance with international law, adequately protect displaced populations and those at risk of displacement and increase accountability for violations of international humanitarian law. Durable solutions to internal displacement demand government leadership, stronger respect for international law, coordinated humanitarian-development-peace efforts and the meaningful participation of internally displaced persons in decisions to shape response and recovery.

¹ Internal Displacement Monitoring Centre, *Global Report on Internal Displacement* (Geneva, 2025).

² See A/HRC/59/46; and submission from International Institute for Social Responsibility and Human Rights. All submissions for the present report are available at <https://www.ohchr.org/en/calls-for-input/2026/call-input-thematic-report-international-humanitarian-law-challenges>.

II. Activities

7. The Special Rapporteur presented her annual report to the General Assembly on 21 October 2025.³ In the report, she examined challenges and prospects for local (re)integration in urban areas, where an estimated 50 million internally displaced persons reside.

8. At the invitation of the Government, the Special Rapporteur undertook a visit to the Democratic Republic of the Congo from 19 to 30 May 2025 and an academic visit, also to the Democratic Republic of the Congo, in July 2025. As a member of the Solutions Champion Group, the Special Rapporteur visited Colombia from 9 to 12 February 2026.⁴ The Special Rapporteur also conducted academic visits to Mexico and Panama, in December 2025 and September 2025, respectively.

9. During the reporting period, the Special Rapporteur engaged with permanent missions in Geneva and New York to advance policy dialogue and cooperation. She continued to actively participate as a principal of the Inter-Agency Standing Committee.

10. The Special Rapporteur discussed internal displacement in dozens of briefings and forums, including the Global Forum on Migration and Development and the Forum of Mayors.⁵ As a co-lead of the Protection Expert Group for Internally Displaced Persons, the Special Rapporteur contributed to the organization of the third Cross-Regional Forum on Implementing Law and Policy on Internal Displacement, in October 2025.

11. The Special Rapporteur regularly engaged with regional bodies and initiatives, such as the Organization of American States and the comprehensive regional protection and solutions framework. She issued a joint statement to mark the sixteenth anniversary of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.⁶ In March 2026, the Special Rapporteur sent a written submission to the African Court on Human and Peoples' Rights in relation to the request for an advisory opinion on the obligations of States with respect to the climate crisis.

12. The Special Rapporteur issued dozens of communications and press releases, addressed to a number of States and other actors on the situation of internally displaced persons⁷ and has continually engaged with internally displaced persons and those defending their rights. She gave interviews to and produced articles for several media outlets.⁸

III. Internally displaced persons in evolving warfare

13. Contemporary conflicts are increasingly fought in complex settings marked by urban combat, the involvement of fragmented and often transient non-State armed groups and the deliberate or incidental destruction and damage of essential civilian infrastructure, as well as the weaponization thereof. Internally displaced persons experience repeated, prolonged displacement, underscoring how the evolving modalities of warfare intensify protection challenges. The situation is often exacerbated by the intersection of armed conflicts with resource extraction, environmental degradation, disasters and climate risks.⁹ Civilians who are repeatedly uprooted must adapt multiple times to new environments.

14. Continued internal displacement in contemporary armed conflicts exposes persistent patterns of non-compliance with established international humanitarian law and international human rights law, and inadequate accountability for violations. States' selective enforcement

³ A/80/212.

⁴ See <https://www.iom.int/news/un-heads-durable-solutions-internal-displacement-visit-colombia-strengthen-support>.

⁵ See <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/activities>.

⁶ See <https://www.ohchr.org/sites/default/files/documents/issues/internaldisplacement/statements/2025-12-08-stm-16-years-kampala-convention-en.pdf>.

⁷ Available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁸ See, for example, <https://www.eltiempo.com/opinion/columnistas/el-desplazamiento-interno-mas-alla-de-las-cifras-3492606>.

⁹ See A/HRC/56/47; and submission from McGill University.

of international law is weakening the law's protective purpose and rendering political solutions, including mediation efforts, more elusive. In the sections below, the Special Rapporteur draws urgent attention to concerns stemming from the lack of respect for international humanitarian law.

A. Urban warfare

15. International humanitarian law dictates strict adherence to the principles of distinction, proportionality and precautions in attack. The practical application of these principles becomes particularly complex in urban settings where military objectives are often located in close proximity to civilian homes, schools, hospitals and essential infrastructure.¹⁰ Even where attacks are directed at lawful military targets, the use of explosive weapons with wide-area effects in such environments significantly increases the risk of civilian harm and displacement. Damage to essential infrastructure frequently compounds the humanitarian consequences of hostilities. Even where housing remains structurally intact, the loss of basic services may render areas uninhabitable and force civilians to flee.¹¹

16. In many urban conflicts, civilians return briefly during pauses in hostilities, often to salvage belongings or assess damage, only to be uprooted again when fighting resumes. This cycle of repeated displacement illustrates how the urbanization of warfare entrenches protracted displacement, limiting prospects for durable solutions while insecurity increasingly worsens.

B. Fragmented armed actors and diffuse command structures

17. Another defining characteristic of contemporary conflicts is the proliferation of non-State armed groups and increasingly fragmented command structures with varying degrees of organization, discipline and capacity to implement international humanitarian law. While international humanitarian law is binding upon all parties to armed conflicts, ensuring dissemination and compliance among fragmented non-State armed groups presents significant operational challenges. Weak command and control structures may result in inconsistent adherence to rules governing civilian protection and humanitarian access. Civilians may face violence, intimidation or arbitrary movement restrictions imposed by groups who lack training, internal accountability mechanisms or effective leadership structures.

18. The fragmentation of authority also complicates humanitarian engagement and timely access. Securing safe passage for civilians or humanitarian relief operations may require negotiations with multiple armed groups controlling different territories. Where coordination fails or trust is lacking, civilians may become trapped in contested areas or subjected to repeated displacement as front lines shift.

C. Weaponization of essential infrastructure

19. Modern conflicts increasingly involve the systematic or large-scale targeting, manipulation or misuse of infrastructure essential to civilian survival. Water systems, electricity grids, telecommunications networks, food supply chains and border crossings for the entry of humanitarian assistance are deliberately attacked or disrupted.¹² In other situations, control over such infrastructure is used as leverage for military or political advantage.

20. International humanitarian law protects civilian objects and explicitly prohibits the starvation of civilians as a method of warfare. Objects indispensable to the survival of the civilian population, including drinking water installations, irrigation works and foodstuffs,

¹⁰ International Committee of the Red Cross (ICRC), *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts* (Geneva, 2024).

¹¹ See [S/2025/271](#).

¹² Submission from [Center for Water Security and Cooperation](#).

are protected against attack and other hostile acts such as destruction, removal or rendering useless. For displaced populations, the breakdown of water, electricity, agricultural and health systems can render formerly safe areas uninhabitable, destroy livelihoods and drive further displacement.

D. Sexual and gender-based violence

21. Sexual violence is often used deliberately to terrorize communities and assert control, forcing families to flee their homes. Rape and other forms of sexual violence, when committed in the context of an armed conflict, constitute serious violations of international humanitarian law.¹³ In the Democratic Republic of the Congo, widespread and systematic sexual and gender-based violence by all parties to the conflict continues to drive mass displacement.¹⁴ The Government recently established a national fund for reparations for victims of conflict-related sexual violence.

22. The Special Rapporteur is alarmed about the current levels of sexual and gender-based violence in internally displaced person camps, particularly against women and girls.¹⁵ Overcrowded shelters, a lack of adequate sanitation facilities and insecure conditions often exacerbate the risks.

E. Sieges

23. Sieges are becoming a recurring feature of contemporary armed conflicts. In the Sudan, siege-like conditions, collapsing markets and the breakdown of health services have created severe humanitarian needs while limiting the presence of relief actors.¹⁶ In this context, women and girls often bear the brunt of crisis as the denial of humanitarian access heightens their risk of starvation and exposes them to increased sexual violence.¹⁷

24. While international humanitarian law does not explicitly define “siege”, it provides clear rules for the protection of civilians, including the free and unimpeded passage of humanitarian relief indispensable to their survival. Characterized by the encirclement and isolation of a locality to force surrender, sieges have historically combined deprivation with sustained attacks to prevent reinforcement and break resistance. Sieges are unlawful when they amount to the starvation of civilians. When imposed in the context of an international armed conflict, a siege that deliberately starves civilians may constitute a war crime.¹⁸

25. The Special Rapporteur is gravely concerned about the protection of civilians, including internally displaced persons, caught in sieges and unable to access humanitarian assistance and the essentials for subsistence, threatening their survival.

¹³ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 27; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 75 (2) (b), 76 (1) and 77 (1); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 4 (2) (e); customary international humanitarian law [rule 93](#) (ICRC, “Rules”. Available at <https://ihl-databases.icrc.org/en/customary-ihl/v1>); common article 3 of the Geneva Conventions of 1949, which requires humane treatment and prohibits “violence to life and person”, “mutilation”, “cruel treatment”, “torture” and “outrages upon personal dignity”; and Rome Statute of the International Criminal Court, arts. 7 (1) (g), 8 (2) (b) (xxii) and 8 (2) (e) (vi).

¹⁴ See [allegation letter COD 3/2025](#). All allegation letters and/or urgent appeals mentioned in the present document are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

¹⁵ See [allegation letter SDN 3/2025](#).

¹⁶ *Ibid.*; and submission from [Just Access](#).

¹⁷ See the conference room paper of the International Commission of Human Rights Experts on Ethiopia on comprehensive investigative findings and legal determinations, available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/chreethiopia/a-hrc-54-crp-3.pdf>, para. 157.

¹⁸ See [allegation letters SDN 3/2025](#) and [SDN 3/2024](#).

F. Collective punishment

26. Collective punishment, often carried out through the destruction of homes or the denial of essential services, is a recurring cause of displacement and is strictly prohibited under international humanitarian law.¹⁹ Forced displacement is arbitrary when used as a form of collective punishment.²⁰ Moreover, when displacement 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”, it is always arbitrary, as these practices are prohibited under international law.²¹ Reports from contexts such as the Democratic Republic of the Congo, the Sudan and the Syrian Arab Republic, as well as the Occupied Palestinian Territory, indicate that State actors, including occupying Powers, have at times deliberately displaced populations to seize land, property or resources and/or to alter the demographic balance of an area.²²

27. The Special Rapporteur is gravely concerned about ongoing situations of displacement that appear to be cases of punishment of particular groups, and the ongoing lack of accountability for such violations of international humanitarian law.

G. Harm to the environment

28. Environmental harm has been deliberately used to displace communities, depriving civilians of essential resources, security and their special physical and cultural attachment to the territory.²³ Armed conflict-related environmental damage, affecting water, soil, land, air and biodiversity, can also drive displacement, exacerbate climate change and increase the risk of repeated displacement. Such environmental harm may constitute a violation of international humanitarian law and international human rights law.²⁴ While the former does not address all environmental impacts of armed conflict, it contains rules that protect the natural environment and limit the harm inflicted on it.²⁵

29. The Special Rapporteur highlights that attention must be paid urgently to the link between environmental harm and forced displacement and possible related violations of international humanitarian law.

IV. Legal framework: international humanitarian law considerations

30. International humanitarian law governs the conduct of hostilities and provides specific protections applicable during situations of armed conflict. Concurrently, international human rights law remains applicable at all times – before, during and after displacement – subject only to lawful and strictly necessary derogations where permissible. Although distinct in scope and purpose, international human rights law provisions applicable in armed conflict complement and mutually reinforce the protection afforded by international humanitarian law. In some cases, both legal regimes apply simultaneously, with the exact nature of the

¹⁹ Fourth Geneva Convention, art. 33; Protocol I Additional to the Geneva Conventions of 1949, art. 75 (2) (d); Protocol II Additional to the Geneva Conventions of 1949, art. 4 (2) (b); and customary international humanitarian law [rule 103](#).

²⁰ ICRC, “Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949: commentary of 2025 – article 49”, para. 3171. Available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49/commentary/2025?activeTab=>.

²¹ Guiding Principles on Internal Displacement, principle 6. See also [A/76/169](#), para. 10.

²² See [A/HRC/61/70](#); [A/HRC/52/69](#); <https://news.un.org/en/story/2025/06/1164816>; <https://www.ohchr.org/sites/default/files/documents/issues/internaldisplacement/statements/250530-sr-idps-drc-cv-eoms-en.pdf>; and <https://www.ohchr.org/en/press-releases/2025/05/un-experts-demand-international-action-human-rights-violations-escalate>.

²³ Daniel Ruiz-Serna, *When Forests Run Amok: War and Its Afterlives in Indigenous and Afro-Colombian Territories* (Durham, North Carolina, Duke University Press, 2023).

²⁴ Submission from [McGill University](#).

²⁵ ICRC, *Guidelines on the Protection of the Natural Environment in Armed Conflict* (Geneva, 2020).

interaction having to be determined on a case-by-case basis.²⁶ The present section examines the international humanitarian law obligations most relevant to displacement in the context of armed conflict, with the subsequent section addressing broader human rights concerns and associated risks.

31. International humanitarian law, as set out in the Geneva Conventions of 1949 and the Additional Protocols thereto, other international humanitarian law treaties and customary international law, governs the conduct of hostilities and provides the primary legal framework for protecting civilians in armed conflicts, preventing conflict-related displacement and protecting civilians who become displaced. In armed conflicts, violations of international humanitarian law, such as forced displacement, indiscriminate attacks and direct attacks against civilian infrastructure, remain major drivers of population movement.

32. To facilitate the implementation of international humanitarian law rules, many States have created national interministerial working groups, often called national committees on international humanitarian law. These bodies are a practical mechanism for translating legal obligations into coordinated domestic action, including on issues affecting internally displaced persons.²⁷

33. Additionally, the Guiding Principles on Internal Displacement were innovative in providing a comprehensive framework consolidating relevant obligations under international humanitarian law and international human rights law.²⁸ The Guiding Principles affirm, *inter alia*, the right of individuals to be protected against arbitrary displacement, the right to humanitarian assistance and the right to voluntary return, local integration or resettlement elsewhere in the country.

34. Adherence to humanitarian norms remains insufficient in modern conflicts, despite global consensus supporting the Geneva Conventions of 1949. In this context, Brazil, China, France, Jordan, Kazakhstan and South Africa, together with the International Committee of the Red Cross (ICRC), have launched a global initiative to galvanize political commitment to international humanitarian law. The initiative seeks to elevate international humanitarian law as a political priority, ensure that it is systematically integrated into discussions on armed conflict and security and develop guidance on how the existing rules of international humanitarian law must be understood and applied while translating political commitment into tangible improvements on the ground.²⁹

A. Prohibition of forced displacement

35. Forced displacement may occur in both direct and indirect forms. Direct displacement arises when authorities or non-State armed groups order or organize the removal of civilians. Indirect displacement may occur where parties to a conflict create conditions that compel civilians to flee, even without issuing formal orders. Such conditions may include unlawful attacks on civilian infrastructure and the destruction of homes, collective punishment or other violations of international humanitarian law or international human rights law.

36. Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) prohibits individual or mass forcible transfers and deportations of protected persons from occupied territory, regardless of motive, except where required for the security of the civilians involved or for imperative military reasons. The Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of

²⁶ ICRC, “Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949: commentary of 2025 – introduction”, para. 126, available at https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/Introduction/commentary/2025?activeTab=1949GCs-APs-and-commentaries#c__Toc211412026.

²⁷ See https://www.icrc.org/sites/default/files/2026-01/Final-version-NCIHLs-table_en-2026.pdf.

²⁸ Walter Kälin, *Internal Displacement and the Law* (Oxford, Oxford University Press, 2023).

²⁹ See <https://www.upholdhumanityinwar.org>. The Special Rapporteur encourages States to continue addressing issues related to internal displacement within the framework of this initiative, such as family separation and child recruitment, which deserve more development than the limited space of this report allows.

Victims of Non-International Armed Conflicts (Protocol II), extends similar protection in non-international armed conflicts, explicitly prohibiting displacement of the civilian population unless required for the security of the civilians involved or for imperative military reasons. This rule is also recognized as customary international law applicable in all armed conflicts.³⁰ In most cases where displacement occurs, States may derogate from their human rights obligations,³¹ but not from their international humanitarian law obligations.

37. International jurisprudence has clarified that “forcible” displacement encompasses coercive circumstances beyond physical force. In *Prosecutor v. Radislav Krstić*, the International Criminal Tribunal for the former Yugoslavia recalled that forcible transfer includes displacement carried out under threat of violence or other forms of coercion.³² Likewise, in *Prosecutor v. Milomir Stakić*, the Tribunal reiterated that the requirement of “forced displacement” had been interpreted “to refer not only to acts of physical violence but also to other forms of coercion”.³³

38. International jurisprudence has recognized that displacement may result from the deliberate imposition of severe living conditions that leave civilians with no genuine alternative but to flee.³⁴ In some cases, displacement may further be inferred from actions aimed at preventing displaced populations from returning, such as the systematic demolition of homes or other measures indicating that return will not be permitted.³⁵

39. This interpretation reflects the realities of evolving warfare, where civilians may be compelled to leave their homes even without an explicit order. As emphasized in international jurisprudence, determining whether displacement is forcible requires assessing whether those persons had a genuine choice to remain or leave. Situations characterized by violence, intimidation, destruction of homes or denial of essential services may effectively deprive civilians of any real choice but to flee.

40. Evacuation for the security of the population refers to situations in which civilians must be moved in order to protect them from the dangers of hostilities in the area in question. Evacuation for military reasons is only permitted where overriding military considerations make it imperative due to ongoing military operations in the area in which the evacuees live. This exception cannot be invoked for reasons of convenience, strategic advantage or demographic objectives. Evacuation is, therefore, an extreme exceptional measure that must be construed narrowly and justified by valid and compelling reasons.³⁶ Where evacuation is conducted in accordance with the limited exceptions permitted under international humanitarian law, it must remain strictly temporary. Civilians have a right to voluntary return in safety to their homes as soon as the circumstances justifying their displacement have ceased.³⁷

41. With regard to evacuation, parties are expected to establish contingency plans to ensure adequate conditions, protection and access to essential services at both departure and destination locations. Preparations should include accessible communication with the populations, assessment of safety and service capacity at destination sites, identification of

³⁰ Customary international humanitarian law [rule 129](#); and Guiding Principles on Internal Displacement, principle 6 (2) (b).

³¹ International Covenant on Civil and Political Rights, art. 12.

³² Case No. IT-98-33-T, Judgment, 2 August 2001, para. 529.

³³ Case No. IT-97-24-T, Judgment, 31 July 2003, para. 682.

³⁴ [The International Tribunal for the Former Yugoslavia](#), in *Prosecutor v. Radislav Krstić*, recognized that the forcible transfer of women, children and older persons, resulting from the destruction of their homes and intense violence, constituted persecutory acts (para. 537). The [International Criminal Court](#) defines the deportation or forcible transfer of population as the forced displacement of the persons concerned by expulsion or other coercive acts, where they had no genuine choice to remain (“Elements of crimes” (The Hague, 2013), art. 7 (1) (d)).

³⁵ See <https://www.ohchr.org/en/press-releases/2026/04/un-experts-call-end-attacks-gaza-shelters-forced-displacement-west-bank>.

³⁶ ICRC, “Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949: commentary of 2025 – article 49”.

³⁷ Fourth Geneva Convention, art. 49 (2); customary international humanitarian law [rule 132](#); and Guiding Principles on Internal Displacement, principle 6 (3).

livelihood opportunities to reduce harmful coping mechanisms and consultation with host communities likely to receive evacuees. To ensure safe evacuations, parties should conclude agreements prior to the operation.³⁸

42. The legality of evacuation depends not only on the initial justification, but also on compliance with several conditions and safeguards related to the treatment of the persons concerned. In Gaza, the destruction of civilian infrastructure, coupled with evacuations, has generated mass displacement;³⁹ yet, not all possible measures have been taken to ensure satisfactory conditions of shelter, hygiene, health, safety and nutrition and to ensure that families are not separated.⁴⁰

43. Particular attention must be paid to persons in vulnerable situations, including persons with disabilities, older persons, unaccompanied children and persons in institutional care, to ensure appropriate protection during evacuation and upon arrival. Where health facilities are relocated, specific assessments are required to guarantee continuity of care.

44. The Special Rapporteur wishes to reiterate that evacuations should not be conflated with the spontaneous flight of civilians from hostilities.⁴¹ Displacement may constitute a coping mechanism and civilians should be permitted to leave areas of hostilities at all times and allowed realistic timelines and travel trajectories; a condition rarely met in current conflict settings.⁴²

B. Protection of civilians and civilian objects

45. The prevention of unlawful displacement is intrinsically linked to compliance with the principles and rules regulating conduct of hostilities. Article 48 of the Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), establishes the principle of distinction, requiring parties to direct their military operations only against military objectives. Article 52 of that Protocol covers the protection of civilian objects, while article 51 prohibits indiscriminate and disproportionate attacks and acts or threats of violence aimed at spreading terror among civilians. Customary law extends the principles of distinction, proportionality and precaution to non-international armed conflicts, making them binding upon both State and non-State armed groups.⁴³

46. Disruptions to education or health services by armed groups frequently precede displacement, serving as an early indicator of declining civilian protection. In Colombia, threats against teachers, the recruitment of children and the military use of educational facilities continue to contribute to forced displacement. Such acts severely undermine the protections afforded to civilians and civilian objects under international humanitarian law. Recent regulations restricting the use of educational institutions by public forces aim to prevent schools from becoming military targets and thus avoid incidental damage.⁴⁴

47. The principle of proportionality, codified in article 51 (5) (b) of Protocol I Additional to the Geneva Conventions of 1949, prohibits attacks expected to cause incidental civilian harm excessive in relation to the anticipated military advantage. Article 57 of that Protocol requires parties to take all feasible precautions in attack. These principles are recognized as customary law and apply equally in non-international armed conflicts. These obligations are relevant to the protection of civilians.

³⁸ See <https://blogs.icrc.org/law-and-policy/2026/04/16/complying-with-ihl-in-large-scale-conflicts-movement-mass-displacement-and-maintaining-family-links/>.

³⁹ See allegation letter ISR 25/2025; and submission from IHL Centre.

⁴⁰ Fourth Geneva Convention, art. 49 (3); Protocol II Additional to the Geneva Conventions of 1949, art. 17 (1); and customary international humanitarian law [rule 131](#).

⁴¹ See <https://www.ohchr.org/en/press-releases/2026/03/amid-protection-crisis-lebanon-un-experts-warn-bombing-civilians-force>.

⁴² See <https://www.ohchr.org/en/press-releases/2026/03/amid-protection-crisis-lebanon-un-experts-warn-bombing-civilians-force>.

⁴³ Customary international humanitarian law rules [1](#), [14](#) and [15](#).

⁴⁴ Submission from Norwegian Refugee Council.

48. In the Sudan, the shelling of densely populated urban areas resulted in widespread displacement. Where attacks are conducted indiscriminately or target civilian objects, they violate articles 51 and 52 of Protocol I Additional to the Geneva Conventions of 1949 and corresponding customary norms. The cumulative humanitarian impact often renders civilian life unsustainable, effectively compelling flight.

C. Protection of objects indispensable to survival and prohibition of starvation

49. Attacks against humanitarian personnel have reached unprecedented levels in several contemporary conflicts, placing the lives of aid workers, and the civilians they seek to assist, at grave risk. Recent data indicate that approximately 97 per cent of aid workers killed, injured or abducted are national or local staff, underscoring the disproportionate risks borne by front-line responders.⁴⁵

50. In Gaza, Palestinian humanitarian workers have reported repeated displacement following air strikes by Israeli forces. Hospitals and medical and humanitarian personnel have been systematically targeted, with over 1,580 health workers and 467 humanitarian staff killed (as of July 2025). Health facilities have been destroyed, with only 47 per cent of hospitals partially functional, triggering immediate and long-term harm to the population.⁴⁶

51. In the Sudan, humanitarian access has been severely constrained in North Darfur and the Kordofan region due to ongoing hostilities and bureaucratic impediments. Special procedure mandate holders have repeatedly raised alarm over escalating violence, including the April 2025 attack on Zamzam camp for internally displaced persons, in which children and humanitarian staff were reportedly killed.⁴⁷ The incident occurred amid reports that famine conditions were prevalent in parts of North Darfur, including Zamzam internally displaced persons camp.⁴⁸

52. The Special Rapporteur is alarmed by targeted and coordinated disinformation campaigns, including against minorities and aid workers, that are hindering displaced persons' access to essential services and humanitarian aid.

53. International humanitarian law imposes clear and binding obligations on parties to armed conflict with respect to the provision and facilitation of humanitarian relief for civilians in need. Relief operations of an exclusively humanitarian and impartial character must not be unlawfully denied. Article 70 of Protocol I Additional to the Geneva Conventions of 1949 and customary international humanitarian law require parties to armed conflict to allow and facilitate the rapid, unimpeded and impartial passage of humanitarian relief operations, subject only to their right of control. These provisions reflect and reinforce customary international humanitarian law, which affirms that parties must not unlawfully withhold consent to humanitarian operations and must take all feasible measures to ensure that civilians receive essential supplies.⁴⁹

54. The Security Council has repeatedly underscored these obligations. In its resolution 2417 (2018), it strongly condemned the use of starvation of civilians as a method of warfare. The Council has reaffirmed the prohibition of arbitrary denial of humanitarian relief in various country-specific contexts, including in its resolutions 2139 (2014) and 2165 (2014), on the Syrian Arab Republic, in which it demanded that all parties enable humanitarian agencies to deliver assistance across conflict lines and remove bureaucratic or political impediments to access.

⁴⁵ See <https://www.aidworkersecurity.org/incidents/report>; and submission from International Institute for Social Responsibility and Human Rights.

⁴⁶ Global Protection Cluster, "Protection analysis update: risks and barriers faced by persons with disabilities and older persons", 15 July 2025.

⁴⁷ See allegation letters SDN 3/2025 and SDN 3/2024.

⁴⁸ See <https://www.ohchr.org/sites/default/files/documents/countries/sudan/ohchr-sudan-rapid-support-forces-zamzam-idp-camp-north-darfur-3-days-safe-refuge-offensive-april-terror-1-en.pdf>.

⁴⁹ Customary international humanitarian law rules 55 and 56.

55. Denial of humanitarian relief may constitute a violation of international humanitarian law. When such denial results in civilians being deprived of objects indispensable to their survival, it may also amount to the war crime of starvation of civilians as a method of warfare, as codified in article 8 (2) (b) (xxv) and article 8 (2) (e) (ix) of the Rome Statute of the International Criminal Court.⁵⁰ United Nations investigative bodies have affirmed that impediments to humanitarian access, when intentionally imposed in a manner that deprives civilians of essential supplies, may constitute evidence of this war crime.⁵¹

56. The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), provides for the explicit protection for civilians from starvation-related tactics. Article 54 (1) thereof stipulates that the starvation of civilians as a method of warfare is prohibited. Article 54 (2) prohibits the attack, destruction, removal or rendering useless of objects indispensable to the survival of the civilian population, including foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, when undertaken for the specific purpose of denying their sustenance value to the civilian population or to the adverse party. Article 54 (3) establishes limited exceptions when such objects are used as sustenance solely for members of the adversary's armed forces or in direct support of military action, provided that military action never results in inadequate food or water for civilians that would cause starvation or force displacement. Even in such circumstances, article 54 (3) (b) provides that "in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement".

57. Protocol II Additional to the Geneva Conventions of 1949 contains a parallel prohibition. Article 14 provides that starvation of civilians as a method of combat is prohibited. It also prohibits the attack, destruction, removal or rendering useless, "for that purpose", of objects indispensable to civilian survival, including foodstuffs, agricultural areas for the production of food, crops, livestock, drinking water installations and supplies and irrigation works. Unlike in Protocol I Additional to the Geneva Conventions of 1949, that article does not address the use of such objects when they constitute sustenance for combatants or are used in direct support of military action.

58. The prohibition on starvation of civilians as a method of warfare has also attained the status of customary international law.⁵² This reflects the widespread recognition that starvation of the civilian population is inherently incompatible with the principles of humanity and the protection of civilians.⁵³

59. Additionally, the Security Council, in its resolution 2417 (2018), demanded that all parties to armed conflicts fully comply with their obligations under international humanitarian law and strongly condemned the use of starvation of civilians as a method of warfare in a number of conflict situations.

⁵⁰ In 2019, the Assembly of States Parties to the Rome Statute of the International Criminal Court adopted an amendment extending this war crime to non-international armed conflicts, thereby harmonizing the Statute with the prohibitions enshrined in Protocol II Additional to the Geneva Conventions of 1949 and in the study on customary international humanitarian law of the International Committee of the Red Cross.

⁵¹ See the conference room paper of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, containing a legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide, available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session60/advance-version/a-hrc-60-crp-3.pdf>.

⁵² Customary international humanitarian law [rule 53](#).

⁵³ See <https://www.ohchr.org/en/press-releases/2024/06/using-starvation-weapon-war-sudan-must-stop-un-experts>.

D. Property rights of displaced persons

60. The property rights of displaced persons must be respected.⁵⁴ Dispossession and the loss of housing, land and property often represent one of the most enduring consequences of displacement and can shape patterns of inequality and instability long after hostilities have ceased, as housing, land and property are closely connected to identity, community belonging and social stability. Even where ownership rights formally remain intact, the absence of housing, documentation and infrastructure can make return extremely difficult. Moreover, international humanitarian law prohibits pillage⁵⁵ and, under article 8 (2) (b) (xvi) of the Rome Statute of the International Criminal Court, “pillaging a town or place, even when taken by assault”, constitutes a war crime in international and non-international armed conflicts.⁵⁶

61. Disputes over housing, land and property rights are rarely confined to the immediate circumstances of conflict. Rather, they frequently reflect layered historical grievances and overlapping claims that blur the boundaries between pre-conflict, conflict and post-conflict disputes. Restoring property relations to their pre-conflict state is rarely straightforward, and it may not be desired by internally displaced persons, particularly where demographic changes, political interests, violations suffered or prolonged displacement have transformed patterns of settlement.

E. Accountability and cycles of impunity

62. Accountability in cases of forced displacement remains uneven. Persistent structural and operational barriers significantly weaken the ability of international mechanisms to document, investigate and legally substantiate such violations. Prosecutions remain relatively rare compared with the scale of displacement. While international mechanisms have been activated in several contexts, displacement-related violations frequently remain unpunished, weakening deterrence and perpetuating cycles of impunity.⁵⁷

63. Some domestic prosecutions have been undertaken for offences related to unlawful displacement, including under the principle of universal jurisdiction. However, the numbers of such prosecutions remain low, largely due to the absence of specific criminal provisions and sanctions within national legal orders.⁵⁸ Additional challenges arise in contexts where non-State armed groups operate, complicating the ability of State authorities to prevent or address displacement in areas beyond effective governmental control.

64. United Nations commissions of inquiry and fact-finding missions are frequently denied entry to affected areas or prevented from operating safely. In many cases, investigators have had to rely on interviews with displaced persons outside the country, limiting opportunities for on-site verification, forensic documentation and the direct collection of physical evidence. In such contexts, investigations depend heavily on secondary sources, including remote sensing, open-source material and satellite imagery, which may not always meet the evidentiary thresholds required for criminal accountability.

65. Furthermore, authorities implicated in displacement-related violations have in several cases refused cooperation, withheld records, restricted movement or rejected mandates outright. This lack of cooperation can also affect domestic data collection, making it more difficult to reconstruct events, establish responsibility and support legal proceedings. In addition, displaced persons often fear retaliation from State or non-State armed groups and

⁵⁴ Customary international humanitarian law rule 133.

⁵⁵ Fourth Geneva Convention, art. 33; Protocol II Additional to the Geneva Conventions of 1949, art. 4 (2) (g); and customary international humanitarian law rule 52. See also rules 50 and 51, on property.

⁵⁶ See also International Criminal Court, *Elements of Crimes*.

⁵⁷ Submissions from Daniela Suárez Vargas, Luke Moffett and Lydia Millar.

⁵⁸ For examples of national criminal provisions related to forced displacement, see articles 180 and 248 of the Criminal Codes of Colombia and Honduras, respectively (available from <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=6388> and https://www.tsc.gob.hn/web/leyes/Decreto_130-2017.pdf).

lack secure communications and legal support. These vulnerabilities limit their willingness and ability to provide detailed testimony, reducing the quantity and quality of available evidence.

66. Compounding these challenges is the fragmented nature of displacement data, as internally displaced persons are not always registered in a single system. Information is most often dispersed across national mechanisms, humanitarian actors and non-governmental organizations, creating inconsistencies in population figures and understandings of movement patterns. For investigators, this fragmentation can hinder the ability to establish the scale, chronology and intent behind displacement patterns.

67. Meanwhile, the sheer scale of contemporary displacement overwhelms investigative mechanisms. Small investigative teams are requested to process vast amounts of testimonial, documentary and digital evidence. Limited resources, combined with growing volumes of open-source material, create additional challenges related to verification, preservation and analysis. Together, these constraints underscore the need for enhanced access, cooperation, data systems and protection frameworks for displaced populations.

68. Implementation processes frequently suffer from insufficient inclusivity. Failure to engage relevant ministries, local authorities, displaced persons and host communities in the design and implementation of policies can weaken ownership and delay transitional justice processes. Even where laws and policies are adopted, they often lack the institutional arrangements required for effective implementation, resulting in stalled processes and continued gaps in justice for internally displaced persons.⁵⁹

69. International criminal law has also addressed forced displacement. Under article 7 of the Rome Statute of the International Criminal Court, the crime of deportation or transfer of civilians amounts to crimes against humanity when “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”.⁶⁰ Article 8 covers war crimes related to the forced displacement of civilians in both international and non-international armed conflicts.⁶¹

70. In *Prosecutor v. Bosco Ntaganda*, the Trial Chamber of the International Criminal Court convicted the accused of forcible transfer as both a war crime and crime against humanity, reaffirming that displacement need not involve physical force if coercive circumstances eliminate genuine choice. The Prosecutor of the International Criminal Court has issued arrest warrants in the situation in Ukraine relating to the unlawful deportation and transfer of children from occupied territories.⁶² Despite these developments, the jurisdiction of the Court remains limited by complementarity and State consent.

V. Human rights protection

71. Protection risks such as arbitrary detentions, gender-based violence and intensifying psychosocial distress are consistently reported.⁶³ States remain bound by their human rights obligations in all territories under their jurisdiction or effective control, including occupied territories. As mentioned above, this includes obligations arising under international and relevant regional human rights instruments. Even where States invoke derogation clauses

⁵⁹ Office of the United Nations High Commissioner for Refugees, *Global Report on Law and Policy on Internal Displacement* (Geneva, 2022).

⁶⁰ “Transfer” refers to internal displacement, while “deportation” covers transfer across international borders. See also International Criminal Court, *Elements of Crimes*.

⁶¹ Deporting or forcibly transferring the civilian population of an occupied territory, unless the security of the civilians involved or imperative military reasons so demand, is a grave breach of international humanitarian law (First Geneva Convention, arts. 49 and 50; Second Geneva Convention, arts. 50 and 51; Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), arts. 129 and 130; Fourth Geneva Convention, arts. 146 and 147; Protocol I Additional to the Geneva Conventions of 1949, art. 85; and customary international humanitarian law rule 156).

⁶² See <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.

⁶³ Submissions from Serbia and HelpAge.

during public emergencies, such measures must be strictly required by the exigencies of the situation, non-discriminatory and consistent with other international obligations.

A. Non-derogable rights

72. Under article 4 of the International Covenant on Civil and Political Rights, certain fundamental rights, most notably the right to life, the prohibition of torture and cruel, inhuman or degrading treatment or punishment, the prohibition of slavery and the right to recognition as a person before the law, are non-derogable and remain protected in situations of public emergency. These guarantees are of particular importance for internally displaced persons, who frequently face heightened exposure to violations such as torture or ill-treatment in detention or screening facilities, and other grave abuses.

73. In situations of occupation, the occupying Power bears the obligation to restore and ensure, as far as possible, public order and safety under article 43 of the Regulations respecting the Laws and Customs of War on Land, while respecting the laws in force unless absolutely prevented. These obligations operate alongside the continuous application of human rights treaties, including the International Covenant on Civil and Political Rights, which apply extraterritorially where a State exercises effective control.⁶⁴ As a result, human rights and international humanitarian law norms function concurrently and cumulatively, reinforcing the protection to which displaced civilians are entitled. This dual legal framework requires occupying Powers and parties to conflict to protect the lives, physical integrity, dignity and legal status of displaced persons, ensure safeguards against arbitrary detention and disappearance and facilitate access to essential services.

B. Freedom of movement and the right to return

74. Freedom of movement is protected under article 12 of the International Covenant on Civil and Political Rights, which guarantees everyone the right to liberty of movement and the freedom to choose their residence within a State.

75. Although restrictions may be imposed for reasons of national security or public order, such restrictions must be lawful, necessary and proportionate.⁶⁵ While certain security measures, including movement restrictions, may be justified (and permissible under international humanitarian law), blanket or discriminatory restrictions that prevent civilians from fleeing danger or accessing humanitarian assistance may violate human rights obligations.

76. The increased use of explosive devices – including drone-deployed explosives – has caused severe harm to civilians and restricted their movement. Anti-personnel mine contamination persists in numerous countries, with casualties hitting a four-year high in 2025.⁶⁶ Moreover, an increasing number of nations are seeking to withdraw from the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, despite expert advice⁶⁷ that the realities of modern warfare have significantly reduced the military relevance of anti-personnel mines, with their severe humanitarian consequences. In several countries, the ratification of the Convention and the adoption of a national mine action strategy have been fundamental steps in making areas designated for civilian life and resettlement safe again.⁶⁸

⁶⁴ Human Rights Committee, general comment No. 31 (2004), paras. 10–12.

⁶⁵ International Covenant on Civil and Political Rights, art. 12 (3); and Human Rights Committee, [general comment No. 27](#) (1999).

⁶⁶ See <https://news.un.org/en/story/2025/12/1166476>.

⁶⁷ See <https://blogs.icrc.org/law-and-policy/2025/11/26/do-anti-personnel-mines-still-have-military-utility-in-modern-warfare/>.

⁶⁸ Submission from International Institute for Social Responsibility and Human Rights; and *The Continued Relevance of International Humanitarian Law in Post Armed Conflict Sri Lanka*, Wasantha Senevirathne and Nishara Mendis, eds. (University of Colombo and ICRC, 2022), p. 139.

77. Despite well-documented risks, internally displaced persons are frequently compelled by economic pressures to adopt dangerous coping strategies, including searching through rubble or re-entering contaminated areas.⁶⁹ These conditions highlight the need for integrated approaches that link restitution processes with broader reconstruction efforts. The gap between early warning and timely action undermines preventive capacity and contributes to repeated displacement, prolonged confinement and serious harm to civilians.

78. The internment of civilians, including in camps, that is not based on valid grounds or violates relevant procedural requirements constitutes a violation of international law and it may amount to a war crime and to deprivation of liberty under international human rights law.⁷⁰ While the examination of cases may be extremely challenging in some contexts, decisions on internment must be taken with respect to each individual involved.⁷¹

79. International standards emphasize that return must be voluntary, safe and dignified. The Special Rapporteur is concerned about reports of returns in the Democratic Republic of the Congo, Nigeria and the Sudan where internally displaced persons did not find adequate conditions of security and access to housing, livelihoods and services.⁷² Coercive or premature returns to unsafe areas may violate both international humanitarian law obligations, including the prohibition of forced displacement, and human rights guarantees of security and dignity.

80. The Special Rapporteur emphasizes that ensuring the conditions necessary for safe, voluntary and dignified return remains a central responsibility of States.

C. Registration of abandoned and dispossessed property

81. A significant challenge relates to the loss or destruction of housing and land records and documentation. Where registration systems are absent or weak, displaced persons face long-term risks of permanent loss of housing, land and property, hampering recovery and reconstruction.

82. In the Syrian Arab Republic, Act No. 33 (2017) was introduced to allow authorities to reconstruct destroyed or lost property records during conflict, although the limited safeguards raised concerns about the potential dispossession of displaced owners. In parallel, the United Nations Human Settlements Programme (UN-Habitat), the Global Land Tool Network and the Arab Land Initiative supported efforts to digitize cadastral systems, protect records and develop procedures for reconstructing lost documentation. Complementary initiatives in Iraq and Lebanon have documented Syrian refugees' claims, using dispute-resolution mechanisms and participatory enumeration to inform future restitution.⁷³

83. In Honduras, the Office of the United Nations High Commissioner for Refugees and national actors developed a mechanism for identifying and recording forcibly abandoned land and housing. Parish committees transmitted information on abandoned properties to national authorities, contributing to the establishment of a national registry of abandoned and dispossessed properties under the 2022 internally displaced person law.

84. In Angola, through public consultations and awareness-raising efforts on land rights, the Land Network (Rede da Terra) influenced revisions to the draft land law. Continued

⁶⁹ International Mine Action Standards 12.10, "Explosive ordnance risk education" (September 2020).

⁷⁰ Fourth Geneva Convention, arts. 42, 43, 78 and 147; Protocol I Additional to the Geneva Conventions of 1949, art. 75 (3); customary international humanitarian law rule 99; and Rome Statute of the International Criminal Court, art. 8 (2) (a) (vii).

⁷¹ Kälén, *Internal Displacement and the Law*, pp. 156–160.

⁷² See

<https://www.ohchr.org/sites/default/files/documents/issues/internaldisplacement/statements/250530-sr-idps-drc-cv-eoms-en.pdf>, <https://dtm.iom.int/reports/nigeria-north-east-displacement-report-round-51-october-2025> and <https://dtm.iom.int/reports/sudan-displacement-and-return-overview-1>.

⁷³ Submission from UN-Habitat.

advocacy by civil society further encouraged the Government to maintain consultations with affected communities during the legislative process.⁷⁴

85. The Special Rapporteur wishes to highlight that such examples demonstrate that legal frameworks become effective when matched with practical, community-anchored tools that preserve property evidence and support post-conflict recovery. The protection of land rights for internally displaced persons requires sustained attention, both during and after armed conflict, and inclusive mechanisms that enable displaced persons to reclaim their housing and land or receive adequate compensation when return is not possible.⁷⁵

D. Access to documentation and legal identity

86. Legal identity and access to civil documentation are fundamental rights necessary for recognition before the law and for the exercise of key entitlements.⁷⁶ Conflict and displacement frequently interrupt access to civil registries, hinder the ability to replace lost documents and assert tenure⁷⁷ and can pose an additional challenge to finding and reuniting families separated during displacement.

87. States should adopt measures to ensure the continuity of civil registration and access to housing, land and property documentation during conflict, including expanded eligibility for applications, extended deadlines and suspension of penalties for late registration. Local authorities can further facilitate access through digital systems, remote application modalities and temporary acceptance of alternative forms of evidence.⁷⁸

VI. National implementation

88. Implementation encompasses the full range of legislative, administrative and institutional measures that States must adopt, both in peacetime and during armed conflict, to ensure that international humanitarian law is respected in practice. This includes ensuring that armed forces and relevant civilian authorities are adequately trained in applicable legal frameworks, establishing institutional structures and arrangements capable of preventing and addressing violations and ensuring that effective mechanisms exist to investigate and sanction breaches of the law. It requires the integration of prevention, mitigation and remedial measures into planning, operational procedures and public administration.⁷⁹ In practice, this requires States to adopt domestic laws, regulations and policies that criminalize violations of international humanitarian law, guarantee fundamental protections and ensure that systems exist to identify, assist and safeguard displaced and other vulnerable populations.

89. Effective protection outcomes can be best achieved when States integrate relevant legal frameworks before displacement crises arise. States are encouraged to expedite the domestic procedures required to ratify and implement relevant instruments and to establish the institutional capacities required for their application. Technical support, including model legislation and advisory services, can assist States in this process. Sustained political commitment, inclusive consultation and the allocation of dedicated budgetary and staffing resources are critical to translating legal commitments into practice.⁸⁰

⁷⁴ UN-Habitat, *Enhancing Urban Law to Protect Housing, Land and Property Across the Conflict Cycle*, The Urban Law and Conflict Series, vol. 2 (Emergency Response), (Nairobi, 2026), pp. 44 and 45.

⁷⁵ Principles on housing and property restitution for refugees and displaced persons; and customary international humanitarian law rule 133.

⁷⁶ International Covenant on Civil and Political Rights, art. 16; and Convention on the Rights of the Child, art. 7.

⁷⁷ Guiding Principles on Internal Displacement, principle 20; and International Covenant on Civil and Political Rights, art. 12.

⁷⁸ Principles on housing and property restitution for refugees and displaced persons, principles 13–15.

⁷⁹ Submissions from Azerbaijan and the Niger.

⁸⁰ Submission from Universidad del Rosario.

90. In Honduras, the law on the prevention, assistance and protection of internally displaced persons establishes the right of internally displaced persons to durable solutions and creates the institutional framework responsible for delivering specialized legal guidance and protection to individuals at risk.⁸¹ The law also foresees the establishment of municipal units to ensure implementation at the local level.

91. The recent national policy for durable solutions for internally displaced persons of Colombia⁸² represents an important good practice in aligning national frameworks with international standards on internal displacement. The policy, developed through an extensive participatory process, sets out a comprehensive strategy aimed at enabling internally displaced persons to achieve long-term social and economic integration. This framework demonstrates how States can embed displacement-responsive measures into national development planning.

92. Canada offers a constructive example, as its military doctrine explicitly classifies certain humanitarian and evacuation operations as distinct mission types, ensuring that rules of engagement are treated as binding orders designed to safeguard civilians.⁸³

93. Regional frameworks can provide important guidance for domestic implementation. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa offers a normative and operational framework for States to prevent displacement, protect displaced populations and support durable solutions. It remains key to translate the Convention's provisions into national legislation, policies and operational practices, including through criminalization of prohibited acts, coordination mechanisms, contingency planning and protection-sensitive operational procedures. This is relevant not only to African States but also to other regions, as many of the recommended measures derive from broader obligations under international humanitarian law and international human rights law.

94. Significant challenges persist in national implementation. Ratification and accession to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa have slowed in recent years. Even where ratification has occurred, legislative processes take years to complete or remain incomplete. Limited awareness among authorities, combined with insufficient political prioritization of the issue, further hampers timely action.

95. National legal systems are rarely designed with large-scale displacement in mind. Implementation is frequently constrained by the lack of clear institutional mandates and limited institutional capacity. Moreover, the incorporation of international treaties into domestic legal systems, particularly in monist systems, does not automatically guarantee enforceability.

96. Courts and regional human rights mechanisms have increasingly addressed disputes related to displacement and property loss. Despite practical difficulties in resolving large-scale property claims following conflict, judicial decisions can nevertheless play an important role in prompting States to establish broader reparations programmes.

97. Lastly, the Special Rapporteur emphasizes the critical role of local authorities in implementing human rights protections. In several contexts, subnational legislation and policies have been developed to integrate displacement-related protections into urban planning and social protection frameworks. However, legislation alone is insufficient where implementation mechanisms, resources or national-level engagement remain limited.

VII. Conclusions and recommendations

98. **Effectively addressing internal displacement in situations marked by violations of international humanitarian law requires a comprehensive approach that tackles both**

⁸¹ Submission from Honduras.

⁸² See <https://colombia.un.org/es/307798-colombia-da-un-paso-decisivo-con-la-aprobacion-del-conpes-de-soluciones-duraderas-para>.

⁸³ Submission of International Institute for Social Responsibility and Human Rights.

the immediate protection needs of the populations impacted and the structural factors that lead to displacement. Ensuring full respect for international humanitarian law, including the protection of civilians, the prohibition of forced displacement, the safeguarding of essential infrastructure, the protection of healthcare, including health facilities, the protection of humanitarian personnel and the facilitation of rapid and unhindered humanitarian access, in particular where States cannot ensure the coverage of people's protection and other needs, must be accompanied by sustained efforts to strengthen national institutions, reinforce the rule of law and expand access to essential services for those at risk. A durable response demands coordinated measures that guarantee protection, assistance, accountability and remedy for everyone affected by armed conflict.

99. In summary, better respect for international humanitarian law contributes to reducing the scale of displacement, strengthens the protection of those displaced and creates an environment conducive to safe and dignified returns or to other durable solutions.

100. The Special Rapporteur recommends that States:

(a) Strengthen overall compliance with and respect for international humanitarian law, particularly in the conduct of hostilities, ensure the protection of civilians and civilian objects and the facilitation of humanitarian access, reduce civilian harm, limit patterns of repeated or protracted displacement and safeguard infrastructure and institutions essential for recovery and reintegration;

(b) Guarantee accountability, access to justice and remedy by ensuring that violations of international humanitarian law, including those resulting in displacement, are criminalized, investigated and prosecuted in accordance with international standards and that independent mechanisms exist to document, monitor and report on such violations. This requires justice systems to comprehensively investigate displacement as an intended outcome;

(c) Cooperate fully with international and regional accountability mechanisms and ensure that violations of international humanitarian law, including allegations of unlawful displacement, are promptly, independently and impartially investigated;

(d) Establish the conditions for durable solutions to internal displacement, which must be voluntary, informed, safe and sustainable, and for the prevention of recurrent cycles of displacement, including by addressing structural drivers of vulnerability, supporting inclusive governance, protecting livelihoods and tackling environmental damage, while consulting internally displaced persons in the process;

(e) Engage in dialogue and confidence-building measures with communities and local authorities to reduce tensions and support long-term stability, recovery and growth;

(f) Strengthen domestic legal and policy frameworks, including by integrating the prohibition of forced displacement and the protection of civilians and civilian objects into national legislation, military doctrine and operational policies, and allocate adequate resources to the full implementation of these frameworks. States in Africa are encouraged to ratify, incorporate into domestic legislation and fully implement the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa;

(g) Ensure systematic, context-specific training on and dissemination of international humanitarian law for armed forces, security actors and relevant civilian authorities, ensure that protection-of-civilians considerations, including displacement risks, are embedded in military planning and command oversight and, where engagement is feasible, encourage non-State armed groups to respect their obligations under international law;

(h) Strengthen the establishment, coordination and impact of the national committees and other national bodies on international humanitarian law;

(i) Ratify, reaffirm and preserve the norms stipulated in the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Convention on Cluster Munitions, investigate any violations, firmly reject efforts to weaken existing prohibitions, firmly reject efforts to weaken existing prohibitions and to withdraw from the Convention and take into account the needs and settlement wishes of internally displaced persons during survey and clearance activities;

(j) Endorse and implement the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas;

(k) Ensure that civilians, including internally displaced persons, can move to safety through non-discriminatory, protected access to safe areas and rapid and unimpeded humanitarian assistance, including through verifiable safe passage arrangements, the protection of movement routes and transit points from violence, measures to prevent family separation, accessible transportation and clear, inclusive communication of risks;

(l) Address sexual and gender-based violence as both a driver and consequence of internal displacement, implement measures to prevent, investigate and prosecute conflict-related sexual violence, as well as other forms of sexual and gender-based violence, as serious violations of international humanitarian law and ensure survivor-centred and gender-, age- and disability-inclusive access to medical care, psychosocial support, justice and reparations;

(m) Ensure rapid, unimpeded and safe humanitarian access by removing undue administrative and security impediments that hinder humanitarian operations and guarantee respect and protection for humanitarian personnel and facilities;

(n) Invest in the systematic collection and use of disaggregated data on internal displacement, including data that capture the full spectrum of violations of international humanitarian law that contribute to or exacerbate displacement;

(o) Adopt, with United Nations entities and humanitarian actors, a common and coherent approach to defining and measuring civilian harm in displacement settings, including foreseeable impacts of attacks on essential services and civilian infrastructure and effects on mental health and psychosocial well-being;

(p) Reinforce independent protection monitoring and evidence systems to track risks to civilians and internally displaced persons over time. These systems should be localized, community-informed and accessible and support early identification of protection risks for preventive and responsive interventions, including in conflict-affected areas, during displacement, in places of refuge and upon return;

(q) Integrate and reinforce mental health and psychosocial support into prevention policies and responses to internal displacement, paying specific attention to women, children, older persons, persons with disabilities and minorities;

(r) Ensure that internally displaced persons can access secure housing, land and property rights and effective remedies for lost housing, land and property, including through flexible verification procedures, mobile civil documentation and legal aid, acceptance of alternative proof, safeguards against unlawful eviction and secondary displacement and accessible restitution, compensation and dispute-resolution mechanisms;

(s) Integrate obligations under international human rights law and international humanitarian law into public procurement processes with the State, thus establishing industrial governance and due diligence mechanisms, particularly in the security and defence sectors;

(t) Engage proactively with the ICRC global initiative to galvanize political commitment to international humanitarian law, recognizing that strengthened adherence to humanitarian norms is indispensable for reducing suffering and enabling sustainable peace and durable solutions for internally displaced persons.

101. The Special Rapporteur recommends that non-State armed groups:

(a) Explicitly recognize that they are bound by international humanitarian law, including common article 3 of the Geneva Conventions of 1949, as well as customary international humanitarian law and, where applicable, Protocol II Additional to the Geneva Conventions of 1949, integrate international humanitarian law into internal rules and disciplinary frameworks, train fighters and commanders on international humanitarian law obligations and investigate alleged violations, holding perpetrators accountable and preventing recurrence;

(b) Fully comply with their international humanitarian law obligations, protect civilians from the effects of hostilities, ensuring safe passage and avoiding locating fighters or military objectives among civilians and civilian objects, and refrain from indiscriminate attacks, including the use of explosive weapons in populated areas;

102. The Special Rapporteur recommends that, as appropriate, regional and international organizations and the United Nations system:

(a) Call out international humanitarian law non-compliance clearly and unequivocally, in their capacity as custodians and upholders of international norms. Attacks on displaced persons, health facilities and humanitarian staff risk normalization and the international community must denounce such breaches;

(b) Develop and adopt a practical analytical and monitoring framework to distinguish between displacement arising incidentally from hostilities, displacement induced by coercive environments and displacement used deliberately as a tactic or strategy. Such a framework should capture complex drivers and link them to prevention and response measures, including safe passage safeguards and, where feasible, protection by presence along routes and transit points;

(c) Treat, in siege or blockade contexts, restrictions on food, water, medical care or aid as civilian protection and legal concerns, not operational constraints. United Nations entities should set clear escalation triggers (e.g. repeated access denials, critical medicine shortages, rising malnutrition) to prompt corrective action and high-level engagement in consultation with internally displaced persons and ensure pre-agreed, rapidly deployable contingencies – such as humanitarian corridors, alternative routes, local or mobile delivery and protected medical referrals – when access fails;

(d) Continue to engage in technical cooperation with States in order to strengthen their compliance with international humanitarian law and enhance their efforts to respect, protect and fulfil their obligations under international human rights law.